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IDAHO PUBLIC UTILITIES COMMISSION



20 Pheasant Ridge Drive, Chubbuck ID 83202

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**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF FIBER BROADBAND,</b>	)	<b>CASE NO. FBL-T-20-01</b>
<b>LLC'S ELIGIBILITY TO HOLD CERTIFICATE</b>	)	<b>ORDER NO. 34852</b>
<b>OF PUBLIC CONVENIENCE AND NECESSITY</b>	)	
<b>NO. 526</b>	)	
	)	

Fiber Broadband, LLC dba Tru Fiber (Company) respectfully requests that the Idaho Public Service Commission (Commission) reconsider the recension of Company's Certificate of Public Convenience and Necessity (CPCN) No. 526 per order 34852.

The company is presently providing basic switched telephone service to its subscribers consistent with its CPCN charter. The company has obtained and has executed via signature of both parties an Interconnection Agreement / Resale Agreement between the Company and the ILEC (CenturyLink) which will be filed with the Commission by the ILEC. We request that the Commission reconsider this recension to allow the company a regulatory path forward to operate as a local exchange carrier consistent with the CPCN charter, statute, and regulation.

## **JUSTIFICATION FOR RECONSIDERATION**

In our November 3, 2020, letter we asked the Commission for 90 days to implement our local exchange services, but in the days since the letter we have not stood still.

We are pleased to report to the Commission that we are currently providing basic local exchange service and we are moving quickly to expand the number of subscribers. Our first order was placed mid-December. We have analyzed our market and we fully expect to have expanded our subscriber numbers to more than 100 basic switched telephone service subscribers in the coming months and then continue to grow that number thereafter. Basic telephone service is now available and will be offered and delivered to subscribers in every part of our network.

From the beginning, it had always been part of our plan to offer basic telephone service, but as described in our November 3rd letter, when we were approached as an acquisition candidate, that tended to freeze our operations plans in place until the acquisition was thoroughly discussed and negotiated. Once the acquisition ultimately fell through, it did take us some time to resume our operations plans, but they have now resumed, and we are fully engaged in providing basic telephone service and in continuing to expand our basic telephone subscriber base.

Now that we have begun to offer basic switched telephone service, the company will begin making all appropriate contributions and meet all statutory and regulatory reporting requirements. This includes contributions to:

Idaho Universal Service Fund,  
Idaho Telecommunications Relay Service (TRS), and  
Idaho Telecommunications Assistance Program ITSAP.

These together with Federal contributions for Universal Service, Telecommunications Relay Service, county and regional E911 contributions, and all other contributions as may apply now or in the future as well as any applicable state taxes.

We are also pleased to report to the Commission that as we indicated in our November 3rd letter, we did file for an application for an Interconnection Agreement / Resale agreement with the ILEC and we have subsequently completed negotiations and obtained an agreement which has been fully executed by signature of both parties.

The agreement will be filed with the Commission by the ILEC. There may have been some confusion on this point from our letter when we said the "application will be filed within 10 business days". What we meant is that the application would be filed with the ILEC within 10 business days. That is the part of the process that the Company can control, the ILEC has its own internal processes and timelines which are beyond our control. In the end, we were able to complete the entire application, negotiation, and execution process in full by December 9th, 2020. The ILEC has informed us they will file our agreement with the Commission.

Also as indicated in our letter, the Company has updated its contact information with the Commission so that future notifications and communications from the Commission will

be received by the appropriate people within the Company in a timely manner. The lack of response from the Company to the Commission was due to notifications going to the wrong people.

#### **SUMMARY**

As the Company has begun to provide basic switched telephone service, as it has completed and fully executed an Interconnection/Resale Agreement with the ILEC, and as it has updated its contact information with the Commission to assure smoother and timely communications in the future, the Company requests that the Commission reconsider its decision to revoke our CPCN. In addition, we suggest that the Commission establish dates similar to those listed in the original CPCN order (#34135) for the Company to communicate to the Commission its initial progress in the number of subscribers it has installed to receive basic telephone service. We would suggest April 1, 2021, and September 1, 2021. We hope through these reporting dates to establish confidence by the Commission in our commitment to provide basic telephone service throughout our service area.

Dated: December 24, 2020



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Michael Tague  
Consultant  
American CLEC

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 24<sup>th</sup> day of December 2020 served the foregoing document via Email to:

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Commission Secretary  
Idaho Public Utilities Commission  
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