

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION
COMMISSION**

FRONTIER COMMUNICATIONS
NORTHWEST, LLC D/B/A ZIPLY
FIBER,

Petitioner

DOCKET UT-190574

PETITION FOR MODIFICATION
OF ATTACHMENT A, CONDITION
3a, TO ORDER 03

1 Frontier Communications Northwest, LLC d/b/a Ziplly Fiber (“Ziplly Fiber”), hereby petitions the Washington Utilities and Transportation Commission (“WUTC” or “Commission”) to modify Condition 3a in Attachment A – Conditions to the Final Order in the present docket by extending the date for completion of the condition from December 31, 2020 to February 16, 2021.

I. OVERVIEW

2 As part of the agreement settling all issues in Docket UT-190574, Ziplly Fiber committed to ensuring “that by the end of 2020, at least 19,713 locations in the eligible census blocks in Frontier NW’s Washington service area have access to 10/1 broadband service as required by the FCC CAF requirements.” For reasons explained below, Ziplly Fiber fell short of that goal by 763 locations, or 3.87%. Ziplly Fiber anticipates completing the commitment by February 16, 2021 and respectfully requests that the Commission modify the date for competition of the locations accordingly.

II. FACTS BEARING ON THE PETITION

3 On May 1, 2020 Zply Fiber acquired the company serving Washington (Frontier
Communications Northwest, LLC), as approved by the Federal Communications
Commission and this Commission.

4 Based on 2020 initial year-end data, Zply Fiber was able to complete construction of
18,950 locations, or 96.13% of the total, in Washington as of December 31, 2020, falling
short by 763 locations.

5 During 2020, Zply Fiber experienced a number of challenges in construction beyond
those expected as a result of the transition from the Frontier network to Zply Fiber's
network. These included delays resulting from severe wildfire conditions in Washington
during September 2020, and delays resulting from the inability to redeploy construction
teams from Idaho and Montana to Washington due to COVID-19 exposure and infections
during October and November 2020. These challenges were compounded by inclement
weather at the end of the year.

6 Notwithstanding these challenges, Zply Fiber has continued construction to the
remaining locations in Washington. Zply Fiber has completed an additional 249
locations since the end of 2020 and will complete (at least) the remaining 514 locations
on or before February 16, 2021.

7 Zply Fiber has notified the FCC of this shortfall and the anticipated completion date by
letter notice today.¹ Because the shortfall is less than five percent (5%) of the FCC's
interim deployment milestone, the non-compliance measures at 47 C.F.R. § 54.320(d) are
not triggered.

¹ A copy of the letter notice is attached to this petition as Exhibit A.

III. REQUEST FOR RELIEF

- 8 Zply Fiber requests that the Commission modify Condition 3a to reflect a new date for completion of construction of February 16, 2021.
- 9 Zply Fiber additionally requests the Commission take no punitive action within its jurisdiction regarding this commitment, considering the facts stated in this petition.
- 10 Zply Fiber requests any other relief the Commission may find lawful and appropriate under the circumstances.

Respectfully submitted,



George Baker Thomson, Jr.
Associate General Counsel
Zply Fiber
1800 41st St., N-100
ATTN: Legal Dept.
Everett, WA 98203
george.thomson@zply.com
425-261-5844

Exhibit A

ZiPLY Fiber
4155 SW Cedar Hills Blvd, Beaverton, OR 97005
Jessica Epley
M. (503) 431-0458
jessica.epley@ziPLY.com



January 14, 2021

Sent via FCC ECFS portal

Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
12th Street Lobby, TW-A325
Washington, DC 20554

Re: *Connect America Fund, Wireline Competition Bureau Docket No. 10-90*

Dear Secretary:

In 2015, Frontier Communications accepted the Connect America Fund (CAF) Phase II support to deploy broadband service to 40,570 locations across Idaho, Montana, Oregon and Washington. On May 1, 2020 Northwest Fiber, LLC dba ZiPLY Fiber ("ZiPLY Fiber") acquired the companies serving these states as approved by the Federal Communications Commission and the relevant state authorities. As of December 31, 2020, ZiPLY Fiber has deployed newly capable broadband service providing 10/1 Mbps to 39,950 locations in CAF Phase II locations across the four-state region, exceeding the final buildout milestones in Idaho, Montana and Oregon. Based on its initial year-end data, ZiPLY Fiber was able to complete construction of 18,950 locations, or 96.13% of the total, in Washington as of December 31, 2020.

During 2020, ZiPLY Fiber experienced challenges in construction beyond those presented as a result of the transition of the networks. These challenges included delays resulting from the September 2020 wildfires in the region and inability to deploy construction teams due to COVID-19 issues, all compounded by inclement weather at the end of the year. Since the end of the year, however, ZiPLY Fiber has continued progress on the construction of the remaining 763 locations in Washington State. As of the date of this letter, ZiPLY Fiber has added 249 locations to its total and anticipates completion of all construction by February 16, 2021. Thus, in accordance with 47 C.F.R. § 54.320 (d), ZiPLY Fiber provides this notice that it has not met its CAF Phase II one hundred percent interim deployment milestone in Washington. Additionally, ZiPLY Fiber is providing this notice to the Universal Service Administrative Company and to the Washington Utilities and Transportation Commission.

As ZiPLY Fiber has calculated its compliance gap of less than five percent of the interim deployment milestone, the Commission's non-compliance measure found at 47 C.F.R. § 54.320(d) should not be triggered. By March 1 or upon completion, whichever is first, ZiPLY

Fiber will provide the requisite information to the HUBB portal in accord with 47 C.F.R. § 54.316. Questions regarding this filing may be directed to me via email at jessica.epley@ziply.com or telephone at (503) 431-0458.

Sincerely,



Jessica Epley
Regulatory & External Affairs Director

Cc: High-Cost Program - Universal Service Administrative Company
HCinfo@usac.org