



Oregon

Kate Brown, Governor

Public Utility Commission

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August 24, 2021



BY EMAIL

Zipty Fiber of Oregon, LLC, dba Zipty Fiber

jessica.epley@zipty.com

RE: Advice No. 2021-4

At the public meeting on August 24, 2021, the Commission adopted Staff's recommendation in this matter docketed as ADV 1293. The Staff Report, LSN, and a receipted copy of the sheets in your advice filing are attached.

Nolan Moser

Chief Administrative Law Judge

Public Utility Commission of Oregon

(503) 378-3098

**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 759.255.¹

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

¹ 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 Zply Fiber changed its name to Zply Fiber Northwest, LLC dba Zply 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 Zply 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, Zply 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.

Title Page

Schedule of Rates and Charges for Network Access Service
Together with Rules and Regulations
Applicable to Telephone Service
Provided in the Territory Served by the Company
within the State of Oregon in
business wire centers and exchanges as follows:

Aloha	Grand Island	Powers
Amity	Gresham	
Aumsville/Turner	Hillsboro	Reedsport
Bandon	Hoodland	Sandy
Banks	Imbler	Scholls
Beaverton	Imnaha	Sherwood
Brookings	Joseph	Silverton
Bull Mountain	LaGrande	Somerset West
Clatskanie	Lakeside	Stafford
Coos Bay/North Bend	Langlois	Sunnyside
Coquille	Lostine	Tigard
Cove	McMinnville	Tualatin
Dayton	Mill City	
Detroit	Murphy/Provolt	Union
Elgin	Myrtle Point	Valley View
Empire	Newberg	Vernonia
Enterprise		Wallowa
Forest Grove	Orient	Wilsonville
Gaston	Port Orford	Yamhill
Gold Beach		

Services offered in the Network Access Services Tariff P.U.C. OR No. 18
may also be subject to
Rates, Terms or Conditions contained in the
Statewide Price List

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Filing Center
AUG 11 2021

ISSUED: JULY 15, 2021
ISSUED BY ZIPLY FIBER
BY JESSICA EPLEY, REGULATORY & EXTERNAL AFFAIRS DIRECTOR

EFFECTIVE: SEPTEMBER 1, 2021

II. DEFINITIONS

<p><u>Communications Systems</u> Denotes channels or other facilities, which are capable, when not connected to telephone service and WATS, of communications between customer-provided terminal equipment or Company telephones.</p> <p><u>Companion Service</u> See Combination Main Service.</p> <p><u>Company</u> ZiPLY Fiber Northwest, LLC d/b/a ZiPLY Fiber</p> <p><u>Competitive Service Provider</u> A party who is not a public utility, with a certificate of authority to provide services authorized under OAR 860-32-005 and -010.</p> <p><u>Complex Service</u> Telephone service arrangement that has a requirement for common equipment, plus Wide Area Telephone Service (WATS), Private Line Telephone Service and Data Service arrangements which, by nature, are complex but may not necessarily require common equipment.</p> <p><u>Connecting Arrangement</u> The equipment provided by the Company to accomplish the direct electrical connection of customer-provided facilities with the facilities of the Company.</p> <p><u>Contiguous Exchanges</u> Two exchanges whose boundaries adjoin.</p> <p><u>Continuous Property</u> Property owned or leased and occupied by a customer, which is not separated by public highways or by property occupied by others.</p> <p><u>Contract</u> The service application-agreement between a customer and the Company under which service and/or facilities are furnished in accordance with the provisions of applicable tariffs and under special conditions.</p> <p><u>Cost</u> The word encompassing actual cost of material, labor, vehicles, and incidentals, plus a charge for administration.</p>	(T)
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III. GENERAL REGULATIONS

APPLICATION OF REGULATIONS

The regulations set forth herein apply to intrastate services and facilities furnished within the State of Oregon by ZiPLY Fiber Northwest, LLC d/b/a ZiPLY Fiber, hereinafter referred to as the Company, subject to the jurisdiction of the Public Utility Commission of Oregon. (T)

No officer, employee, or agent of the Company has authority to change, amend, or waive any rate or regulation approved or prescribed by the Commission. Rates and regulations may be changed or canceled only with the consent or approval of the Commission.

The Company furnishes exchange, toll, and private line service throughout the territory it serves, as shown by its filed rates, regulations, and maps. The Company also furnishes toll service to the territory served by connecting companies subject to their rates and regulations.

ESTABLISHMENT AND FURNISHING OF SERVICES

Application For Service

The Company may require an applicant to sign an application form furnished by the Company and to establish his credit as provided in these Regulations before the establishment of service.

The Company will accept oral or written application from a customer for additions to or changes in the existing service of such customer.

An application is merely a request for service and does not in itself bind the Company to serve except under reasonable conditions, nor does it bind the applicant to take service. The Company may refuse to accept an application for service if the service is not to be established within a reasonable time.

A written application requires two forms of identification, one must be a government issued picture ID. Acceptable identification: Social Security Card, Driver's License or State/Government issued pictured ID, Birth Certificate, or Other form of ID acceptable to Company to establish an applicant's identification. This requirement is in accordance with 2003 Fair and Accurate Credit Transaction Act Red Flag Rules.

In the rare instance an applicant is unable to provide identification information on an existing account with the Company, or a new applicant cannot be identified through a third party verification process as outlined under Deposits, the applicant will be required to provide positive identification by submitting to the Company a notarized written application or bringing a non-notarized written application to a Company retail center location.

The notarized application and copies of the identifications presented to the Notary Public can be mailed or faxed to the Company. A non-notarized application and identifications can be brought to a Company retail center.

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**IV. LOCAL SERVICE
LIFELINE SERVICE
(OREGON TELEPHONE ASSISTANCE PROGRAM)**

RATES			
A total credit amount applies to the OTAP/Lifeline customer's monthly bill as follows:			
	Broadband ⁷	Voice ⁸	
	<u>Credit</u>	<u>Credit</u>	
Federal Lifeline Support Credit	\$9.25	\$5.25	(R)
State OTAP Support – July 2020-December 2020	0.00	0.00	(R)
State OTAP Support Credit	<u>10.00</u>	<u>10.00</u>	(I)
Total OTAP/Lifeline support amount:	\$19.25	\$15.25	(R)
<p>With the exception of the Initial Service Order Charges, see Tribal Link Up (under Service Charges), all recurring and nonrecurring charges for any service ordered by the customer shall be billed at the tariffed and/or Price Listed rates.</p> <p>When a customer is no longer eligible for Lifeline Service, the Lifeline credit amount specified above will be discontinued and regular tariffed rates and charges will apply.</p>			

⁷ Broadband = service that includes qualifying broadband service.

⁸ Voice = voice service with no qualifying broadband service as defined by 47 CFR § 54.403 (a)(2).

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AUG 11 2021

EFFECTIVE: SEPTEMBER 1, 2021

LESS THAN STATUTORY NOTICE APPLICATION

This document may be electronically filed by sending it as an attachment to an electronic mail message addressed to the Commission's Filing Center at puc.filingcenter@state.or.us.

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

IN THE MATTER OF THE APPLICATION OF Frontier Communications Northwest, LLC (UTILITY COMPANY)))))	UTILITY L.S.N. APPLICATION NO. <u>2283</u> (LEAVE BLANK)
TO WAIVE STATUTORY NOTICE.		

NOTE: ATTACH EXHIBIT IF SPACE IS INSUFFICIENT.

1. GENERAL DESCRIPTION OF THE PROPOSED SCHEDULE(S) ADDITION, DELETION, OR CHANGE. (SCHEDULE INCLUDES ALL RATES, TOLLS AND CHARGES FOR SERVICE AND ALL RULES AND REGULATIONS AFFECTING THE SAME)
 Tariff P.U.C. OR. NO. 18 Section I Sheet 63, Section II Sheet 4, Section III Sheet 1 and Section IV Sheet 63 text revisions

2. APPLICANT DESIRES TO CHANGE THE SCHEDULE(S) NOW ON FILE KNOWN AND DESIGNATED AS: (INSERT SCHEDULE REFERENCE BY NUMBER, PAGE, AND ITEM)

Section I, Original Sheet 1 – Changing company name from Frontier Communications Northwest, LLC to Ziplly Fiber Northwest, LLC.

Section II, Original Sheet 4 - Changing company name from Frontier Communications Northwest, LLC to Ziplly Fiber Northwest, LLC.

Section III, Original Sheet 1 - Changing company name from Frontier Communications Northwest, LLC to Ziplly Fiber Northwest, LLC.

Section IV, 1st Revised Sheet 63 - Updating OTAP discount amount.

3. THE PROPOSED SCHEDULE(S) SHALL BE AS FOLLOWS: (INSERT SCHEDULE REFERENCE BY NUMBER, PAGE AND ITEM)

- Section I, 1st Revised Sheet
- Section II, 1st Revised Sheet 4
- Section III, 1st Revised Sheet 1
- Section IV, 2nd Revised Sheet 63

4. REASONS FOR REQUESTING A WAIVER OF STATUTORY NOTICE:

The revisions on the OTAP page were added to the original filing per Staff request in order to meet the implementation date of the increased discount amount.

5. REQUESTED EFFECTIVE DATE OF THE NEW SCHEDULE(S) OR CHANGE(S): September 1, 2021

. AUTHORIZED SIGNATURE	TITLE VP - Regulatory & External Affiars	DATE 8/13/2021
PUC USE ONLY		
<input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	EFFECTIVE DATE OF APPROVED SCHEDULE(S) OR CHANGE September 1, 2021	
AUTHORIZED SIGNATURE	DATE 8/24/2021	