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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF EARTHGRID PBC'S)
APPLICATION FOR AUTHORITY TO) CASE NO. EPC-T-22-01
PROVIDE FACILITIES-BASED AND)
RESOLD LOCAL EXCHANGE)
TELECOMMUNICATIONS SERVICES IN) COMMENTS OF THE
IDAHO) COMMISSION STAFF
_____)**

Staff of the Idaho Public Utilities Commission (“Staff”), by and through its Attorney of record, Michael Duval, Deputy Attorney General, and in response to the Notice of Application in Order No. 35694 issued on March 3, 2023, submits the following comments.

BACKGROUND

On December 19, 2022, EarthGrid PBC dba EarthGrid PBC Corporation (“Company”) submitted an application to the Commission providing information necessary to obtain a Certificate of Public Convenience and Necessity (“CPCN”)¹ that would grant it authority to provide facilities-based and resold local exchange telecommunication services in Idaho pursuant to IDAPA 31.01.01.114 and Commission Order No. 26665. Application at 1.

¹ 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.

The Company is a public benefit company incorporated in the State of Delaware with its main corporate address at 1 West Barrett Avenue, Richmond, California 94801. The Company is authorized to conduct business in Idaho. It is registered with the Idaho Secretary of State as a foreign business corporation as verified by Staff and also as per Exhibit A of the Application.

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.

Id. At 2.

Further, the Company stated that it “intends to offer service in geographic areas currently served by CenturyLink and other providers as deemed appropriate.” It “will mirror the basic local scopes of the incumbent local exchange companies.” *Id.* At 3.

The Company provided the names and addresses of its officers and owners, as well as relevant corporate financial information. The Company asserts it has reviewed the Commission’s applicable rules and agrees to provide service in accordance with those rules.

STAFF ANALYSIS

Staff has reviewed the Company’s Application and believes the Company understands the Commission’s rules and requirements related to the provision of telecommunication services in Idaho. Staff believes the Company’s Application fulfills the requirements of IDAPA 31.01.01.114 and Order No. 26665. Staff also believes the Company possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications services in Idaho.

STAFF RECOMMENDATION

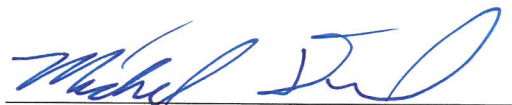
Staff recommends approval of the Company’s Application for a CPCN certificate subject to the following conditions:

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 certificate, the Company files a final price list outlining all its rates, terms, and conditions with the Commission;
4. The Company provides three reports to the Commission indicating the number of basic local exchange customers it has and the services being offered. These reports will be due as follows:
 - 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.

Respectfully submitted this 24th day of March 2023.



Michael Duval
Deputy Attorney General

Technical Staff: Johan E. Kalala-Kasanda

i:umisc/comments/epct22.1mdjk comments

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 24th DAY OF MARCH 2023, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. EPC-T-22-01, BY E-MAILING A COPY THEREOF, TO THE FOLLOWING:

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SECRETARY