

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF FYBERCOM LLC'S)
APPLICATION FOR A CERTIFICATE OF) CASE NO. FYB-T-24-01
PUBLIC CONVENIENCE AND NECESSITY)
TO PROVIDE TELECOMMUNICATIONS) ORDER NO. 36280
SERVICES IN IDAHO)
_____)**

On March 29, 2024, Fybercom LLC dba Fybercom (“Company” or “Applicant”) applied to the Idaho Public Utilities Commission (“Commission”) requesting the issuance of a Certificate of Public Convenience and Necessity (“CPCN”) authorizing the Company to offer local telecommunication exchange services in Idaho (“Application”). On May 6, 2024, the Company filed a Certificate of Existence with the Idaho Secretary of State. On May 14, 2024, the Company submitted an amended application (“Amended Application”) as described below.

On June 7, 2024, the Commission issued a Notice of Application and set deadlines for public and Commission Staff (“Staff”) comments and the Company’s reply. Order No. 36217. Staff filed the only comments in this case.

On July 3, 2024, the Company filed another amended Application (“Second Amended Application”). The Amended Application and Second Amended Application further demonstrated conformance with the Commission’s requirements for the issuance of a CPCN by providing greater detail about the Company’s proposed service area.

Having reviewed the record, we now issue this Order approving the Company’s request for a CPCN subject to the conditions outlined below.

THE APPLICATION

The Company is incorporated within the State of Idaho and plans to offer service to businesses that want hosted voice services. The Company will also resell internet bandwidth enabling it to offer several telecom services to customers including basic telephone service.

The Company asserted that it already has interconnection agreements with large incumbent providers in other states and will quickly seek such agreements in Idaho.

The Application included a customer contact for complaints and inquiries. The Company also filed financial statements. The Company asserted it would comply with Commission rules

and orders. The Company acknowledged that it will have certain obligations related to conserving telephone numbers if the Commission grants its request for a CPCN.

The Amended Application and Second Amended Application provided greater detail about the Company's compliance with Commission mandates. This included more information about the Company's proposed service area. Maps outlining the Company's service area are attached to the Company's Second Amended Application.

STAFF COMMENTS

Staff reviewed the record and recommended approval of the Company's Application subject to certain conditions discussed below. Staff believed that the Company understood its legal obligations and that its Application (including the Amended Application and Second Amended Application) met the requirements set forth in Commission Rule of Procedure 114, IDAPA 31.01.01.114, and Order No. 26665. Staff stated that the Company had provided appropriate details concerning the services it intends to offer and principal place of business. Staff noted that the Company's intended service area mirrors Century Link's service area. Staff also believed that the Company had the ability and financial capacity to provide telecommunication services within the State of Idaho. Based on the information provided by the Company, Staff recommended approval of the Company's request for a CPCN subject to the following conditions:

1. The Applicant complies with number pooling and reporting requirements of the North American Numbering Plan Administrator as outlined in Commission Order No. 30425;
2. The Applicant 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 Applicant files a final price list outlining all its rates, terms, and conditions with the Commission;
4. The Applicant 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. October 1, 2024;
 - b. January 2, 2025; and
 - c. April 1, 2025.

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

5. If the Applicant 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.

Staff Comments at 3.

COMMISSION FINDINGS AND DECISION

Based on our review of the record, we find that the Company's Application and subsequent filings comply with the requirements to obtain a CPCN in Idaho. 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. Excepting those items enumerated above, the Company has provided all necessary information in its Application and subsequent filings—including financial information. With that necessary caveat, we find that the Company has satisfied Rule 114. 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 request for a CPCN, subject to all the conditions set forth in Staff's Comments.

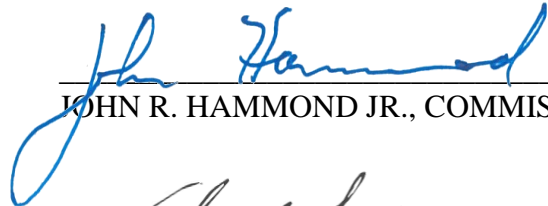
ORDER

IT IS HEREBY ORDERED that the Company's request 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 about any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *Idaho Code* § 61-626 and 62-619.

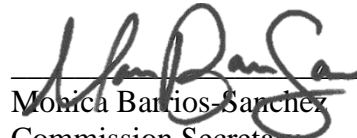
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 5th day of August 2024.


ERIC ANDERSON, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


EDWARD LODGE, COMMISSIONER

ATTEST:


Monica Barrios-Sanchez
Commission Secretary

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