

CLAIRE SHARP
DEPUTY ATTORNEY GENERAL
IDAHO PUBLIC UTILITIES COMMISSION
PO BOX 83720
BOISE, IDAHO 83720-0074
(208) 334-0357
IDAHO BAR NO. 8026

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IDAHO PUBLIC
UTILITIES COMMISSION

Street Address for Express Mail:
11331 W CHINDEN BLVD, BLDG 8, SUITE 201-A
BOISE, ID 83714

Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF ZIPLY WIRELESS, LLC'S)
APPLICATION FOR COMPETITIVE LOCAL)
EXCHANGE CARRIER (CLEC) IN THE STATE)
OF IDAHO)**

CASE NO. ZWL-T-22-01

**COMMENTS OF THE
COMMISSION STAFF**

Staff of the Idaho Public Utilities Commission (“Staff”), by and through its attorney of record, Claire Sharp, Deputy Attorney General, and in response to the Notice of Application in Order No. 35572 issued on October 31, 2022, submits the following comments.

BACKGROUND

On August 23, 2022, Ziplly Wireless, LLC, d/b/a Ziplly Fiber (“Company”)¹ applied for designation as a competitive local exchange carrier (“CLEC”) in Idaho, pursuant to IDAPA 31.01.01.114 and Commission Order No. 26665.

The Company anticipates it will begin construction in 2023 and plans to offer services that are not subject to a tariff. These services will be fiber-fed fixed wireless telecommunications services, including internet access, data transport, and voice-over IP services

¹ The assumed business name “Ziplly Fiber” associated with Ziplly Wireless, LLC is documented in Idaho Secretary of State File # 0004859680.

and will be available in cities such as Boise, Idaho Falls, Lewiston, Meridian, Nampa, Pocatello, Rexburg, and Twin Falls. An example of the “terms and conditions of service” will be published on the Company’s website. *Id.* at 3. Zply Wireless represents that it may expand its service areas in the future. *Id.* at 2-3.

STAFF ANALYSIS

The Company asserts that it is a Delaware limited liability company headquartered at 135 Lake Street South, Suite 155, Kirkland, Washington 98033. Zply Wireless obtained a Certificate of Authority to transact business in Idaho as a foreign corporation from the Idaho Secretary of State on August 2, 2022. *Id.*; *Attachment* Question 7.

The Company represents it is affiliated with Zply Fiber Northwest, LLC, and Zply Fiber of Idaho, LLC, both Incumbent Local Exchange Carriers (ILEC) providing telecommunications services in Idaho. Furthermore, the Company asserts that, even though it is a new entrant to the Idaho telecommunications market, it is currently registered as a CLEC in Oregon and Washington. *Id.* at 1.

The Company provided the names and addresses of its officers and owners, as well as relevant corporate financial information. The Company states that, because it is a new company, it does not have balance sheets of its own that establish that it possesses adequate financial resources to provide the proposed services but has submitted the balance sheets of its parent company, Northwest Fiber. *Id.* at 3. The Company asserts that it has reviewed the Commission’s applicable rules and agrees to provide service following those rules.

STAFF RECOMMENDATION

Staff reviewed the Company’s Application and believes the Company understands the Commission’s rules and requirements related to the provision of telecommunication services in Idaho. Staff believes that the Company’s Application fulfills the requirements of IDAPA 31.01.01.114 and Order No. 26665. Staff also believes that the Company possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications services in Idaho.

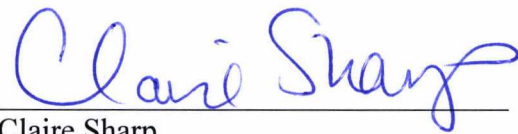
Therefore, Staff recommends approval of the Company's Application for authorization to operate in the State of Idaho as a CLEC and a CPCN certificate be issued accordingly, subject to the following conditions:

1. The Company complies with number pooling and reporting requirements of the North American Numbering Plan Administrator, as outlined in Commission Order No. 30425;
2. The Company 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. Before issuance of the CPCN, the Company files a final price list outlining all its rates, terms, and conditions with the Commission;
4. The Company 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. March 20, 2023
 - b. July 17, 2023
 - c. November 20, 2023

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 by its order revoke the Company's CPCN; and

5. If the Company 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.

Respectfully submitted this 21st day of November 2022.



Claire Sharp
Deputy Attorney General

Technical Staff: Johan Kalala-Kasanda

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 21st DAY OF NOVEMBER 2022, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. ZWL-T-22-01, BY E-MAILING A COPY THEREOF, TO THE FOLLOWING:

JESSICA EPLEY
ZIPLY WIRELESS LLC
125 LAKE ST S STE 155
KIRKLAND WA 98033
E-MAIL: jessica.epley@ziply.com


SECRETARY