

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF EATON FIBER) CASE NO. EFI-T-25-01
IDAHO, LLC’S APPLICATION FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE RESOLD) ORDER NO. 36986
AND FACILITIES-BASED EXCHANGE)
TELECOMMUNICATIONS SERVICES)
)

On November 19, 2025, Eaton Fiber Idaho, LLC (“Company”) applied to the Idaho Public Utilities Commission (“Commission”) requesting a Certificate of Public Convenience and Necessity (“CPCN”) to provide resold and facilities-based local exchange telecommunications services in the State of Idaho (“Application”).

On February 5, 2026, the Commission issued a Notice of Application and Notice of Modified Procedure, establishing deadlines for public comments and for the Company to file reply comments. Order No. 36920. No public comments were received.

Based on our review of the record, the Commission now issues this Order conditionally denying the Application and granting the Company 21 days to submit additional documentation for consideration.

CPCNs FOR TELECOMMUNICATIONS PROVIDERS IN IDAHO

In 1996, the Commission issued Order No. 26665 regarding the necessary information to be included with a new application for a CPCN submitted by telecommunications companies stating their intent to provide local exchange service in Idaho pursuant to *Idaho Code* §§ 61-526 through -528 and IDAPA 31.01.01.111 and 112 (“IDAPA Rules 111 and 112”).

In 2022, Idaho adopted Commission Rule of Procedure 114 (“Rule 114”) to formally integrate Commission Order No. 26665 into rule. IDAPA 31.01.01.114. Rule 114 outlines the necessary information required for the Commission to issue a CPCN to competitive local exchange carriers (“CLECs”) seeking to provide local exchange services in Idaho.

Specifically, applicants must provide detailed business information, including name, address, entity type, and structure-specific details. Rule 114(1). The applicant must also submit a

comprehensive service description, including proposed customer classes, competitive analysis, identification of incumbent local exchange carriers (“ILECs”), and a detailed service area map. Rule 114(2).

Financial documentation is required, including current balance sheets or sufficient financial data demonstrating capability to support proposed services. Rule 114(3). Initial tariffs or price lists must be included, detailing all rates, terms, and conditions, along with contact information for tariff and customer inquiries. Rule 114(4)-(5).

Applicants must disclose the status of any interconnection agreements and submit copies of finalized contracts. Rule 114(6). Additionally, a written affirmation of compliance with Commission rules—or waiver requests for any inapplicable rules—is required, along with confirmation of compliance with telephone number conservation standards, including mandatory 1,000-block number pooling. Rule 114(7)-(8).

Once the Commission has determined the requirements of Rule 114 have been met, the Commission will issue an order granting the application and CPCN.

THE APPLICATION

The Company proposed providing point-to-point telecommunications services, including dark fiber, ethernet, and broadband internet access services. Application at 1. The Company requested authority to build and operate a fiber network throughout Idaho, with network construction beginning within 60-90 days of an order from the Commission granting a CPCN. *Id.* at 2-3. The Company believed its proposed services were in the public interest and would increase competitive choices for Idaho consumers. *Id.* at 4. The Application included a copy of the Company’s Certificate of Organization/Registration, financial records, tariffs, and price lists. *Id.* at Exhibit A-C.

STAFF COMMENTS

Commission Staff (“Staff”) reviewed the Company’s Application and all supporting documentation. Staff Comments at 2. Based on its review, Staff recommended conditional denial of the Company’s Application. *Id.* at 3.

Rule 114 requires applicants to provide detailed information regarding their business structure and proposed telecommunications services. *Id.* at 2. Under Rule 114(1)(a-c), the Company submitted documentation confirming that it was a limited liability company organized

under the laws of Delaware and a subsidiary of Eaton Fiber, LLC. *Id.* The Application included its Certificate of Registration from the Idaho Secretary of State (Filing No. 64990467), which Staff verified. *Id.* Accordingly, Staff believed the Company satisfied the requirements of Rule 114(1). *Id.*

Pursuant to Rule 114(2), the Company was also required to provide a detailed description of its proposed services, anticipated customer classes, identification of ILECs with which it expected to compete, and a service-area map showing intended exchanges, rural zones, and local calling areas. *Id.* Although the Application included a narrative description of the proposed services and a draft tariff, it did not identify any competing ILECs or include the required detailed service-area map. *Id.* Therefore, Staff did not believe the Company met the requirements of Rule 114(2)(b)–(c). *Id.*

Under Rule 114(3), applicants are required to submit financial information demonstrating adequate resources to provide the proposed services. *Id.* Because the Company was not yet operational in Idaho, it provided confidential documentation describing how it would be capitalized financially, along with its proposed tariff and price list. *Id.* Staff believed this information satisfied the financial requirement. *Id.* Staff believed that the Company also met the remaining requirements under Rules 114(4)–(8), including submission of an initial tariff, contact information for tariff and customer service inquiries, and information regarding any interconnection agreements or negotiations. *Id.* at 2-3.

Because the Application lacked the information required by Rule 114(2)(b)–(c), Staff did not recommend approval of the Application for a CPCN. *Id.* at 3. Instead, Staff recommended that the Commission deny the Application and allow the Company 21 days to submit the missing information for Staff's review. *Id.*

COMMISSION FINDINGS AND DECISION

The Commission has jurisdiction over this matter under *Idaho Code* § 61-501, which vests the Commission with the authority and jurisdiction to supervise and regulate every public utility in the state. The Commission has noneconomic regulatory authority over telephone corporations

that provide basic local exchange service¹ in Idaho. *See Idaho Code* § 62-605(5)(b). A provider of basic local exchange service must apply to the Commission for a CPCN. *See Order No. 26665*.

Having reviewed the record, the Commission finds that the Company's Application for a CPCN is incomplete and does not fully comply with the requirements of Rule 114 and Order No. 26665. Specifically, the Company has failed to submit all information necessary for the Commission to determine whether the requested CPCN should be granted as required by Rule 114(2)(b)–(c).

Accordingly, the Commission conditionally denies the Company's Application. The Company is hereby provided an opportunity to cure these deficiencies. Within 21 days from the service date of this Order, the Company shall file all outstanding information and documentation required under Rule 114 and Order No. 26665 for the Commission's review and consideration. Upon receipt of the Company's supplemental filing, Staff shall review the submitted materials and provide a recommendation to the Commission regarding the appropriate next steps for processing the outstanding information and documentation.

If the Company timely files the required materials, the Commission will reevaluate the Application based on the supplemented record. However, if the Company fails to provide the required information within the time allowed, the Commission will issue a final order formally denying the Company's Application for a CPCN to provide local exchange services in the State of Idaho.

ORDER

IT IS HEREBY ORDERED that the Company's Application for a CPCN to provide local exchange services in the State of Idaho, is conditionally denied.

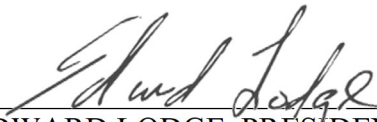
IT IS FURTHER ORDERED that within 21 days from the service date of this Order, the Company shall submit all outstanding information and documentation required under Rule 114 and Order No. 26665.


¹ Basic local exchange service means the provision of access lines to residential and small business customers with the associated transmission of two-way interactive switched voice communication within a local exchange calling area. *Idaho Code* § 62-603(1).

IT IS FURTHER ORDERED that Staff shall review the submitted materials and provide a recommendation to the Commission regarding the appropriate next steps for processing the outstanding information and documentation

THIS IS AN INTERLOCUTORY ORDER rather than a final and appealable Order of the Commission. While the Commission may review, stay, or clarify an interlocutory order, the period of reconsideration will not begin until the Final Order is issued.

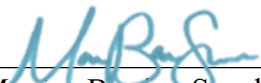
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 2nd day of April, 2026.


EDWARD LODGE, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


DAYN HARDIE, COMMISSIONER

ATTEST:


Monica Barrios-Sanchez
Commission Secretary