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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)
ZAYO GROUP, LLC TO REGISTER AS A)
WHOLESALE TELECOMMUNICATIONS)
PROVIDER IN IDAHO.)

CASE NO. ZAY-T-12-01

COMMENTS OF THE
COMMISSION STAFF

COMES NOW the Staff of the Idaho Public Utilities Commission, by and through its attorney of record, Neil Price, Deputy Attorney General, and in response to the Notice of Application and Notice of Modified Procedure issued in Order No. 32746 on February 12, 2013, in Case No. ZAY-T-12-01, submits the following comments.

BACKGROUND

On December 20, 2012, Zayo Group, LLC ("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. The Company 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.

STAFF ANALYSIS

This Application is connected to Case No. WFN-T-05-01, filed with the Commission on December 28, 2012. In that case, the Company and its subsidiary, 360networks (USA) inc., notified the Commission that 360networks would be transferring its assets and customers to the Company. The two companies thus asked the Commission to cancel 360networks' CPCN No. 453. The Commission agreed and cancelled 360networks' CPCN on February 26, 2013. See Order No. 32753. With this present Application, the Company seeks its own registration/certificate.

The Company is a Delaware limited liability company and lists its principal place of business as Louisville, Colorado. *Id.* at 1. It is registered with the Idaho Secretary of State as a foreign limited liability company. *Id.* at 2, Exhibit 2. With its Application, the Company submitted a Certificate of Conversion of Zayo Bandwidth, Inc. to the Company,¹ Certificate of Formation,² and diagrams of Pre- and Post-Pro Forma Corporate Organizational Structures of the Company.³ The Company does not maintain an Idaho place of business. It lists CT Corporation System, 111 W. Jefferson, Suite 530, Boise, Idaho 83702, as its registered agent for service in Idaho. *Id.* at 1.

The Application includes a sworn verification that the Company will comply with all Idaho laws and Commission rules and regulations, including rules regarding the conservation of telephone numbers. *Id.* at Exhibit 3. The Company has not yet initiated interconnection negotiations but intends to do so as necessary and upon being granted authority by the Commission. *Id.* at 4.

STAFF RECOMMENDATION

Staff has reviewed the Company's Application to be registered/certified as a wholesale provider of telecommunications services in Idaho. Based on that review, Staff believes the Company understands and agrees to comply with the Commission Rules of Procedure 114 and

¹ *Id.* at Exhibit 1.


² *Id.*

³ *Id.* at Exhibit 3. "The entities listed herein only include [the Company] and those subsidiaries of [the Company] that (1) hold authorization to provide intrastate, interstate or international telecommunications service or (2) are in the chain of ownership of those entities."

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, therefore, recommends that the Commission approve the Company's Application to be registered/certified as a Wholesale communications provider, subject to the following conditions:

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

Respectfully submitted this 5th day of March 2013.

For: 
Neil Price
Deputy Attorney General

Technical Staff: Grace Seaman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 5TH DAY OF MARCH 2013, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. ZAY-T-12-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

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