

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF FREDRIC QUINTO’S</b>	)	<b>CASE NO. VZN-T-23-01</b>
<b>FORMAL COMPLAINT AGAINST ZIPLY</b>	)	
<b>FIBER NORTHWEST, LLC</b>	)	<b>ORDER NO. 35794</b>
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On March 8, 2023, Fredric Quinto (“Petitioner”) filed a formal complaint (“Complaint”) with the Idaho Public Utilities Commission (“Commission”). The Petitioner alleges that Ziplly Fiber Northwest, LLC (“Company”), a Commission-regulated telecommunication service provider, violated Telephone Customer Relations Rule 500, IDAPA 31.41.01.500, related to the quality of service required by a telephone company. Specifically, the Petitioner alleges that his telephone service regularly fails to the point that the Petitioner cannot make calls and that the Company provides only temporary remedies opposed to permanent fixes. The Petitioner requests that the Commission issue an order installing a permanent line to his residence.

On March 28, 2023, the Commission issued a Summons to the Company; this Summons was reissued on April 3, 2023, due to an error in service. On April 20, 2023, the Company filed an answer (“Answer”) to the Commission’s Summons.<sup>1</sup>

On May 4, 2023, the Petitioner emailed the Commission regarding the Answer; this correspondence included photos the Petitioner stated were related to this case as found in Attachment 1. Petitioner submitted several additional items of correspondence to the Commission Secretary, which have been added to the record.

Having reviewed the record and all submitted materials, the Commission orders the Company to service the Petitioner’s line as described below.

**THE COMPLAINT**

The Petitioner argued that the Company failed to adequately make permanent repairs to the infrastructure related to his telephone line. The Petitioner stated the Company would only make temporary repairs that were susceptible to outages in inclement weather. The Petitioner cited his age and the inability to rely on being able to make emergency calls as reasons the Company needed to permanently fix his service. The Petitioner stated the Company has the necessary access to his

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<sup>1</sup> Due to a filing error, the Company’s April 20, 2023, Answer was not uploaded to the Commission Homepage until May 2, 2023.

property sufficient to enable them to complete a permanent fix. The Petitioner stated: “[a]ll I want is a permanent line to my residence which is very easy to install I feel the [Commission] should and could make that happen for a citizen. I believe that is their job.” Complaint at 3.

### **THE COMPANY’S ANSWER**

The Company stated that the property had been serviced and the problem had been resolved. The Company stated that “the drop wire to the [Standard Network Interface] on the residence is buried, which reduces the likelihood of damage from the elements or human/animal activity. These are permanent facilities improvements paid for by Zply Fiber.” Answer at 1. The Company stated it had fixed the equipment outside of the Petitioner’s home and that any further issues with the Petitioner’s service were due to wiring inside the Petitioner’s home. The Company stated that inside wiring is the responsibility of the customer, not the Company, to maintain and repair as needed.

### **CORRESPONDANCE**

The Petitioner sent correspondence to the Commission where he stated the Company had not buried the line. The Petitioner stated that the line was simply placed on top of the ground between two fences where the line was exposed to animals and the elements. *See* Attachment 1. The Petitioner argued that this is not a permanent fix. The Petitioner provided photos that he stated were of the line in question. The Petitioner also expressed displeasure at how the Commission and its Staff were handling this case. The Petitioner stated that there have never been any issues with the hardware/wiring within his home. The Petitioner requested the Commission issue a fine against the Company and potentially award the fine to the Petitioner.

### **COMMISSION DECISION AND FINDINGS**

The Commission has jurisdiction in this matter pursuant to Title 61 and Title 62 of the Idaho Code. Accordingly, the Commission may enter any Final Order consistent with its authority under Title 61, Title 62, and the Commission’s Rules of Procedure. *See* IDAPA 31.01.01.

The Commission has reviewed the materials submitted in this matter, including the requests made in the Petitioner’s correspondence as found in the record. The Commission notes Petitioner’s March 8, 2023, Formal Complaint where the Petitioner stated: “All I want is a permanent line to my residence. . . .” Complaint at 3. The Petitioner then requested that the Commission grant this request. The Company stated, “that permanent repairs have been made to the pedestal serving Mr.

Quinto's residence, and the drop wire to the [Standard Network Interface] on the residence is buried." Answer at 1.

Despite the claims made by the Company, the Petitioner presented photographs, which were uploaded to the Commission Homepage on May 4, 2023,<sup>2</sup> that show notable portions of a line that is not buried. The Company stated that the line was buried but the photos contradict this representation. Due to these photographs, the Commission orders the Company to fulfill the Petitioner's request and bury the line in question. The Company's Answer noted that the Company did not have a default obligation to repair Customer Premises Inside Wire ("CPIW"). This Order does not change the Company's obligations in relation to CPIW. The Commission directs the Company to provide the Commission with verification that the Company has made the necessary repairs described above within 14 days of the issuance of this Order. The Commission declines the Petitioner's request to impose a fine on the Company.

### **ORDER**

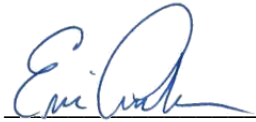
IT IS HEREBY ORDERED that the Company bury the line discussed in this Order. The Company must submit evidence of these repairs to the Commission within 14 days of the issuance of this Order.

IT IS FURTHER ORDERED that parties comply with Order No. 35375, issued April 21, 2022. Generally, all pleadings should be filed with the Commission electronically and will be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service between parties should continue to be accomplished electronically when possible. However, voluminous discovery-related documents may be filed and served on CD-ROM or a USB flash drive.

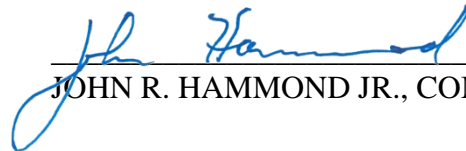
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<sup>2</sup> The photographs in question were part of an email that Petitioner sent to the Commission Secretary on May 3, 2023.

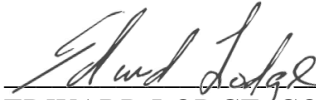
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 30<sup>th</sup> day of  
May 2023.



ERIC ANDERSON, PRESIDENT

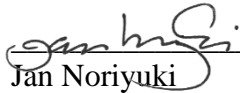


JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Jan Noriyuki  
Commission Secretary

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**ATTACHMENT 1**  
**CASE NO. VZN-T-23-01**  
**ORDER NO. 35794**



Attachment 1  
Case No. VZN-1-23-01  
Order No. 35794



Attachment I  
Case No. VZN-T-23-01  
Order No. 35794







Attachment 1  
Case No. VZN-T-23-01  
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Attachment 1  
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