

OFFICIAL  
EXHIBITS

STATE OF INDIANA

FILED  
January 6, 2021  
INDIANA UTILITY  
REGULATORY COMMISSION

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF MERCURY )  
WIRELESS INDIANA, LLC FOR EXPANSION OF ITS )  
ELIGIBLE TELECOMMUNICATIONS CARRIER )  
DESIGNATED SERVICE TERRITORY )

IURC  
PETITIONER'S  
EXHIBIT NO. 4-5-21-1  
CAUSE NO. 41052-ETC-77-S1  
REPORTER AT

**VERIFIED PETITION OF MERCURY WIRELESS INDIANA, LLC**  
**FOR EXPANSION OF ELIGIBLE TELECOMMUNICATIONS CARRIER**  
**DESIGNATED TERRITORY**

Mercury Wireless Indiana, LLC ("Mercury Wireless" or "Petitioner"), by counsel, hereby submits this Verified Petition to Expand its Eligible Telecommunications Carrier ("ETC") Territory established in the Indiana Utility Regulatory Commission's (the "Commission") February 20, 2019 Order (the "ETC Order") in Cause No. 41052-ETC-77 and in support states as follows:

1. Mercury Wireless is a communications service provider authorized to provide broadband Internet and interconnected VoIP services pursuant to the Commission's November 17, 2018 Order in Cause No. 45143 and is designated as an ETC pursuant to the ETC Order. The Petitioner is a limited liability company organized under the laws of Indiana, with its principal office located at 6004 Highview Dr., Suite B, Fort Wayne, IN 46818.

2. On or about December 7, 2020, the Federal Communications Commission ("FCC") issued a Public Notice announcing the winning bidders of the Rural Digital Opportunity Fund ("RDOF") Phase I Auction. The Petitioner's parent corporation, Mercury Wireless, Inc., was an original bidder selected to receive support for 20,961 Indiana locations (the "Award Locations") with a corresponding 10-year support amount of \$9,746,150. The Petitioner intends to deploy service in the Indiana Award Locations, which include eighty-five (85) Indiana Census Block Groups ("CBGs") in forty-one (41) Indiana counties. As a result of the RDOF award, the Petitioner seeks authority to expand its Indiana ETC territory to the eighty-five (85) additional CBGs set forth in Exhibit A.

3. Section 8(H) of this Commission's Final ETC Order provides in pertinent part: "In the event that Mercury Wireless needs to add or delete census blocks from its ETC designated service area, or otherwise expand or decrease its designated service area, Mercury Wireless should file a petition amending its service area under a subdocket in this cause."

4. When authorized to expand its Indiana ETC territory to serve the CBGs identified in Exhibit A, Mercury Wireless intends to utilize federal USF support obtained through the RDOF Phase I auction to roll out additional facilities and expand its provision of high-speed, high-quality Internet and voice services to consumers and anchor institutions in underserved, rural communities in Indiana. Doing so will benefit the residents of Indiana and directly advance the goal of the Commission and FCC to facilitate the deployment of voice and broadband-capable networks in rural, high-cost areas while ensuring that rural Americans benefit from innovations in communications technology.

5. As required by the Commission's General Administrative Order 2019-5, the Petitioner files contemporaneously herewith the Verified Pre-Filed Direct Testimony of Matthew Sams, which includes:

- a. A map of the Award Locations;
- b. An excel file of the CBGs;
- c. A shapefile of the CBGs;
- d. Petitioner's RDOF bid documents detailing its proposed service offerings and network architecture, to be provided to the Commission following a ruling on Petitioner's Motion for Confidential Treatment; and
- e. Petitioner's proposed charges, tariff, and advertisements in connection with the RDOF Award.

6. Pursuant to 170 IAC 1-1.1-9, all correspondence, communications, pleadings, notices, orders and decisions relating to this Petition should be addressed to:

Nikki G. Shoultz  
Bose McKinney & Evans LLP  
111 Monument Circle, Suite 2700  
Indianapolis, Indiana 46204  
(317) 684-5000 (phone)  
(317) 223-0242 (fax)  
Email: [nshoultz@boselaw.com](mailto:nshoultz@boselaw.com)

7. Mercury Wireless continues to satisfy the eligibility requirements for ETC designation applicable to the expanded ETC territory and hereby incorporates by reference the Petitioner's: (a) qualifications for eligibility; (b) intent to provision service through a combination of its own facilities and resale of other carrier facilities consistent with 47 U.S.C. 214(e)(1)(A) and 47 CFR §54.201(d)(1); and (c) evidence of financial and technical ability set forth in Petitioner's September 28, 2018 Verified Petition filed with this Commission in Cause No. 41052 ETC 77.

8. Mercury Wireless respectfully requests an Order be issued by this Commission on or before May 28, 2021 so that Mercury Wireless may submit appropriate documentation to the FCC regarding its ETC status by the June 7, 2021 deadline and begin its deployment activities in compliance with the FCC's directives.

9. Expedited approval of the Petitioner's requested ETC service area expansion will serve the public interest by ensuring that Mercury Wireless is eligible to receive federal USF support, including through the FCC's high-cost programs, specifically the RDOF Phase I funding made available by the FCC for the purposes of expanding telecommunications coverage in rural America. Mercury Wireless will use this funding to directly advance the FCC's goal of deploying voice and broadband-capable networks in rural, high-cost areas while ensuring that rural consumers and anchor institutions benefit from innovations in communications technology. In particular, Mercury Wireless will use federal USF support to expand access to high-speed, high-quality broadband and voice provided through interconnected VoIP for residents of rural Indiana. These advanced communications services will provide important connectivity to consumers, businesses, and community anchor institutions, including rural schools, libraries, and medical facilities.

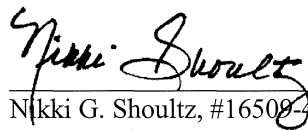
10. The expansion of Petitioner's Indiana ETC territory will not have an adverse impact on the USF. The high-cost funding that will support Petitioner's services in rural Indiana was awarded pursuant to a competitive bidding process designed to efficiently and effectively allocate USF funding to support deployment of networks providing both voice and broadband service in rural areas. Any Lifeline support that Mercury Wireless receives will have a de minimis impact on the fund.

11. Mercury Wireless continues to agree to notify the IURC in the future if any factors change affecting its eligibility for an ETC designation.
12. Mercury Wireless continues to agree to pay all fees applicable to ETCs as required by law.
13. Mercury Wireless confirms that it will respond to any future Commission information request regarding Petitioner's ability to serve existing customers of another ETC.
14. Undersigned counsel has conferred with counsel for the Indiana Office of Utility Consumer Counselor ("OUCC") regarding the procedural schedule for this proceeding. The parties respectfully request approval of the following procedural schedule:

January 6, 2021	Petitioner files petition and pre-filed direct testimony
February 3, 2021	OUCC and Intervenor(s) file testimony
February 12, 2021	Petitioner files rebuttal testimony
Week of March 1, 2021	Evidentiary hearing at Commission's convenience

WHEREFORE, Mercury Wireless respectfully requests that the IURC expeditiously grant this Petition on or before May 28, 2021 to expand its Indiana ETC territory as described herein so that it is eligible to receive high-cost and low-income federal universal service funding.

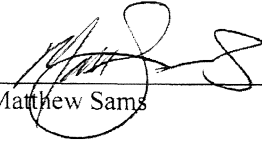
Respectfully submitted,



Nikki G. Shoultz, #16508-41  
Bose McKinney & Evans LLP  
111 Monument Circle, Suite 2700  
Indianapolis, Indiana 46204  
(317) 684-5000  
[nshoultz@boselaw.com](mailto:nshoultz@boselaw.com)

**VERIFICATION**


I, Matthew Sams, Corporate Secretary of Mercury Wireless, Inc., state under penalty of perjury that I am an officer authorized to act on behalf of Mercury Wireless, Inc. and that the foregoing statements are true, accurate, and correct to the best of my knowledge, information, and belief.

  
Matthew Sams

State of Missouri )  
 ) SS:  
County of Jackson )

Before me, a Notary Public in and for said County and State, personally appeared Matthew Sams, who having been duly sworn upon his oath, attested that the foregoing statements are true to the best of his knowledge, information and belief.

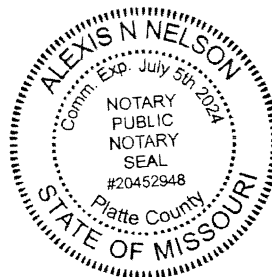
WITNESS my hand and Notarial Seal this 5 day of January,  
2021.

  
Notary Public

Alexis N Nelson  
(Printed Signature)

My Commission Expires:  
July 5th 2024

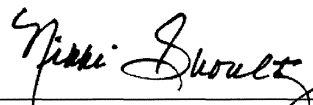
My County of Residence:  
Platte County



**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing has been served upon the following counsel of record electronically this 6<sup>th</sup> day of January, 2021:

Indiana Office of Utility Consumer Counselor  
PNC Center, Suite 1500 South  
115 West Washington Street  
Indianapolis, IN 46204  
[infomgt@oucc.in.gov](mailto:infomgt@oucc.in.gov)



Nikki G. Shoultz, #16509-41

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## **EXHIBIT A**

Counties and Census Block Groups in which Mercury Wireless requests expanded ETC service territory:

### **Counties:**

Blackford	Hendricks	Owen
Boone	Jasper	Parke
Brown	Jay	Putnam
Clark	Jefferson	Randolph
Clinton	Jennings	Scott
Crawford	Johnson	Shelby
Daviess	Lawrence	Tippecanoe
Floyd	Madison	Vermillion
Franklin	Martin	Washington
Greene	Montgomery	Wayne
Hamilton	Morgan	White
Harrison	Newton	

### **Census Block Groups**

180430712002	180530108004	181111004003	180479698001
180139748004	180559548004	181210304005	180571102014
180259519001	180571101002	181339561001	180610605003
180259519002	180571101004	181359519004	180779662002
180259519003	180571102021	181457101003	180779662003
180099751002	180571105071	181457102002	180799606003
180118107001	180632104004	181457103003	180939507004
180430712001	180632107001	181457109001	180950104001
180759627002	180731010003	181499537004	181019501001
180816108011	180816101001	181499538003	181095106003
180816108012	180816101002	181499539002	181095106004
180816112003	180816112001	181499541002	181095110001
180816114001	180939507001	181499541003	181095110002
180816114003	180939507002	181499542003	181095110003
180879704012	180950111001	181519715004	181199555001
181570101003	180950114003	181519716003	181199557002
181650203002	180990202021	181570107001	181439667001
181819588001	180990203012	181770104001	181439671002
180099754003	180990207012	180139748001	181759677004
180239503002	181079567002	180190508041	
180350024023	181095106002	180190510002	
180350025004	181095106005	180279545002	