

The Public Utilities Commission of Ohio
TELECOMMUNICATIONS FILING FORM
(Revised 03-07-2023)

This form is intended to be used with most types of required filings. It provides check boxes with rule references for the most common types of filings. It does not replace or supersede Commission rules in anyway.

In the Matter of the Application of <u>Xiber, LLC</u>)	TRF Docket No. 90- -TP-TRF
Application for Approval to Relinquish Designation as a)	Case No. 21-0141-TP-UNC
High-Cost Competitive Eligible Telecommunications Carrier)	NOTE: Unless you have reserved a Case #, leave
)	the "Case No." field BLANK.

Name of Registrant(s) Xiber, LLC
DBA(s) of Registrant(s) n/a
Address of Registrant(s) 3500 Depauw Blvd. Suite 1042, Indianapolis, IN 46268
Company Web Address www.xiber.net
Regulatory Contact Person(s) Jared Grugett Phone (808) 440-8700 Fax () -
Regulatory Person's Email Address jgrugett@xiber.net
Contact Person for Annual Report Jared Grugett Phone (808) 440-8700
Consumer Contact Information Jared Grugett Phone (808) 440-8700 Address
(if different from above) [Click here to enter text.](#)

Motion for protective order included with filing? ☐ Yes ☒ No
Motion for waiver(s) filed affecting this case? ☐ Yes ☒ No [Note: Waivers may toll any automatic timeframe.]

Notes:

Sections I and II are pursuant to Ohio Administrative Code (OAC) [4901:1-6](#).
Section III – Part I - Carrier to Carrier is pursuant to OAC [4901:1-7](#) and Pole Attachment to OAC [4901:1-3](#)
Section III – Part II - Wireless is pursuant to OAC [4901:1-6-24](#).
Section IV – Attestation.

- (1) Indicate the Carrier Type and the reason for submitting this form by checking the boxes below.
- (2) For requirements for various applications, see identified section of the Ohio Administrative Code Chapter 4901 and/or the supplemental application form noted.
- (3) Information regarding the number of copies required by the PUCO may be obtained from the PUCO's website at www.PUCO.ohio.gov under the docketing information system section (Procedural filing requirements), by calling the Docketing Division at 614-466-4095 or by visiting the Docketing Division at the offices of the PUCO.
- (4) An Incumbent Local Exchange Carrier (ILEC) offering basic local exchange service (BLES) outside its traditional service area should choose CLEC designation when proposing to offer BLES outside its traditional service area or when proposing to make changes to that service.

All filings that result in a change to one or more tariff pages require, at a minimum, the following exhibits:

Exhibit	Description:
A	The tariff pages subject to the proposed change(s) as they exist before the change(s).
B	The tariff pages subject to the proposed change(s), reflecting the change, with the change(s) marked in the right margin.
C	A short description of the nature of the change(s), the intent of the change(s), and the customers affected.
D	A copy of the notice provided to customers, along with an affidavit that the notice was provided according to the applicable rule(s).

Section I – Part I - Common Filings:

Carrier Type: <input type="checkbox"/> Other (Explain below)	For Profit ILEC	Not for Profit ILEC	CLEC
Change terms & conditions of existing BLES.	<input type="checkbox"/> ATA 1-6-14(I)(2) (Auto 30 days)	<input type="checkbox"/> ATA 1-6-14(I) (Auto 30 days)	<input type="checkbox"/> ATA 1-6-14(I) (Auto 30 days)
Introduce non-recurring charge, surcharge or fee to BLES	<input type="checkbox"/> ATA 1-6-14(I) (Auto 30 days)		<input type="checkbox"/> ATA 1-6-14(I) (Auto 30 days)
Introduce or Increase Late Payment	<input type="checkbox"/> ATA 1-6-14(I) (Auto 30 days)	<input type="checkbox"/> ATA 1-6-14(I) (Auto 30 days)	<input type="checkbox"/> ATA 1-6-14(I) (Auto 30 days)
Revisions to BLES Cap*	<input type="checkbox"/> ZTA 1-6-14(E) (0-day notice)		
Introduce BLES or expand local service area (calling area)	<input type="checkbox"/> ZTA 1-6-14(I) (0-day notice)	<input type="checkbox"/> ZTA 1-6-14(I) (0-day notice)	<input type="checkbox"/> ZTA 1-6-14(I) (0-day notice)
Change BLES Rates*	<input type="checkbox"/> TRF 1-6-14(E) & (G) (0-day notice)	<input type="checkbox"/> TRF 1-6-14(E) (0-day notice)	<input type="checkbox"/> TRF 1-6-14(H) (0-day notice)
To obtain BLES pricing flexibility	<input type="checkbox"/> BLS 1-6-14(C)(1)(c) (Auto 30 days)		
BLES pricing flexibility exemption	<input type="checkbox"/> BEX 1-6-14(F) (Auto 30 days)		
Notice of no obligation to construct facilities and provide BLES	<input type="checkbox"/> ZTA 1-6-27(C) (0-day notice)	<input type="checkbox"/> ZTA 1-6-27(C) (0-day notice)	
Change in boundary	<input type="checkbox"/> ACB 1-6-32 (Auto 14 days)	<input type="checkbox"/> ACB 1-6-32 (Auto 14 days)	
Expand service operation area			<input type="checkbox"/> TRF 1-6-08(G) (0-day notice)
BLES withdrawal	<input type="checkbox"/> WBL 1-6-21(B) (120-day notice)		<input type="checkbox"/> ZTA 1-6-25(B) (0-day notice)
Other (explain):			

*Other exhibits may be required under the applicable rule, see the [4901:1-6-14\(E\) Filing Requirements](#) on the PUCO's webpage for a complete list of exhibits.

Section I – Part II – Customer Notification Offerings Pursuant to Chapter 4901:1-6-07 OAC

Type of Notice	Direct Mail	Bill Insert	Bill Notation	Electronic Mail
<input type="checkbox"/> 15-day Notice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> 30-day Notice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date Notice Sent:				

Section I – Part III – Inmate Operator Service Pursuant to Chapter 4901:1-6-22 OAC

Introduce New	Tariff Change	Price Change	Withdraw
<input type="checkbox"/> TRF (0-day notice)	<input type="checkbox"/> ATA (Auto 30-days)	<input type="checkbox"/> TRF (0-day notice)	<input type="checkbox"/> UNC (Non-Auto)

Section II – Part I – Carrier Certification – Pursuant to Chapter 4901:1-6-08 & 10 OAC and Competitive Eligible Telecommunications Carrier Designation (CETC) – Pursuant to Chapter 4901:1-6-09 OAC

ILEC (Out of territory)	CLEC	Telecommunications Service Provider Not Offering Local Service	CESTC	CETC
<input type="checkbox"/> ACE 1-6-08 (Auto 30-day) *	<input type="checkbox"/> ACE 1-6-08 (Auto 30-day) *	<input type="checkbox"/> ACE 1-6-08 (Auto 30-day) *	<input type="checkbox"/> ACE 1-6-10 (Auto 30-day)	<input checked="" type="checkbox"/> UNC 1-6-09 (Non-Auto) *

*Supplemental forms can be found on the PUCO webpage – [Telecommunications application forms](#).

Section II – Part II – Change in Operation or Ownership

Change in Operation or Ownership	ILEC	CLEC	Telecommunications Service Provider Not Offering Local Service
Abandon all services		<input type="checkbox"/> ABN 1-6-26 (Auto 30 days)	<input type="checkbox"/> ABN 1-6-26 (Auto 30 days)
Change of official name *	<input type="checkbox"/> ACN 1-6-29(B) (Auto 30 days)	<input type="checkbox"/> ACN 1-6-29(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-29(C) (0-day notice)
Change in ownership *	<input type="checkbox"/> ACO 1-6-29(E)(1) (Auto 30 days)	<input type="checkbox"/> ACO 1-6-29(E)(1) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-29(C) (0-day notice)
Merger *	<input type="checkbox"/> AMT 1-6-29(E)(1) (Auto 30 days)	<input type="checkbox"/> AMT 1-6-29(E)(1) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-29(C) (0-day notice)
Transfer certificate *	<input type="checkbox"/> ATC 1-6-29(B) (Auto 30 days)	<input type="checkbox"/> ATC 1-6-29(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-29(C) (0-day notice)
Transaction for transfer or lease of property, plant or business *	<input type="checkbox"/> ATR 1-6-29(B) (Auto 30 days)	<input type="checkbox"/> ATC 1-6-29(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-29(C) (0-day notice)
FCC Authorized Change in Ownership or Merger	<input type="checkbox"/> CIO 1-6-29 (E)(2) (0-day notice)	<input type="checkbox"/> CIO 1-6-29 (E)(2) (0-day notice)	<input type="checkbox"/> CIO 1-6-29 (E)(2) (0-day notice)

*Other exhibits may be required under the applicable rule(s). ACN, ACO, AMT, ATC, ATR, and CIO applications see the [4901:1-6-29 Filing Requirements](#) on the PUCO webpage for a complete list of exhibits.

Section III – Part I - Carrier to Carrier (Pursuant to 4901:1-7) & Attachments to Utility Equipment or Rights of Way (Pursuant to 4901:1-3)

Carrier to Carrier	ILEC	CLEC
Interconnection agreement or amendment to an approved agreement	<input type="checkbox"/> NAG 1-7-07 (Auto 90 days)	<input type="checkbox"/> NAG 1-7-07 (Auto 90 days)
Request for arbitration	<input type="checkbox"/> ARB 1-7-09 (Non-Auto)	<input type="checkbox"/> ARB 1-7-09 (Non-Auto)
Introduce or change carrier to carrier tariffs	<input type="checkbox"/> ATA 1-7-14 (Auto 30 days)	<input type="checkbox"/> ATA 1-7-14 (Auto 30 days)
Request rural carrier exemption, rural carrier suspension or modification	<input type="checkbox"/> UNC 1-7-04 or 05 (Auto 30 days)	
Changes in rates, terms & conditions to pole attachments, conduit occupancy and rights of way. (13-579-AU-ORD 11/30/16 Entry)	<input type="checkbox"/> ATA 1-3-04 (Auto 60 days)	

Section III – Part II – Facilities-based Wireless Service Providers (Pursuant to 4901:1-6-24)

Registration and Change in Operations*	<input type="checkbox"/> RCC 1-6-24(B) (0-day notice)
Interconnection Agreement or amendment to an approved Agreement.	<input type="checkbox"/> NAG 1-7-07 (0-day notice)

***Change in Operations filing must be filed in the original RCC case designation code established during the registration process.**

Section IV. – Attestation

Registrant hereby attests to its compliance with the pertinent entries and orders issued by the Commission.

AFFIDAVIT

Compliance with Commission Rules

I am an officer/agent of the applicant corporation, Xiber, LLC, and am authorized to make this statement on its behalf.

Jared Grugett

(Name)

Please check All that apply:

☐ I attest that these tariffs comply with all applicable rules for the State of Ohio. I understand that tariff notification filings do not imply Commission approval and that the Commission's rules, as modified and clarified from time to time, supersede any contradictory provisions in our tariff. We will fully comply with the rules of the State of Ohio and understand that noncompliance can result in various penalties, including the suspension of our certificate to operate within the State of Ohio.

☐ I attest that customer notices accompanying this filing form were sent to affected customers, as specified in Section II, in accordance with Ohio Adm. Code 4901:1-6-7.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 16, 2023 at Cardiff by the Sea, CA

/s/ Jared Grugett

10/16/2023

*Signature and Title

Date

**This affidavit is required for every tariff-affecting filing. It may be signed by counsel, an officer of the applicant or an authorized agent of the applicant.*

VERIFICATION

I, Jared Gruett, verify I have utilized the Telecommunications Filing Form for the most proceedings provided by the Commission and that all of the information submitted here and all additional information in connection with this case, is true and correct to the best of my knowledge.

/s/ Jared Gruett

10/16/2023

*Signature and Title

Date

**Verification is required for every filing. It may be signed by counsel or an officer of the applicant, or an authorized agent of the applicant.*

File document electronically as directed in the [Ohio Administrative Code](#)
or

Send your completed Filing Form, including all required attachments as well as the required number of copies to:

**Public Utilities Commission of Ohio
Attention: Docketing Division
180 East Broad Street, Columbus, OH 43215-3793**

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Xiber, LLC)	TRF Docket No. 90-
Application for Approval to Relinquish		
Designation as a High-Cost Competitive Eligible)	<u>Case No.21-0141-TP-UNC</u>
Telecommunications Carrier)	
)	

**APPLICATION OF XIBER LLC
FOR APPROVAL TO RELINQUISH ITS DESIGNATION AS A
AS A HIGH-COST COMPETITIVE
ELIGIBLE TELECOMMUNICATIONS CARRIER**

Pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (“Act”), Section 54.201 of the rules of the Federal Communications Commission (“FCC”) and Ohio Adm. Code 4901:1-9-09(D)(2), Xiber, LLC (“Xiber” or “Applicant”) hereby requests that the Commission approve this Application to relinquish Xiber’s Competitive Eligible Telecommunications Carrier (“ETC”) designation in the state of Ohio as soon as possible.

I. BACKGROUND

Xiber is a limited liability company organized in the state of Delaware. Its principal place of business is located at 3500 Depauw Boulevard, Suite 1042, Indianapolis, IN 46268. The Commission granted Xiber’s application for designation as a High Cost Rural Competitive ETC in certain exchanges in Ohio on May 19, 2021, in Case No. 21-141-TP-UNC. Xiber sought designation as an ETC in connection with the Federal Communication Commission’s (“FCC”) Rural Digital Opportunity Fund (“RDOF”) Phase I auction, in which Xiber’s parent company, Hawaii Dialogix Telecom LLC (“HDT”) was the provisionally selected by the FCC as a recipient of RDOF Phase I support for five census blocks and associated wire centers within the Ada, Alger and Kenton exchanges, all located in Hardin County, Ohio. HDT subsequently assigned its winning bid to Xiber.

Xiber is a subsidiary of Hawaii Dialogix Telecom LLC (“HDT”), a Delaware LLC with principal offices located at 3375 Koapaka Street, Suite B284, Honolulu, HI 96819. HDT holds a 93% ownership interest in Xiber.

II. ETC RELINQUISHMENT REQUIREMENTS

Xiber is entitled to relinquish its ETC designation pursuant to Section 214(e)(4) of the Act, which states, in pertinent part:

A State commission ... shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission ... of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission ... shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.

47 CFR 54.205 of the FCC rules reiterates these statutory requirements and establishes the following requirements for relinquishing an ETC designation: (1) there must be more than one ETC serving in the area of the ETC seeking relinquishment; (2) the ETC seeking relinquishment must provide advance notice to the relevant state commission; (3) the customers served by the relinquishing ETC must continue to be served by an ETC; and (4) to the extent that additional facilities are required to serve any of the relinquishing ETC's customers, sufficient notice must be provided to ensure that the construction or purchase can be timely completed.

As shown in this Application, Xiber's ETC request to relinquish its ETC designation satisfies each of these requirements.

III. REASONS FOR DISCONTINUANCE OF HIGH COST AND LIFELINE ETC SERVICE

Xiber is seeking to relinquish its Competitive ETC designation in the State of Ohio because it was not awarded RDOF funding by the FCC in the five census blocks for which it sought the ETC designation. Although Xiber, through its parent company, was the winning bidder for those five blocks in the RDOF auction, it was unable to satisfy all of the FCC requirements to be awarded funding and will not be awarded funding for those locations. As a result, Xiber will be unable to offer the discounted broadband and voice services that it intended to offer as an ETC and no longer requires the ETC designation.

Xiber did not initiate operations in Ohio and has no High Cost or Lifeline customers in the state. As a result, there will be no impact on customers resulting from Xiber's relinquishment of its Competitive ETC designation.

IV. DESIGNATED SERVICE AREA

Xiber intends to relinquish its Competitive ETC designation in all areas of Ohio for which it is so designated which was comprised of five census blocks in Hardin County (*see Attachment 2*). As set forth in Section 214(e) of the Act and Section 54.205 of the FCC Rules, federal law requires the Commission to permit the withdrawal of an ETC designation for any area serviced by at least one other ETC. **Attachment 1** provides a list of companies designated ETCs statewide which could serve any potential customers that Xiber may have served had it initiated operations as an ETC.

Because Xiber has no customers, the third and fourth requirements established under the FCC rules for relinquishing ETC authority are not applicable in this instance.

V. CUSTOMER NOTICE

Xiber has no customers in Ohio therefore no customer notice is required.

Xiber respectfully requests the Commission grant this Application in an expedited fashion, approving relinquishment of Xiber's Competitive ETC designation in Ohio, as requested, and providing any such other relief as the Commission deems just and reasonable under the circumstances.

Respectfully submitted,

/s/ Sharon Thomas_____

Consultant

Inteserra Inc.

151 Southhall Lane, Suite 450

Maitland, FL 32751

stthomas@inteserra.com

Date: October 16, 2023

Competitive Wireless ETCs Providing Lifeline Services in Ohio

Access Wireless
Safelink Wireless
Q Link Wireless
Air Voice Wireless
Assurance Wireless

**Xiber LLC Application
Attachment 2**

**List of Ohio Census Blocks
Where Xiber Seeks ETC Relinquishment**

Census Block	State	County
390650005003008	OH	Hardin
390650005003009	OH	Hardin
390650005003010	OH	Hardin
390650005003011	OH	Hardin
390650005003028	OH	Hardin

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

10/16/2023 10:32:56 AM

in

Case No(s). 21-0141-TP-UNC

Summary: Application Application of Xiber, LLC to Relinquish Designation High-Cost Competitive Eligible Telecommunications Carrier electronically filed by Ms. Kristina Nicole Beck on behalf of Xiber, LLC.