



STATE OF RHODE ISLAND

DIVISION OF PUBLIC UTILITIES & CARRIERS

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Memorandum

DATE: June 20, 2024

TO: Luly Massaro
Clerk, Public Utilities Commission

FROM: Joel A. Munoz
Assistant to the Chief Accountant, Division of Public Utilities and Carriers

SUBJECT: RIPUC Docket No. 24-22-TL, Zayo Northeast, LLC
Application Registration to Transact as a Provider of Telecommunications Service

On May 21, 2024, Zayo Northeast, LLC (the "Applicant") filed a letter and supporting documents on May 21, 2024, with the Rhode Island Public Utilities Commission ("Commission") in support of its application for authority to operate as a Class I and Class VI Telecommunications Provider within the State of Rhode Island.

Class I Designation

The Commission, under guidelines in Docket 2129, shall grant authority for Class I, Competitive Access Provider, a facilities-based carrier, upon the following guidelines.

1. The applicant has satisfactorily provided a Statement of Business Operations in accordance with the Report and Order in Docket No. 2129, and a map or statement of the geographical area or areas in which service will be offered.

The required information has been provided by Zayo Northeast, LLC and has been reviewed by the Division of Public Utilities and Carriers ("Division") and found to be complete.

2. That the applicant meets the standard for financial resources, managerial qualifications, and technical competence.

The required information has been provided by Zayo Northeast, LLC and has been reviewed by the Division and found to be complete.

3. That the applicant has specified whether it intends to offer its service to wholesale/retail customers that request local exchange service.

Zayo Northeast, LLC intends to provide telecommunications to all Rhode Island wholesale ratepayers that qualify for their services.

4. That the applicant has paid the appropriate application fees.

The correct fee of \$300.00 (check #1567926) was received and deposited.

The Division has reviewed Zayo Northeast, LLC's filing, letters, documents, and tariffs for their conformity to the Commission's directives in Docket 2129 and has found that all requirements for a Class I Telecommunications Provider have been fulfilled.

Class VI Designation

Zayo Northeast, LLC also asked for a designation as a Class VI, defined in the Commission rules as: "Other service providers who are not covered by Classes I-V."¹ In its filing, Zayo Northeast, LLC, states that it seeks authorization to operate as a Class VI to the extent its operations are not encompassed by authorization to operate as a Class I provider. The Applicant goes on to state that it "does not currently intend to furnish switched voice services or dial tone" but that it requests authority to do so "should future market conditions warrant."² The Division cannot make a definitive determination of need at this time relative to the Class VI designation. The Applicant is free to file an application for a Class VI designation when in fact the future market conditions warrant and Zayo Northeast, LLC is fully capable, willing, and able to provide services that fall outside of a Class I and into a Class VI designation.

Recommendation

The Division supports this application for registration as a Class I: Competitive Access Provider in the State of Rhode Island. The Division also recommends approval of Zayo Northeast, LLC's request for confidential treatment of its confidential information.

¹ Commission's *Regulations and Fee Schedules for Telecommunications Providers*, (2)(E)(6).

² Applicant's filing at Page 5.