

DIVIDER

**STATE OF NORTH DAKOTA
INFORMATION TECHNOLOGY DEPARTMENT
SFN 2053 (4-2002)**

**PU-418-00-556
BEK Communications Cooperative
Local Exchange
Public Convenience & Nece
Filed 10/25/2000 Closed 12/21/2000**

00

Scott, Sandi L.

From: Bauske, Shelly A.
Sent: Monday, March 05, 2001 5:03 PM
To: Scott, Sandi L.
Subject: Money Received....

Case No. PU-418-00-555
Case No. PU-418-00-556
BEK Communications
\$544.67

Case No. PU-2445-00-624
New Access Communication
\$43.65

Case No. PU-2423-00-565
SRT Communications
\$62.21

Case No. PU-2425-00-582
Polar Telecommunications
\$45.87

Case No. PU-2426-00-583
Polar Communications
\$45.87

32 **PU-418-00-556** Pages: 0
\$544.67 received
1 by BEK Communications Cooperative
03/06/2001 CC: Comm Legal PUD (3)

APPROVED

DATE: 2-21-01

KMF

MOTION

February 21, 2001

BEK Communications Cooperative
Designated Eligible Carrier
Application

Case No. PU-418-00-555

BEK Communications Cooperative
Local Exchange
Public Convenience & Necessity

Case No. PU-418-00-556

I move the Commission bill BEK Communications Cooperative for costs incurred to date in Case No. PU-418-00-555, BEK Communications Cooperative, Designated Eligible Carrier, Application and Case No. PU-418-00-556, BEK Communications Cooperative, Local Exchange, Public Convenience & Necessity.

31 **PU-418-00-556**

Pages: 3

Utility Valuation Motion/Letter/Billing
Statement
by Public Service Commission

02/21/2001

CC: Comm Legal PUD (3)



Public Service Commission
State of North Dakota

600 E Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
e-mail: sab@oracle.psc.state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

COMMISSIONERS

Bruce Hagen
President
Susan E. Wefald
Leo M. Reinbold

February 21, 2001

Executive Secretary
Jon H. Mielke

Michael Bosh
Pringle & Herigstad
PO Box 1000
Minot ND 58702-1000

RE: Case No. PU-418-00-555
BEK Communications Cooperative
Designated Eligible Carrier
Application

Case No. PU-418-00-556
BEK Communications Cooperative
Local Exchange
Public Convenience & Necessity

Enclosed is a copy of the statement approved at the February 21, 2001 Public Service Commission meeting for the expenses incurred to date in Case Nos. PU-418-00-555 and PU-418-00-556.

Under N.D.C.C. 49-21-01.7, these expenses are billed through the Valuation Fund and must be paid for by the telecommunications company involved.

Please make your check payable to the Public Service Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Gloria Geiger".

Gloria Geiger
Administrative Assistant
701-328-2401

Enc.

c: Jerome Tishmack
BEK Communications Cooperative
PO Box 230
Steele ND 58482-0230

Billing Statement

February 21, 2001

BEK Communications Cooperative
Designated Eligible Carrier
Application

Case No. PU-418-00-555

BEK Communications Cooperative
Local Exchange
Public Convenience & Necessity

Case No. PU-418-00-556

Expenses Incurred to Date:

Advertising Costs	\$544.67
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Amount Due:

BEK Communications Cooperative	\$544.67
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Send Payment To:

Public Service Commission
600 E Boulevard Ave Dept 408
Bismarck ND 58505-0480

Federal Tax ID 45-0309764



Public Service Commission
State of North Dakota

600 E Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
e-mail: sab@oracle.psc.state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

COMMISSIONERS

Bruce Hagen
President
Susan E. Wefald
Leo M. Reinbold

Executive Secretary
Jon H. Mielke

January 25, 2001

Jerry Renner
Box 229
Steele ND 58482

Dear Mr. Renner:

On January 24, 2001, the Commission issued Certificate of Public Convenience and Necessity Nos. 4613 through 4618 to BEK Telecommunications Cooperative to provide local exchange telecommunications services in Lehr, Linton, Napoleon, Steele, Wishek and Zeeland, North Dakota, Case No. PU-418-00-556. Those certificates are enclosed.

The Commission also cancelled BEK Communications I Inc.'s Certificate of Public Convenience and Necessity Nos. 3475, 3478, 3489, 3505, 3517, and 3519.

If you have any questions concerning this action, please let us know.

Sincerely,



Sharon Helbling
Public Utilities Division

sdh

Enclosure

30 PU-418-00-556

Pages: 1

Letter re approval
by Public Service Commission

01/26/2001

CC: Comm Legal PUD (3)

APPROVED

MOTION

DATE: 1-24-01
KMF

January 24, 2001

**BEK Communications Cooperative
Local Exchange
Public Convenience and Necessity**

Case No. PU-418-00-556

I move the Commission cancel BEK Communications I Inc.'s First Reissued Certificates of Public Convenience and Necessity to serve the Lehr, Linton, Napoleon, Steele, Wishek, and Zeeland exchange areas in North Dakota, and issue new Certificates of Public Convenience and Necessity to BEK Communications Cooperative to serve those exchanges in North Dakota, Case No. PU-418-00-556.

sdh

000556-52.doc

January 24, 2001

**BEK Communications Cooperative
Local Exchange
Public Convenience and Necessity**

Case No. PU-418-00-556

On December 20, 2000, the Commission issued an Order in this proceeding stating the certificates would be issued upon notification by the applicants that the merger transactions were complete.

On January 4, 2001, we received the attached letter stating the merger was complete. Today we will cancel the certificates issued to BEK Communications I Inc. and issue new certificates to BEK Telecommunications Cooperative to serve those exchanges previously served by BEK Communications I, Inc. The certificates are dated January 1, 2001 because that's when the transactions were completed.

The order did not say anything about canceling the certificates of BEK Communications I Inc.; however, those certificates should be cancelled. In future proceedings such as this, the order will also cancel the previous certificates.

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4613

This is to certify that public convenience and necessity require, and permission is granted for BEK Communications Cooperative, a telecommunications public utility, to provide local exchange telecommunications services inside the Lehr, North Dakota local exchange area.

This certificate is issued in Case No. PU-418-00-556 and is conditioned upon BEK Communications Cooperative securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.

Bismarck, North Dakota, January 1, 2001.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4614

This is to certify that public convenience and necessity require, and permission is granted for BEK Communications Cooperative, a telecommunications public utility, to provide local exchange telecommunications services inside the Linton, North Dakota local exchange area.

This certificate is issued in Case No. PU-418-00-556 and is conditioned upon BEK Communications Cooperative securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.

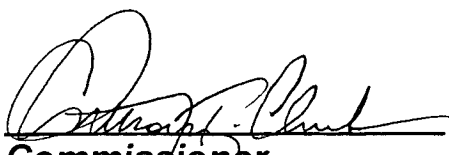
Bismarck, North Dakota, January 1, 2001.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4615


This is to certify that public convenience and necessity require, and permission is granted for BEK Communications Cooperative, a telecommunications public utility, to provide local exchange telecommunications services inside the Napoleon, North Dakota local exchange area.

This certificate is issued in Case No. PU-418-00-556 and is conditioned upon BEK Communications Cooperative securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.

Bismarck, North Dakota, January 1, 2001.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4616

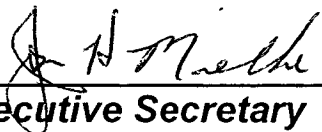
This is to certify that public convenience and necessity require, and permission is granted for BEK Communications Cooperative, a telecommunications public utility, to provide local exchange telecommunications services inside the Steele, North Dakota local exchange area.

This certificate is issued in Case No. PU-418-00-556 and is conditioned upon BEK Communications Cooperative securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.

Bismarck, North Dakota, January 1, 2001.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4617

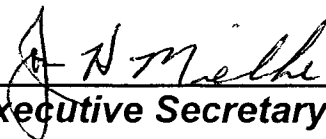
This is to certify that public convenience and necessity require, and permission is granted for BEK Communications Cooperative, a telecommunications public utility, to provide local exchange telecommunications services inside the Wishek, North Dakota local exchange area.

This certificate is issued in Case No. PU-418-00-556 and is conditioned upon BEK Communications Cooperative securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.

Bismarck, North Dakota, January 1, 2001.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 4618

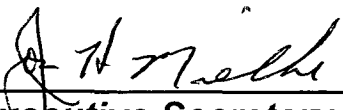
This is to certify that public convenience and necessity require, and permission is granted for BEK Communications Cooperative, a telecommunications public utility, to provide local exchange telecommunications services inside the Zeeland, North Dakota local exchange area.

This certificate is issued in Case No. PU-418-00-556 and is conditioned upon BEK Communications Cooperative securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.

Bismarck, North Dakota, January 1, 2001.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary

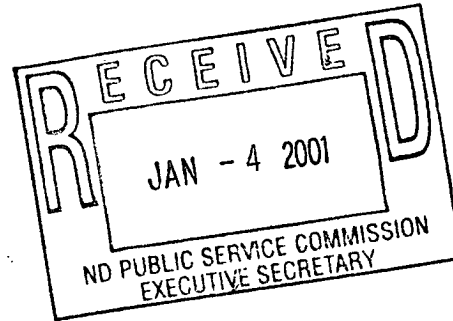


Commissioner

JERRY L. RENNER
Attorney - E.P.A.
BOX 229
STEELE, NORTH DAKOTA 58482

(701) 475-2310

January 3, 2001



Public Service Commission
State of North Dakota
600 East Boulevard Avenue, Dept. 408
Bismarck, North Dakota 58505-0480

re: BEK Communications Cooperative
Case No. PU-418 00 556

Please be advised that BEK Communications Cooperative has completed the purchase of its subsidiary, BEK Communications I Inc. The purchase was completed January 1, 2001. On January 1, 2001, BEK Communications Cooperative began providing local exchange telecommunications services in the exchanges of Lehr, Linton, Napoleon, Steele, Wishek, and Zeeland.

Please issue the necessary Certificate of Public Convenience and Necessity to BEK Communications Cooperative. Said certificates can be mailed directly to me.

Sincerely,

Jerry Renner
Attorney

JR:pb

cc: Jerome Tishmack, Manager
BEK Communications Cooperative

22 PU-418-00-556 Pages: 1

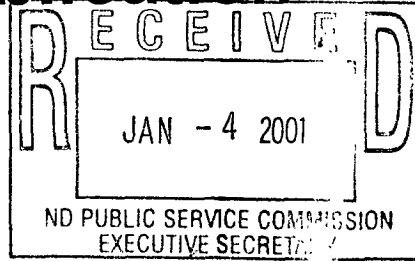
Notification of purchase of its subsidiary
BEK Communications I Inc.
by BEK Communications Cooperative

01/04/2001

CC: Comm Legal PUD (3)

Affidavit of Publication

State of North Dakota)
County of Burleigh)



Laurie Thiel

, being duly sworn, state as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of:
BEK Communications, 1 time(s)
as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

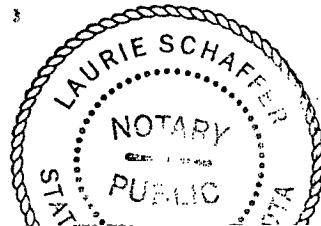
Signed:

Laurie Thiel

Subscribed and sworn to before me this 14th day of December A.D. 2000

Laurie Schaffer

LAURIE SCHAFFER
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires DEC. 1, 2005



19 PU-418-00-555

Pages: 11

Affidavit of Publication

by North Dakota Advertising Service, Inc.

01/04/2001

CC: Comm Legal PUD (3)

21

PU-418-00-556

Pages: 11

Affidavit of Publication

by North Dakota Advertising Service, Inc.

01/04/2001

CC: Comm Legal PUD (3)

Notice of Opportunity For Hearing
November 8, 2000

Case # PU - 418 - 00 - 556

Bismarck	11-15
Devils Lake	11-15
Dickinson	11-15
Fargo	11-20
Grand Forks	11-15
Jamestown	11-15
Minot	11-15
Valley City	11-15
Wahpeton	11-15
Williston	11-15



Public Service Commission
State of North Dakota

600 E Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
e-mail: sab@oracle.psc.state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

COMMISSIONERS

Bruce Hagen
President
Susan E. Wefald
Leo M. Reinbold

12 September 2000

Executive Secretary
Jon H. Mielke

Jerry Renner
P.O. Box 229
Steele, ND 58482

PU-418-00555
PU-418-00556

Re: BEK Communications Cooperative

Dear Mr. Renner:

Thank you for your letter of 6 September 2000 regarding the requirements for obtaining a certificate of public convenience and necessity and for designation as an eligible carrier.

The Public Service Commission does not have a specific form or requirements for an application for a certificate of public convenience and necessity or for an application for designation as an eligible carrier. Generally, an application for a certificate must address the statutory issues identified in N.C.C.C. chapter 49-03.1 and, under our procedural rules (N.D. Admin. Code article 69-02), it must be verified and include appropriate financial information. An application for designation as an eligible carrier must address the federal requirements for designation.

We currently have proposed some rule changes to eliminate the verification requirement and revise the financial filings, as well as to identify the criteria for eligible carrier designation. However, these rules have not yet been promulgated so the changes will not apply to an application made before they are promulgated and effective.

I have enclosed for your review a copy of an application for a certificate, and designation as an eligible carrier. I have chosen as an example one from a previous cooperative/subsidiary merger. However, as you well know, the "merger" issue is no longer relevant, only the PCN and Eligible Carrier issues. Please call if you have questions or need additional information.

Best regards,

Illona A. Jeffcoat-Sacco
Director, Public Utilities Division

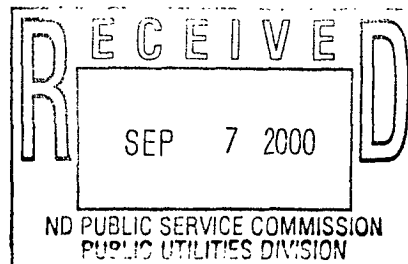
18 PU-418-00-555 Pages: 1
Response to Jerry Renner re requirements by Public Service Commission
09/12/2000 CC: Comm Legal PUD (3)

20 PU-418-00-556 Pages: 1
Response to Jerry Renner re requirements by Public Service Commission
09/12/2000 CC: Comm Legal PUD (3)

JERRY L. RENNER
Attorney - L.P.A.
BOX 229
STEELE, NORTH DAKOTA 58482

(701) 475-2310

September 6, 2000



Illona Jeffcoat - Sacco
Attorney at Law
North Dakota Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, North Dakota 58505

re: BEK Communications Cooperative

Would you please notify me of the requirements BEK Communications Cooperative needs to meet in order to obtain Eligible Carrier Designation and a Certificate of Public Convenience and Necessity for the acquisition of its subsidiary, BEK Communications I Inc.

I am enclosing copies of my letter dated August 8, 2000 and William Binck's letter of reply dated August 11, 2000. I will look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Jerry Renner".

Jerry Renner
Attorney

JR:pb

Encl.

17 PU-418-00-555

Pages: 1

Request for requirements for eligible
carrier & PC&N
by Jerry Renner, Attorney

09/07/2000

CC: Comm Legal PUD (3)

19 PU-418-00-556

Pages: 1

Request for requirements for eligible
carrier & PC&N
by Jerry Renner, Attorney

09/07/2000

CC: Comm Legal PUD (3)



Public Service Commission
State of North Dakota

600 E Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
e-mail: sab@oracle.psc.state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

COMMISSIONERS

Bruce Hagen
President
Susan E. Wefald
Leo M. Reinbold

Executive Secretary
Jon H. Mielke

August 11, 2000

Jerry L. Renner
Attorney at Law
Box 299
Steele, ND 58482

Re: BEK Communications Cooperative

Dear Mr. Renner:

I am writing in response to your request for information concerning the Cooperative's plan to purchase the assets of BEK Inc. and BEK Communications I Inc.

The Cooperative does not need PSC approval for the acquisition. However, the Cooperative will need to obtain Certificates of Public Convenience and Necessity from the PSC under Chapter 49-03.1 of the North Dakota Century Code to provide service in the exchanges involved in the transaction.

PSC approval is required to obtain the Eligible Carrier Designation. An application will need to be filed with the Commission.

I suggest that you discuss the specific requirements of the application and hearing processes for both the Eligible Carrier Designation and Certificate of Public Convenience and Necessity with the Public Utilities Division. The Director is Illona Jeffcoat-Sacco, and her phone number is 701-328-2407. If Illona is unavailable, I suggest that you talk to Patrick Fahn at 701-328-4077 or Jerry Lein at 701-328-1035.

Sincerely,

William W. Binek
Chief Counsel

16 PU-418-00-555

Pages: 1

Response to Jerry Renner
by Public Service Commission
08/11/2000

CC: Comm Legal PUD (3)

18 PU-418-00-556

Pages: 1

Response to Jerry Renner
by Public Service Commission
08/11/2000

CC: Comm Legal PUD (3)

JERRY L. RENNER
Attorney - C.E.A.
BOX 229
STEELE, NORTH DAKOTA 58482

(701) 475-2310

August 8, 2000

North Dakota Public Service Commission
600 East Boulevard Avenue
Dept. 408
Bismarck, North Dakota 58505

Re: BEK Communications Cooperative

I am the attorney for the above named Cooperative. In 1995, the Cooperative purchased six telephone exchanges from U.S. West. Those six exchanges were Linton, Napoleon, Steele, Lehr, Wishek and Zeeland. Those six exchanges currently operate under the name of BEK Communications I Inc. The customers of these exchanges are currently **not** cooperative members.

BEK Communications I Inc. is a regular, for profit corporation which is owned by a holding company called BEK Inc. BEK Inc. is a regular for profit corporation which in turn is owned by BEK Communications Cooperative.

Effective January 1, 2001, the Cooperative plans to purchase the assets of both BEK Inc. and BEK Communications I Inc. All the assets would then be owned by the Cooperative and all customers would then become Cooperative members. The transaction will be handled as a purchase (acquisition) **and not** as a merger or consolidation.

The Cooperative members at their annual meeting held on June 8, 2000, approved changes in the Cooperative Articles of Incorporation and Bylaws. These changes would create a new voting district for the new Cooperative members effective January 1, 2001. Three new additional directors would then be elected to represent this new Cooperative voting district.

The purpose of this letter is to seek a determination as to what your agency requires in order for the Cooperative to complete this transaction. Specifically, would you please notify me as to your requirements on the following items:

1. Is PSC approval of the acquisition required? If so, what type of proceeding is necessary?

15

PU-418-00-555

Pages: 2

Letter re purchase of six telephone exchanges by Jerry Renner, Attorney

08/08/2000

CC: Comm Legal PUD (3)

17

PU-418-00-556

Pages: 2

Letter re purchase of six telephone exchanges by Jerry Renner, Attorney

08/08/2000

CC: Comm Legal PUD (3)

North Dakota Public Service Commission

Page Two

August 8, 2000

2. Is PSC approval required to transfer the Certificate of Public Convenience and Necessity from BEK Communications I Inc. to BEK Communications Cooperative? If so, what type of proceeding is necessary?
3. Is PSC approval required for Transfer of Eligible Carrier Designation? If so, what type of proceeding is necessary?
4. What other requirements must be met in order for the Cooperative to complete this transaction?

Please contact me if further information is needed.

Sincerely,

Jerry Renner
Attorney

JR:cr

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**BEK Communications Cooperative
Designated Eligible Carrier
Application**

Case No. PU-418-00-555

**BEK Communications I, Inc.
Transfer of PC&N Certificates
Application**

Case No. PU-418-00-556

AFFIDAVIT OF SERVICE BY CERTIFIED AND ORDINARY MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **21st day of December, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

Order

The envelope was addressed as follows:

Michael Bosh
Pringle & Herigstad
P O Box 1000
Minot ND 58702-1000
Cert. No. 7000 0520 0022 8653 3003

Sharon Helbling further deposes and says that on the **21st day of December, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

Jerome Tishmack
BEK Communications Cooperative
P O Box 230
Steele ND 58482-0230

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Sharon Helbling

Subscribed and sworn to before me
this **21st day of December, 2000.**

Charlene A Magstadt
Notary Public

SEAL

CHARLENE A. MAGSTADT
Notary Public, State of NORTH DAKOTA
My Commission Expires Jan. 7, 2004

PU-418-00-556

Copies To:

State Library (8 copies)

Historical Society

Associated Press

MOTION

December 20, 2000

APPROVED:
DATE: 12-20-00
KMF

**BEK Communications Cooperative
Designated Eligible Carrier
Application**

Case No. PU-418-00-555

**BEK Communications Cooperative
Local Exchange
Public Convenience and Necessity**

Case No. PU-418-00-556

I move the Commission adopt the Order approving BEK Communications Cooperative's applications for Designated Eligible Carrier status, Case No. PU-418-00-555, and Certificates of Public Convenience and Necessity to serve the Lehr, Linton, Napoleon, Steele, Wishek, and Zeeland exchange areas in North Dakota, Case No. PU-418-00-556.

JRL/sdh

000555-51.doc

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**BEK Communications Cooperative
Designated Eligible Carrier
Application**

Case No. PU-418-00-555

**BEK Communications Cooperative
Local Exchange
Public Convenience & Necessity**

Case No. PU-418-00-556

ORDER

December 20, 2000

On October 25, 2000, in Case No. PU-418-00-556, BEK Communications Cooperative (BEK) filed an application for a certificate of public convenience and necessity to provide local exchange telecommunications services in the Lehr, Linton, Napoleon, Steele, Wishek and Zeeland exchange areas in North Dakota. BEK also requested, Case No. PU-418-00-555, that its Designated Eligible Carrier status for receiving federal universal service funding be expanded to include these exchanges.

On November 8, 2000, the Commission issued a Notice of Opportunity for Hearing, which provided until December 5th for receiving comments or hearing requests. No comments or requests for hearing were received. The notice identified the following issues to be considered in Case No. PU-418-00-556:

1. Fitness and ability of the transferee to provide service.
2. Adequacy of the proposed service.
3. The technical, financial and managerial ability of the transferee to provide service.

The issues to be considered in Case No. PU-418-00-555 are:

4. Should the Commission establish universal service support areas different from the applicant's current service area or cost study area?
5. Does the applicant offer the services that are supported by federal universal service support mechanisms in each of its universal service support areas in a manner adequate to meet the requirements of the FCC order?

6. Does the applicant advertise the availability of services supported by federal universal support mechanisms in each of its universal service support areas consistent with the FCC and state commission requirements for such advertising?
7. Does the applicant's Lifeline and Link Up offerings in each of its universal service support areas meet the requirements established by the FCC and the proposed North Dakota Lifeline Plan and Link Up Plan?
8. Do exceptional circumstances exist with respect to a universal service support area for which the Commission should grant additional time to make or complete any necessary network upgrades?
9. Are there any other issues that should be addressed regarding this request for designation as an eligible carrier?

BEK intends to purchase all the assets of its subsidiary, BEK Communications I, Inc. (BCI) and start providing telecommunications services in the above BCI exchanges on January 1, 2001. All subscribers in these exchanges will become cooperative members of BEK. BEK's management and technical personnel are the same as those of BCI.

On December 4, 2000, the Public Service Commission's Director of Accounting filed a memorandum indicating that the reorganization will not adversely affect the financial ability of BEK to provide telecommunications service.

The Commission finds BEK is fit, able, and has the technical, financial and managerial ability to provide service.

To be designated as an eligible telecommunications carrier, a carrier must: (1) offer the services that are supported by federal universal service support mechanisms, and offer the services designated by the FCC for such federal support mechanisms for schools, libraries, and health care providers; and (2) advertise the availability of such services and the charges therefore using media of general distribution.

For telecommunications customers, the services supported by Universal service support mechanisms include voice grade access to the public switched network, local usage, dual tone multi-frequency signaling or its functional equivalent, single-party service or its functional equivalent, access to emergency services, access to operator services, access to interexchange service, access to directory assistance, toll limitation for qualifying low-income consumers. The Commission finds that BEK will continue to offer these services in the exchanges acquired from BCI and will continue to advertise the availability of such services and the charges therefore using media of general distribution.

For schools and libraries, the services supported by universal service support mechanisms include all telecommunications services, internal connections including installation and maintenance, basic conduit access to the Internet including information services that consist of the transmission of information as a common carrier, the transmission of information as part of a gateway to an information service when that transmission does not involve the generation or alteration of the content of information, and electronic mail services. For health care providers, the services supported by universal service support mechanisms include any telecommunications service of a bandwidth up to and including 1.544 Mbps. The Commission finds that BEK will continue to offer these services to schools, libraries and health care providers in the exchanges acquired from BCI.

The Commission finds that BEK's Lifeline and Link Up offerings will continue to meet the requirements established by the FCC and the North Dakota Lifeline Plan and Link Up Plan in the exchanges acquired from BCI.

The Commission finds that BEK's proposed service is adequate and meets the federal requirements for designating BEK as an Eligible Telecommunications Carrier in the exchanges acquired from BCI.

Order

The Commission Orders:

1. The application of BEK Communications Cooperative for certificates of public convenience and necessity to provide local exchange telecommunications services in the Lehr, Linton, Napoleon, Steele, Wishek and Zeeland exchange areas in North Dakota is approved, effective with the date that the transactions are complete. Certificates of public convenience and necessity will be issued upon notification by the applicants that the transactions are complete.

2. BEK's application to expand its Designated Eligible Carrier status is granted and BEK is designated as an Eligible Telecommunications Carrier for the purposes of receiving federal universal service support in the Lehr, Linton, Napoleon, Steele, Wishek and Zeeland exchange areas in North Dakota.

PUBLIC SERVICE COMMISSION

		
Susan E. Wefald Commissioner	Bruce Hagen President	Leo M. Reinbold Commissioner

INFORMAL AGENDA

December 6, 2000

- PU-2410-00-527 360networks (USA) inc.
Interexchange
Public Convenience and Necessity
- PU-2410-00-534 360networks (USA) inc.
Local Exchange
Public Convenience and Necessity
- PU-2417-00-548 James Valley Cooperative Telephone Company
Local Exchange
Public Convenience and Necessity
- PU-418-00-555 BEK Communications Cooperative
Designated Eligible Carrier
Application
- PU-418-00-556 BEK Communications Cooperative
Local Exchange
Public Convenience and Necessity
- PU-401-00-593 Otter Tail Power Company
WAPA Bill Crediting Program
Tariff
- PU-2453-00-632 Park Avenue Apartments
Master Meter Waiver
Approval

With drawn

- | | |
|--|---|
| <p>8 PU-2410-00-527 Pages: 1</p> <p>Informal Hearing held
by Public Service Commission
12/06/2000 CC: Comm Legal Ilona Jerry .</p> | <p>11 PU-418-00-555 Pages: 0</p> <p>Informal Hearing held
by Public Service Commission
12/06/2000 CC: Comm Legal PUD (3)</p> |
| <p>10 PU-2410-00-534 Pages: 0</p> <p>Informal Hearing held
by Public Service Commission
12/06/2000 CC: Comm Legal Ilona Jerry .</p> | <p>13 PU-418-00-556 Pages: 0</p> <p>Informal Hearing held
by Public Service Commission
12/06/2000 CC: Comm Legal PUD (3)</p> |
| <p>13 PU-2417-00-548 Pages: 0</p> <p>Informal Hearing held
by Public Service Commission
12/06/2000 CC: Comm Legal PUD (3)</p> | <p>4 PU-401-00-593 Pages: 0</p> <p>Informal Hearing held
by Public Service Commission
12/06/2000 CC: Comm Legal PUD (3)</p> |

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BEK Communications I, Inc.
Local Exchange
Public Convenience and Necessity

Case No. PU-1680-00-556

AFFIDAVIT OF SERVICE BY CERTIFIED AND ORDINARY MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **5th day of December, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

Staff Memorandum on Financial Ability

The envelope was addressed as follows:

Michael Bosh
Pringle & Herigstad
P O Box 1000
Minot ND 58702-1000
Cert. No. 7000 0520 0022 8653 2945

Sharon Helbling further deposes and says that on the **5th day of December, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

Jerome Tishmack
BEK Communications Cooperative
P O Box 230
Steele ND 58482-0230

12 PU-418-00-556

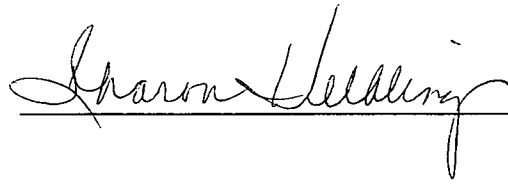
Pages: 2

Affidavit of Service
by Public Service Commission


12/05/2000

CC: Comm Legal PUD (3)

Each address shown is the respective addressee's last reasonably ascertainable post office address.



Subscribed and sworn to before me
this **5th day of December, 2000**.



Notary Public

SEAL



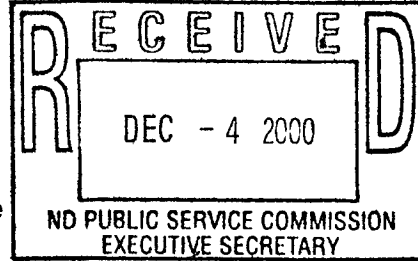
Public Service Commission
State of North Dakota

Memorandum

600 E Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
e-mail: msmail.sab@oracle.psc.state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

COMMISSIONERS
Bruce Hagen
President
Susan E. Wefald
Leo M. Reinbold

To: Jon Mielke
From: Mike Diller *Mike Diller*
Date: December 4, 2000
Re: **BEK Communications Cooperative
Transfer of PC&N Certificates
PU-418-00-556**



Executive Secretary
Jon H. Mielke

Memo Concerning Financial Ability to Provide Service

Staff believes that the reorganization described in BEK Communications Cooperative's application will not adversely affect its ability to provide service to North Dakota.

As required by law, the commission must establish that the resulting company will have the financial ability to continue providing good telecommunications service to its North Dakota customers.

Based on my review of the application, staff concludes that the reorganization and the transfer of Certificates of Public Convenience and Necessity will not adversely affect the financial ability of BEK to provide service in North Dakota. Some of the reasons for this decision include:

- No outside party is involved in the reorganization and merger.
- The September 30, 2000 financial statements of BEK reflect a positive equity balance of \$20,759,298.
- The same resources used to provide service today would be available after the reorganization and merger.

In conclusion, staff agrees with the applicant that it is and will be financially able to provide good service to its North Dakota customers.



Public Service Commission
State of North Dakota

600 E Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
e-mail: sab@oracle.psc.state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

COMMISSIONERS

Bruce Hagen
President
Susan E. Wefald
Leo M. Reinbold

Executive Secretary
Jon H. Mielke

August 11, 2000

Jerry L. Renner
Attorney at Law
Box 299
Steele, ND 58482

Re: BEK Communications Cooperative

Dear Mr. Renner:

I am writing in response to your request for information concerning the Cooperative's plan to purchase the assets of BEK Inc. and BEK Communications I Inc.

The Cooperative does not need PSC approval for the acquisition. However, the Cooperative will need to obtain Certificates of Public Convenience and Necessity from the PSC under Chapter 49-03.1 of the North Dakota Century Code to provide service in the exchanges involved in the transaction.

PSC approval is required to obtain the Eligible Carrier Designation. An application will need to be filed with the Commission.

I suggest that you discuss the specific requirements of the application and hearing processes for both the Eligible Carrier Designation and Certificate of Public Convenience and Necessity with the Public Utilities Division. The Director is Illona Jeffcoat-Sacco, and her phone number is 701-328-2407. If Illona is unavailable, I suggest that you talk to Patrick Fahn at 701-328-4077 or Jerry Lein at 701-328-1035.

Sincerely,


William W. Binek
Chief Counsel

10 **PU-418-00-555**

Pages: 1

Response to request for info concerning
acquisitions
by BEK Communications Cooperative by Bill Binek, Ch
08/11/2000 CC: Comm Legal PUD (3)

10 **PU-418-00-556**

Pages: 1

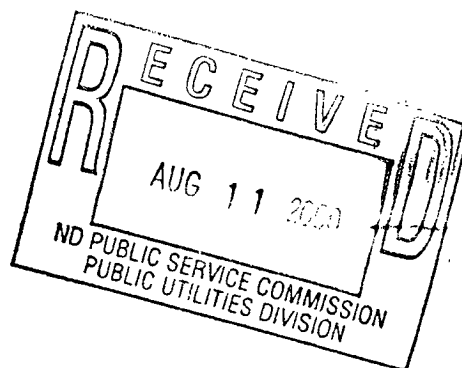
Response to request for info concerning
acquisitions
by BEK Communications Cooperative by Bill Binek, Ch
08/11/2000 CC: Comm Legal PUD (3)

JERRY L. RENNER
Attorney - C.S.A.
BOX 229
STEELE, NORTH DAKOTA 58482

(701) 475-2310

August 8, 2000

North Dakota Public Service Commission
600 East Boulevard Avenue
Dept. 408
Bismarck, North Dakota 58505



Re: BEK Communications Cooperative

I am the attorney for the above named Cooperative. In 1995, the Cooperative purchased six telephone exchanges from U.S. West. Those six exchanges were Linton, Napoleon, Steele, Lehr, Wishek and Zeeland. Those six exchanges currently operate under the name of BEK Communications I Inc. The customers of these exchanges are currently **not** cooperative members.

BEK Communications I Inc. is a regular, for profit corporation which is owned by a holding company called BEK Inc. BEK Inc. is a regular for profit corporation which in turn is owned by BEK Communications Cooperative.

Effective January 1, 2001, the Cooperative plans to purchase the assets of both BEK Inc. and BEK Communications I Inc. All the assets would then be owned by the Cooperative and all customers would then become Cooperative members. The transaction will be handled as a purchase (acquisition) **and not** as a merger or consolidation.

The Cooperative members at their annual meeting held on June 8, 2000, approved changes in the Cooperative Articles of Incorporation and Bylaws. These changes would create a new voting district for the new Cooperative members effective January 1, 2001. Three new additional directors would then be elected to represent this new Cooperative voting district.

The purpose of this letter is to seek a determination as to what your agency requires in order for the Cooperative to complete this transaction. Specifically, would you please notify me as to your requirements on the following items:

1. Is PSC approval of the acquisition required? If so, what type of proceeding is necessary?

9 PU-418-00-555

Pages: 2

Letter re purchase of 6 US WEST
telephone exchanges
by BEK Communications Cooperative by Jerry L Renn
08/11/2000 CC: Comm Legal PUD (3)

9 PU-418-00-556

Pages: 2

Letter re purchase of 6 US WEST
telephone exchanges
by BEK Communications Cooperative by Letter re purc
08/11/2000 CC: Comm Legal PUD (3)

North Dakota Public Service Commission

Page Two

August 8, 2000

2. Is PSC approval required to transfer the Certificate of Public Convenience and Necessity from BEK Communications I Inc. to BEK Communications Cooperative? If so, what type of proceeding is necessary?
3. Is PSC approval required for Transfer of Eligible Carrier Designation? If so, what type of proceeding is necessary?
4. What other requirements must be met in order for the Cooperative to complete this transaction?

Please contact me if further information is needed.

Sincerely,

A handwritten signature in black ink that reads "Jerry Renner". The signature is written in a cursive, flowing style.

Jerry Renner
Attorney

JR:cr

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BEK Communications Cooperative
Designated Eligible Carrier
Application

Case No. PU-418-00-555

BEK Communications I, Inc.
Transfer of PC&N Certificates
Application

Case No. PU-1680-00-556

AFFIDAVIT OF SERVICE BY CERTIFIED AND ORDINARY MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **9th day of November, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

Notice of Opportunity for Hearing

The envelope was addressed as follows:

Michael Bosh
Pringle & Herigstad
P O Box 1000
Minot ND 58702-1000
Cert. No. 7099 3400 0014 4513 7474

Sharon Helbling further deposes and says that on the **9th day of November, 2000**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

Jerome Tishmack
BEK Communications Cooperative
P O Box 230
Steele ND 58482-0230

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Sharon Helling

Subscribed and sworn to before me
this **9th day of November, 2000**.

Sandra L. Scott
Notary Public

SEAL

SANDRA L. SCOTT
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires JUNE 11, 2004

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**BEK Communications Cooperative
Designated Eligible Carrier
Application**

Case No. PU-418-00-555

**BEK Communications I, Inc.
Transfer of PC&N Certificates
Application**

Case No. PU-1680-00-556

AFFIDAVIT OF SERVICE BY ORDINARY MAIL OR E-MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **9th day of November, 2000**, she sent by E-Mail or deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, each containing a photocopy of:

Notice of Opportunity for Hearing

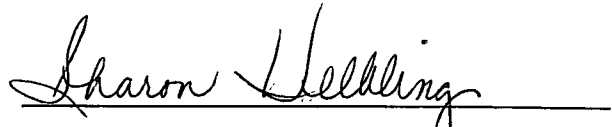
The envelopes were addressed as follows:


See Attached List

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **9th day of November, 2000**.







Notary Public

SEAL

wahlgren@rus.usda.gov
Wayne Ahlgren

bberkenpas@rus.usda.gov
Barb Berkenpas

wbrudvik@ohnstadlaw.com
William Brudvik

donlee@martin-associates.com
Don Lee

jxpet23.uswest.com
Janis Peterson

lisestrom@dwt.com
Lise Strom

harumiyamamoto@dwt.com
Harumi Yamamoto

ruth.holder@teligent.com
Ruth Holder

nlarsen@nvc.net
Clint Hanson
Accent Communications Inc
235 E 1st Ave
Groton SD 57445

jlchapman@acomminc.com
Jerry Chapman
Acomm Inc
510 1st Ave N Ste 203
Minneapolis MN 55403-0343

smassey@bepc.com
Sheryl Massey
Basin Electric Power Coop
1717 E Interstate Ave
Bismarck ND 58501-0564

jtmgr@bektel.com
Jerome Tishmack
BEK Communications Cooperative
PO Box 230
Steele ND 58482-0230

jtmgr@bektel.com
Jerome Tishmack
BEK Communications I Inc
PO Box 230
Steele ND 58482-0230

ken@staff.ctctel.com
L Dan Wilhelmson
Consolidated Comm Networks Inc
PO Box 1077
Dickinson ND 58601-1077

ken@staff.ctctel.com
L Dan Wilhelmson
Consolidated Telcom Inc
PO Box 1077
Dickinson ND 58601-1077

ken@staff.ctctel.com
L Dan Wilhelmson
Consolidated Telephone Cooperative
PO Box 1077
Dickinson ND 58601-1077

drtc@drtel.net
Darren Moser
Dickey Rural Telephone Cooperative
PO Box 69
Ellendale ND 58436-0069

glenn.richards@shawpittman.com
Glenn Richards
Glenn Richards
ShawPittman
2300 N St NW

r1aqua@rrv.net
Ronald Laqua
Halstad Telephone Company
PO Box 55
Halstad MN 56548-0055

dclark@hq.idt.net
Diane Clark
IDT America, Corp.
520 Broad St 7th Fl
Newark NJ 07102

kander@ictc.com
Keith Anderson
Inter-Community Telephone Co. II
PO Box 8
Nome ND 58062-0008

nschmid@acginc.net
Neil Schmid
Ionex Communications North Inc
5710 LBJ Frwy Ste 215
Dallas TX 75240

Michael.Murray@MCI.com
Michel Murray
MCI WorldCom Inc
707 17th St Ste 3600
Denver CO 80202

john_sullivan@cable.comcast.com
John Sullivan
McLeodUSA

meredith.gifford@gecapital.com
Meredith Gifford
GE Capital Comm Services Corp
6540 Powers Ferry Rd
Atlanta GA 30339

cooperstown@m1gc.com
Ray Brown
Griggs County Telephone Company
Cooperstown ND 58425

hold@texas.net
Dana Wilson
Home Owners Long Distance Inc
8647 Wurzbach Rd #M-1
San Antonio TX 78240-1245

kander@ictc.com
Keith Anderson
Inter-Community Telephone Co
PO Box 8
Nome ND 58062-0008

itci@means.net
Bruce Reuber
Interstate Telcom Consulting Inc
130 Birch Ave W
Hector MN 55342-0668

skat@means.net
Steven Katka
Loretel Systems Inc
13 E 4th Ave
Ada MN 56510

skillebrew@deltacom.com
Sharon Killebrew
McLeodUSA

wheaston@mcleodusa.com
William Heaston
McLeodUSA
P O Box 3177
Cedar Rapids IA 52406-3547

amy.ibis@dtg.com
Amy Ibis
McLeodUSA
140 North Phillips Ave Ste 404
Sioux Falls SD 57104-6711

sbunn@m1gc.com
Shelie Bunn
Moore & Liberty Telephone Co
Enderlin ND 58027

dhill@ndarec.com
Dennis Hill
ND Assn Rural Electric Coops
PO Box 727
Mandan ND 58554-0727

lclemens@nft.net
Larry Clemens
Noonan Farmers Tele Co
Noonan ND 58765

cajuul@norstan.com
Cathy Juul
Norstan Network Services Inc
P O Box 5715
Minnetonka MN 5534333-57

klund@nccray.com
Kenneth Lund
Northwest Communications Corp
PO Box 38
Ray ND 58849-0038

jram@erols.com
John Ramsey
Parcel Consultants Inc
150 Commerce Rd
Cedar Grove NJ 07009

ddunning@polarcomm.com
David Dunning
Polar Telcom Inc
PO Box 270
Park River ND 58270-0270

gerrya@midrivers.com
Gerry Anderson
Mid-Rivers Telephone Coop Inc
PO Box 280
Circle MT 59215-0280

hfuglest@ndarec.com
Harlan Fugelsten
ND Assn Rural Electric Coops
PO Box 727
Mandan ND 58554-0727

pschaner@ndarec.com
Patti Schaner
ND Assn Rural Electric Coops
PO Box 727
Mandan ND 58554-0727

rer@norlight.com
Robert E Rogers
NorLight Inc
275 N Corporate Dr
Brookfield WI 53045

pagndta@btigate.com
Patricia Gisinger
North Dakota Telephone Assoc
PO Box 2614
Bismarck ND 58502-2614

royce@restel.net
Royce Aslakson
Parcel Consultants Inc
150 Commerce Rd
Cedar Grove NJ 07009

ddunning@polarcomm.com
David Dunning
Polar Commun Mut Aid Corp
PO Box 270
Park River ND 58270-0270

ddunning@polarcomm.com
David Dunning
Polar Telecommunications Inc
PO Box T
Park River ND 58270

jvonduyke@phoneforall.com
Jeff Walker
Preferred Carrier Services Inc
14681 Midway Rd Ste 105
Dallas TX 75244

protel@citi .com
Scott Lee
Protel Advantage Inc
1144 Larpenteur Ave W
St Paul MN 55113-6317

pam@tnics.com
Pamela Harrington
RC Communications Inc
PO Box 197
New Effington SD 57255-0197

ardondoran@rrt.net
Ardon Doran
Red River Rural Tele Assoc
PO Box 136
Abercrombie ND 58001

ardondoran@rrt.net
Ardon Doran
Red River Telecom Inc
PO Box 136
Abercrombie ND 58001-0136

jdbtbb@ndak.net
Jan Boschee
Reservation Telephone Cooperative
Parshall ND 58770

mbrestel@ndak.net
Marcia Burckhard
Reservation Telephone Cooperative
Parshall ND 58770

pam@tnics.com
Pamela Harrington
Roberts Cty Tele Coop Assoc
New Effington SD 57255

warrenlh@srttel.com
Warren Hight
Souris River Tele Coop
PO Box 2027
Minot ND 58702-2027

suelh@srttel.com
Sue Hamilton
SRT Communications Inc
P O Box 789
Minot ND 58702-0789

stevedl@srttel.com
Steve Lysne
SRT Communications Inc
P O Box 789
Minot ND 58702-0789

christm@srttel.com
Chris Morsefield
SRT Communications Inc
P O Box 789
Minot ND 58702-0789

janehp@srttel.com
Jane Petersen
SRT Communications Inc
P O Box 789
Minot ND 58702-0789

johnar@srttel.com
John Reiser
SRT Communications Inc
P O Box 789
Minot ND 58702-0789

kimrw@srttel.com
Kim Weydahl
SRT Communications Inc
P O Box 789
Minot ND 58702-0789

mdickers@state.nd.us
Marcy Dickerson
State Tax Department
State Capitol
Bismarck ND 58505

grndelec@iw.net
Darrell Henderson
Stateline Telecomm Inc
PO Box 39
Bison SD 57620-0039

clarson@telgroup.com
Caroline Larson
Telegroup Inc
2098 Nutmeg Ave
Fairfield IA 52556

bgreene@magicnet.net
Barbara Greene
Telephone Co of Central Florida Inc
3599 W Lake Mary Blvd Ste E
Lake Mary FL 32746-3417

thomasc@totaltel.com
Tom Carroll
TotalTel Inc
150 Clove Rd 8th Fl
Little Falls NJ 07424

bpipkin@touch1.com
Leigh Ann Wooten
Touch 1 Long Distance Inc
100 Brookwood Rd
Atmore AL 36502

maryg@uslink.net
Mary Goodman
U S Link Inc
200 2nd St
Pequot Lakes MN 56472

lahall@usgs.gov
Lenora Hall
U S Geological Survey

kjvannin@usgs.gov
K Vannin
U S Geological Survey

afranklin@us-south.net
Anne Franklin
U S South Communications Inc
250 Williams St Ste 2360
Atlanta GA 30303

ralyana@uswest.com
Richard Alyanak
U S WEST

kblicke@uswest.com
Kent Blickensderfer
U S WEST Communications Inc
PO Box 5508
Bismarck ND 58502-5508

smacint@uswest.com
Scott Macintosh
U S WEST Communications Inc
PO Box 5508
Bismarck ND 58502-5508

jmun@uswest.com
John Munn
U S WEST Communications Inc
1801 California Rm 5100
Denver CO 80202

saberry@uswest.com
Sharon Berry
U S WEST Communications Inc
409 1st Ave N
Fargo ND 58102-4802

sschwan@uswest.com
Suzy Schwandt
U S WEST Communications Inc.
P O Box 5508
Bismarck ND 58502-5508

johng@unidial.com
John Greive
UniDial Communications Inc
1901 Eastpoint Pkwy
Louisville KY 40223

kander@ictc.com
Keith Anderson
Valley Communications Inc
P O Box 8
Nome ND 58062

bonniek@westriv.com
Bonnie Krause
West River Telecomm Coop
PO Box 467
Hazen ND 58545-0467

tsusak@vocal.com
Tony Susak
VoCall Communications Corp
284 Sheffield St
Mountainside NJ 07092

pihland@means.net
Paul Ihland
Wolverton Telephone Company
Wolverton MN 56594

Myer Shark
2277 Gene Autry Trail Unit C
Palm Springs CA 92264

Myer Shark
Knollwood Place Apts #221
3630 Phillips Pkwy
St Louis Park MN 55426

Ann Faught
Absaraka Co-op Tele Co
Absaraka ND 58002

ACN Communications Services Inc
32991 Hamilton Ct
Farmington Hills MI 48334

Mark Waind
Altru Health System
1200 South Columbia Rd
Grand Forks ND 58201

John Summers
AmeriTel Pay Phones Inc
8201 Tristar Dr
Irving TX 75063-2816

Arch Paging
11437 Valley View Rd
Eden Prairie MN 55344

Leeann Brunnette
AT&T
321 E Walnut St
Des Moines IA 50309

Jack Medaris
Atlas Communications LTD
484 Norristown Rd Ste 123
Blue Bell PA 19422

Dorothy Jones
Bell Atlantic Communications Inc
1320 N Courthouse Rd 9th Fl
Arlington VA 22201

John Session
Cable & Wireless Comm Inc
8219 Leesburg Pike
Vienna VA 22182

Scott Geston
Cable One of Fargo
P O Box 10624
Fargo ND 58106-0624

Choctaw Communications Inc
1600 Viceroy
Dallas TX 75235

Robert Fallan
Coast International
14303 W 95th St
Lenexa KS 66215-5210

Comcast Telecommunications
1500 Market St
Philadelphia PA 19102

Molli Harper
Commnet Cellular Inc
8350 E Crescent Pkwy Ste 400
Englewood CO 80111

Murray Barr
Competitive Strategies Group Inc
70 East Lake St 7th Fl
Chicago IL 80112

Elaine McHale
Concert Communications Sales LLC
295 N Maple Ave Rm 5463A2
Basking Ridge NJ 07920

D D D Calling Inc
5120 Woodway Ste 8020
Houston TX 77056

Robert Hill
Dakota Central Tele Coop
PO Box 299
Carrington ND 58421-0299

Robert Hill
Dakota Central Telecom I
PO Box 299
Carrington ND 58421-0299

Dickey Rural Communications Inc
PO Box 69
Ellendale ND 58436-0069

DSLnet Communications LLC
545 Long Wharf Dr
New Haven CT 06511

Easton Telecom Services Inc
4646 W Streetsboro
Richfield OH 44286

Excel Communications Inc
8750 N Central Expswy Ste 2000
Dallas TX 75231

Lawrence Freedman
Fleischman & Walsh
1400 16th ST NW
Washington DC 20036

Framco Inc
P O Box 2711
Fargo ND 58108

Ronald Rodemerk
Frontier Comm International
180 S Clinton Ave
Rochester NY 14646-0500

Craig Brewerton
Geo Economics
PO Box 4272
Missoula MT 59806-4272

Lucille Nilson
Griggs County Telephone Company
Cooperstown ND 58425

Group Long Distance Inc
6600 N Andrews Ave Ste 140
Ft Lauderdale FL 33309

HJN Telecom Inc
3235 Satellite Blvd Bldg 400 Ste 300
Duluth GA 30096

IdeaOne Telecom Group LLC
3239 39th St SW
Fargo ND 58104

Lance Sentman
International Telcom Ltd
417 2nd Ave W
Seattle WA 98119

Sue Weiske
Ionex Communications North Inc
5710 LBJ Frwy Ste 215
Dallas TX 75240

Nanette Edwards
ITC DELTACOM INC
4092 Memorial Pkwy SW
Huntsville AL 35802-1382

Larry Barnes
IXC/SSC-Regulatory Affairs
1122 S Capital of TX Hwy
Austin TX 78746-6426

Katherine E Ford
U S WEST
1801 California St Ste 5100
Denver CO 80202

Thomas K Crowe
Law Offices of Thomas K Crowe PC
2300 M St NW Ste 800
Washington DC 20037

LCI International Telecom Corp
4650 Lakehurst Ct
Dublin OH 43017

LDM Systems Inc
430 Park Ave 5th Fl
New York NY 10022

Jan Lowe
Long Dist Consolidated Billing Co
145 S Livernois Rd #199
Rochester MI 48307-1837

MCImetro Access Transmission Services
1801 Pennsylvania Ave NW
Washington DC 20006

Carolyn Fodor
MIDCOM Communications Inc
26913 Northwestern Hwy #165
Southfield MI 48034

Mid-Rivers Telephone Coop Inc
P O Box 280
Circle MT 59215

Mark Wilhelmi
Midstate Telephone Co
PO Box 400
Stanley ND 58784-0400

Mike Strand
MITS
PO Box 5237
Helena MT 59604-5237

Dave Crothers
NDATC
Box 1144
Mandan ND 58554-1144

Sharon Meinhart
NetLogix Telecom Inc
501 Bath St
Santa Barbara CA 93101

Sandra Adams
NewPath Holdings Inc
4364 114th St
Des Moines IA 50322

Level 3 Communications LLC
3555 Farnam St
Omaha NE 68131

Marilyn Foss
MCI WorldCom Inc
707 17th St Ste 3600
Denver CO 80202

McLeodUSA
P O Box 3177
Cedar Rapids IA 52406-3177

Midcontinent Communications
410 South Phillips Ave
Sioux Falls SD 57104

Gordon Wilhelmi
Midstate Communications Inc
PO Box 400
Stanley ND 58784-0400

Minnesota Independent Equal Access
Corp
10300 6th Avenue N
Plymouth MN 55441

MVX Communications LLC
100 Rowland Way Ste 145
Novato CA 94945

Richard Thronson
Nemont Telephone Cooperative Inc
Scobey MT 59263

Net-tel Corporation
1023 31st St NW
Washington DC 20007

Nextel West Corp
2001 Edmund Halley Dr
Reston VA 20191-3436

Dave Dircks
North Dakota Telephone Company
PO Box 180
Devils Lake ND 58301-0180

Pamcomm
P O Box 5200
Sioux Falls SD 57117-5200

Jan Seby
Pringle and Herigstad P C
PO Box 1000
Minot ND 58702-1000

Heather Troxell
Qwest Communications Corporation
4250 Fairfax Dr
Arlington VA 22203

RCN Long Distance Company
105 Carnegie Ctr
Princeton NJ 08540

Sandra Adams
NewPath Holdings Inc
4364 114th St
Des Moines IA 50322

Lisa Dabkowski
SNET America Inc
6 Devine St 1st Fl
North Haven CT 06743

SRT Communications Inc
P O Box 789
Minot ND 58702-0789

Harris Saele
T P C Inc
PO Box 180
Devils Lake ND 58301-0180

Regulatory Analyst
Technologies Management Inc
PO Drawer 200
Winter Park FL 32790-0200

Holly Sasser
Operator Communications Inc
3530 Forest Ln Ste 200
Dallas TX 75234-7910

Bryan Engle
Parcel Consultants Inc
150 Commerce Rd
Cedar Grove NJ 07009

Quintelco Inc
1 Blue Hill Plaza
Pearl River NY 10965

Dean Polkow
RCC Network Inc
PO Box 2000
Alexandria MN 56308-2000

Gene Sloan
Reservation Telephone Cooperative
Parshall ND 58770

Skyland Technologies Inc
P O Box 5237
Helena MT 59604-5237

Andrew Jones
Sprint
8140 Ward Pkwy Flr 5E
Kansas City MO 64114

Randy Burckhard
SRT Communications Inc
P O Box 789
Minot ND 58702-0789

Target Telecom Inc
1515 S Federal Hwy Ste 400
Boca Raton FL 33432-7451

Jack Medaris
Telco Partners Inc
484 Norristown Rd Ste 123
Blue Bell PA 19422

Al Bosch
Tele-Beep Company
PO Box 7072
Bismarck ND 58502-7072

T-Netix Inc
67 Inverness Drive E
Englewood CO 80112

Charles Steese
U S WEST
1801 California St Ste 5100
Denver CO 80202

Dick Boyer
U S West Interprise America Inc
1999 Bdwy Rm 700
Denver CO 80202

Sam Billingsley
United States Advanced Network Inc
3000 Nrothwoods Pkwy Ste 140
Norcross GA 30071

Dennis Houston
Universal Network Services of ND
1572 North Batavia St Ste 1A
Orange CA 92867

USBG Inc
5601 W 120th St
Alsip IL 60658

Randy Houdek
Venture Communications Inc
PO Box 157
Highmore SD 57345-0157

Doris Cooper
West River Long Distance Co
PO Box 467
Hazen ND 58545-0467

Western CLEC Corporation
3650 131st Ave SE #400
Bellevue WA 98006

Liz Petror
Teltrust Comm Services Inc
6322 S 3000 East
Salt Lake City UT 84121

Kenneth Carlson
Turtle Mountain Communications
PO Box 729
Langdon ND 58249-0729

Richard Alyanak
U S WEST Communications Inc
1801 California St Rm 4700
Denver CO 80202

Giuseppe Vitale
UKI Communications Inc
500 N Rainbow Blvd Ste 300
Las Vegas NV 89107

Kenneth Carlson
United Telephone Mut Aid Corp
Langdon ND 58249

Telecomm Dept
University of North Dakota
Box 8193
Grand Forks ND 58202-7141

Val-Ed Joint Venture LLP
150 2nd St SW
Perham MN 56573

Mick Grosz
West River Communications Inc
PO Box 467
Hazen ND 58545-0467

Mick Grosz
West River Telecomm Coop
PO Box 467
Hazen ND 58545-0467

Z-Tel Communications Inc
601 S Harbour Island Blvd Ste 220
Tampa FL 33602-5925

PU-1680-00-556

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Historical Society

Associated Press

Helbling, Sharon D.

From: Helbling, Sharon D.
Sent: Wednesday, November 08, 2000 2:46 PM
To: ndna (E-mail)
Subject: Attached 2 Notice of Opportunity for Hearing and 1 Notice of Opportunity to File Written Comments

Please have the attached Notices published as legal publications in the next issue of the ten North Dakota Daily newspapers, and run them as "News Item Only" articles as well.

Send the bill to the Public Service Commission along with a tear sheet for billing purposes.

If you have any questions, please call me at 701-328-4076.

Thank you.

Sharon Helblin



1.doc



1.doc



1.doc

MOTION

APPROVED:
DATE: 11-8-00
KMF

November 8, 2000

**BEK Communications Cooperative
Designated Eligible Carrier
Application**

Case No. PU-418-00-555

**BEK Communications Cooperative
Local Exchange
Public Convenience and Necessity**

Case No. PU-418-00-556

I move the Commission issue a Notice of Opportunity for Hearing in BEK Communications Cooperative's application for Designated Eligible Carrier status, Case No. PU-418-00-555, and for Certificates of Public Convenience and Necessity to serve the Lehr, Linton, Napoleon, Steele, Wishek and Zeeland exchange areas in North Dakota, Case No. PU-418-00-556.

JRL/sdh

000556-2.doc

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**BEK Communications Cooperative
Designated Eligible Carrier
Application**

Case No. PU-418-00-555

**BEK Communications Cooperative
Local Exchange
Public Convenience & Necessity**

Case No. PU-418-00-556

NOTICE OF OPPORTUNITY FOR HEARING

November 8, 2000

On October 25, 2000, in Case No. PU-418-00-556, BEK Communications Cooperative (BEK) filed an application for a certificate of public convenience and necessity to provide local exchange telecommunications services in the Lehr, Linton, Napoleon, Steele, Wishek and Zeeland exchange areas in North Dakota. BEK also requested, Case No. PU-418-00-555, that its Designated Eligible Carrier status for receiving federal universal service funding be expanded to include these exchanges.

Effective immediately after the close of business on December 31, 2000 BEK intends to purchase all the assets of its subsidiary, BEK Communications I, Inc. (BCI). Beginning on January 1, 2001, BEK intends to assume providing telecommunications services in the above exchanges presently served by BCI and all subscribers in these exchanges will become cooperative members of BEK.

The issues to be considered in Case No. PU-1680-00-556 are:

1. Fitness and ability of the transferee to provide service.
2. Adequacy of the proposed service.
3. The technical, financial and managerial ability of the transferee to provide service.

The issues to be considered in Case No. PU-418-00-555 are:

4. Should the Commission establish universal service support areas different from the applicant's current service area or cost study area?
5. Does the applicant offer the services that are supported by federal universal service support mechanisms in each of its

5 PU-418-00-556

Pages: 2

Notice of Opportunity for Hearing

by Public Service Commission

11/08/2000

CC: Comm Legal PUD (3)

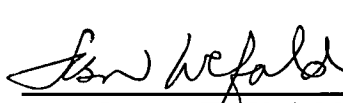
universal service support areas in a manner adequate to meet the requirements of the FCC order?

6. Does the applicant advertise the availability of services supported by federal universal support mechanisms in each of its universal service support areas consistent with the FCC and state commission requirements for such advertising?
7. Does the applicant's Lifeline and Link Up offerings in each of its universal service support areas meet the requirements established by the FCC and the proposed North Dakota Lifeline Plan and Link Up Plan?
8. Do exceptional circumstances exist with respect to a universal service support area for which the Commission should grant additional time to make or complete any necessary network upgrades?
9. Are there any other issues that should be addressed regarding this request for designation as an eligible carrier?

Those interested are invited to comment on these applications in writing. Anyone desiring a hearing must file a written request identifying their interest in the proceedings and the reasons for requesting a hearing. Comments and requests for hearing must be received by **December 5, 2000**. If deemed appropriate, the Commission can determine the matter without a hearing.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-224-2400, or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify Jon Mielke, Executive Secretary, at least 24 hours prior.

PUBLIC SERVICE COMMISSION

		
<hr/>	<hr/>	<hr/>
Susan E. Wefald Commissioner	Bruce Hagen President	Leo M. Reinbold Commissioner



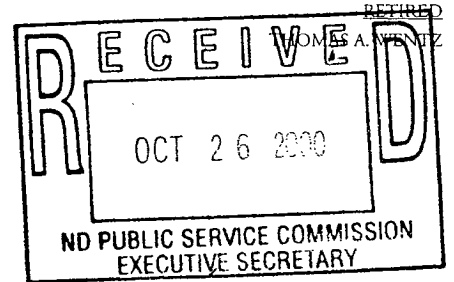
LAW OFFICES OF

PRINGLE & HERIGSTAD, P.C.

BREMER BANK BUILDING
20 SW 1ST STREET
POST OFFICE BOX 1000
MINOT, NORTH DAKOTA 58702
(701) 852-0381
FAX (701) 857-1361
E-mail: pringle@ndak.net

DONALD T. CAMPBELL
MICHAEL A. BOSH
BRENT M. OLSON
DENISE C. HAYS
DEBRA L. HOFFARTH
OF COUNSEL
HERBERT L. MESCHKE

ROGER O. HERIGSTAD
MARK F. PURDY
JAN M. SEBBY
DONALD A. NEGAARD
JAMES E. NOSTDAHL
JOHN J. PETRIK
CAROL K. LARSON
DAVID J. HOGUE
REED A. SODERSTROM
MARK R. HAYS



October 25, 2000

Jon Mielke, Executive Secretary
ND Public Service Commission
600 E. Boulevard Ave.
Bismarck, ND 58505-0480

**BEK COMMUNICATIONS COOPERATIVE AND BEK COMMUNICATIONS I INC.
APPLICATION FOR APPROVAL OF TRANSFER OF PC&N CERTIFICATES AND
EXPANSION OF ETC DESIGNATED GEOGRAPHICAL SERVICE AREA**

Please find enclosed for filing in the above-named matter an original and seven copies of the Affidavit of Jerome Tishmack, General Manager of BEK Communications Cooperative and BEK Communications I Inc.

Sincerely,

Michael A. Bosh
Pringle & Herigstad, P.C.

jb

encs.

cc/enc: Jerome Tishmack

4 PU-418-00-556 Pages: 1
Letter re Affidavit
by BEK Communications I, Inc. by Michael A Bosh, Attr
10/26/2000 CC: Comm Legal PUD (3)

Zeeland (PC&N No. 3519), Wishek (PC&N No. 3517), Steele (PC&N No. 3505), and Napoleon (PC&N No. 3489). BCI is a wholly-owned subsidiary of BEK.

III.

Effective immediately after the close of business on December 31, 2000, BCI intends to sell, and BEK intends to purchase, all of BCI's current assets and facilities. Beginning on January 1, 2001, BCI intends to cease doing business as a provider of local exchange telecommunications service, exchange access, and other telecommunications activities in the exchanges of Linton, Lehr, Zeeland, Wishek, Steele, and Napoleon. In addition, as of January 1, 2001, BEK intends to engage in the business of providing local exchange telecommunications service, exchange access, and other telecommunications activities in the exchanges of Linton, Lehr, Zeeland, Wishek, Steele, and Napoleon. As of January 1, 2001, all of the subscribers in said exchanges will become cooperative members of BEK.

IV.

BCI wishes to transfer all of its Certificates of Public Convenience and Necessity to BEK, to help enable BEK to provide telecommunications service in the following exchanges beginning January 1, 2001: Linton, Lehr, Zeeland, Wishek, Steele, and Napoleon.

V.

BEK has been designated by the Commission as an eligible telecommunications carrier to receive universal service support under §§ 214 and 254 of the federal Communications act of 1934, as amended by the federal Telecommunications Act of 1996 (hereinafter, the "1996 Act"). BEK's eligible telecommunications carrier designated geographical service area for the purpose of determining universal service obligations and support mechanisms under the 1996 Act is currently the BEK Service Area. Effective as of January 1, 2001, BCI will relinquish its designation as an eligible telecommunications carrier, and BEK will need to have its designated geographical service area for the purpose of determining universal service obligations and support mechanisms under the 1996 Act expanded to also include the following exchanges: Linton, Lehr, Zeeland, Wishek, Steele, and Napoleon. All subscribers served by BCI prior to January 1, 2001 will be served by BEK beginning on January 1, 2001.

VI.

Based upon the current services being provided by BCI, there is a clear need for telecommunications services in the exchanges currently being served by BCI. The transfer of BCI's Certificates of Public Convenience and Necessity will have no effect on other public utilities providing similar services. BEK has the technical, financial, and managerial

fitness and ability to provide adequate essential and nonessential telecommunications services in the following exchanges: Linton, Lehr, Zeeland, Wishek, Steele, and Napoleon.

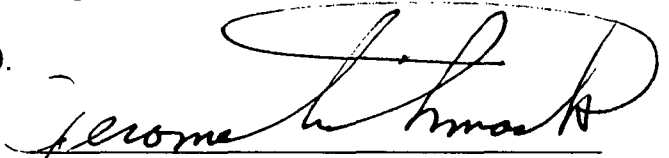
VII.

Beginning on January 1, 2001, BEK will offer all services that are supported by federal universal service support mechanisms under § 254(c) of the 1996 Act and 47 C.F.R. §§ 54.101 and 54.401, using a combination of its own facilities and resale of other carriers' services, and will advertise the availability of such services and the charges therefore using media of general distribution, throughout all of the following exchanges:

Hazelton, Kintyre, McKenzie, Pettibone, Regan, Robinson, Sterling, Strasburg, Tappen, Tuttle, Wilton, Wing, Linton, Lehr, Zeeland, Wishek, Steele, and Napoleon.

The affiant is the General Manager of the Applicants, BEK Communications Cooperative and BEK Communications I Inc., and affirms the truth of the foregoing statement of facts based on his first-hand knowledge.

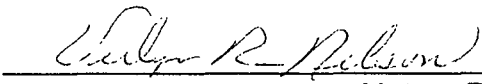
Dated this 27th day of October, 2000.



Jerome Tishmack

SUBSCRIBED AND SWORN to before me this 27 day of October, 2000.

VERLYN R. NELSON
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires NOV. 24, 2004


_____, Notary Public
For the State of North Dakota
My commission expires: November 24, 2004



LAW OFFICES OF

PRINGLE & HERIGSTAD, P.C.

BREMER BANK BUILDING
20 SW 1ST STREET
POST OFFICE BOX 1000
MINOT, NORTH DAKOTA 58702
(701) 852-0381
FAX (701) 857-1361
E-mail: pringle@ndak.net

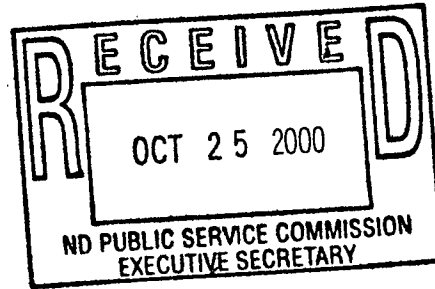
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BRENT M. OLSON
DENISE C. HAYS
DEBRA L. HOFFARTH

OF COUNSEL
HERBERT L. MESCHKE

RETIRED
THOMAS A. WENTZ

October 24, 2000



Jon Mielke, Executive Secretary
ND Public Service Commission
600 E. Boulevard Ave.
Bismarck, ND 58505-0480

**BEK COMMUNICATIONS COOPERATIVE AND BEK COMMUNICATIONS I INC.
APPLICATION FOR APPROVAL OF TRANSFER OF PC&N CERTIFICATES AND
EXPANSION OF ETC DESIGNATED GEOGRAPHICAL SERVICE AREA**

Please find enclosed for filing an original and seven copies of the Application of BEK Communications Cooperative and BEK Communications I Inc. for approval of transfer of PC&N certificates and the expansion of BEK Communications Cooperative's ETC designated geographical service area.

Sincerely,

Michael A. Bosh
Pringle & Herigstad, P.C.

jb
encs.
cc/enc: Jerome Tishmack

2 PU-418-00-556

Pages: 3

Letter re application

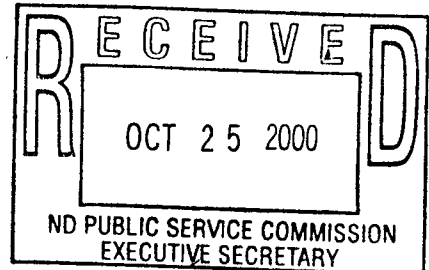
by BEK Communications I, Inc. by Michael A Bosh, Att
10/25/2000 CC: Comm Legal PUD (3)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**BEK Communications Cooperative and
BEK Communications I Inc.
Application for Approval of Transfer of
Certificates of Public Convenience and Necessity
and Expansion of BEK Communications Cooperative's
Eligible Telecommunications Carrier Designated
Geographical Service Area**

Case No. PU-_____

APPLICATION



I.

BEK Communications Cooperative (hereinafter, "BEK"), a North Dakota cooperative association, under Certificates of Public Convenience and Necessity issued by the North Dakota Public Service Commission (hereinafter, the "Commission"), is engaged in the business of providing local exchange telecommunications service, exchange access and other telecommunications activities in the following exchanges, which shall hereinafter be collectively referred to as the "BEK Service Area": Hazelton, Kintyre, McKenzie, Pettibone, Regan, Robinson, Sterling, Strasburg, Tappen, Tuttle, Wilton, and Wing.

II.

BEK Communications I Inc. (hereinafter, "BCI"), a North Dakota business corporation, under Certificates of Public Convenience and Necessity issued by the Commission in Case No. PU-314-94-688, is engaged in the business of providing local exchange telecommunications service, exchange access, and other telecommunications activities in the following exchanges: Linton (PC&N No. 3478), Lehr (PC&N No. 3475), Zeeland (PC&N No. 3519), Wishek (PC&N No. 3517), Steele (PC&N No. 3505), and Napoleon (PC&N No. 3489). BCI is a wholly-owned subsidiary of BEK.

III.

Effective immediately after the close of business on December 31, 2000, BCI intends to sell, and BEK intends to purchase, all of BCI's current assets and facilities. Beginning on January 1, 2001, BCI intends to cease doing business as a provider of local exchange telecommunications service, exchange access, and other telecommunications activities in the exchanges of Linton, Lehr, Zeeland, Wishek, Steele, and Napoleon. In addition, as of January 1, 2001, BEK intends to engage in the business of providing local exchange telecommunications service, exchange access, and other telecommunications

activities in the exchanges of Linton, Lehr, Zeeland, Wishek, Steele, and Napoleon. As of January 1, 2001, all of the subscribers in said exchanges will become cooperative members of BEK.

IV.

BCI wishes to transfer all of its Certificates of Public Convenience and Necessity to BEK, to help enable BEK to provide telecommunications service in the following exchanges beginning January 1, 2001: Linton, Lehr, Zeeland, Wishek, Steele, and Napoleon.

V.

BEK has been designated by the Commission as an eligible telecommunications carrier to receive universal service support under §§ 214 and 254 of the federal Communications act of 1934, as amended by the federal Telecommunications Act of 1996 (hereinafter, the "1996 Act"). BEK's eligible telecommunications carrier designated geographical service area for the purpose of determining universal service obligations and support mechanisms under the 1996 Act is currently the BEK Service Area. Effective as of January 1, 2001, BCI will relinquish its designation as an eligible telecommunications carrier, and BEK will need to have its designated geographical service area for the purpose of determining universal service obligations and support mechanisms under the 1996 Act expanded to also include the following exchanges: Linton, Lehr, Zeeland, Wishek, Steele, and Napoleon. All subscribers served by BCI prior to January 1, 2001 will be served by BEK beginning on January 1, 2001.

VI.

Based upon the current services being provided by BCI, there is a clear need for telecommunications services in the exchanges currently being served by BCI. The transfer of BCI's Certificates of Public Convenience and Necessity will have no effect on other public utilities providing similar services. BEK has the technical, financial, and managerial fitness and ability to provide adequate essential and nonessential telecommunications services in the following exchanges: Linton, Lehr, Zeeland, Wishek, Steele, and Napoleon.

VII.

Beginning on January 1, 2001, BEK will offer all services that are supported by federal universal service support mechanisms under § 254(c) of the 1996 Act and 47 C.F.R. §§ 54.101 and 54.401, using a combination of its own facilities and resale of other carriers' services, and will advertise the availability of such services and the charges therefore using media of general distribution, throughout all of the following exchanges: Hazelton, Kintyre, McKenzie, Pettibone, Regan, Robinson, Sterling, Strasburg, Tappen, Tuttle, Wilton, Wing, Linton, Lehr, Zeeland, Wishek, Steele, and Napoleon.

VIII.

The Commission has: (1) authority under N.D.C.C. § 49-21-01.7(7) to act upon applications dealing with certificates of public convenience and necessity; and (2) authority under N.D.C.C. § 49-21-01.7(13) to designate geographic service areas for designated eligible telecommunications carriers for the purpose of determining universal service obligations and support mechanisms under the 1996 Act.

IX.

WHEREFORE, BEK and BCI hereby apply to the Commission for approval of the transfer of Certificates of Public Convenience and Necessity Nos. 3475, 3478, 3489, 3505, 3517, and 3519 from BCI to BEK, effective as of January 1, 2001.

X.

WHEREFORE, BCI hereby applies to relinquish its status as an eligible telecommunications carrier under §§ 214 and 254 of the 1996 Act, effective as of January 1, 2001.

XI.

WHEREFORE, BEK hereby applies to the Commission for expansion of its designated geographic service area for the purpose of determining universal service obligations and support mechanisms under the 1996 Act, effective as of January 1, 2001, to also include the following exchanges: Linton, Lehr, Zeeland, Wishek, Steele, and Napoleon.

Dated this 23rd day of October, 2000.

PRINGLE & HERIGSTAD, P.C.

By 

Michael A. Bosh #5313

Attorneys for Applicants

BEK Communications Cooperative and

BEK Communications I, Inc.

Bremer Bank Building, Second Floor

P.O. Box 1000

Minot, ND 58702-1000

72-418-00-556

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

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 Michael Gosh
 Pringle + Desjardins
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 Montreal ND 58702-1000

2. Article Number (Copy from service label):
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