

EDITH PACILLO
DEPUTY ATTORNEY GENERAL
IDAHO PUBLIC UTILITIES COMMISSION
PO BOX 83720
BOISE, IDAHO 83720-0074
(208) 334-0318
IDAHO BAR NO. 5430

RECEIVED
2018 AUG 22 PM 1:58
IDAHO PUBLIC
UTILITIES COMMISSION

Street Address for Express Mail:
472 W. WASHINGTON
BOISE, IDAHO 83702-5918

Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)	
FIBER BROADBAND LLC (d/b/a TRU FIBER))	CASE NO. FBL-T-18-01
FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY)	COMMENTS OF THE
)	COMMISSION STAFF
)	

COMES NOW the Staff of the Idaho Public Utilities Commission, by and through its attorney of record, Edith Pacillo, Deputy Attorney General, and in response to the Notice of Application and Notice of Modified Procedure issued in Order No. 34121 on August 1, 2018, in Case No. FBL-T-18-01, submits the following comments.

BACKGROUND

On March 28, 2018, Fiber Broadband, LLC (dba Tru Fiber) applied to the Commission for a Certificate of Public Convenience and Necessity (CPCN) authorizing it to provide local exchange services and high-speed Internet services in Idaho.

Tru Fiber (Company) is an Idaho Limited Liability Company, headquartered at 620 Pheasant Ridge Drive, Chubbuck, Idaho 83202. It is registered with the Idaho Secretary of State and its Certificate of Organization is attached as Exhibit A to its Application.

Tru Fiber proposes, and requests authority, to offer local exchange and high-speed internet services statewide within the State of Idaho. Application at 2. Tru Fiber intends to provide optically based telephone service including both analog and digital PBX, as well as broadband internet services. *Id.* Tru Fiber intends to focus its service offerings in Pocatello, Blackfoot, Idaho Falls, Rexburg and surrounding CenturyLink territory. *Id.* at 2-3. If certified, Tru Fiber intends to pursue interconnection agreements with CenturyLink. *Id.* at 1.

Tru Fiber provided its names and addresses of Officers and Directors, as well as financial information.

Tru Fiber agrees to comply with all Commission rules. *Id.* at 4.

STAFF ANALYSIS

On March 9, 2018, Tru Fiber applied for a CPCN. In its initial Application, the Company indicated that it would not be providing a tariff because “none of our currently planned services are regulated.” The Company explained that they were not planning on offering local exchange services at the present time. The focus of their services were only “unregulated Internet services.” Staff contacted the Company and explained that they did not need a certificate because the Commission does not regulate internet services. The Company met to discuss this matter and on March 29, 2018, a new Application was filed.

The March 29, 2018 Application requested that the previous Application be withdrawn and replaced with this filing. Staff reviewed the replacement filing and contacted the Company. After discussion of the required corrections needed, Staff requested that the Company provide a business plan with projected growth rates for local exchange services.

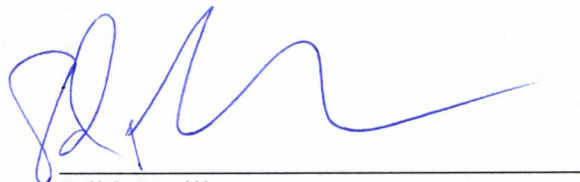
On July 12, 2018, the Company provided corrections to the Application so that it now comports with the Commission’s rules and Idaho Statute. The Company also included a confidential business plan wherein they state that as a startup they will be reselling services while installing their own facilities. They provided projected customer counts for a 6-month and a 12-month period.

RECOMMENDATION

Staff recommends that Tru Fiber be granted a CPCN subject to the following conditions:

- a) Tru Fiber complies with number pooling and reporting requirements of the North American Numbering Plan Administrator, as set forth in Commission Order No. 30425;
- b) Tru Fiber provides necessary reports and contributes as appropriate to the Idaho Universal Service Fund, Idaho Telecommunications Relay System, Idaho Telecommunications Service Assistance Program, and complies with all future reporting requirements deemed appropriate by the Commission for competitive telecommunication providers;
- c) Tru Fiber will provide a brief confidential report to Commission Staff on February 1, 2019, and August 1, 2019, with an update on the number of customers who are currently receiving basic local exchange service from the Company.
- d) Tru Fiber will relinquish its Certificate and all telephone numbers if, within one year of issuance of a CPCN, the Company is not providing local exchange telecommunications services in Idaho.

Respectfully submitted this 22nd day of August 2018.



Edith Pacillo
Deputy Attorney General


Technical Staff: Carolee Hall

i:\umisc:comments\fbt18.1epch comments

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 22ND DAY OF AUGUST 2018, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. FBL-T-18-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

FIBER BROADBAND LLC
DBA TRU FIBER
620 PHEASANT RIDGE DR
CHUBBUCK ID 83202
E-MAIL: kenny@MyTruFiber.com



SECRETARY