

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF ZIPLY FIBER) CASE NO. ZFP-T-22-01
PACIFIC, LLC’S APPLICATION FOR)
COMPETITIVE LOCAL EXCHANGE) ORDER NO. 35618
CARRIER (CLEC) IN THE STATE OF)
IDAHO)
)

On August 23, 2022, Ziplly Fiber Pacific, LLC, d/b/a Ziplly Fiber (“Company”)¹ applied for designation as a competitive local exchange carrier (“CLEC”) in Idaho. Application at 1. The Company plans to provide fiber-based telecommunications services, including internet access, data transport, and voice over IP services in several Idaho cities. *Id.* at 2-3.

On October 31, 2022, the Commission issued a Notice of Application and Notice of Modified Procedure, setting public comment and Company reply deadlines. Order No. 35572. Commission Staff filed the only comments to which the Company did not reply.

With this Order, we approve the Company’s Application and grant it designation as a CLEC in Idaho.

APPLICATION

The Company plans to provide fiber-based telecommunications services—internet access, data transport, and voice over IP—over its owned facilities in the following areas: Boise, Idaho Falls, Lewiston, Meridian, Nampa, Pocatello, Rexburg, and Twin Falls. *Id.* The Company anticipates it will begin construction in 2023 and states it may expand its service areas in the future. *Id.*

The Company asserts that while it is a new entrant to the Idaho telecommunications market, the Company is a registered CLEC in Oregon and Washington, and the Company is affiliated with Ziplly Fiber Northwest, LLC, and Ziplly Fiber of Idaho, LLC, both Incumbent Local Exchange Carriers which provide telecommunications services in Idaho. *Id.*

STAFF COMMENTS

Staff reviewed and analyzed the Company’s Application and supplemental filings for compliance with IDAPA 31.01.01.114 and Order No. 26665.

¹ The Company is a Delaware registered LLC, and provided a Foreign Registration Statement with the Idaho Secretary of State with its Application. The Company’s assumed business name “Ziplly Fiber” is associated with Ziplly Wireless, LLC, as documented in Idaho Secretary of State File # 0004859680.

Staff believed the Company understands the Commission's rules and requirements related to the provision of telecommunication services in Idaho. Staff also believed that the Company possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications services in Idaho.

Staff recommended approval of the Company's Application for authorization to operate in the State of Idaho as a CLEC, and recommends that a certificate of public convenience and necessity ("CPCN") should be issued, subject to the following conditions: (1) the Company complies with the number pooling and reporting requirements of the North American Numbering Plan Administrator, as set forth in Commission Order No. 30425; (2) the Company's agreement to provide necessary reports and contributions as appropriate to the Idaho Universal Service Fund, Idaho Telecommunications Relay Services, the Idaho Telecommunications Service Assistance Program, and comply with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers; (3) the Company files a final price list outlining all its rates, terms, and conditions with the Commission before issuance of the CPCN; and (4) the Company provides three reports to the Commission with the number of basic local exchange customers and the services being offered on the following dates of March 20, 2023; July 17, 2023; and November 20, 2023. Staff further recommended the Commission revoke the Company's CPCN if the Company fails to provide the three reports or if the Company is not providing basic local exchange services by November 20, 2023.

COMMISSION FINDINGS AND DECISION

The Commission has jurisdiction over this matter under *Idaho Code* § 62-615 (the Commission's authority to implement the Telecommunications Act of 1996) and *Idaho Code* § 62-605(5)(b) (the Commission's continuing, noneconomic authority over Title 62 telephone corporations); *see also* 47 U.S.C. 252(e)(1).

Based on our review of the record in this case, including the comments of Staff, the Commission finds it fair, just, and reasonable to grant the Company's Application for designation as a CLEC in Idaho. The Company has provided all necessary information in its Application and has the financial, managerial, and technical qualifications needed to provide fiber-based telecommunications services in Boise, Idaho Falls, Lewiston, Meridian, Nampa, Pocatello, Rexburg, and Twin Falls. The Company has also reviewed and agreed to comply with Commission rules.

The Company's Application for designation as a CLEC is approved, subject to these conditions:

- (1) The Company must comply with the number pooling and reporting requirements of the North American Numbering Plan Administrator, as set forth in Commission Order No. 30425;
- (2) The Company must provide necessary reports and contributions as appropriate to the Idaho Universal Service Fund, Idaho Telecommunications Relay Services, the Idaho Telecommunications Service Assistance Program, and comply with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers;
- (3) The Company must file a final price list outlining all its rates, terms, and conditions with the Commission before issuance of the CPCN;
- (4) The Company must provide three reports to the Commission with the number of basic local exchange customers and the services being offered on the following dates:
 - a. March 20, 2023;
 - b. July 17, 2023;
 - c. November 20, 2023; and
- (5) If the Company fails to provide the three reports or if the Company is not providing basic local exchange services by November 20, 2023, the Commission will revoke the Company's CPCN.

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The Company must meet the foregoing conditions or its CPCN may be revoked at a future proceeding.

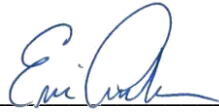
ORDER

IT IS HEREBY ORDERED that the Company's Application for Designation as a CLEC is approved, subject to the conditions described in this Order.

IT IS FURTHER ORDERED that the Company's Application for a CPCN is granted subject to the conditions outlined above.

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. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 8th day of December 2022.



ERIC ANDERSON, PRESIDENT

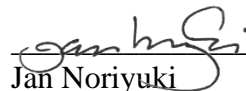


JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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