

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF EARTHGRID PBC’S</b>	)	
<b>APPLICATION FOR AUTHORITY TO</b>	)	<b>CASE NO. EPC-T-22-01</b>
<b>PROVIDE FACILITIES-BASED AND</b>	)	
<b>RESOLD LOCAL EXCHANGE</b>	)	
<b>TELECOMMUNICATIONS SERVICES IN</b>	)	<b>ORDER NO. 35776</b>
<b>IDAHO</b>	)	

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On December 19, 2022, EarthGrid PBC dba EarthGrid PBC Corporation (“EarthGrid”) provided information necessary to obtain a Certificate of Public Convenience and Necessity (“CPCN”)<sup>1</sup> that would grant it authority to provide facilities-based and resold local exchange telecommunication services in Idaho (“Application”).

On March 3, 2023, the Commission issued a Notice of Application and Notice of Modified Procedure establishing public and Company reply deadlines. Order No. 35694. Staff filed comments to which the Company did not reply.

Having reviewed the record, we now issue this Order approving the Company’s request for a CPCN.

**THE APPLICATION**

The Company is a Delaware public benefit company authorized to do business in Idaho. The Company requested a CPCN to provide facilities-based and resold basic local exchange telecommunication services to business and municipal customers in Idaho. The Company stated it planned to obtain interconnection agreements with incumbent local exchange companies. The Company intends to offer service in geographic areas currently served by CenturyLink and other providers. The Company stated the following concerning its proposed service:

The Applicant proposes to offer point-to-point interexchange and interexchange telecommunications service, including local exchange services within the State of Idaho using its own facilities and services available from other facilities-based carriers. Point-to-point services will be offered to Wireless Service Providers . . . other telecommunications carriers and communications providers, municipalities, tribal communities, and commercial customers. Applicant seeks authority to provide service via its own lit and dark fiber facilities and/or through resale arrangements.

Application at 2.

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<sup>1</sup> Although the Company’s Application did not clearly request issuance of a CPCN, the contents of its filing requests authority to provide service to a geographical area and submitted relevant information for seeking a CPCN pursuant to Commission Rule of Procedure 114, IDAPA 31.01.01.114.

## STAFF COMMENTS

Staff believed the Company's Application fulfilled the requirements of Commission Rule of Procedure 114, IDAPA 31.01.01.114, and Order No. 26665. Staff also believed the Company understood the Commission's requirements and can operate as a telecommunication service provider in Idaho. However, Staff believed that a CPCN in this case should only be granted if the following requirements are met:

1. The Company complies with number pooling and reporting requirements of the North American Numbering Plan Administrator, as outlined in Commission Order No. 30425;
2. The Company provides necessary reports and contributions appropriate to the Idaho Universal Service Fund, Idaho Telecommunications Relay Services, and Idaho Telecommunications Service Assistance Program, and complies with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers;
3. Prior to issuance of the CPCN . . . , the Company files a final price list outlining all its rates, terms, and conditions with the Commission;
4. The Company . . . [files] three reports [with] . . . the Commission indicating the number of basic local exchange customers it has and the services being offered. These reports will be due on:
  - a. July 21, 2023
  - b. November 24, 2023
  - c. March 22, 2024

If the Company fails to provide the three reports, the Company shall relinquish its CPCN certificate and all telephone numbers it has been assigned or the Commission will by its order revoke the Company's CPCN certificate; and

5. If the Company is not providing basic local exchange service by the time the third report is due, the Commission by its order will revoke the Company's CPCN certificate.

Staff Comments at 3.

## COMMISSION DECISION AND FINDINGS

Based on our review of the record, we find that the Company's Application complies with the requirements to obtain a CPCN. Rule of Procedure 114 sets the requirements that competitive local exchange carriers—such as the Company—must satisfy to obtain a CPCN. IDAPA 31.01.01.114. We find that the Company has satisfied Rule 114. Excepting those items enumerated

above, the Company has provided all necessary information in its Application—including financial information. Likewise, the Commission trusts that the Company has reviewed, and agreed to comply with, this Commission’s rules. We thus find it reasonable to approve the Company’s Application for a CPCN, subject to all the conditions set forth in Staff’s Comments.

**ORDER**

IT IS HEREBY ORDERED that the Company’s Application for a CPCN is granted subject to the conditions outlined in Staff’s Comments.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* §§ 61-626 and 62-619.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 10<sup>th</sup> day of May 2023.



ERIC ANDERSON, PRESIDENT

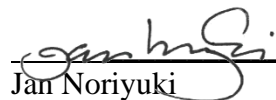


JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Jan Noriyuki  
Commission Secretary