



Oregon

Kate Brown, Governor

Public Utility Commission

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January 25, 2022



BY EMAIL

ZiPLY Fiber Northwest LLC, dba ZiPLY Fiber

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RE: Advice No. 2021-6

At the public meeting on January 25, 2022, the Commission adopted Staff's recommendation in this matter docketed as ADV 1364. The Staff Report 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: January 25, 2022**

REGULAR **CONSENT** **EFFECTIVE DATE** _____ **N/A**

DATE: January 11, 2022

TO: Public Utility Commission

FROM: Joseph Bartholomew

THROUGH: Bryan Conway, John Crider, and Bruce Hellebuyck **SIGNED**

SUBJECT: ZIPLY FIBER NORTHWEST, LLC dba ZIPLY FIBER:
(Docket No. ADV 1364/Advice No. 2021-6)
Revisions to Tariff OPUC No. 18

STAFF RECOMMENDATION:

Staff recommends that the filed tariff be allowed to go into effect on February 1, 2022.

DISCUSSION:

Issue

Whether to allow the tariff filed by Ziplly Fiber Northwest, LLC dba Ziplly Fiber (Ziplly Fiber), which makes changes to the treatment of late payment charges, to go into effect on February 1, 2022.

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 Ziplly Fiber and its affiliate, Ziplly Fiber of Oregon, LLC dba Ziplly Fiber, as allowed by ORS 759.255.¹

Section 9.a.i of the Price Plan requires tariff filings to be made at least 30 days prior to their effective dates. Section 9.b.i of the price plan states that a 30 day notice to the

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

customers is required for price increases and changes to the terms or conditions of service.

OAR 860-021-0126 lays out the Commission rules regarding late-payment charges and requires that the telecommunications utility has filed the late-payment charge in its rate schedule.

Analysis

On December 30, 2021, Ziplly Fiber filed a tariff change to OPUC No. 18 with an effective date of February 1, 2022.

With this filing, Ziplly Fiber is making a revision in order to increase operational efficiency by having a single approach to late payments across all products. Changes to this tariff are as follows:

- Section III, 1st Revised Sheet 5
- Section IV, 1st Revised Sheet 65

Within these changes, Ziplly Fiber removed the minimum \$20.00 balance to be carried forward in order to assess a late fee. Ziplly Fiber also removed the reference to interest of one and a half percent to be applied to late fees for Tribal Link Up Services and now contains a reference only to the Late Payment Charge specified in their tariff, as authorized by OAR 860-021-0126. They also changed the phrase “Native American Lifeline Services” to “Tribal Lifeline Services” in this section. All these proposed changes comply with the requirements of OAR 860-021-0126.

Ziplly Fiber notified affected customers 30 days prior to the effective date as required in section 9.b.i of the Price Plan.

Conclusion

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

PROPOSED COMMISSION MOTION:

Allow Ziplly Fiber Docket No. ADV 1364/Advice No. 2021-6 to go into effect on February 1, 2022.

III. GENERAL REGULATIONS

ESTABLISHMENT AND FURNISHING OF SERVICES (Continued)

Customer Billing (Continued)

When an under or overbilling occurs, the Company shall provide written notice to the customer detailing the circumstances, period of time, and amount of adjustment. If it can be shown that the error was due to some cause, the date of which can be fixed, the over or undercharge shall be computed back to that date. If no date can be fixed, the Company shall refund the overcharge or rebill the undercharge for no more than six months' usage. In no event shall an over or underbilling be for more than three years' usage. Regulations involving adjustments of Utility Bills are included in OAR 860-21-135. The text of the OAR is available for customer inspection upon request.

Where a customer is required to repay an underbilling, the customer shall be entitled to enter into a time payment agreement. If the customer and Company cannot agree upon payment terms, the Commission shall establish terms and conditions to govern the repayment obligation. The Company shall provide written notice advising the customer of the opportunity to enter into a time payment agreement and of the Commission's appeal and complaint process.

Billing will reflect the Oregon Telephone Assistance Program (OTAP) credit effective with the date specified by the Oregon Public Utility Commission for each recipient. The OTAP credit will be prorated on the basis of a 30-day month from the effective date of the customer's application.

Effective with bills rendered on and after October 1, 1987, a monthly Residential Service Protection Fund (RSPF) surcharge will be billed per access line. Recipients in either OTAP or the program for the deaf are not exempt from this surcharge.

Where a customer owes a balance to the Company from the customer's prior account for Oregon service, the Company may transfer the amount to the customer's current account in accordance with the regulations involving Transfer Billings included in OAR 860-21-334.

Late Payment Charge

A late payment charge will apply as authorized by OAR 860-021-0126 to accounts not paid in full each month.

The late payment charge will be listed separately and included in the total amount due on the current bill.

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IV. LOCAL SERVICE TRIBAL LINK UP SERVICE

GENERAL

Tribal Link Up Service helps low income Tribal Land subscribers initiate telephone service by providing to qualifying residential subscribers, reduced service installation charges as outlined in Rates, following.

Upon request of the customer, an installment-billing plan can be arranged for payment of the service installation charges. The minimum monthly payment amount is \$2.00 and the maximum length of time is four months. Interest in the amount of the Late Payment Charge rate applied against the unpaid monthly balance, is applicable but shall not be assessed to the Tribal Link Up Service customer. Such interest is to be charged to the Tribal Link Up program. The maximum allowable charge to the Tribal Link Up program may not exceed interest incurred against any balance above \$200, for up to one year.

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APPLICATION

Tribal Link Up Service is only available to low income residential customers who meet the following criteria:

The recipient meets the income test outlined for Lifeline Service and Tribal Lifeline Service.

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An individual must submit an application to the Commission to establish eligibility for Tribal Link Up Service. An application may be requested from the Commission.

An applicant or recipient is required to furnish his/her social security number before his/her eligibility can be determined. Failure to do so will result in denial of benefits. An applicant must sign an application (written authorization) permitting the Commission to release necessary information to an eligible telecommunications carrier. The Commission must be able to verify an individual's eligibility.

Tribal Link Up Service can only be associated with the primary residential connection.

Funding for Tribal Link Up Service is obtained from a universal service support mechanism to which all telecommunications carriers that provide interstate telecommunications services contribute on an equitable and nondiscriminatory basis.

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