

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF ZAYO GROUP, LLC FOR) CASE NO. ZAY-T-12-01
REGISTRATION AS A WHOLESALE)
TELECOMMUNICATIONS PROVIDER IN) ORDER NO. 32765
IDAHO)

On December 20, 2012, Zayo Group, LLC (“Zayo” or “Company”) filed an Application, pursuant to Procedural Order No. 32277 issued in Case No. GNR-T-11-01, IDAPA 31.01.01.114 and Title 62 of the Idaho Code, with the Idaho Public Utilities Commission (“Commission”) for a Registration/Certification as a wholesale provider of telecommunications service in the State of Idaho. *Application* at 1.

On February 12, 2013, the Commission issued a Notice of Application and Modified Procedure with a 21-day comment period. *See* Order No. 32746. Commission Staff (“Staff”) was the only party to submit written comments.

THE APPLICATION

Zayo is a Delaware corporation and lists its principal place of business as Louisville, Colorado. *Id.* Zayo is registered with the Idaho Secretary of State as a foreign corporation and lists CT Corporation System, 111 West Jefferson, Suite 530, Boise, Idaho 83702, as its Idaho registered agent for service. *Id.* at 2, Exh. 2.

In its Application, Zayo states that it “seeks authority to provide other telecommunications services to wholesale customers, including switched access services, so that it has flexibility in the types of services it will offer its customers.” *Id.* at 3. Zayo “has not yet initiated interconnection negotiations but intends to do so as necessary and upon being granted authority by the Commission.” *Id.* at 4. The Company “agrees to comply with all Idaho laws and Commission rules and regulations” and is committed to “numbering conservation measures including mandatory one thousand (1,000) block pooling.” *Id.* at 4-5.

STAFF COMMENTS AND RECOMMENDATION

Staff reviewed Zayo’s Application for compliance with the applicable legal requirements to be registered as a wholesale provider of telecommunications services in Idaho. Staff believes that the Company understands and agrees to comply with Commission Rules of Procedure 114 and Commission Order No. 32277. Staff also believes that the Company

possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications services.

Staff recommended the Commission approve Zayo's Application to register as a wholesale telecommunications provider in Idaho, subject to the following conditions:

1. Zayo should comply with all number pooling and reporting requirements of the North American Numbering Plan Administrator, as set forth in Commission Order No. 30425;
2. Zayo should provide all necessary reports and contribute as appropriate to the Idaho Universal Service Fund, Idaho Telecommunications Relay System, and the Idaho Telecommunications Service Assistance Program; and
3. Zayo agrees to comply with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers.

COMMISSION FINDINGS AND DECISION

In GNR-T-11-01, the Commission "opened a docket to investigate whether some sort of certification process is appropriate for Title 62 telecommunications providers that do not provide basic local exchange service." Order No. 32277 at 2. The Commission received written comments from several telecommunications companies operating in Idaho. The parties recommended that the Commission institute a certification or registration process to allow wholesale telecommunications providers that provide service that does not meet the definition of basic local exchange service "to be recognized as eligible to provide services in Idaho." *Id.* at 3.

The Commission ultimately ruled that "registration or certification of telecommunications companies that do not provide basic local exchange service, as defined by state law, is necessary to enable those companies to access important rights or privileges identified in the federal Telecommunications Act as they enter the telecommunications markets in Idaho." *Id.* at 8. "Telecommunications companies that do not intend to provide basic local exchange service but request Commission registration may file an application pursuant to Rule 114, with minor modification to eliminate information required by the Rule relating to retail basic local exchange service." *Id.* "A company that completes the application process as required in Rule 114, Section 1 and Sections 5 through 8, will be recognized by the Commission

as having successfully registered as a wholesale provider of telecommunications services in Idaho.” *Id.*

The Commission finds that Zayo is a wholesale telecommunications provider and has demonstrated a willingness and commitment “to adhere to number pooling and reporting requirements to assist the Commission in preserving numbers.” Order No. 32277 at 8. Based upon our review of Zayo’s Application and the record in this case, the Commission finds that Zayo’s filing comports with Commission Rule of Procedure 114 and Order No. 32277. Therefore, the Commission approves Zayo’s Application for Certification as a Wholesale Telecommunications Provider in Idaho, subject to specific conditions more fully described above.

ORDER

IT IS HEREBY ORDERED that the Application of Zayo Group, LLC for Certification as a Wholesale Telecommunications Provider in Idaho is approved.

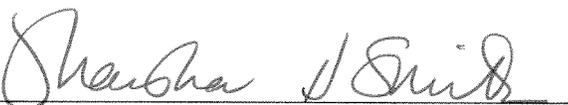
IT IS FURTHER ORDERED that Zayo’s Certification shall be subject to the following conditions: (1) comply with all number pooling and reporting requirements of the North American Numbering Plan Administrator, as set forth in Commission Order No. 30425; (2) provide all necessary reports and contribute as appropriate to the Idaho Universal Service Fund, Idaho Telecommunications Relay System, and the Idaho Telecommunications Service Assistance Program; and (3) comply with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers.

THIS IS A FINAL ORDER. Any person interested in the Order may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 21st
day of March 2013.


PAUL KJELLANDER, PRESIDENT


MACK A. REDFORD, COMMISSIONER


MARSHA H. SMITH, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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