

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: August 24, 2021**

REGULAR  CONSENT  EFFECTIVE DATE September 1, 2021

**DATE:** August 10, 2021

**TO:** Public Utility Commission

**FROM:** Joseph Bartholomew

**THROUGH:** Bryan Conway, Michael Dougherty, and Bruce Hellebuyck **SIGNED**

**SUBJECT:** FRONTIER COMMUNICATIONS NORTHWEST, LLC:  
(Docket No. ADV 1293/Advice No. 2021-4)  
Oregon Telephone Assistance Program Revisions/Name Change.

**STAFF RECOMMENDATION:**

Staff recommends that the filed tariff be allowed to go into effect on Less than Statutory Notice (LSN) for service on and after September 1, 2021

**DISCUSSION:**

Issue

Whether to allow the tariff filed by Frontier Communications Northwest, LLC. (Frontier) to go into effect on Less than Statutory Notice (LSN) for service on and after September 1, 2021.

Applicable Law

Telecommunications utilities are required under ORS 759.175 to submit tariff filings to the Commission whenever they intend to change their rates, terms, or conditions of service. On August 17, 2018, with Order No. 18-303 (Docket No. UM 1895), the Commission approved a Price Plan applicable to both Frontier and its affiliate, Citizens Telecommunications Company of Oregon, as allowed by ORS 759.255.<sup>1</sup>

Section 9.a.ii of the Price Plan requires tariff filings to be made at least 30 days prior to their effective dates.

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<sup>1</sup> Order No. 18-303 was amended on February 14, 2019, with Order No. 19-038.

Filings that propose any change in rates, tolls, charges, rules, or regulations must be filed with the Commission at least 30 days before the effective date of the change per ORS 759.190. Tariff filings to be effective on less than 30 days following notice of the change may be authorized with a waiver of less than statutory notice pursuant to ORS 759.190.

### Analysis

According to Frontier, effective June 9, 2021, Frontier Communications Northwest, LLC dba Ziplly Fiber changed its name to Ziplly Fiber Northwest, LLC dba Ziplly Fiber by way of its filing with the Delaware Secretary of State and Oregon Secretary of State.

On July 28, 2021, the Commission issued Order No. 21-239 in Docket No. AR 645. That order resulted in a change to the benefit available to customers under the Oregon Telephone Assistance Program (OTAP) effective September 1, 2021.

Frontiers' July 15, 2021, filing proposed to replace its current Tariff No. 18 filed under Frontier Communications Northwest, LLC with a new Tariff No. 19 filed under Ziplly Fiber Northwest, LLC. On August 11, 2021, the Company filed to replace its July 15, 2021, filing with a filing to revise its original Tariff No. 18 filed under Frontier Communications Northwest, LLC as the new company, Ziplly Fiber Northwest, LLC. The August 11 filing consisted of pages relating to changes in the OTAP benefit amount and the name change. Accordingly in this Advice No. 2021-4, Frontier filed new tariff sheets for Section I, first Revised Sheet 1, Section II, first Revised Sheet 4, Section III first Revised Sheet 1 and Section IV, second Revised Sheet 63 as part of Original P.U.C. OR. No. 18.

This filing was made to conform Frontiers' tariff language to reflect both Frontiers' name change and the temporary rule adopted in Commission Order No. 21-239, issued in Docket No. AR 645. Under the temporary rule adopted in Docket No. AR 645, the Commission has temporarily changed the amount of support for OTAP, set forth in OAR 860-033-0035.

The \$10.00 State OTAP Support amount adopted with the rule change in Order No. 21-239 will result in customers with qualifying broadband service as defined by 47 CFR § 54.403 (a)(2) receiving a combined benefit of \$19.25 per month and voice customers without qualifying broadband service receiving a combined monthly benefit of \$15.25 per month.

As Frontiers' second supplemental filing was made on August 11, 2021, and this advice is effective on September 1, 2021, Frontier also filed an application for less than

statutory notice. Given the need to replace Frontiers' current tariff to both reflect the new corporate name, and because the current tariff contains specific benefit amounts from the Commission's rule, necessitating a language update to the amount of the OTAP credit, Staff finds that there is good cause for the LSN to correct the information available to customers in the tariff regarding this benefit. Staff finds it appropriate to approve the tariff effective September 1, 2021.

### Conclusion

Staff finds that the filing with approval of the LSN complies with the requirements of the Frontier Price Plan, the related Oregon statutes, and therefore, should be allowed to go into effect.

### **PROPOSED COMMISSION MOTION:**

Allow Frontier Advice No. 2021-4 to go into effect for service rendered on and after September 1, 2021, on less than statutory notice.