

January 15, 2016

Lawrence H. Reichman
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F. +1.503.346.2019**VIA ELECTRONIC FILING
AND HAND DELIVERY**Filing Center
Public Utility Commission of Oregon
201 High Street, S.E., Suite 100
Salem, OR 97301**Re: OAR 860-200, Qualified Project Determination Application
Application of Google Fiber Oregon, LLC**

To whom this may concern:

Enclosed for filing is the Application of Google Fiber Oregon, LLC ("Google") for a qualified project determination pursuant to Chapter 23, Section 5 and Chapter 31, Section 7, Oregon Laws 2015, and OAR Chapter 860, Division 200. Google's application fee in the amount of \$50,000, payable to the Public Utility Commission of Oregon, is enclosed in the hand-delivered package.

Brief project summary. Google's project is to construct a fiber optic network in several municipalities in Oregon -- including Portland, Beaverton, Gresham, Hillsboro, Lake Oswego and Tigard -- as well as unincorporated portions of Clackamas, Multnomah, and Washington counties, that will enable Google to offer qualified service, as defined in OAR 860-200-0050(5), to residential customers in those areas. More information about Google Fiber is available online at <https://fiber.google.com/about/>, and details regarding Google Fiber's expansion plans are at <https://fiber.google.com/newcities/>.

Confidential Information. Portions of this application include confidential information that is exempt from public disclosure under the Oregon Public Records Law on the following bases:

- As trade secrets under ORS 192.501(2), because the information is known only to certain individuals within Google, is used in Google's business, has actual or potential commercial value, and gives Google an opportunity to obtain a business advantage over competitors who do not know or use the information;
- Under ORS 192.501(22)(b), as records or information that, if disclosed, would allow a person to identify areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, services; and,

- Under ORS 192.502(4), as information submitted to a public body in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the public body has obliged itself in good faith not to disclose the information, and the public interest would suffer by the disclosure.

Such confidential information is not included in the email version of this filing and is submitted in conformance with OAR 860-001-0070 on yellow paper or a flash drive, as indicated below. The confidential material is identified as follows:

- Application Exhibit 3: paper map required by OAR 860-200-0150(4) (on paper);
- Application Exhibit 4: electronic map required by OAR 860-200-0150(4) (on flash drive – file name “Exhibit 4 – Electronic Map CONFIDENTIAL.zip”);
- Application Exhibit 5: census block information in Excel-readable spreadsheet as required by OAR 860-200-0150(7) (on flash drive – file name “Exhibit 5 – Census Block Information – CONFIDENTIAL.xlsx”); and,
- Application Exhibit 6: third-party engineering certification consistent with OAR 860-200-0150(10)(c) (on paper).

Confirmation of delivery to Department of Revenue. Pursuant to OAR 860-200-0100(2)(c) and the Commission’s application guidelines, Google confirms that a copy of this application was sent to the Oregon Department of Revenue in the Certificate of Service attached to the Application.

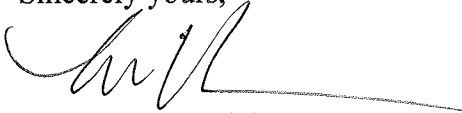
By copy of this letter to the Department of Revenue, Google hereby invokes the same claims for confidential treatment and exemption from public disclosure as set forth above for its filing with the Department of Revenue.

Request for confirmation that application is complete. Pursuant to the Commission’s application guidelines, Google is requesting that Commission Staff confirm that this application is complete, as provided in OAR 860-200-0100(4)(b), by filing a separate request along with the Application.

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Please contact the undersigned with any questions regarding the filing of this application.
Also, I would be please to assist in coordinating Google's response to any technical questions
you may have.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'L. Reichman', with a long horizontal line extending to the right.

Lawrence H. Reichman

cc: Oregon Department of Revenue

Application Cover Sheet
Section 5 Chapter 23 OL 2015 Application
OAR 860-200-0100

INSTRUCTIONS: Complete every section of this application. Attach required documents to complete the application. You will be notified when the Commission receives your application, and again when the Commission has made a determination on the application.

1. LEGAL NAME OF APPLICANT:
As registered with the Oregon Secretary of State

Applicant's address:

2. FILING TYPE: Is this an Original submission? OR Amended submission?

Is there a separate communication for protected material? Yes

3. NAME AND ADDRESS OF PERSONS TO CONTACT FOR INFORMATION REGARDING THIS APPLICATION:
Applicant's Representative:

Name: Address:

Phone number:

Email address:

Individual authorized to answer technical questions related to the application if different than the representative:

Name: Address:

Phone number:

Email address:

4. DOCUMENTS INCLUDED IN THIS FILING: [refer to OAR 860-200-0100 through 860-200-0150 for all specific data required with an original application] Please check items below.

- Application Fee - \$50,000.00
- Confirmation that a copy of the application was sent to the Oregon Department of Revenue
- Contact information for technical questions relating to PUC determination that the project is qualified
- Certification from company-authorized representative that project meets all requirements for a qualified project
- Written commitment regarding use of third-parties
- Maps of project service area depicting county and city names and boundaries for both,
 Paper and Electronic
- City and county contact information where project is or will be located
- List of census blocks served or planned to be served by the project and associated census block household data (Excel-readable format.)
- N/A Number of applicant's residential broadband customers, existing and planned
- N/A Applicant's most recently filed FCC Form 477 Part 1A and Part 6
- A description of the applicant's project sufficient to make a determination

1 Applicant Google Fiber Oregon, LLC provides the following information addressing the
2 specified subsections of OAR 860-200-0150:

3 (1) *The name and mailing address of the applicant and the name, mailing address, telephone*
4 *number, and electronic mail address of the following: the applicant's representative; an*
5 *individual authorized to answer technical questions regarding the application, if different from*
6 *the applicant's representative; and, if applicable, the applicant's legal counsel.*

7 Applicant's Name and Mailing Address:

8 Google Fiber Oregon, LLC
9 1600 Amphitheatre Parkway
10 Mountain View, CA 94043
11 ATTN: General Counsel

12 Applicant's Representative and Legal Counsel:

13 Lawrence Reichman, Esq.
14 Perkins Coie LLP
15 1120 NW Couch Street, 10th Floor
16 Portland, OR 97209-4128
17 LReichman@perkinscoie.com
18 (503) 727-2019

19 Individual Authorized To Answer Technical Questions:

20 John Toccalino
21 1600 Amphitheatre Parkway
22 Mountain View, CA 94043
23 toccalino@google.com
24 (650) 776-2447

25 (2) *A certification executed by an authorized representative(s) of the company that the*
26 *applicant's project meets the requirements for a qualified project set forth in Oregon Laws 2015,*
chapter 23, section 5, subsection (2) as amended by Oregon Laws 2015, chapter 31, section 7.
The representative's certification must be a sworn statement under ORS 162.055 attesting to the
truth of the certification.

The required certification is attached as Exhibit 1. Consistent with that certification, Google confirms that, within its planned service area, it plans to serve as many residents as is commercially feasible and deploys its network without regard to the income level of the residents in the service area. Google's decision to construct its network and to offer services in a particular service area is based on a variety of factors, including housing density, local topography, geological factors (such as the presence of rock or environmentally sensitive

1 areas), and its ability to secure access to necessary property and infrastructure.
2 The decision is not based on the income level of the residents.

3 Moreover, Google has entered into franchise agreements and is subject to various
4 state and local laws that impose legal obligations regarding nondiscrimination.
5 For example, Google's existing franchise agreement with the City of Portland,
6 Oregon, mandates that "[Google] shall not arbitrarily refuse to provide Services to
7 any Person and shall not discriminate in offering Service to Subscribers on the
8 basis of race, color, religion, age, sex, marital or economic status, national origin,
9 sexual orientation, disability or income."

7 Google takes these legal obligations seriously, and they are also consistent with
8 the company's core values. In sum, Google will not deny access to the
9 communication services to any group of residential customers because of the
10 income level of the residential customers in the local service area in which the
11 residential customers reside.

11 (3) *A written commitment by the applicant that when its network depends in part or wholly on a
12 third party to provide the qualified service, the applicant will use commercially reasonable
13 practices to ensure that the use of any third party will not impede the performance of the
14 project's infrastructure in providing the applicant's qualified service.*

13 The required commitment is attached as Exhibit 2.

14 (4) *A paper map and an electronic version with GIS-compatible map layers of the area served or
15 to be served by the project's infrastructure depicting: (a) County labels and boundaries; and (b)
16 City labels and boundaries.*

17 The paper map is Exhibit 3 and the electronic version is Exhibit 4. Google
18 designates this information as confidential for the reasons stated in the cover
19 letter, and submits it herewith in conformance with OAR 860-001-0070.

19 (5) *A list of Oregon municipalities and counties where the applicant's project is or will be
20 located, including the name and contact information for the representative of each such
21 municipality and county that the applicant understands is most knowledgeable with respect to
22 applicant's project.*

Contact Name	Jurisdiction	Existing Contract?	Phone	Email
Mary Beth Henry	Portland, OR	Yes	503-823-5414	marybeth.henry@portlandoregon.gov
Rachael Fuller	Gresham, OR	In progress	503-618-3301	rachel.fuller@greshamoregon.gov

1	Peter Brandom	Hillsboro, OR	In progress	503-681-6191	peter.brandom@hillsboro-oregon.gov
2	Dave Waffle	Beaverton, OR	In progress	503-526-3723	dwaffle@beavertonoregon.gov
3	Liz Newton	Tigard, OR	In progress	503-718-2412	liz@tigard-or.gov
4	Jordan Wheeler	Lake Oswego, OR	In progress	503-697-7414	jwheeler@ci.oswego.or.us
5	Rob Massar	Washington County, OR	In progress	503-846-8685	rob_massar@co.washington.or.us
6	Nancy Bennett	Multnomah County, OR	In progress	503-988-3308	nancy.bennett@multco.us
7	Laurel Butman	Clackamas County, OR	In progress	503-655-8893	LButman@co.clackamas.or.us
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11 (6) For an applicant that is operating the project described in its application at the time of the
 12 application, a list, in an Excel-readable spreadsheet format, of the census blocks served by the
 13 project, and for each census block: (a) The number of occupied households (using the most
 14 current available U.S. Census statistics); (b) The number of those occupied households with
 access to the applicant's communication services which will be enabled by the project, as
 described in the application; and (c) The associated county.

15 Not applicable. Google Fiber Oregon, LLC is not operating the project at the time of this
 16 Application.

17 (7) For an applicant that is not operating the project described in its application at the time of
 18 the application, a list, in an Excel-readable spreadsheet format, of the census blocks planned to
 19 be served by the project, and for each census block: (a) The number of occupied households
 20 (using the most current available U.S. Census statistics); (b) The number of those occupied
 households with planned access to the communication services which will be enabled by the
 project, as described in the application; and (c) The associated county.

21 This information is provided in Exhibit 5. Google designates this information as
 22 confidential for the reasons stated in the cover letter, and submits it herewith in
 conformance with OAR 860-001-0070.

23 (8) For an applicant that is providing broadband service to residential customers in Oregon at
 24 the time of the application, the number of the applicant's existing residential broadband
 25 customers in Oregon and the number of those residential broadband customers with access to
 the applicant's qualified service and the number of those residential broadband customers with
 planned access to the qualified service.

26 Not applicable. Google Fiber Oregon, LLC is not providing broadband service to

1 residential customers in Oregon at the time of this Application.

2 (9) *An electronic version, in Excel-readable spreadsheet format, of the FCC Form 477 Part IA*
3 *and Part 6, most recently filed, if any, with the Federal Communications Commission by the*
4 *applicant, listing only Oregon-specific data. Information identified as confidential in the*
5 *applicant's filing with the Federal Communications Commission must be identified as*
6 *confidential consistent with OAR 860-001-0070.*

7 Not applicable. Google Fiber Oregon, LLC has not filed any Form 477 with the
8 Federal Communications Commission that includes Oregon-specific data.

9 (10) *A description of the project. The applicant must provide information regarding the project*
10 *sufficient to allow the Commission to make a determination as to whether the project is capable*
11 *of providing the qualified service. Subsections (a) through (d) of this section are nonexclusive*
12 *examples of acceptable information that may be provided. The applicant may make a showing*
13 *under only one method.*

14 In addition to the brief description of the project included in the cover letter,
15 Google submits as Exhibit 6 a third-party engineering certification consistent with
16 OAR 860-200-0150(10)(c). Google designates this report as confidential for the
17 reasons stated in the cover letter, and submits it in conformance with OAR 860-
18 001-0070.

19 CONCLUSION

20 Based upon the information submitted herewith, Google Oregon Fiber, LLC respectfully
21 requests that the Commission approve this Application and issue a determination that Google's
22 project is a qualified project.

23 DATED: January 15, 2016

24 **PERKINS COIE LLP**

25 By: 

26 Lawrence H. Reichman, OSB No. 860836
LReichman@perkinscoie.com
1120 N.W. Couch Street, 10th Floor
Portland, OR 97209-4128
Telephone: 503.727.2000
Facsimile: 503.727.2222

Attorneys for Applicant Google Fiber Oregon,
LLC

**CERTIFICATION THAT GOOGLE FIBER OREGON, LLC'S PROJECT MEETS
REQUIREMENTS FOR A QUALIFIED PROJECT
(OAR 860-200-0150(2))**

I am the Head of Network Deployment and Operations for Google Fiber Inc. I am also a Manager of Google Fiber Oregon, LLC (the "Company"), which is a wholly-owned subsidiary of Google Fiber Inc. In this capacity, I am knowledgeable with respect to the Company's plans to construct a network in Oregon and with the capabilities of that planned network to deliver broadband services to residential customers, and I am authorized to make this certification.

I have reviewed the requirements for a "qualified project" as set forth in Oregon Laws 2015, chapter 23, section 5, subsection (2) as amended by Oregon Laws 2015, chapter 31, section 7 ("SB 611/HB 2485"). I hereby certify that Google Fiber Oregon, LLC's project to construct a network in Oregon meets the requirements for a qualified project set forth in SB 611/HB 2485. Specifically:

- 1) Google Fiber Oregon, LLC's project requires capital investment in newly constructed or installed real or tangible personal property constituting infrastructure that will enable the Company to offer communication services, including the capacity to provide, at least, approximately one gigabit per second symmetrical service to the majority of the residential customers of the Company's broadband services.
- 2) With respect to communication services offered by the Company using that infrastructure, the Company will not deny access to the communication services to any group of residential customers because of the income level of the residential customers in the local service area in which the residential customers reside.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED: _____

1/13/16

By: _____

Christopher Levandos

**COMMITMENT REGARDING USE OF THIRD PARTIES
(OAR 860-200-0150(3))**

I am the Head of Network Deployment and Operations for Google Fiber Inc. I am also a Manager of Google Fiber Oregon, LLC (the "Company"), which is a wholly-owned subsidiary of Google Fiber Inc. In this capacity, I am knowledgeable with respect to the Company's plans to construct a network in Oregon, and authorized to make the following commitment.

The Company hereby commits that when its network depends on a third party to provide the qualified service (as that term is defined in OAR 860-200-0050(5)), the Company will use commercially reasonable practices to ensure that the use of any third party will not impede the performance of the project's infrastructure in providing the Company's qualified service.

DATED: _____

1/13/16

By: _____

Christopher Levandos

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CERTIFICATE OF SERVICE

I hereby certify that I have this 15th day of January, 2016, served the foregoing **APPLICATION FOR QUALIFIED PROJECT DETERMINATION** upon the following party by causing a copy to be sent by certified mail, return receipt requested, to the following address:

Valuation Section, Property Tax Division
Oregon Department of Revenue
PO Box 14600
Salem, OR 97309-5075

PERKINS COIE LLP

By: 

Lawrence H. Reichman, OSB No. 860836
LReichman@perkinscoie.com
1120 N.W. Couch Street, 10th Floor
Portland, OR 97209-4128
Telephone: 503.727.2000
Facsimile: 503.727.2222

Attorneys for Applicant Google Fiber Oregon,
LLC