

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF FRONTIER ) CASE NO. CTZ-T-21-01**  
**COMMUNICATIONS OF AMERICA, INC.’S )**  
**NOTICE FOR CANCELLATION OF ) NOTICE OF APPLICATION**  
**CERTIFICATE OF PUBLIC )**  
**CONVENIENCE AND NECESSITY NO. 323 ) NOTICE OF**  
**) MODIFIED PROCEDURE**  
**)**  
**) SUSPENSION OF PROPOSED**  
**) EFFECTIVE DATE**  
**)**  
**) ORDER NO. 35187**

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On May 14, 2021, Frontier Communications of America Inc. (“Frontier”) and Frontier Communications Online and Long Distance, Inc. (“Frontier Online”) (collectively the “Companies”) submitted notice of the Companies’ intent to withdraw and discontinue (“Notice”): (1) Frontier’s Certificate of Public Convenience and Necessity (“CPCN No. 323”) granted by the Commission in Order No. 26775<sup>1</sup>; (2) Frontier’s provision of IXC service under Title 62; and (3) Frontier Online’s provision of IXC service under Title 62. The Companies also sought to withdraw any related tariffs. Because neither company had customers at the date of Notice, the Companies sought a waiver of the requirements in *Idaho Code* § 62-612(2) and Rule 20, IDAPA 31.01.01.020 (“Rule 20”) that they post an advertisement in a newspaper or provide any other notification. Notification at 2, fn. 3.

The Companies’ request to withdraw and discontinue service was considered and approved by the Commission at its June 15, 2021, decision meeting. However, the Companies’ request for waiver of the statutory public notice requirements was inadvertently omitted from the Commission’s consideration and, therefore, not ruled upon.

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<sup>1</sup> The Certificate was originally granted to Citizens Telecommunications Company (“Citizens”) in 1997. Sometime after the Certificate was issued, Citizens officially changed its name to Frontier Communications of America, Inc. See 1999 Idaho Secretary of State filing No. 391241, 6/24/2003, “Legacy Amendment.” Accordingly, in 2003, the Commission entered an Order amending the Certificate to reflect the name of the holder of the Certificate as “Frontier Communications of America.” Order No. 29394. The “Inc.” was not included in the Order, however, because Citizens erroneously failed to include the “Inc.” in its Application in Case No. CTZ-T-03-1.

In order for the Commission to consider whether to grant the Companies' request for waiver, the Commission now sets deadlines for interested persons to comment on the Application and for the Company to reply

### **NOTICE OF APPLICATION**

YOU ARE HEREBY NOTIFIED that the Commission approved Frontier's CPCN Certificate No. 323 in Order No. 26775.

YOU ARE FURTHER NOTIFIED that, on May 5, 2021, the Companies submitted a notice of withdrawal of Frontier's CPCN and both Companies' provision of any IXC/Title 62 services.

YOU ARE FURTHER NOTIFIED that the Companies have not published their intent to withdraw the CPCN and discontinue services in any newspaper.

YOU ARE FURTHER NOTIFIED that on July 29, 2021, the Companies filed a Supplemental Filing with the Commission. In their Supplemental Filing, the Companies maintain that the publication requirements of *Idaho Code* § 62-612(2) and Rule 20 do not apply to this request because Frontier is not a "telephone corporation" within the meaning of the statute nor is it actively providing services in Idaho. Supplemental Filing at 2-3.

YOU ARE FURTHER NOTIFIED that the Companies also argued that compliance with *Idaho Code* § 62-612 and Rule 20 would be difficult and unwarranted because it is unclear in which "local exchange area" Frontier would publish notice of discontinuation of services and any published notification would only confuse the customers of Frontier's former affiliates (Frontier Idaho and Frontier NW) who recently operated under names including the term "Frontier." *Id.* at 3.

YOU ARE FURTHER NOTIFIED that, alternatively, the Companies argued the Notice filed with the Commission satisfied the requirements of the relevant statute and rules.

YOU ARE FURTHER NOTIFIED that the Notice of Withdrawal of CPCN is available for public inspection during regular business hours at the Commission's office. These documents are also available on the Commission's web site at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click on the "TELECOM" icon, select "Open Cases," and click on the case number as shown on the front of this document.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 62 of the Idaho Code.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

**NOTICE OF MODIFIED PROCEDURE**

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that people desiring to state a position on this Application may file a written comment explaining why they support or oppose the Application. Persons who would like a hearing must specifically request a hearing in their written comments. **Persons interested in filing written comments must do so within twenty-one (21) days of the service date of this Order.** Comments must be filed through the Commission's website or by e-mail unless computer access is unavailable. To comment electronically, please access the Commission's home page at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click the "Case Comment Form" tab and complete the form using the case number as it appears on the front of this document. Comments filed by email must also be emailed to the Company at the email addresses listed below. If computer access is unavailable, then comments may be mailed to the Commission and the Companies at these addresses:

**For the Idaho PUC:**

Commission Secretary  
Idaho Public Utilities Commission  
P.O. Box 83720  
Boise, ID 83720-0074  
[secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov)

Street Address for Express Mail:

11331 W. Chinden Blvd.  
Building 8, Suite 201-A  
Boise, ID 83714

**For the Companies:**

Michael Keegan  
Wilkinson, Barker, Knauer, LLP  
1800 M Street, NW, Suite 800N  
Washington, DC 20036  
[mkeegan@wbklaw.com](mailto:mkeegan@wbklaw.com)

YOU ARE FURTHER NOTIFIED that the Companies must file any reply comments within 28 days of the service date of this Order.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

### **SUSPENSION OF PROPOSED EFFECTIVE DATE**

The Companies filed their Notice on May 14, 2021, and proposed an August 12, 2021, effective date. The Commission finds the Companies' proposed effective date does not provide adequate time for Commission Staff and interested persons to evaluate the Companies' proposal. Pursuant to *Idaho Code* § 61-622, the Commission suspends the proposed changes for thirty (30) days and five months or until the Commission enters an order accepting, rejecting, or modifying the proposed requests.

### **ORDER**

IT IS HEREBY ORDERED that the Companies' Application be processed by Modified Procedure, Rule 201-204 (IDAPA 31.01.01.201-.204). Persons interested in submitting written comments must do so within twenty-one (21) days of the service date of this Order. The Companies must file any reply comments within twenty-eight (28) days of the service date of this Order.

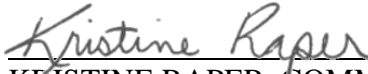
IT IS FURTHER ORDERED that the Companies' proposed August 12, 2021, effective date is suspended for 30 days plus five months or until the Commission enters an earlier order accepting, rejecting, or modifying the Companies' requests.

IT IS FURTHER ORDERED that parties should continue to comply with Order No. 35058, issued June 3, 2021. All pleadings should be filed with the Commission electronically and shall be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service between parties should also be accomplished electronically. Voluminous discovery-related documents may be filed and served on CD-ROM or a USB flash drive.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 6<sup>th</sup> day  
of October 2021.



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PAUL KJELLANDER, PRESIDENT

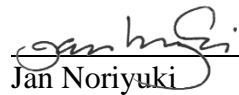


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KRISTINE RAPER, COMMISSIONER



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ERIC ANDERSON, COMMISSIONER

ATTEST:



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Jan Noriyuki  
Commission Secretary

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