

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF ELECTRIC)	CASE NOS. ELI-T-23-01
LIGHTWAVE, LLC’S AND ZAYO)	ZAY-T-23-01
GROUP, LLC’S JOINT APPLICATION)	
FOR APPROVAL TO ASSIGN THE)	NOTICE OF APPLICATION
CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY HELD)	NOTICE OF
BY ELECTRIC LIGHTWAVE, LLC TO)	MODIFIED PROCEDURE
ZAYO GROUP, LLC)	
<hr/>		ORDER NO. 35846

On March 23, 2023, Electric Lightwave, LLC d/b/a Allstream (“Electric Lightwave”) and Zayo Group, LLC (“Zayo”) (referred to collectively as “the Applicants”) jointly applied to the Idaho Public Utilities Commission (“Commission”) seeking approval to transfer Electric Lightwave’s Certificate of Public Convenience and Necessity (“CPCN”) No. 344 to Zayo with Zayo being the remaining entity after assuming CPCN No. 344. While retaining their original request, the Applicants filed an amended application (“Application”) on April 3, 2023.

The Commission now issues a Notice of Application and sets deadlines for interested persons to comment on the Application, and for the Applicants to reply.

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that the Applicants are both Delaware limited liability companies. Zayo is authorized to engage in telecom business activities in Idaho. Electric Lightwave is a wholly owned subsidiary of Zayo. Zayo is wholly owned by Zayo Group Holdings, Inc. The Applicants state that the Pro Forma Consolidation of Electric Lightwave into Zayo will save costs by reducing the duplication of roles within the Applicants’ corporate structures.

YOU ARE FURTHER NOTIFIED that the Applicants state that Zayo provides numerous telecom related services including providing broadband infrastructure and interconnection, private line, Ethernet, and wavelength services. Zayo has been authorized to provide wholesale telecommunications service in Idaho pursuant to Commission Order No. 32765. Electric Lightwave was granted its CPCN in Case No. ELI-T-04-02. *See* Certificate 344. Both Zayo and Electric Lightwave have been authorized to provide domestic and international services by the Federal Communications Commission.

YOU ARE FURTHER NOTIFIED that if the Applicants' requested relief is granted, the Applicants plan for Zayo to form division that will be known as Allstream. This division will provide the services that Electric Lightwave once provided—including certain services not currently provided by Zayo. The Applicants state that customer rates and terms of service would not change if Electric Lightwave's customers are served directly by Zayo. Zayo plans to use Electric Lightwave's existing facilities (and other facilities) to provide local exchange service.

YOU ARE FURTHER NOTIFIED that further information concerning the Applicants' proposed Pro Forma Consolidation can be found in the detailed Exhibits attached to the Application.

YOU ARE FURTHER NOTIFIED that the Application and attached Exhibits are available for public inspection during regular business hours at the Commission's office. The Application is also available on the Commission's website at www.puc.idaho.gov. Click on the "TELEPHONE" 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 matter 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 that it will proceed under Modified Procedure pursuant to Rules 201 through 204 of the 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 persons desiring to state a position on this Application may file a written comment explaining why the person supports or opposes 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 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 website at www.puc.idaho.gov. Click the “Case Comment Form” and complete the form using the case number as it appears on the front of this document. To file by e-mail, the customer must e-mail the comments to the Commission Secretary and the Company at the e-mail addresses listed below. If computer access is unavailable, then comments may be mailed to the Commission and Company at these addresses:

For the Idaho PUC:

Commission Secretary
Idaho Public Utilities Commission
P.O. Box 83720
Boise, ID 83720-0074

Street Address for Express Mail:

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

For Applicants:

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

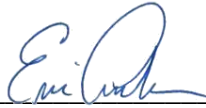
YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and,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

ORDER


IT IS HEREBY ORDERED that the Application be processed by Modified Procedure. Persons interested in submitting written comments must do so within 21 days of the service date of this Order. Applicants must file any reply comments within 28 days of the service date of this Order.

IT IS FURTHER ORDERED that parties comply with Order No. 35375, issued April 21, 2022. Generally, all pleadings should be filed with the Commission electronically and will be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service between parties should continue to be accomplished electronically when possible. However, 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 10th day of July, 2023.



ERIC ANDERSON, PRESIDENT

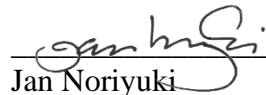


JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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