

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF WEST FIBER, LLC’S)	CASE NO. WFL-T-25-02
APPLICATION FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY)	
TO PROVIDE LOCAL EXCHANGE)	ORDER NO. 36734
TELECOMMUNICATION SERVICES)	
WITHIN THE STATE OF IDAHO)	
)	

On March 17, 2025, West Fiber, LLC, doing business as HyperFiber (“Company”), applied to the Idaho Public Utilities Commission (“Commission”) requesting a Certificate of Public Convenience and Necessity (“CPCN”) authorizing the Company to provide local exchange telecommunications services in the State of Idaho. On March 21, 2025, the Company submitted an amendment to its application (“Amended Application”), providing additional information in compliance with Section 251 of the Federal Telecommunication Act of 1996.

On May 22, 2025, the Commission issued a Notice of Application and Notice of Modified Procedure, establishing public comment and Company reply deadlines. Order No. 36612. No public comments were received.

With this Order, the Commission confirms that the Company has satisfied the requirements set forth in Commission Rule of Procedure 114, IDAPA 31.01.01.114 (“Rule 114”) and issues the Company a CPCN.

CPCNs FOR TELECOMMUNICATIONS PROVIDERS IN IDAHO

In 1996, the Commission issued Order No. 26665 providing clarification regarding the necessary information to be included with a new application for a CPCN submitted by telecommunications companies stating their intent to provide local exchange service in Idaho pursuant to *Idaho Code* §§ 61-526 through -528 and Commission Rules of Procedure 111 and 112, IDAPA 31.01.01.111 and 112.

In 2022, Idaho adopted Rule 114, effective March 31, 2022, to formally integrate Commission Order No. 26665 into the rules. Rule 114 outlines the necessary information required for the Commission to issue a CPCN to competitive local exchange carriers (“CLECs”) seeking to provide local exchange services in Idaho.

Specifically, applicants must provide detailed business information, including name, address, entity type, and structure-specific details. Rule 114(1). They must also submit a

comprehensive service description, including proposed customer classes, competitive analysis, identification of incumbent local exchange carriers (ILECs), and a detailed service area map. Rule 114(2).

Financial documentation is required, including current balance sheets or sufficient financial data demonstrating capability to support proposed services. Rule 114(3). Initial tariffs or price lists must be included, detailing all rates, terms, and conditions, along with contact information for tariff and customer inquiries. Rule 114(4)-(5).

Applicants must disclose the status of any interconnection agreements and submit copies of finalized contracts. Rule 114(6). Additionally, a written affirmation of compliance with Commission rules—or waiver requests for any inapplicable rules—is required, along with confirmation of compliance with telephone number conservation standards, including mandatory 1,000-block number pooling. Rule 114(7)-(8).

If the Commission determines that all of the requirements of Rule 114 have been met, the Commission will issue an order granting the application and CPCN.

THE APPLICATION

The Company stated that it is a limited liability company formed in the state of Delaware. Amended Application at 1. Its legal name is West Fiber LLC, doing business as HyperFiber. *Id.* The Company asserted that it is a wholly owned subsidiary of HyperFiber, LLC. *Id.* at 2. The Company provided documentation that it is authorized to do business in the State of Idaho as a foreign limited liability company. *Id.*; Amended Application Exhibit 2. The Company confirmed that its registered agent for service in Idaho is Northwest Registered Agent, LLC. Amended Application at 2. The Company submitted the name and address of its members and officers, as well as relevant corporate financial information of its parent company, HyperFiber, LLC. *Id.*

The Company stated that it intends to provide fiber optic facilities-based point-to-point private line services throughout the State of Idaho, except in areas serviced by local exchange carriers that are eligible for small or rural exemption, pursuant to Section 251 of the Federal Telecommunications Act of 1996. *Id.* at 1-2. The Company confirmed that it has not yet begun operation, and that it intends to initiate construction as soon as it receives certification from the Commission. *Id.* The Company also provided its proposed tariff and services, along with the corresponding charges. Amended Application at Exhibit 5.

The Company provided a map of incumbent local exchange carriers (“ILECs”), and the Company’s proposed service and exchange areas. Amended Application at Exhibit 3. The Company stated that, in these service territories, it is likely to compete with ILECs such as Pine Telephone System, Inc., Potlatch Telephone Company (doing business as TDS Telecom), and Qwest Corporation (doing business as CenturyLink QC). Amended Application at 2.

The Company confirmed that it has reviewed the laws and regulations of the Commission governing telecommunications services in Idaho and acknowledged that non-paging carriers with telephone numbering resources are subject to numbering conservation measures. *Id.* at 4.

STAFF REVIEW

Staff reviewed the Company’s Application under *Idaho Code* §§ 61-526 through -528, and Rule 114. Staff Memo at 2. Based on its review, Staff believed that the Company’s Application met the CPCN criteria outlined in Rule 114. *Id.* at 3. Staff recommended the Commission: (1) issue an order granting a CPCN, and (2) set the following conditions for the CPCN:

- a. The Company comply with the number pooling and reporting requirements of the North American Numbering Plan Administrator (“NANPA”) as outlined in IDAPA Rule 114(8).
- b. The Company provide necessary reports and contributions appropriate to the Idaho Universal Service Fund, Idaho Telecommunications Relay Services, Idaho Telecommunications Service Assistance Program, and comply with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers.
- c. Prior to issuance of the CPCN, the Company file a final price list outlining all its rates, terms, and conditions with the Commission.
- d. The Company provide three reports (September 12, 2025, December 12, 2025, and March 12, 2026) to the Commission indicating the number of basic local exchange customers it has and the services being offered. If the Company should fail to provide the three reports, the Company shall relinquish its CPCN and all telephone numbers it has been assigned, or the Commission will, by its order, revoke the Company’s CPCN.
- e. If the Company does not provide a basic local exchange service by March 12, 2026, the Commission shall, by its order, revoke the Company’s CPCN.

COMMISSION FINDINGS

The Commission has jurisdiction over this matter and the issues in this case under Title 61 of Idaho Code. The Commission is vested with the authority to grant a CPCN to the public utilities operating in Idaho. *Idaho Code* §§ 61-526 through -528. The Commission reviews applications to determine if the applicant has the necessary qualifications under Rule 114 to obtain a CPCN.

Having reviewed the record, all submitted materials, and all comments, we find that the Company's Application and Amended Application have met the requirements of Rule 114 and grant the Company a CPCN, consistent with this Order.

The Company shall comply with the number pooling and reporting requirements of the NANPA as outlined in Rule 114(8). Additionally, the Company shall provide necessary reports and contributions appropriate to the Idaho Universal Service Fund, Idaho Telecommunications Relay Services, Idaho Telecommunications Service Assistance Program, and comply with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers.

As a compliance filing in this case, the Company shall file a final price list within 30 days of the service date upon this Order outlining all its rates, terms, and conditions with the Commission. The Company shall also provide three reports (September 12, 2025, December 12, 2025, and March 12, 2026) to the Commission indicating the number of basic local exchange customers it has and the services being offered. If the Company fails to provide the three reports, the Company shall relinquish its CPCN and all telephone numbers it has been assigned, or the Commission will revoke the Company's CPCN.

If the Company does not provide a basic local exchange service by March 12, 2026, the Commission shall revoke the Company's CPCN.

ORDER

IT IS HEREBY ORDERED that the Company's Application and Amended Application are approved and the Company is granted a CPCN consistent with this Order.

IT IS FURTHER ORDERED that the Company submit a compliance filing within 30 days of the service date of this Order providing a final price list outlining all its rates, terms, and conditions.

IT IS FURTHER ORDERED that the Company submit separate compliance filings in this case by September 12, 2025, December 12, 2025, and March 12, 2026 indicating the number of basic local exchange customers it has and the services being offered.

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 regarding any matter decided herein. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code §§ 61-626 and 62-619.*

DONE by order of the Idaho Public Utilities Commission at Boise, Idaho this 22nd day of August, 2025.


EDWARD LODGE, COMMISSIONER


JOHN R. HAMMOND JR., COMMISSIONER


DAYN HARDIE, COMMISSIONER

ATTEST:


Monica Barrios-Sanchez
Commission Secretary

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