

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	DOCKET UT-230384
ZIPLY FIBER PACIFIC, LLC,	ORDER 01
Seeking Designation as an Eligible Telecommunications Carrier on a Wireless Basis	DENYING PETITION FOR DESIGNATION AS ELIGIBLE TELECOMMUNICATIONS CARRIER WITHOUT PREJUDICE

BACKGROUND

- 1 On May 23, 2023, Ziplly Fiber Pacific, LLC, (ZFP or Company) filed a petition (Petition) with the Washington Utilities and Transportation Commission (Commission) requesting designation as an Eligible Telecommunications Carrier (ETC) under the Communications Act of 1934,¹ applicable Federal Communications Commission (FCC) rules, and Chapter 480-123 Washington Administrative Code (WAC). In its Petition, ZFP seeks ETC designation in Washington for the purpose of receiving both federal High-Cost and Low Income (Lifeline) support from the Federal Universal Service Fund (FUSF).
- 2 The Petition states that ZFP seeks to be designated on a statewide basis but is ambiguous as to whether it seeks Lifeline Only (LLO) or High-Cost support, or both.
- 3 Commission staff (Staff) has reviewed the Petition and recommends that the Commission deny the Petition without prejudice. Staff believes that the Petition contains insufficient data. ZFP fails to explain how it will offer facilities-based High-Cost service everywhere in the state all at once. Additionally, the Company has not addressed all the necessary aspects of WAC 480-123-030 in sufficient detail to sustain the higher level of scrutiny that a High-Cost ETC Designation petition demands.

DISCUSSION

- 4 Common carriers receiving designation as ETCs under 47 U.S.C. § 214 are eligible to receive funds from the FUSF for Lifeline services. State utility commissions are responsible for designating common carriers as ETCs for the purpose of receiving such

¹ 47 U.S.C. § 214 (e)(2).

funds and may impose conditions on a common carrier so designated.² The Commission will approve petitions from carriers requesting ETC designation if (1) the petition meets the requirements of WAC 480-123-030, (2) the designation will advance some or all the purposes of universal service found in 47 U.S.C. § 254, and (3) the designation is in the public interest.³

5 Here, the Company has failed to provide sufficient information for the Commission to determine if ZFP meets the requirements for ETC designation. The scope of the requested (statewide) High-Cost designation is not supported by the Petition and the Company failed to provide evidence regarding the facilities that it will use to fulfill the high-cost obligation(s) for which the Company seeks to be designated. Accordingly, we deny the Petition without prejudice. ZFP may work with Staff to provide sufficient data to file a new petition for consideration at a future open meeting.

FINDINGS AND CONCLUSIONS

- 6 (1) The Commission has jurisdiction over the subject matter of this Order and is authorized to designate Eligible Telecommunications Carriers in Washington under 47 U.S.C. § 214(e)(2), 47 C.F.R. §54.201(b)-(c) and WAC 480-123.
- 7 (2) ZFP is a telecommunications company seeking to do business in the state of Washington.
- 8 (3) This matter came before the Commission at its regularly scheduled meeting on August 10, 2023.
- 9 (4) The Petition filed on May 23, 2023, contains insufficient data to warrant granting ZFP ETC designation.
- 10 (5) The Commission should deny the Petition without prejudice.

² *In the Matter of the Petition of TracFone Wireless, Inc. for Exemption from WAC 480-123-030(1)(d), (f) and (g); and Designation as an Eligible Telecommunications Carrier for the Purpose of Receiving Lifeline Support from the Federal Universal Service Fund*, Docket UT-093012, Order 03 at ¶ 78 (June 24, 2010).

³ WAC 480-123-040.

ORDER

THE COMMISSION ORDERS THAT:

- 11* (1) Zply Fiber Pacific, LLC's petition for designation as an ETC is hereby DENIED, without prejudice.
- 12* (2) The Commission retains jurisdiction over this matter for purposes of effectuating this order.

DATED at Lacey, Washington, and effective August 10, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chair

ANN E. RENDAHL, Commissioner

MILTON H. DOUMIT, Commissioner