

ZiPLY Fiber  
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**ZFP-T-24-01**

April 11, 2024

Sent via electronic mail to [secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov)

Ms. Monica Barrios-Sanchez  
Commission Secretary  
Idaho Public Utilities Commission  
472 West Washington Street  
Boise, Idaho 83720

Re: ZiPLY Fiber Pacific, LLC dba ZiPLY Fiber Application for Designation as an Eligible Telecommunications Carrier for the Limited Purpose of Offering Lifeline Service to Qualified Households.

Dear Ms. Barrios-Sanchez:

Please find for filing ZiPLY Fiber Pacific, LLC dba ZiPLY Fiber's Application for Designation as an Eligible Telecommunications Carrier for the limited purpose of offering Lifeline service to qualified households in the state of Idaho.

If you have any questions regarding this filing, you may contact me at (503) 431-0458.

Sincerely,

A handwritten signature in black ink, appearing to read "JE", written over a light blue horizontal line.

Jessica Epley  
VP - Regulatory & External Affairs

**Before the  
IDAHO PUBLIC UTILITIES COMMISSION**

In the Matter of

Application of Ziplly Fiber Pacific, LLC for Designation as an Eligible Telecommunications Carrier in the State of Idaho to Receive Federal Lifeline Support

Case No. **ZFP-T-24-01**

APPLICATION

**APPLICATION FOR DESIGNATION AS AN  
ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATE OF IDAHO  
TO RECEIVE FEDERAL LIFELINE SUPPORT**

Ziplly Fiber Pacific, LLC, dba Ziplly Fiber ("ZFP" or the "Company"), pursuant to Section § 214(e)(2)<sup>1</sup> of the Federal Communications Act of 1934, as amended (the "1996 Act"), the rules and regulations of the Federal Communications Commission ("FCC") related to Universal Service,<sup>2</sup> Idaho statutes,<sup>3</sup> and the requirements set forth in Idaho Public Utilities Commission ("Commission") Order No. 29841,<sup>4</sup> respectfully submits this Application for Designation as an Eligible Telecommunications Carrier ("ETC"). ZFP seeks ETC designation in order to receive Lifeline support in the state of Idaho and authorization to participate in and receive reimbursement from the Idaho Telecommunications Service Assistance Program ("ITSAP") (collectively, the

<sup>1</sup> 47 U.S.C. § 214(e)(2).

<sup>2</sup> 47 C.F.R. §§ 54.201, 54.202; *see also* 47 C.F.R. §§ 54.101 through 54.207 (the "FCC Rules") and AU Docket No. 20-34, *et al.*, Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced; FCC Form 683 Due January 29, 2021; DA 20-1422 (rel. Dec. 7, 2020) ("Public Notice"); Lifeline and Link Up Reform and Modernization; *et al.*, 27 FCC Rcd 6656 (2012) ("Lifeline Reform Order").

<sup>3</sup> Idaho Stat. § 62-610D.

<sup>4</sup> Case No. WST-T-05-1, The Application of WWC Holding Co., Inc. dba Cellular-One Seeking Designation as an Eligible Telecommunications Carrier that may Receive Federal Universal Service Support, Order No. 29841 (Aug. 4, 2005) ("ETC Order").

"Designated Service Area". Specifically, ZFP seeks to be designated as an ETC throughout the area defined by its physical network footprint in Idaho, as that footprint expands from time to time (e.g., as a result of buildout or acquisition of physical plant). The public-facing FCC broadband map at <https://broadbandmap.fcc.gov/home> depicts ZFP's network in Idaho. This representation is validated twice a year by the FCC<sup>5</sup> and is subject to a challenge process,<sup>6</sup> allowing both the Commission and Idaho consumers to assess the geographic availability of ZFP's service offerings and corresponding Designated Service Area.

As demonstrated herein, the Company meets all the statutory and regulatory requirements for designation as an ETC in the State of Idaho. Accordingly, the Company respectfully requests the Commission grant it ETC status in the Designated Service Area on an expedited basis to enable ZFP to begin providing Lifeline service in addition to ITSAP support to eligible customers at the earliest practical time.

In support of this Application, the Company states as follows:

### **BACKGROUND**

1. ZFP is a Delaware limited liability company with its headquarters at 135 Lake Street S., Suite 155, Kirkland, Washington 98033. The Company is registered with the Idaho Secretary of State to conduct business in the state as shown in **Exhibit 1**. The Company will operate under the DBA name of "ZiPLY Fiber" in Idaho, which also has been registered with the Idaho Secretary of State as reflected in **Exhibit 2**. Attached as **Exhibit 3** is a current list of the Company's officers, along with relevant biographical information.

2. ZFP is a common carrier with a fully constructed fiber-optic network over which it currently offers a full suite of communications services to customers in Idaho. The Company has never been denied ETC designation by any state commission or by the FCC.

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<sup>5</sup> 47 U.S.C. §§ 642(a)(1)(A), (a)(2).

<sup>6</sup> 47 U.S.C. §§ 642(a)(1)(B)(iii), (b)(5).

3. The FCC has adopted a number of cost recovery policies and mechanisms designed to promote and maintain universal service. One aspect of universal service is the availability of subsidies from the federal Universal Service Fund ("USF"), created by the Act. The USF was created, in part, to provide support to qualifying low-income communications end-users. Mechanisms were also established to moderate the amount of costs to be recovered through basic, recurring charges to low-income users, thereby assisting efforts to maintain reasonable basic rate levels for those users. Under 47 U.S.C. § 214(e), only common carriers designated as an ETC may receive subsidies from the federal USF. Section 214(e)(2) of the Act provides that:

A State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State commission. Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier and an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest.

Section 214(e)(1) of the Act provides:

A common carrier designated as an eligible telecommunications carrier under paragraph (2), (3), or (6) shall be eligible to receive universal service support in accordance with Section 254 of this title and shall, throughout the service area for which the designation is received -

(A) offer the services that are supported by Federal universal service support mechanisms under Section 254(c) of this title, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and

(B) advertise the availability of such services and the charges therefor using media of general distribution.

4. Pleadings, orders, notices and other correspondence filed in this matter should be served upon:

Jessica Epley  
ZiPLY Fiber  
135 Lake Street South, Suite  
155  
Kirkland, WA 98033  
Telephone: (503) 431-0459  
Email: [jessica.epley@ziply.com](mailto:jessica.epley@ziply.com)

The above-referenced individual agrees to receive all Commission notices and orders regarding this proceeding via electronic mail.

**INFORMATION REQUIRED UNDER FCC RULES AND IDAHO LAW**

5. Section 214(e)(1) of the federal Act, the FCC's rules, Idaho Code § 62-610D(3)(a), and the Commission's *ETC Order* set forth certain requirements for ETC designation in Idaho.<sup>7</sup> As demonstrated below, the Company meets each of these requirements. The requested designation of ZFP as an ETC in the Designated Service Area will provide better service and increased consumer choice in the state of Idaho.

6. FCC Rule 54.201(c); FCC Rule 54.202(b); ETC Order, Appendix Section A.4. An ETC applicant must demonstrate the ETC designation is consistent with the public interest, convenience, and necessity, and in the case of an area served by a rural telephone company, demonstrate the public interest will be met by an additional designation. In evaluating the public interest element, the Commission generally has considered two factors: (1) whether the entity contributes to state assistance programs; and (2) whether the designation is sought for only part of a rural telephone company's study area, thus leaving some (perhaps less profitable) customers without service (*i.e.*, cream skimming).<sup>8</sup>

7. Designation of the Company as an ETC will serve the public interest, convenience, and necessity. Upon designation as an ETC, ZFP will make Lifeline service available to qualifying customers in the Designated Service Area pursuant to the guidelines

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<sup>7</sup> 47 U.S.C. § 214(e)(1); 47 C.F.R. §§ 54.201, 54.202; Idaho Code § 62-610D(3)(a); ETC Order, Appendix.

<sup>8</sup> See, e.g., Order No. 33002 at 2-3; Order No. 33226 at 3.

and requirements of the universal service program and 47 C.F.R. § 54.202.

8. This planned investment and deployment in the Designated Service Area will further the goals of the Commission and the FCC by expanding the reach of digital connectivity to promote economic growth in rural areas and ensure quality communications services are available at "just, reasonable, and affordable rates."<sup>9</sup> As the FCC has observed, "an important goal of the [federal] Act is to open local telecommunications markets to competition. Designation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies."<sup>10</sup> Because the funding for ACP has expired, ZFP is particularly motivated to obtain federal funding through Lifeline programs in order to ensure it can continue providing support to low-income customers. However, Lifeline funding ultimately requires that ZFP obtain an ETC designation.<sup>11</sup>

9. Grant of the instant petition ensures that ZFP will be best positioned to offer supportive services by the time funding is in place. ZFP anticipates being able to provide higher-quality services, including the ability to offer faster broadband speeds to a greater proportion of its customers in rural areas. ZFP's fiber-based voice service offerings provide a high-quality product for rural customers, and its broadband services provide speeds of up to approximately 1 Gbps. to customers.

10. The Company commits to participate in applicable Idaho assistance programs upon approval and commencement of its business operations in Idaho. The Company's participation in such Idaho programs also advances the public interest.

11. Finally, the Company is not engaged in "cream skimming." While federal rules (47 U.S.C. §§ 160, 214(e)(5) and 47 C.F.R. § 54.207(b)) require that the service area of an ETC

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<sup>9</sup> 47 U.S.C. § 254(b)(1).

<sup>10</sup> *Federal-State Joint Board on Universal Service*, 16 FCC Rcd 48, ¶ 17 (2000).

<sup>11</sup> Rural Digital Opportunity Fund, Connect America Fund, Report and Order, 35 FCC Rcd 686, 723, para. 81 (2020).

conform to the service area of any rural telephone company serving the same area (the “service area conformance” requirement), the FCC’s Lifeline and Link Up Reform Memorandum Opinion and Order (FCC 13-44 released April 15, 2013) authorized forbearance from the service area conformance requirements with respect to carriers seeking to provide Lifeline-only service.<sup>12</sup> In light of this forbearance, the Commission has the authority to designate ETCs such as ZFP in rural areas without concern for the service area conformance requirement.<sup>13</sup>

12. FCC Rule 54.201(d); ETC Order, Appendix Section A.1. An ETC applicant must be a "common carrier" as defined by federal law." The Company will provide broadband Internet access service and voice service in the Designated Service Area. The Company will provide voice grade access to the public switched network or its functional equivalent and minutes of use for local service at no additional charge to end users. The Company will provide its voice service on a common carrier basis to customers.

13. FCC Rule 54.201(d)(1); FCC Rule 54.201(i); ETC Order, Appendix Section A.2. An ETC applicant must demonstrate that it is capable of providing and will continuously provide the supported services throughout the service area either by using its own facilities or a combination of its own facilities and the resale of another carrier's services. ZFP certifies it will offer the services that are supported by the federal universal service support mechanisms in the Designated Service Area either using its own facilities or a combination of its own facilities and the resale of another carrier's services.<sup>14</sup> Under current FCC rules, the two services are supported by the federal universal service support mechanisms: (1) voice telephony services; and (2) broadband Internet access services.<sup>15</sup> Eligible voice telephony services must provide voice grade access to the public switched telephone network ("PSTN") or its functional equivalent, minutes of

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<sup>12</sup> 2 See In the Matter of Telecommunications Carriers Eligible for Support, Lifeline and Link Up Reform, WC Docket No. 09-197, WC Docket No. 11-42, Memorandum Opinion and Order, FCC 13-44 (rel. April 15, 2013).

<sup>13</sup> See 47 C.F.R. § 54.207(c)

<sup>14</sup> 47 C.F.R. § 54.101(a); see also *ETC Order*, Appendix Section A.2.

<sup>15</sup> 47 C.F.R. § 54.101(a).

use for local service provided at no additional charge, access to emergency 911 and enhanced 911 service in locations where implemented, and for qualifying low-income consumers, toll limitation service.<sup>16</sup> Eligible broadband Internet access services must provide the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service.<sup>17</sup>

14. ZFP certifies that it will offer voice and broadband services in the Designated Service Area that comply with the FCC's requirements. Section 214(e)(1)(A) of the Act<sup>18</sup> requires an ETC to offer the services that are supported by federal universal service support mechanisms under Section 254(c). Effective December 29, 2011, pursuant to the USF/ICC Transformation Order<sup>19</sup> as further clarified by the USF/ICC Order on Reconsideration, the FCC eliminated its former list of nine supported services and amended Section 54.101(a) of its rules to specify that "voice telephony service" is supported by the federal universal service mechanisms. ZFP's voice offering will provide voice grade access to the PSTN, and will include unlimited local calling. In addition, the Company's voice offering will provide consumers with access to 911 and enhanced 911 to the extent local governments have implemented such services. With respect to toll limitation service, the FCC eliminated the requirement to provide toll limitation services if the Lifeline offering provides a set amount of minutes that do not distinguish between toll and non-toll calls.<sup>20</sup> As explained below, the Company plans to offer unlimited voice calling within the United States for a fixed monthly price in the Designated Service Area, and thus the Company is

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<sup>16</sup> 47 C.F.R. § 54.101(a)(1).

<sup>17</sup> 47 C.F.R. § 54.101(a)(2).

<sup>18</sup> 47 U.S.C. § 214(e)(1).

<sup>19</sup> Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform—Mobility Fund, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) ("USF/ICC Transformation Order").

<sup>20</sup> Lifeline Reform Order ¶ 49.



not required to provide toll limitation service in connection with its Lifeline service offering.

15. Similarly, the Company's broadband Internet access service offering will provide consumers with the capability to transmit data to and receive data from all or substantially all Internet endpoints.

16. ZFP will provide service through facilities owned and operated by itself or its affiliates. Under Section 214(e)(1)(A) of the Act, an ETC must offer the services supported by federal universal service support mechanisms throughout its designated service area "either using its own facilities or a combination of its own facilities and resale of another carrier's services."<sup>21</sup> Facilities are the ETC's "own" if the ETC has exclusive right to use the facilities to provide the supported services or when service is provided by any affiliate within the holding company structure.<sup>22</sup>

17. FCC Rule 54.201(d)(2); FCC Rule 54.405(b)-(d); ETC Order, Appendix Section A.3. An ETC applicant must demonstrate that it will advertise the availability of its offering and the charges therefore using media of general distribution. The Company will publicize the availability of its voice and broadband service offerings throughout the Designated Service Area using media of general distribution.<sup>23</sup> ZFP will use a combination of digital and traditional media, such as advertising via television, radio, newspapers, magazines or other print advertisements, outdoor advertising, direct marketing, the Company website, and/or the Internet. It also will rely on the marketing practices and advertising expertise of Ziplly Fiber to advertise the availability of its service offerings in the Designated Service Area.

18. In addition, ZFP will publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.<sup>24</sup> Using easily understood

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<sup>21</sup> 47 U.S.C. § 214(e)(1)(a).

<sup>22</sup> See, e.g., WCB Reminds Connect America Fund Phase H Auction Applicants of the Process for Obtaining a Federal Designation as an Eligible Telecommunications Carrier, 33 FCC Rcd 6696, nn. 23-24 (2018).

<sup>23</sup> 47 C.F.R. § 54.201(d)(2).

<sup>24</sup> 47 C.F.R. § 54.405(b).

language, ZFP will indicate on all materials describing its Lifeline service that: (1) it is a Lifeline service; Lifeline is a government assistance program; (3) the service is nontransferable; (4) only eligible consumers may enroll in the program; and (5) the program is limited to one discount per household.<sup>25</sup> ZFP also will disclose its name or its DBA name on all materials describing the Lifeline service.<sup>26</sup>

19. FCC Rule 54.201(h); FCC Rule 54.202(a)(4). An ETC applicant seeking to provide Lifeline services must demonstrate it is financially and technically capable of providing Lifeline service in compliance with the FCC's rules. The FCC has stated that the "relevant considerations" for satisfying this requirement would be whether the applicant previously offered services to non-Lifeline consumers, how long the applicant has been in business, whether the applicant intends to rely exclusively on universal service fund disbursements to operate, whether the applicant receives funds from other sources, and whether the applicant has been subject to enforcement action or ETC revocation proceedings in other states.<sup>27</sup>

20. The Company is financially and technically capable of offering Lifeline services in the Designated Service Area. Currently, ZFP operates as a common carrier and provides a full suite of communications services to non-Lifeline customers in Idaho over. Because it generates and will continue to receive revenue from non-USF sources, the Company does not intend to rely exclusively on Lifeline reimbursement for operating revenues. ZFP's affiliates Ziplly Fiber Northwest and Ziplly Fiber of Idaho also can provide the Company with additional financial and technical support as needed, and the Company will utilize the same management and day-to-day operational personnel. Finally, the Company has not been subject to enforcement action or ETC revocation proceedings in any state.

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<sup>25</sup> 47 C.F.R. § 54.405(c). For these purposes, the term "materials describing the service" includes all print, audio, video, and web materials used to describe or enroll in the Lifeline service offering, including application and certification forms. *See id.*

<sup>26</sup> 47 C.F.R. § 54.405(d).

<sup>27</sup> 47 C.F.R. § 54.405(d).

21. ETC Order, Appendix Section A.5. The Commission's ETC Order requires an ETC applicant seeking designation for "any part of tribal lands" to provide a copy of its application to the affected tribal government or tribal regulatory authority, as applicable. However, ZFP's Designated Service Area excludes Tribal Lands until such time, if any, that ZFP begins discussions with the relevant Tribal authorities, and therefore ZFP is not currently required to provide a copy of its application to any tribal government at the present time.

22. FCC Rule 54.202(a)(1); ETC Order, Appendix Section B.1. An ETC applicant must demonstrate its commitment and ability to provide the supported services. ZFP certifies that it will comply with the service requirements applicable to Lifeline support as well as ITSAP support in the Designated Service Area. ZFP also certifies that it will: (a) provide service on a timely basis to requesting customers within the Designated Service Area; and (b) provide service within a reasonable period of time if the potential customer is within the Designated Service Area, but outside the Company's existing network coverage if service can be provided at a reasonable cost.

23. An ETC applicant also must submit network improvement plans at designated intervals. However, a five-year network improvement plan is no longer necessary for entities seeking Lifeline-only designation.<sup>28</sup> The Commission chose to adopt a similar approach in the *ETC Order* to require ETCs to submit a two-year network improvement plan.<sup>29</sup> ZFP respectfully requests the Commission waive its two-year network improvement plan requirement as it has done for other ETC applicants.<sup>30</sup>

24. In addition to offering the supported services in its current footprint, ZFP also

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<sup>28</sup> *Lifeline Reform Order 11386.*

<sup>29</sup> *ETC Order* at 8.

<sup>30</sup> See, e.g., Order No. 35126 ("The FCC waived the requirement for a winning bidder to file a five-year plan as part of the ETC designation process, citing its heightened oversight of auction winners. . . . Considering the FCC's heightened oversight, we waive in this proceeding our requirement that the Company's ETC Application include a two-year network improvement plan"); Order No. 34254 ("Staff determined that . . . a two-year network improvement and progress report is not required due to the FCC's waiver of the five-year plan as part of its ETC designation process. . . . We agree with Staff. Because the FCC waived the requirement for a winning bidder to file a five-year plan as part of the ETC designation process, a network improvement plan is not required under Intermax's Application."); Order No. 34253 (same).

envisions expanding its operations into new areas as well. Because the funding for ACP has expired, ZFP is doubly committed to ensuring it can continue providing support to low-income customers by obtaining Lifeline support. However, that funding ultimately requires that ZFP obtain an ETC designation.

25. FCC Rule 54.202(a)(2); ETC Order, Appendix Section B.2. An ETC applicant must demonstrate that it can remain functional in emergency situations. The Company certifies it will have the ability to remain functional in emergency situations in the Designated Service Area. Separate FCC rules also require the Company to implement certain back-up power requirements.<sup>31</sup> ZFP has a reasonable amount of back-up power to ensure functionality without an external power source, is able to re-route traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations. To guard against service interruptions, such as those caused by natural or man-made events, ZFP has sufficient excess capacity and/or redundancy and has designed its network so that its critical systems and service locations use diverse fiber routes which have failover capabilities, ensuring its network and services remain available to customers. In addition, ZFP will be able to rely on Zply Fiber Northwest's disaster recovery contingency plans such as the use of diverse/alternate routing, electronics redundancy, redundant data centers, geographically separated operations, and environmental controls for data and switching centers to remain functional in an emergency situation.

26. FCC Rule 54.202(a)(3); ETC Order, Appendix Section B.3. An ETC applicant must certify that it will comply with all applicable service quality standards and consumer protection rules. ZFP certifies that it will comply with service quality standards and consumer protection rules applicable to its provision of service in the Designated Service Area.

27. FCC Rule 54.202(a)(5); FCC Rule 54.202(a)(6); ETC Order, Appendix Section

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<sup>31</sup> 47 C.F.R. § 9.20.

B.4. The *ETC Order* requires an ETC applicant to provide a description of its local usage plans and a description of the local usage plans of the incumbent local exchange carrier ("ILEC"). FCC rules also require Lifeline-only ETC applicants to provide information describing the terms and conditions of voice telephony service and broadband Internet access service plans to be offered to Lifeline subscribers. For Lifeline services, the FCC has determined that providers may satisfy the obligation to provide local usage via service offerings that bundle local and long distance minutes.<sup>32</sup>

28. At this time, ZFP plans to offer service plans that include high-speed Internet access service and unlimited voice calling within the United States for a fixed monthly price in the Designated Service Area. The Company also will offer standalone voice services. ZFP has not yet determined the specific details of its service offerings and associated rates to be offered in the Designated Service Area, and will make services available based on customer demand in each market. Further, ZFP's pricing will be reasonably comparable to the price of similar services in urban areas. ZFP will offer calling plans comparable to those offered by ILECs in the Designated Service Area.

29. *ETC Order, Appendix Section C.* All ETCs requesting high-cost support must provide certain information to the Commission on an annual basis. ZFP certifies that it will comply with all applicable annual reporting requirements of the Commission, including the requirement to report information concerning: (1) outages; (2) unfulfilled service requests; (3) complaints; (4) consumer protection and service quality standards; and (4) the Company's local usage plans and ILEC local usage plans. As set forth above, the Company seeks waiver of the two-year network improvement plan and progress report consistent with the Commission's rulings for similarly situated applicants.

30. *ETC Order, Appendix Section D.* All ETCs must certify on an annual basis all

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<sup>32</sup> Lifeline Reform Order ¶ 49.

federal high-cost support provided to the ETC will be used only for the provision, maintenance, and upgrading of facilities and services for which the support was intended. ZFP certifies that, in accordance with 47 U.S.C. § 254(e), it will use the high-cost support it receives for the Designated Service Area only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

31. FCC Rule 54.405(a). An ETC providing Lifeline services must make Lifeline service available to qualifying low-income consumers. ZFP certifies that its Lifeline service offering will conform to the definition of "Lifeline" in the FCC's rules.<sup>33</sup>

32. FCC Rule 54.405(e). An ETC providing Lifeline services must implement certain de-enrollment procedures for Lifeline customers. ZFP certifies it will comply with the FCC's de-enrollment procedures and will have general de-enrollment procedures in place for Lifeline services. In accordance with FCC requirements, ZFP will de-enroll Lifeline customers for no longer qualifying for Lifeline service, for duplicative support, for non-usage, for failure to re-certify, and when requested by the Lifeline customer.

33. FCC Rule 54.409; FCC Rule 54.410. ZFP certifies that it will verify the eligibility of its Lifeline subscriber base in accordance with FCC rules. ZFP also will establish processes for ensuring Lifeline services are provided only to eligible customers, including procedures for confirming consumer eligibility, enrolling eligible customers, recertifying eligibility at regular intervals, and recordkeeping.

### **CONCLUSION**

For the reasons stated herein, Zply Fiber Pacific, LLC respectfully requests that the Commission expeditiously designate it as an ETC for the provision of voice and broadband services in the Designated Service Area.

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<sup>33</sup> 47 C.F.R. § 54.401(a).

RESPECTFULLY SUBMITTED this 11th day of April, 2024

ZiPLY Fiber Pacific, LLC d/b/a ZiPLY Fiber  
Name of Party



\_\_\_\_\_  
Signature on Behalf of Party

Jessica Epley  
Name of Signer

VP – Regulatory & External Affairs  
Title of Signer

135 Lake Street South, Suite 155  
Kirkland, Washington 98033  
Address of Signer

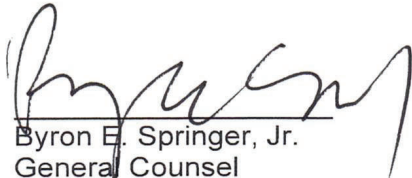
503.431.0458  
Telephone Number for Signer

[jessica.epley@ziPLY.com](mailto:jessica.epley@ziPLY.com)  
Designated Email for Party

**VERIFICATION**

I, the undersigned, Byron E. Springer, Jr., hereby state that I am General Counsel of Ziplly Fiber Pacific, LLC dba Ziplly Fiber ("ZFP"); that I am authorized to make this Verification on behalf of the Company; that the foregoing Application was prepared under my direction and supervision: and that the contents of the foregoing Application are true and correct to the best of my knowledge, information, and belief.

Executed this 19th day of March 2024.

  
Byron E. Springer, Jr.  
General Counsel  
Ziplly Fiber Pacific, LLC



**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

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

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On August 23, 2022, Ziplly Fiber Pacific, LLC, d/b/a Ziplly Fiber (“Company”)<sup>1</sup> 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.

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<sup>1</sup> 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.

sasD

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

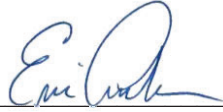
### **ORDER**

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 8<sup>th</sup> day of December 2022.



ERIC ANDERSON, PRESIDENT

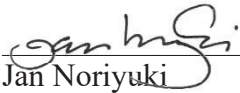


JOHN CHATBURN, COMMISSIONER



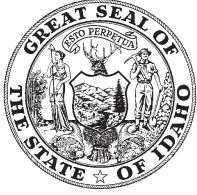
JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:



Jan Noriyuki  
Commission Secretary

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# STATE OF IDAHO

Lawrence Denney | Secretary of State  
**Business Office**  
450 North 4th Street  
PO Box 83720  
Boise, ID 83720

Zipty Fiber  
LEGAL  
STE 155  
135 LAKE ST S  
KIRKLAND, WA 98033-6488

August 12, 2022

## Filing Acknowledgment

Please review the filing information below and notify our office immediately of any discrepancies.

---

File #:	<b>4859680</b>	Expiration Date:	
Filing Type:	Assumed Business Name	Image # :	B0733-2531
Filing Date:	08/12/2022 10:46 AM	Receipt #:	000700414
Status:	Active-Current		

Congratulations on the successful filing of your **Certificate of Assumed Business Name** for **Zipty Fiber** in the State of Idaho on the date shown above.

### Mailing Address

LEGAL  
STE 155  
135 LAKE ST S  
KIRKLAND, WA 98033-6488

When corresponding with this office or submitting documents for filing, please refer to the file number given above.

Lawrence Denney  
**Idaho Secretary of State**

Processed By: Business Division



0004859680



**STATE OF IDAHO**  
 Office of the secretary of state, Lawrence Denney  
**CERTIFICATE OF ASSUMED BUSINESS NAME**  
**(ABN)**  
 Idaho Secretary of State  
 PO Box 83720  
 Boise, ID 83720-0080  
 (208) 334-2301  
 Filing Fee: \$25.00

*For Office Use Only*  
**-FILED-**  
 File #: 0004859680  
 Date Filed: 8/12/2022 10:46:00 AM

Assumed Business Name	
Select one: Standard, Expedited or Same Day Service (see descriptions below)	Standard (filing fee \$25)
The assumed business name under which the undersigned uses in the transaction of business is:	
Entity name	Ziply Fiber
Type of Business	
The general type of business conducted under the assumed business name is:	Transportation and Public Utilities
Mailing Address for future correspondence:	
Address	LEGAL 135 LAKE ST S STE 155 KIRKLAND, WA 98033-6488
ABN Owners	
Name	Address
ZIPLY FIBER OF IDAHO, LLC Foreign Limited Liability Company	LEGAL 135 LAKE ST S STE 155 KIRKLAND, WA 98033-6488
Ziply Fiber Pacific, LLC Foreign Limited Liability Company	LEGAL 135 LAKE ST S STE 155 KIRKLAND, WA 98033-6488
Signature:	
<i>Byron Springer</i>	<i>08/12/2022</i>
Sign Here	Date

B0733-2531 08/12/2022 10:47 AM Received by ID Secretary of State Lawrence Denney

## Exhibit 3

### ZiPLY Fiber Leadership Team

The ZiPLY Fiber leadership team has extensive experience; each of our Leadership Team members has over 20 years' experience in executive roles. Executive Chairman Steve Weed is an industry leader who has focused on broadband services and technology for more than 25 years. His passion and experience is second to none. Prior to ZiPLY Fiber, Steve founded Wave Broadband, serving as its Chief Executive Officer from 2002 through its sale in 2018. He has served as head of Summit Communications, President of Millennium Digital Media, Chairman of Xplornet Communications, and as a board member of both Metronet and Hargray Communications. Steve assembled a leadership team for ZiPLY Fiber with decades of executive level experience.

Chief Executive Officer Harold Zeitz has more than 30 years of experience in technology and innovation. Prior to joining ZiPLY Fiber, Harold served as President and Chief Operating Officer of Wave Broadband. Prior to joining Wave Broadband, Harold served in executive and leadership roles at Classmates.com, International Game Technology, RealNetworks, Sharebuilder, AT&T Wireless and McCaw Cellular. Chief Financial Officer Ryan Hjorten has more than ten years of experience in executive financial and accounting roles. Prior to joining ZiPLY Fiber, Ryan served as Controller and Chief Financial Officer at INRIX, Inc; and had managed financial operations at Market Leader and at TelantWise. Chief Technology Officer Bambang "Bam" Liem is a telecommunications industry veteran with 35 years of experience in engineering, operations and system development for mobile, cable and telephone companies around the world. Bam was the Executive Vice President of Central Technology, Operations & Systems at Wave Broadband, where he oversaw deployment and management of Wave Broadband's Fiber & IP network technology. Chief Operations Officer Chris Denzin has over 30 years of telecommunications industry experience. Chris spent 26 years with CenturyLink in Arizona, Colorado, Oregon and Washington prior to joining ZiPLY Fiber. Our Chief of Design and Construction, Rob Griffith has over 20 years' experience in leading and managing teams responsible for design, engineering, and construction of Outside Plant, Inside Plant and Core Network infrastructure to support voice and data Internet Protocol, Metro Optical Ethernet, fiber to the Premise, Gigabit Passive optic Network and Fiber to the Node services. Chief Marketing Officer Mike Doherty has over 22 years of executive marketing experience. Mike served as President of Cole & Weber, one of Seattle's premiere advertising agencies for 19 years. General Counsel Byron Springer has over 25 years handling legal affairs for technology businesses. Prior to joining ZiPLY Fiber, he was the Executive Vice President of Legal Affairs at Wave Broadband where he was responsible for a broad range of legal and regulatory matters relating to the broadband, cable, and telecommunications industry.