

May 14, 2024

Via Electronic Filing

Ms. Jan Noriyuki, Commission Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Building 8, Suite 201-A
Boise, ID 83714

Re: Amendment to Fybercom LLC dba Fybercom, State of Idaho Application for a Certificate of Public Convenience and Necessity to Provide Non-Facilities Based Resold Local Exchange Telecommunications Service; Case No. FYB-T-24-01

Dear Ms. Noriyuki:

Fybercom LLC dba Fybercom, State of Idaho (“Fybercom” or “Applicant”) hereby files its amended application for a Certificate of Public Convenience and Necessity to provide non-facilities based resold local exchange telecommunications services within the State of Idaho (“Amended Application”).

This Amended Application is submitted in response to a question from the Idaho Public Utilities Staff received via email from Johan Kalala-Kasanda on May 9, 2024, requesting a map to be provided as supporting documentation of the service territory proposed by Fybercom in response to IDAPA 31.01.01.114.02, Services and Territory. Enclosed for filing please find one copy of the Amended Application, which revises Fybercom’s proposed service territory in response to IDAPA 31.01.01.114.02 and provides a map of the proposed service territory as supporting documentation. The only other change throughout is the revision of mention of “Application” to “Amended Application” in Fybercom’s responses and the inclusion of the assigned case number, Case No. FYB-T-24-01.

FYBERCOM HAS ENCLOSED ONE COPY OF ITS FINANCIAL STATEMENTS IN A SEPARATE ATTACHMENT WITH EACH PAGE MARKED “CONFIDENTIAL,” AND RESPECTFULLY REQUESTS CONFIDENTIAL TREATMENT OF THE ENCLOSED FINANCIAL INFORMATION. Due to the competitive nature of the telecommunications industry, Fybercom respectfully requests that this information only be inspected by Staff directly associated with this Amended Application and be kept from public disclosure as it contains highly sensitive and proprietary information.

* * * *

If you have any questions or if additional information is required, please do not hesitate to contact the undersigned at (202) 383-3343 or via email at pmarchesiello@wbklaw.com.

Respectfully submitted,

/s/ Phillip R. Marchesiello

Phillip R. Marchesiello
Wilkinson Barker Knauer, LLP
1800 M Street, NW
Suite 800N
Washington, DC 20036
Tel.: (202) 783-4141
Fax: (202) 783-5851
pmarchesiello@wbklaw.com

Counsel for Fybercom

Enclosure

Before the
PUBLIC UTILITIES COMMISSION OF IDAHO
Boise, Idaho 83714

In the Matter of the)
Amended Application of)
) Case No. FYB-T-24-01
Fybercom LLC dba Fybercom, State of)
Idaho to Provide Non-Facilities Based)
Resold Local Exchange Services)
Throughout Idaho)

**AMENDED APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE NON-FACILITIES BASED RESOLD LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES**

Pursuant to IDAPA 31.01.01.114 and Order No. 26665 issued November 7, 1996, Fybercom LLC dba Fybercom, State of Idaho (“Fybercom” or “Applicant”) respectfully requests that the Idaho Public Utilities Commission (“Commission”) grant Fybercom a Certificate of Public Convenience and Necessity to provide non-facilities based resold local exchange telecommunications services within the State of Idaho.

In support of its Amended Application, Fybercom submits the following:

1. Name, Address, Form of Business

i. A short statement of the character of public service in which the entity is engaged.

Fybercom intends to offer competitive local exchange services to business customers, including exchange access service, within the State of Idaho, using resold services provided pursuant to a resale arrangement that will be entered into between Fybercom and the Idaho ILEC CenturyLink and/or its affiliates following action on this Amended Application by the Commission. Fybercom also provides residential and business broadband services using its own facilities or a combination of its facilities and leased facilities.

ii. The entity’s name (including any assumed business name) and the state in which it is incorporated or organized.

Fybercom LLC, dba Fybercom, State of Idaho

iii. The street and mailing addresses of the entity's principal office and of its principal office in Idaho, and email address (if available)

Principal Office:

3780 N Yellowstone Hwy
Idaho Falls, ID 83401

Registered Agent:

Jared Stowell
2138 Quail Ridge Dr.
Ammon, ID 83401
jared@fybercom.net

iv. A certified copy of the entity's articles of incorporation or certificate of organization if an LLC

Fybercom's certificate of existence issued by the State of Idaho Secretary of State's Business Office is set forth in Attachment A and demonstrates that Fybercom is a limited liability company organized under the laws of the State of Idaho.

v. The names, titles, and addresses of the entity's officers and directors if the entity is a corporation, or of at least one (1) governor if the entity is an LLC

Officers:

Jared Stowell, Chief Executive Officer
2138 Quail Ridge Dr.
Ammon, ID 83401

Vince Calkins, Chief Technology Officer
3962 Clearfield Lane
Ammon, ID 83401

Kort Spencer, Chief Operating Officer
3780 N Yellowstone Hwy
Idaho Falls, ID 83401

George Swanson, Chief Human Resources Officer
1074 Bingham Ave.
Idaho Falls, ID 83402

Governors/Managers:

Jared Stowell, Chief Executive Officer
2138 Quail Ridge Dr.
Ammon, ID 83401

vi. The names and addresses of subsidiaries the entity owns or controls.

Omega Networks LLC
3780 N Yellowstone Hwy
Idaho Falls, ID 83401

SkyNet LLC
3780 N Yellowstone Hwy
Idaho Falls, ID 83401

vii. The name and address of any corporation, association, or similar organization holding a five percent (5%) or greater ownership interest or a managerial interest in it, and the amount and nature of the ownership interest, and nature of the management interest. Include a copy of any management agreement with the application.

Jared Stowell, CEO: 36.8% stock interest
2138 Quail Ridge Dr.
Ammon, ID 83401

Vince Calkins, CTO: 30.2% stock interest
3962 Clearfield Lane
Ammon, ID 83401

Dynamic Networks LLC: 33.0% stock interest
461 Parkland Dr.
Sandy, UT 84070

2. Services and Territory

i. A description of customer classes and customer services that the applicant proposes to offer to the public. The application shall indicate the date on which the applicant proposes to begin construction or anticipates it will begin to provide service in Idaho.

Fybercom plans to begin to provide non-facilities based resold local exchange services to business customers in Idaho in July 2024, assuming that Fybercom has successfully negotiated and executed its resale arrangement with CenturyLink and the Commission has acted on this Amended Application by then. Fybercom currently provides residential and business broadband services in Idaho.

- ii. **A description sufficient to determine whether service is to be offered in a particular location and the names of incumbent local exchange corporations (ILECs) with whom the proposed utility is likely to compete. The application shall also describe the intended manner of service, e.g., resold services or facilities-based services.**

Applicant intends to provide non-facilities based resold local exchange service throughout the State of Idaho. Consequently, Applicant intends to compete with all ILECs within the State of Idaho, including CenturyLink. Applicant provides a detailed map of the State of Idaho in Attachment C as its supporting documentation of its proposed service territory.

- iii. **A reasonably sized and detailed map showing where the applicant proposes to provide service including exchanges (if different from existing exchanges), rural zones, and local calling areas. If the service area is identical to an incumbent LEC's service area, then applicant may refer to the incumbent's service area.**

Applicant is proposing to provide non-facilities based resold local exchange service throughout the State of Idaho, except that Applicant does not intend to service areas serviced by LEC's that are eligible for a small or rural carrier exemption pursuant to Section 251 of the Federal Telecom Act of 1996. Applicant provides a detailed map of the State of Idaho in Attachment C as its supporting documentation of its proposed service territory.

3. **Financial Information - The current detailed balance sheets, including detailed income and profit and loss statements of applicant reflecting current and prior year balance for the twelve (12) months ending as of the date of the balance sheet, or if not readily available, for the period since the close of the preceding calendar year.**

Fybercom's balance sheet and profit and loss statement for calendar year 2023 are set forth in Attachment B.

The latest report, if any.

As a privately held company, Fybercom does not prepare annual reports.

4. **Tariffs and Price Lists - Proposed initial tariffs or price sheets setting forth rates, rules, terms, and regulations applicable to the contemplated service. Initial tariffs and price lists filings shall be in an electronic form as well as paper. The tariffs and price lists in electronic format will be in computer searchable Adobe Acrobat (PDF), or submitted on a CD-ROM or other format as prescribed by the Commission Secretary.**

Fybercom will submit a proposed price list for its resold local exchange service offering promptly following Commission action on this Amended Application.

Fybercom provides broadband services on a de-tariffed basis pursuant to rates, terms, and conditions posted on its website: <https://fybercom.net/>.

- 5. Tariff and Customer Contact - The name, address, and telephone number for those persons responsible for tariff and price list questions, as well as customer complaints and inquiries. The application shall state the toll-free telephone number for customer inquiries and complaints.**

Person responsible for price list questions:

Kort Spencer
3780 N Yellowstone Hwy
Idaho Falls, ID 83401
208.403.0505

Other customer inquiries and complaints may be directed to:

Toll-Free: 844-392-3748
Email: info@fybercom.net

- 6. Interconnection Agreements - Whether the applicant has initiated interconnection negotiations and, if so, when and with whom. Include copies of any interconnection contracts which have been completed for the provision of telecommunication services.**

Applicant has not yet initiated resale negotiations with CenturyLink and does not propose to do so until Commission action on this Amended Application. As a result of the resale agreement that Applicant will enter into with CenturyLink, which will enable Applicant to benefit from CenturyLink's interconnection agreements, Applicant will not be required to separately enter into interconnection agreements in Idaho to enable Applicant to provide resold local exchange services in the state.

- 7. Compliance with Commission Rules**

Applicant has reviewed the laws and regulations of this Commission governing local exchange telecommunications services in Idaho and will provide service in accordance with all laws, rules, and regulations to the extent they are not preempted by the Federal Telecommunications Act.

- 8. Conservation of Telephone Numbers**

Applicant acknowledges that non-paging telecommunications carriers with telephone numbering resources in Idaho shall be subject to numbering conservation measures including mandatory one thousand (1,000) block pooling.

9. Escrow

Applicant will not require advance payments or deposits from its customers and therefore no escrow account is being filed.

WHEREFORE, Fibercom respectfully requests for the Commission to enter an order granting to a Certificate of Public Convenience and Necessity authorizing Fibercom to provide the services set forth herein in the locations in the State of Idaho set forth herein.

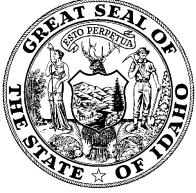
Respectfully submitted this 14 day of May, 2024.

FYBERCOM LLC DBA
FYBERCOM, STATE OF IDAHO

By: /s/ Jared Stowell
Jared Stowell
Chief Executive Officer

ATTACHMENT A

IDAHO CERTIFICATE OF EXISTENCE



STATE OF IDAHO

Phil McGrane | Secretary of State
Business Office
450 North 4th Street
PO Box 83720
Boise, ID 83720

February 15, 2024

Request Type: Certificate of Existence/Filing
Request #: 0005604940
Receipt #: 000942069

Issuance Date: 02/15/2024
Copies Requested: 0

Regarding: FYBERCOM LLC
Filing Type: Limited Liability Company (D)
Formation/Qualification Date: 02/20/2014
Status: Active-Existing
Duration Term: Perpetual

File #: 410603
Formation Locale: IDAHO
Inactive Date:

Certificate of Existence

I, Phil McGrane, Secretary of State of the State of Idaho, do hereby certify that effective as of the issuance date noted above

FYBERCOM LLC

is a Limited Liability Company duly formed under the law of this State with a date of incorporation and duration as given above.

A handwritten signature in black ink, enclosed in a hand-drawn oval.

Phil McGrane
Idaho Secretary of State

Processed By: Business Division

Verification #: 027441934

ATTACHMENT B

FYBERCOM BALANCE SHEET AND PROFIT AND LOSS STATEMENT

CONFIDENTIAL

ATTACHMENT C
MAP OF THE STATE OF IDAHO

IDAHO
State Map



LEGEND

-  International Boundary
-  National Highway
-  Major Road
-  Railway Line
-  State Capital
-  Other Town