



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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June 16, 2021

Mark L. Johnson, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
621 Woodland Square Loop S.E., Lacey, WA 98503  
P. O. Box 47250  
Olympia, Washington 98504-7250

RE: Frontier 2021 Compliance Reports for Conditions 1.a., 1.b, and 2.  
**Docket UT-190574**

Dear Mr. Johnson:

On February 19, 2020, the Washington Utilities and Transportation Commission (Commission) entered Order 03, ORDER APPROVING SETTLEMENT AGREEMENTS AND GRANTING APPLICATION FOR TRANSFER OF CONTROL, (Order 03) in the above-referenced docket. Order 03, among other things, required Frontier (Company) to:

1. Provide audited financial statements for the parent company, Northwest Fiber, LLC by May 15 every year, until 2023.
2. Produce a report including locations passed with fiber and copper; and, capital expenditures invested by type (both on a Washington state basis) by May 15 every year, until 2025.
3. Submit a report relating to Federal Universal Service Fund (FUSF) operating expenses, capital expenditures, and locations by July 15 every year, until 2024.<sup>1</sup>

Frontier complied and filed the required reports above for 2021 (including data from 2020) on June 3, 2021, after making administrative corrections in order to comply with the Protective Order regarding confidential information filed in this case consistent with practices and procedures outlined in WAC 480-07-160 that were initially not complied with on May 14, 2021.

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<sup>1</sup> Order ¶11.B. and Settlement, Exh. JP-4S, Attachment A, § 2.

## **RECOMMENDATION**

Based on UTC Staff's review of the reports filed on June 3, 2021, in this docket; Staff believes that Frontier has complied with the spirit of these three conditions, based on 2020 data, for its Washington state ILEC, Frontier Communications Northwest, LLC dba Zippy Fiber.

These conditions require the reporting of information on an annual basis and should be referred to as Compliance Reports in the UTC's E-Filing System on the UTC's web portal. The company must continue to comply with the Protective Order in this case as well as the requirements of WAC 480-07-160 that are both explicitly and implicitly incorporated by reference. Filings that do not meet these standards in the future should be rejected and the company should be penalized accordingly. Please note that although Condition 2. was filed early in relation to its deadline, the other two reports relating to Condition 1.a. and 1.b. were essentially 2 weeks (14 days) late.

The company has now complied (albeit 14 days late for two out of three reports) with the appropriate reporting of information consistent with the conditions. Therefore, Staff recommends that the Commission issue a compliance acknowledgement letter recognizing that Frontier has complied with its obligations to file these three 2021 reports consistent with Order 03 and Conditions 1.a., 1.b., and 2. of the adopted Settlement Agreement in this docket.

Sincerely,

Tim Zawislak  
Senior Regulatory Analyst