

ZiPLY Fiber
1800 41st Street, Everett, WA 98203
Shannon Lipp
(425) 261-1023
shannon.lipp@ziPLY.com



September 2, 2020

VIA E-FILING

Oregon Public Utility Commission
Attn: Filing Center
201 High St. SE, Ste. 100
Salem, OR 97308

Re: Docket No. AR 634 - *In re Temporary Rulemaking Regarding Oregon Telephone Assistance Program Subsidy*
Petition for Waiver

Dear Staff,

Please find the following attached for filing:

- Petition for Waiver
- Certificate of Service

A copy of this filing will be sent via electronic mail to the parties on the service list in the above-referenced docket.

Please contact us if you have any questions regarding this filing. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Shannon Lipp".

Shannon Lipp
Legal Assistant

Attachments
cc: Service List

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

Docket No. AR 634

In the Matter of the

Temporary Rulemaking Regarding Oregon
Telephone Assistance Program Subsidy.

PETITION FOR WAIVER

PETITION AND PRAYER FOR RELIEF

On July 1, 2020, the Oregon Public Utilities Commission (OPUC or Commission) adopted Order Number 20-204, which (among other things) substantially increased the number of low income Oregon customers potentially eligible for Oregon Telephone Assistance Program benefits, and increased the applied discount amounts. Northwest Fiber, LLC d/b/a Zply Fiber (Zply Fiber) and its predecessors have participated in the Oregon Telephone Assistance Program (OTAP) since its establishment. Zply Fiber's operational support systems – the software that allows accurate billing and reporting – have been set up over years to allow for both the Federal Lifeline and Oregon Telephone Assistance Program discount on eligible products. These products were historically aligned until Order Number 20-204 was adopted. By adopting this Order, Oregon is expanding the scope of eligible products well beyond that which is acceptable under the Federal Lifeline Program. In previous times, Zply Fiber's software automatically applied the Oregon Telephone Assistance Program and Federal Lifeline program discounts in the amounts authorized by statutes when advised by Oregon Public Utilities Commission staff that a customer's eligibility had been established. In order for Zply Fiber to implement the Commission's emergency rules, significant software revisions must be accomplished to conform Zply Fiber's billing systems to the expanded eligibility. The laudable goal of increasing support to low income potential customers in Oregon creates unintended difficulties for Zply Fiber in billing appropriately and in reporting at both the state and federal levels. Zply Fiber's internal IT subject matter experts have estimated that software development work to automate implementation of

the emergency rules would require several months and in excess of 560 software development or revision hours to accomplish at a cost of approximately \$100,000. Until such systems can be modified, Zply Fiber employees must manually review and apply the enhanced discounts to each Oregon customer bill that does not qualify for Federal Lifeline support, but may now qualify under the Commission's emergency rules. The Commission's temporary rules have also complicated federal reporting of Lifeline services on FCC Form 497, since the set of Oregon customers eligible for the increased state subsidy no longer matches the set of customers eligible for the federal discount. Again, this requires manual reporting system intervention to exclude federally ineligible customers, which was not required before the temporary rules were adopted.

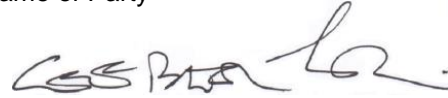
WHEREFORE, as relief, Zply Fiber respectfully requests the Oregon Public Utilities Commission grant a waiver of the temporary rules' definition of Broadband Internet Access Service¹ in OAR 860-033-0005 to the extent that it includes products not recognized as compliant under the minimum service standard established in 47 CFR § 54.408 (Minimum Service Standard).

Zply Fiber will continue to enroll customers throughout its service territory wherever the current minimum federal service standard is available.

¹ SECTION 1. (1) As used in this section: (a)(A) "Broadband Internet access service" means: (i) A mass-market retail Internet access service provided by wire or radio that enables a person to transmit data to or receive data between the person's customer premises equipment, including mobile devices, and all, or substantially all, Internet endpoints; (ii) Any service that the Public Utility Commission finds is providing a service that is the functional equivalent of the service described in sub-subparagraph (i) of this subparagraph; or (iii) Any service that is incidental to or that enables the operation of the service described in sub-subparagraph (i) of this subparagraph. (B) "Broadband Internet access service" does not include dial-up Internet access service.

RESPECTFULLY SUBMITTED this 1st day of September, 2020.

Northwest Fiber, LLC d/b/a Ziplly Fiber
Name of Party



Signature on Behalf of Party

George Baker Thomson, Jr.
Name of Signer

Associate General Counsel
Title of Signer

Law Department
1800 41st Street
Everett, Washington 98203
Address of Signer

425.261.5344
Telephone Number for Signer

george.thomson@ziply.com
Designated Email for Party

AFFIDAVIT IN SUPPORT OF PETITION FOR WAIVER

I, Jessica Epley, affirm that I am over 18 years of age and am employed by Frontier Communications Northwest, LLC d/b/a Ziplly Fiber (Ziplly Fiber) as its Director of Regulatory and External Affairs. In that capacity I have examined the attached waiver petition and verify that to the best of my knowledge and belief the facts stated therein are accurate. I have specifically discussed the recited details regarding cost, personnel resources required, and time required for the mentioned software changes with Ziplly Fiber's subject matter experts. Further, affiant sayeth naught.



Jessica Epley, Regulatory and
External Affairs Director

CERTIFICATE OF SERVICE
DOCKET AR 634

I HEREBY CERTIFY that I, as an employee of Northwest Fiber, LLC, have served on September 2, 2020 the parties of record in this proceeding a true copy of the following document(s):

Petition for Waiver

The document(s) was/were sent to each of the parties of record in this docket by electronic transmission to the email addresses of each party or party representative listed below.



Shannon Lipp, Legal Assistant
Northwest Fiber, LLC
1800 41st Street, N-100
Everett, WA 98203
shannon.lipp@ziply.com
425-261-1023

AR 634 Service List

Jon Cray Public Utility Commission of Oregon P.O. Box 1088 Salem, OR 97308-1088 Jon.cray@state.or.us	Samantha Ridderbusch Centrylink Communications, LLC 310 SW Park Ave., 11 th Fl, Room E01.05 Portland, OR 97205 Samantha.ridderbusch@centurylink.com
Johanna Riemenschneider Department of Justice Business Activities Section 1162 Court St. NE Salem, OR 97301-4796 Johanna.riemenschneider@doj.state.or.us	Lisa Webley Cascade Utilities Inc. P.O. Box 189 Estacada, OR 97023 webleyl@cuaccess.net
Brant Wolf Oregon Telecommunications Assn 777 13 th St. SE, Ste. 120 Salem, OR 97301-4038 bwolf@ota-telecom.org	Oregon Citizens' Utility Board 610 SW Broadway, Ste. 400 Portland, OR 97205 dockets@oregoncub.org
Michael Goetz Oregon Citizens' Utility Board 610 SW Broadway, Ste. 400 Portland, OR 97205 mike@oregoncub.org	Samuel Pastrick Oregon Citizens' Utility Board 610 SW Broadway, Ste. 400 Portland, OR 97205 samuel@oregoncub.org