



DIVIDER

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

PU-2048-03-235
North Dakota Network Co.
Designated Eligible Carrier
Application
Filed 5/6/2003

Closed 8/4/2003

03

December 2, 2005

Patrick J. Fahn
North Dakota Public Service
Commission
600 E. Boulevard Dept. 408
Bismarck, ND 58505-0480



Dear Mr. Fahn,

Case No. PU-2048-03-235

On July 31, 2003, the North Dakota Public Service Commission ("PSC") designated North Dakota Network Co. ("NDNet") as an Eligible Telecommunication Carrier ("ETC").

In the ETC Order, the PSC requested a copy of NDNet's August 1, 2003 E911 Interim Report filed with the FCC. I sent you a letter dated November 24, 2004, enclosing a copy of the August 1, 2003 filing. Also in the Order, the PSC requested that NDNet submit a final report to the PSC when all phases of E911 implementation have been completed.

To fulfill the request by the PSC, this letter is notification that on October 25, 2005 NDNet has completed all implementation steps and are now Phase I and Phase II compliant.

If you have any questions regarding this matter, please give me a call at (701) 858-5233.

Sincerely,

A handwritten signature in cursive script that reads "Julie Lizotte".

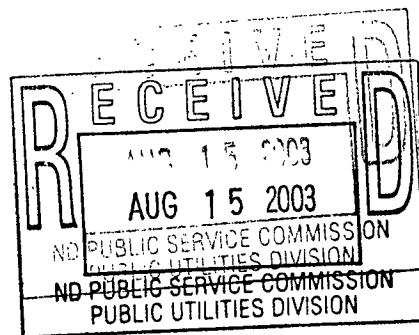
Julie Lizotte
Director of Regulatory Affairs
North Dakota Network Co.

**North
Dakota
Network
Company**
A SUBSIDIARY OF SRT

PO Box 2027
MINOT ND 58702
701-858-1200
800-737-9130

August 14, 2003

North Dakota Public Service Commission
Mr. Jon Mielke, Executive Secretary
600 E. Blvd. Dept. 408
Bismarck, ND 58501-0408



Re: North Dakota Network Company Tariff

Enclosed are seven (7) copies of the Personal Communications Service tariff for North Dakota Network Company. This filing is required as the result of the State of North Dakota Public Service Commission Case No. PU-2048-03-235, which orders that North Dakota Network Co. is designated as an eligible telecommunications carrier for the purposes of receiving federal universal service support in the study area of SRT Communications, Inc. conditioned upon the filing of a tariff for its universal service offering.

If you have any questions, my contact information is as follows:

Steve Lysne
CEO
North Dakota Network Company
PO Box 2027
Minot, ND 58702-2027
(701) 858-5246
Fax: (701) 858-1400
stevedl@srttel.com

Sincerely,

Steven D. Lysne
CEO/General Manager
North Dakota Network Company

Enclosure

18 **PU-2048-03-235**

Pages: 9

cc: Patrick Fahn, NDPSC Chief Engine

Compliance filing

by North Dakota Network Co.

08/15/2003

CC: Comm Legal PUD (3)

WIRELESS PCS LOCAL SERVICE

A. **General**

1. Wireless PCS Local Service is a personal communications service (“PCS Calling” or “PCS Service”) that includes all the requirement related to Federal Universal Service support mechanisms, and includes services to schools and libraries and health care providers as designated for support by the Federal Communications Commission.
2. PCS Service is provided under a Commercial Mobile Radio Service (CMRS) license issued to North Dakota Network (the Company) by the Federal Communications Commission.
3. PCS Service does not include a PCS telephone instrument; the subscriber is responsible to provide an instrument compatible with the service and the licensed band of radio spectrum. The Company will have compatible telephone instruments available for purchase by subscribers.
4. The calling area includes approximately 7200 square miles and is illustrated on the map, Attachment A.
5. The Company will offer all services that are supported by the Federal Universal Service support mechanisms, and will advertise the availability of any charges for those services using media of general distribution throughout the service area.
6. Deposits. Customers applying for service that do not have a satisfactory credit rating, or existing subscribers whose credit rating has become impaired, will be required to make a suitable cash deposit to be held as security for the payment of bills for telephone service. The amount of such deposit shall not, however, exceed the amount of charges for telephone service which it is estimated will accrue for a period of two months. At such time as service or a contract is terminated, the amount of any deposit is credited to the subscriber’s final account or refunded to the subscriber within forty-five (45) days. The deposit may be returned at any time the Company feels that the subscriber has established a satisfactory credit rating. The deposit will earn interest at a rate as determined by the North Dakota Public Service Commission on an annual basis. The interest rate will be determined as of the first business day of each year.

In case of discontinuance of service for nonpayment of amounts payable when due, Company will not restore service until all arrears are paid in full, applicable service connection charges are paid, and a cash deposit as required above is made, or until other satisfactory credit arrangements are made.

WIRELESS PCS LOCAL SERVICE

The fact that a deposit has been made shall in no way relieve the applicant or subscriber from complying with the Company's regulations as to advance payments and the prompt payment of bills on presentation. Likewise, a deposit will not constitute a waiver or modification of the regular practices of the Company providing for the discontinuance of service for nonpayment of any sums due the Company for services rendered. The Company may discontinue service to any subscriber failing to pay current bills without regard to the fact that such subscriber has made a deposit with the Company to secure payment of such bills or has furnished the Company with a guarantee in writing of such bills.

B. Services Included

1. ***Voice Grade Access to the Public Switched Network.*** PCS Service includes a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call, within the frequency range of between approximately 500 Hertz and 4000 Hertz, for a bandwidth of approximately 3500 Hertz.
2. ***Local Usage.*** PCS Service includes 2000 minutes of usage in the local calling area per monthly billing period, subject to a subscriber's choice of a calling plan that provides fewer minutes of usage. Local usage includes:
 - a. Calls placed by a subscriber to another subscriber where calls are originated and terminated through base stations in the local calling area;
 - b. Calls from subscribers originated from base stations in the local calling area to subscribers of other carriers with NXXs associated with the same area;
 - c. Calls to subscribers from subscribers of other carriers where the call is terminated through base stations in the local calling area.
3. ***Dual Tone Multi-Frequency Signaling or its Functional Equivalent.***
4. ***Single-Party Service or its Functional Equivalent.*** PCS Service permits subscribers to have a dedicated message path for the length of a particular transmission.
5. ***Access to Emergency Services.*** PCS Service includes access to 911 and enhanced 911 services to call emergency services through a Public Service Access Point (PSAP) operated by the local government, to the extent the local government has implemented 911 or enhanced 911 systems.

WIRELESS PCS LOCAL SERVICE

6. **Access to Operator Services.** PCS Service includes access to operator services, which is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call.
7. **Access to Interexchange Service.** PCS Service includes access to interexchange service for the purposes of making and receiving toll or interexchange calls. PCS Service also provides subscribers the ability to access interexchange carriers of choice by use of calling cards (credit cards or pre-paid calling cards).

PCS Service includes the availability of “toll blocking” to disable the origination of long distance toll calls from the subscriber’s telephone instrument.

8. **Access to Directory Assistance.** PCS Service includes customers’ access to directory assistance by dialing 1-NPA-555-1212.

PCS Service does not include categories of calls such as “900” and “976” calls.

PCS Service does not include “roaming” service for the origination or termination of calls through base stations outside of the local calling area. Roaming service is available with additional charges.

C. **PCS Service Rates and Usage Plans**

Basic:

1. Connection Charge/Activation Fee \$15.00
2. Monthly Service Charge \$19.95
3. Toll Blocking (optional) \$ 2.00
4. Includes 2000 minutes of local usage
5. Minutes of usage in the local calling area exceeding 2000 minutes per monthly billing period will be charged at the rate of \$0.15 per minute. Fractional minutes will be rounded to the next whole minute.
6. PCS Service under the Basic Plan does not include long distance service for the origination of calls to be terminated outside of the local calling area. Long distance service is available at the rate of \$0.15 per minute. Fractional minutes will be rounded to the next whole minute.

WIRELESS PCS LOCAL SERVICE

Toll Free USA 2000 Plan:

1. Connection Charge/Activation Fee \$15.00
2. Monthly Service Charge \$59.95
3. Includes 2000 minutes of local usage including calling to the 50 states and DC, United States of America
4. Minutes of usage (aggregate of local and long distance) exceeding 2000 minutes per monthly billing period will be charged at the rate of \$0.25 per minute. Fractional minutes will be rounded to the next whole minute.

Toll Free USA 1000 Plan:

1. Connection Charge/Activation Fee \$15.00
2. Monthly Service Charge \$39.95
3. Includes 1000 minutes of local usage including calling to the 50 states and DC, United States of America
4. Minutes of usage (aggregate of local and long distance) exceeding 1000 minutes per monthly billing period will be charged at the rate of \$0.25 per minute. Fractional minutes will be rounded to the next whole minute.

Toll Free USA 500 Plan:

1. Connection Charge/Activation Fee \$15.00
2. Monthly Service Charge \$29.95
3. Includes 500 minutes of local usage including calling to the 50 states and DC, United State of America
4. Minutes of usage (aggregate of local and long distance) exceeding 500 minutes per monthly billing period will be charged at the rate of \$0.25 per minute. Fractional minutes will be rounded to the next whole minute.

“Included minutes of use” under all of the Company’s PCS Service rates and Usage Plans are free of time of day or day of week limitations.

WIRELESS PCS LOCAL SERVICE

D. **Billing, Payment and Delinquencies and Termination**

1. Monthly service charges for service are billed and payable in arrears. Service charges for usage exceeding included minutes of use per billing period are billed in arrears and payable with the payment for monthly service charges. A new subscriber is obliged to pay the activation fee in advance before service commencement.
2. Monthly bills are payable on the 9th of the following month; the due date will be stated on each bill. A new subscriber's first bill will include prorated credits or charges as appropriate to coordinate with monthly billing cycles.
3. State and local sales taxes and other governmentally imposed fees and assessments on telecommunications services required or permitted to be charged to consumers will be added to service charges and separately itemized on monthly bills, and are payable with monthly service charges.
4. As a provider of Commercial Mobile Radio Service under a license issued by the Federal Communications Commission, the Company is not subject to certain North Dakota statutes and Rules of the Public Service Commission that are applicable to other telecommunications carriers. Even though the Company is not legally obligated, as a matter of policy subject to management discretion, the Company will apply the Rules of NDAC 69-09-05-02 regarding discontinuance of service if the subscriber is delinquent in payment for services.
5. A subscriber may terminate service by notice to the Company 30 days before the effective date of termination designated by the subscriber. A terminated subscriber's final bill will include prorated credits or charges as appropriate to coordinate with monthly billing cycles. Any charges related to equipment for early termination of a contractual service are due upon termination.
6. A subscriber is responsible for all charges to the telephone number assigned to the subscriber's telephone instrument. A subscriber whose telephone instrument is lost or stolen remains responsible for all charges until he notifies the Company of the occurrence and requests termination of service.

WIRELESS PCS LOCAL SERVICE

E. **Other Terms and Conditions**

1. PCS Service is a wireless personal communications service (PCS) telecommunications service provided under a Commercial Mobile Radio Service license issued to the Company by the Federal Communications Commission. Service is available to a subscriber's equipment only where it is within the operating range of the Company's facilities or services. Service is subject to limitations inherent in radio communications, including but not limited to transmission limitations of facilities, reception limitations of the subscriber's equipment, network capacity, and atmospheric or topographical conditions.
2. The Company will endeavor to provide and maintain service in accordance with generally accepted standards in the wireless telecommunications industry. The Company makes no express representations or warranties regarding its service and disclaims any implied warranties. The Company will endeavor to avoid interruptions of service and to re-establish service without undue delay where interruptions do occur. If a subscriber's service is interrupted and remains out of service, a pro-rata adjustment will be made to the subscriber's next billing statement. The Company's liability for any occurrences of interrupted or failed services is limited to a pro-rata adjustment for any interruptions of 24 hours or more after being reported to the Company. In no circumstance shall the Company be liable for any incidental or consequential damages claimed by a subscriber to be caused by a breach of duty or fault of the Company.
3. Service is provided for subscribers' use as end-users, not for resale. Subscribers are prohibited from modifying telephone instruments to evade or avoid charges for services or to obtain services not included in his service plan.

LINK UP AND LIFELINE SERVICE

C. North Dakota Network's Lifeline Service

1. Services Included:
 - a. Voice grade access to the public switched network
 - b. 2000 minutes of local usage per monthly billing period (subject to a subscriber's choice of a calling plan that provides fewer minutes of usage)
 - c. Dual tone multi-frequency signaling or its functional equivalent
 - d. Single-party service or its functional equivalent
 - e. Access to emergency services
 - f. Access to operator services
 - g. Access to interexchange service
 - h. Access to directory assistance
 - i. Toll limitation

2. Reduced Charges to Qualified Low-Income Consumers
 - a. Monthly Charge for Basic \$18.20
(Normal \$19.95 charge minus \$1.75 reduction)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

North Dakota Network Co.
Designated Eligible Carrier
Application

Case No. PU-2048-03-235

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 **4th day of August, 2003**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

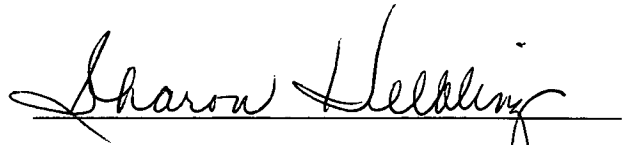
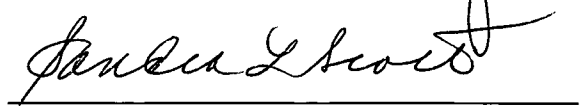
Order

The envelope was addressed as follows:

David J Hogue
Pringle & Herigstad
P O Box 1000
Minot ND 58702-1000
Cert. No. 7002 2410 0003 4912 3372

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

Subscribed and sworn to before me
this **4th day of August, 2003**.

Notary Public

SEAL



APPROVED

MOTION

DATE: 7-31-03
KME

July 31, 2003

**North Dakota Network Co.
Designated Eligible Carrier
Application**

Case No. PU-2048-03-235

I move the Commission adopt the order designating North Dakota
Network Co. as an Eligible Telecommunications Carrier, Case No. PU-2048-03-
235.

PJF/sdh

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**North Dakota Network Co.
Designated Eligible Carrier
Application**

Case No. PU-2048-03-235

ORDER

July 31, 2003

On May 6, 2003, North Dakota Network Co. (NDNet), a wholly owned subsidiary of SRT Communications, Inc. filed an application for designation as an Eligible Telecommunications Carrier (ETC) for receiving federal universal service support for the study area/universal service support area served by SRT Communications, Inc (SRT). NDNet proposes to provide universal services using a combination of its own wireless personal communications service facilities and resale of other carriers' services.

The Commission issued a Notice of Opportunity for Hearing on June 4, 2003 that identified issues to be considered by the Commission:

1. The qualification of the applicant under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service funding.
2. The ETC universal service support area to be designated for the applicant.

The Commission issued a Notice of Opportunity for Hearing on June 4, 2003. The Commission received no comments or request for hearing. An informal hearing was held in this matter on July 16, 2003. The Commission can determine the matter without a hearing.

On July 11, 2003 NDNet filed an affidavit of Steven D. Lysne, Chief Executive Officer and General Manager of SRT, in support of the application of NDNet for designation as an ETC. On July 24, 2003, NDNet filed a Supplemental Affidavit of Steven D. Lysne.

Under 47 U.S.C. § 214(e)(1), a common carrier that is designated as an eligible telecommunications carrier must, throughout its designated service area, offer the services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services. The carrier must also advertise the availability of such services and the rates for the services using media of general distribution. The Commission has adopted rules for the advertising requirements of eligible carriers in North Dakota Administrative Code § 69-09-05-12. NDNet states that it is licensed and presently provides service in North Dakota, and that its universal service calling plan will include all services required for universal service support. NDNet states that the supported

services will be offered throughout the proposed study area, and the services will be advertised as required.

Under 47 C.F.R. § 54.405; 47 C.F.R. § 54.411, as part of its obligations as an eligible telecommunications carrier, the carrier is required to make available Lifeline and Link Up services to qualifying low-income consumers. NDNNet states that its universal service calling plan will include the Lifeline and Link Up services as required. NDNNet states that its universal service calling plan will include 2000 minutes of local calling per month that is not subject to time-of-day or day-of-week limits. NDNNet experience over the latest 10 months is that persons who purchase calling plans with 2000 monthly minutes of use actually use 571 of those minutes, on average. On average, 2.02% of subscribers use over 2000 minutes. NDNNet states that its offering of 2000 monthly minutes of use meets legal standards of universal service as the Federal Communications Commission (FCC) has indicated that varying amounts of local usage is acceptable where a minimum local usage requirement has not yet been decided by the FCC. NDNNet has stated that it will comply with any minimum local usage requirement adopted by the FCC. The Commission finds that NDNNet's offering of 2000 minutes of local calling per month that is not subject to time-of-day or day-of-week limits is acceptable and the Commission agrees that NDNNet must, in the future, provide at least any minimum local usage adopted by the FCC.

NDNNet states that, because it has few subscribers, it is not subject to the FCC's quarterly filing requirements that affect large and nation-wide CMRS carriers concerning the deployment of wireless E911 systems. NDNNet states it is subject to a one-time filing requirement to report about E911 implementation, with filing due on August 1, 2003. At the July 16 informal hearing, the Commission requested that NDNNet make quarterly reports about the status of E911 deployment. NDNNet states that it will file E911 reports and will file with the Commission a copy of its August 1, 2003 report to the FCC. NDNNet will also update the report as required by the FCC or as directed by the Commission. We find that, because NDNNet is a small, non-nationwide wireless carrier, it should file with the Commission a copy its August 1, 2003 report to the FCC and should file annual updates to that report. NDNNet should also make a final report when all phases of E911 implementation have been completed.

NDNNet intends to file a universal service tariff after the Commission makes its order designating NDNNet as an eligible telecommunications carrier.

The Commission finds that NDNNet is a common carrier and has the intent and ability to offer and advertise the supported services set forth in 47 C.F.R. § 54.101(a) in the study area of SRT Communications, Inc. NDNNet qualifies as an Eligible Telecommunications Carrier as defined by the Telecommunications Act of 1996, 47 U.S.C. § 214 and 47 C.F.R. § 54.1 et seq., for the purpose of receiving federal universal service support.

Under 47 U.S.C. § 214(e)(2) the Commission may designate more than one common carrier as an eligible telecommunications carrier in an area served by a rural

telephone company. However, before designating an additional carrier the Commission must find that the designation is in the public interest. NDNNet has stated that the designation of NDNNet as an additional ETC will facilitate competition and provide choices for consumers, not only a choice between landline and wireless service, but also a choice between cellular technology and PCS technology and competition between wireless ETCs regarding pricing, service quality and customer service. NDNNet has also stated that monopoly markets do not become competitive markets by the addition of only one additional seller; a duopoly market is not a competitive market.

The Commission finds that designating NDNNet as an addition ETC in the study area of SRT is in the public interest.

Order

The Commission orders:

1. North Dakota Network Co. is designated as an eligible telecommunications carrier for the purpose of receiving federal universal service support in the same study area/universal service support area served by SRT Communications, Inc. as of July 31, 2003.
2. North Dakota Network Co. is designated as an eligible telecommunications carrier for the purpose of receiving federal universal service support in the study area of SRT Communications, Inc. conditioned upon the filing of a tariff for its universal service offering.
3. North Dakota Network Co. shall file with the Commission a copy its August 1, 2003 report to the FCC describing the status of its wireless E-911 implementation in North Dakota. North Dakota Network Co. shall also file with the Commission annual updates to that report and shall make a final report when all phases of E911 implementation have been completed.

PUBLIC SERVICE COMMISSION


Susan E. Wefald
Commissioner


Tony Clark
President


Leo M. Reinbold
Commissioner



LAW OFFICES OF

PRINGLE & HERIGSTAD, P.C.

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E-mail: pringle@srr.com

OF COUNSEL
HERBERT L. MESCHKE

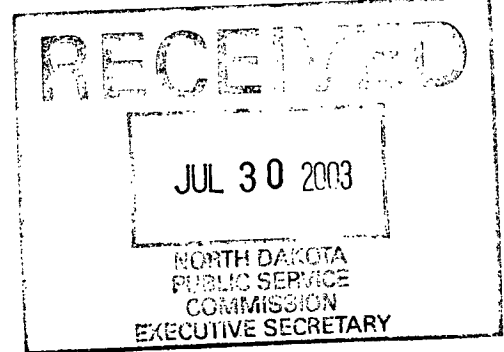
RETIRED
THOMAS A. WENTZ
MARK F. PURDY
JAN M. SEBBY

ROGER O. HERIGSTAD
(1919-2003)

DONALD A. NEGAARD
JAMES E. NOSTDAHL
CAROL K. LARSON
DAVID J. HOGUE
REED A. SODERSTROM
MARK R. HAYS
BRENT M. OLSON
DENISE C. HAYS
DEBRA L. HOFFARTH
SCOTT M. KNUDSVIG

July 29, 2003

North Dakota Public Service Commission
Jon Mielke, Executive Secretary
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480



**RE: NORTH DAKOTA NETWORK CO. APPLICATION FOR DESIGNATION AS
ELIGIBLE TELECOMMUNICATIONS CARRIER
CASE NO: PU-2048-03-235**

Dear Mr. Mielke:

Pursuant to my recent telephone conversation with Mr. Pat Fahn, I enclose an original and seven (7) copies of a North Dakota Network Co. map detailing the coverage available in the Martin Exchange. North Dakota Network Co. uses a roaming agreement to provide service to Martin Exchange customers.

Also enclosed is the original and seven (7) copies of North Dakota Network Co.'s filed E-911 report.

North Dakota Network Co. will file its tariff with the PSC when it receives the signed order from the PSC.

Very truly yours,

David J. Hogue
kk

Enclosure

cc: Steve Lysne (w/enclosure)

14 **PU-2048-03-235**

Pages: 7

ND Network Co. map and E-911 report

by North Dakota Network Co. by David Hogue

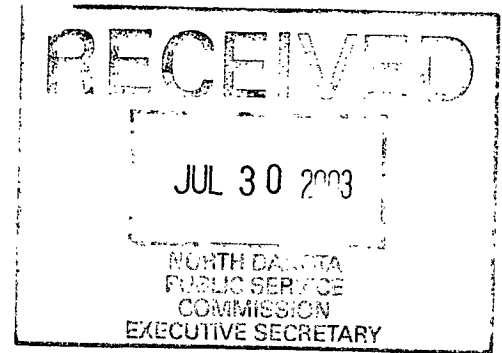
07/30/2003

CC: Comm Legal PUD (3)

**North
Dakota
Network
Company**

A SUBSIDIARY OF SRT

PO Box 2027
MINOT ND 58702
701-858-1200
800-737-9130



Via ECFS Electronic Filing

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Attn: John B. Muleta, Chief, Wireless Telecommunications Bureau
David H. Solomon, Chief, Enforcement Bureau

Re: North Dakota Network Company
CC Docket No. 94-102

E-911 INTERIM REPORT

Dear Ms. Dortch:

North Dakota Network Company ("NDNC") is the licensee of Broadband PCS Stations KNLH232 (Market B299 – Minot, ND BTA D-Block), KNLH234 (Market B299 – Minot, ND BTA F-Block) and KNLH236 (Market B476 – Williston, ND BTA F-Block). NDNC operates each of these PCS systems using CDMA infrastructure equipment from Nortel Networks ("Nortel") and the Company has chosen to deploy a handset-based Phase II ALI technology. At this stage, NDNC has not received any PSAP requests. However, NDNC has tentatively decided that its ALI technology vendor will be TeleCommunications Systems, Inc. ("TCS") and that it will be utilizing the TCS Xypoint Location Platform.

In accordance with the *Non-Nationwide Carrier E911 Order* in Docket No. 94-102¹ and the Commission's related Public Notice, DA 03-2113 (*rel.* June 30, 2003), we hereby submit our report on the status of implementation plans for Wireless E911 Phase II Automatic Location Information, as follows:

I. The number of Phase I and Phase II requests from PSAPs (including those the carrier may consider invalid):

The PSAPs serving the areas where NDNC is providing service are the Bottineau County PSAP in Bottineau and Renville Counties, the McLean County PSAP in McLean County, ND State Radio in McHenry County, the Ward County PSAP in Ward County and the Williams County PSAP in Williams

¹ See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Order to Stay* (*rel.* July 26, 2002) ("*Non-Nationwide Carrier E911 Order*") at paras. 34-35. NDNC is listed in Appendix A of the *Non-Nationwide Carrier E911 Order* as one of the carriers that had filed a request for waiver of the Commission's E-911 Rules.

County. As of the date of this Interim Report, NDNC has received no (0) requests for Phase I (cell site/sector location) E-911 service, and no (0) requests for Phase II service from PSAPs in its licensed service area.

II. The carrier's specific technology choice (i.e., network-based or handset-based solution, as well as the type of technology used):

As described above and in various filings with the FCC, NDNC has elected to utilize a handset-based ALI technology. In this regard, NDNC has tentatively decided that its ALI technology vendor will be TCS and that it will be utilizing the TCS Xypoint Location Platform.

III. Status on ordering and/or installing necessary network equipment:

Deployment of full Phase II capability in NDNC broadband PCS network will not require NDNC to purchase any additional network elements or hardware. Instead, the TCS E-911 solution is offered on a service bureau model. The TCS solution takes care of all aspects of deployment switch integration, database management, Geographic Information Services and cost recovery assistance. Once NDNC receives a valid PSAP request for Phase II service, TCS has assured us that it would be able to provide these services and coordinate Phase II deployment to the requesting PSAP within six months.

Because none of the PSAPs in NDNC's operating territory are Phase II capable, NDNC cannot completely test the software and hardware that the Company has already installed in its network to confirm that it functions properly. We have no reason to believe that it does not work, but complete testing cannot occur until a PSAP in our area has upgraded its system.

IV. If the carrier is pursuing a handset-based solution, the Report must also include information on whether ALI-capable handsets are now available, and whether the carrier has obtained ALI-capable handsets or has agreements in place to obtain these handsets:

NDNC is currently selling seven (7) different handset models in its retail stores. Four of the seven are ALI-capable.


V. The estimated date on which Phase II service will first be available in the carrier's network:

The estimated date on which Phase II service will first be available in NDNC's network is dependent on our receipt of a valid PSAP request for Phase II service. Upon receipt of a valid PSAP request, TCS has assured us that it would be able to provide these services and coordinate Phase II deployment to the requesting PSAP within six months.

VI. Information on whether the carrier is on schedule to meet the ultimate implementation date of December 31, 2005:

Assuming NDNC receives a valid PSAP request for Phase II service before this time, we are on schedule to meet the ultimate E-911 Phase II implementation date of December 31, 2005.

Respectfully submitted,
North Dakota Network Company

By 

Dated: July 28, 2003

cc: via e-mail to E911compliance@fcc.gov

Please refer all inquiries and correspondence to:

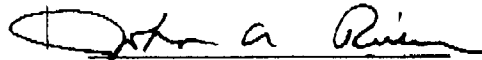
John A. Prendergast
Blooston, Mordkofsky, Dickens, Duffy & Prendergast
2120 L Street, NW Suite 300
Washington, DC 20037
Tel: (202) 659-0830
Fax: (202) 828-5568
e-mail: jap@bloostonlaw.com

AFFIDAVIT OF JOHN A. REISER

I, John A. Reiser, do hereby declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am Chief Operations Officer for North Dakota Network Company ("NDNC") and its parent company, SRT Communications, Inc. In this capacity, I am familiar with NDNC's E-911 deployment efforts.
2. I have read the foregoing E-911 Interim Report for NDNC and to the best of my knowledge, information, or belief, all of the information contained in the report is truthful and accurate.

Dated this 28 day of July, 2003



John A. Reiser
Chief Operations Officer
SRT Communications, Inc.
North Dakota Network Company

**Federal Communications Commission**

**The FCC Acknowledges Receipt of Comments From ...
North Dakota Network Company
...and Thank You for Your Comments**

Date Received: Jul 29 2003**Docket: 94-102****Number of Files Transmitted: 1****DISCLOSURE**

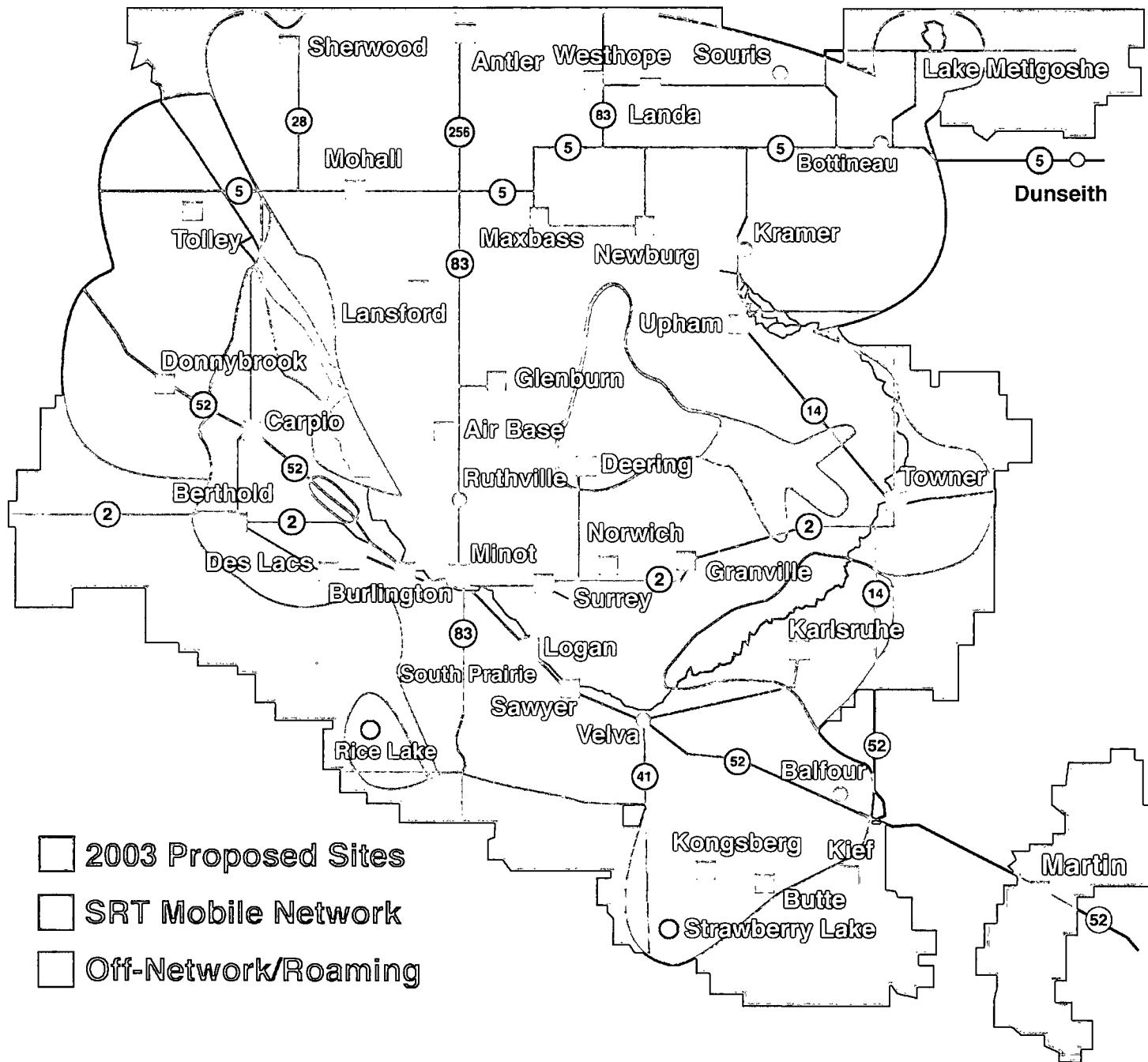
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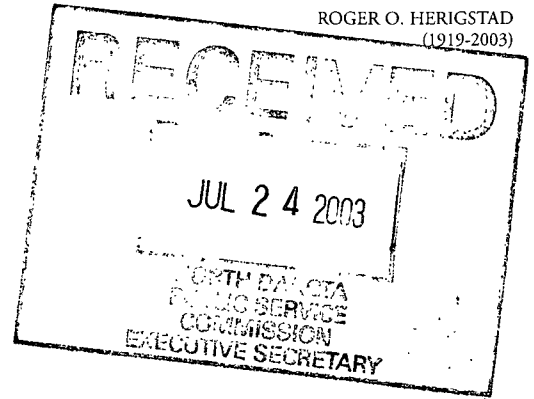
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July 23, 2003

North Dakota Public Service Commission
Jon Mielke, Executive Secretary
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

**RE: NORTH DAKOTA NETWORK CO. APPLICATION FOR DESIGNATION AS
ELIGIBLE TELECOMMUNICATIONS CARRIER
CASE NO: PU-2048-03-235**

Dear Mr. Mielke:

On behalf of North Dakota Network Co., enclosed for filing are an original and seven (7) copies of a Supplemental Affidavit of Steven D. Lysne in the above-captioned matter.

If you have any questions, please don't hesitate to contact me.

Very truly yours,


David J. Hogue
kkf

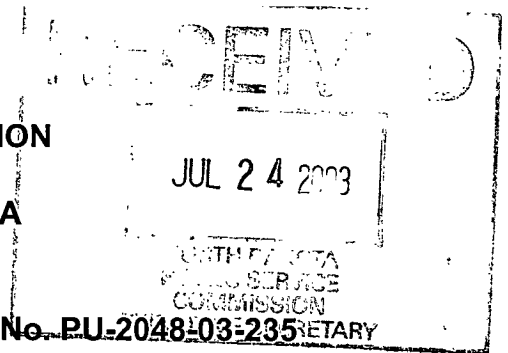
Enclosure

cc: Steve Lysne (w/enclosure)

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

North Dakota Network Co.
Designated Eligible Carrier
Application

Case No. ~~PU-2048-03-235~~ RETARY



SUPPLEMENTAL AFFIDAVIT

Steven D. Lysne affirms the following statement of facts, under oath, in support of the Application of North Dakota Network Co. (ND Net) for designation as an eligible telecommunications carrier under section 214 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996.

This statement of facts supplements the affidavit dated July 11, 2003, and on file in this case, to present additional information requested by the Commission at the July 16, 2003 informal hearing in this case.

1. **Information about the affiant, Steven D. Lysne.** I am the Chief Executive Officer and General Manager of SRT Communications, Inc. and ND Net. I am a native of Harlow, North Dakota. I earned a bachelor's degree in business administration from the University of North Dakota in 1982. I obtained a license as a certified public accountant in 1983. I have twenty years of experience working with the telecommunications industry. I have been employed at SRT for nine years, serving previously as controller, business manager, chief financial officer, and assistant general manager.

2. **The designation of North Dakota Network as an additional eligible telecommunications carrier is in the public interest.**

ND Net's application in this case stated "The NDPSC has determined that the designation of more than one common carrier as an eligible telecommunications carrier in specific rural telephone company service areas in North Dakota is in the public interest. Western Wireless Corporation, Designated Eligible Carrier Application, NDPSC Case No. PU-1564-98-428. Order on Remand, October 3, 2001; Aff'd., Rural Telephone Company Group v Western Wireless Corporation, Burleigh County North Dakota District Court, Civil No 01-C-2662, Memorandum Opinion and Order on Appeal, February 10, 2003." This statement was included because we understand that any telecommunications carrier using any technology is eligible to receive universal service support if it meets the criteria (as to supported services), except before designating an additional eligible telecommunications carrier for an area served by a rural telephone company the State commission must find that the designation is in the public interest.

At the hearing on July 16, the Commission requested information about how designation of ND Net as an additional ETC is in the public interest. To respond to that request, I paraphrase the words of the Commission in paragraph 19 of its October 2001 order in the Western Wireless case.

The Commission found that designating Western as an additional ETC in the study area of each rural telephone company will facilitate competition, will provide choices for consumers of universal services, and will promote deployment of new technologies in rural areas. The Commission found that

effective competition is the surest incentive for carriers to provide quality telecommunications services in the most efficient and cost effective manner. The Commission found that competition will elicit action from ILECs in response to competitive pressures brought by the designation of an additional ETC in rural areas and will bring other benefits such as competitive pricing, better service quality, and better customer service. Likewise, the designation of ND Net as an additional ETC will facilitate competition and provide choices for consumers, not only a choice between landline and wireless service, but also a choice between cellular technology and PCS technology and competition between wireless ETCs regarding pricing, service quality and customer service.

The Commission found that an expanded local calling area offered by Western Wireless is an attractive feature for consumers, especially in rural North Dakota. ND Net does not offer calling plans that mirror Western Wireless; we are applying for ETC designation in only one USF support area, and we hope to attract consumers on the basis of superior service and pricing in our service area. This is another example of competition and the public interest in providing choices for consumers.

The Commission found that the mobility afforded by wireless technology provides some advantages that landline does not provide. Likewise, ND Net's service affords mobility, and we seek the opportunity to compete with the other wireless provider on the basis of PCS technology .

The Commission found that access to high cost subsidies on an equal footing with incumbents may facilitate competition for universal services in rural, high-cost areas that would not otherwise receive the benefits of competition.

Likewise, CMRS ETCs that are not incumbents should receive subsidies on an equal footing, to facilitate competition for wireless universal services in rural high-cost areas.

Fundamentally, competition means the numbers of sellers is not limited. Monopoly markets do not become competitive markets by the addition of only one additional seller; a duopoly market is not a competitive market. Under the precedent of the Commission's decision in the Western Wireless case and the national policy principles of competitive neutrality and technological neutrality, any carrier using any technology to provide USF supported services in a rural service area is entitled to designation as an ETC, because competition is in the public interest. ND Net is a competitor that provides all the USF supported services, so it is in the public interest for ND Net to be designated as an additional eligible telecommunications carrier.

3. **North Dakota Network's universal service offering fulfills the local usage requirement.**

The services designated for universal service support in the FCC's 97-157 Order and in 47 CFR 54.101 et. seq. include "local usage." This is defined by the FCC to mean a number of minutes of use of local service, prescribed by that Commission, provided free of charge to end users. The FCC does not currently require any minimum amount of local usage to be provided by an ETC, but has initiated a separate rulemaking proceeding to address this issue.

The Commission asked for additional information to support ND Net's position that its universal service calling plan allowing 2000 minutes of use

("mous") of local service monthly is adequate to meet the local usage requirement.

A. The words of the statute and of the FCC's universal service order and rules indicate "a number of minutes" must be provided, not unlimited minutes.

B. As previously stated, ND Net, like other wireless companies, has a number of calling plans available. One of our existing plans is practically the same as our proposed universal service offering, 2000 mous per month for local service throughout the SRT calling area, without time of day or day of week restrictions. Our experience with that plan shows that persons who purchase 2000 mous actually use 517 mous of local service per month, on average. See attached ten month average, attached hereto as exhibit 1.

C. ND Net's offering of 2000 minutes of use - all anytime minutes without time of day or day of week limits - included in its universal service offering can be compared to the offering of the other CMRS carrier that has already been designated as an additional eligible telecommunications carrier in North Dakota, Western Wireless Corporation (ND PSC Case No. PU-1564-98-428). As we understand the tariff that Western Wireless has filed with the Commission, (Case No PU-1564-02-104) it specifies neither unlimited usage nor any number of minutes. Western Wireless' internet website provides more information, including North Dakota local calling plans offering "anytime" minutes ranging from 60 mous up to 1500 mous per month, plus additional night and weekend minutes.

The point is not to say that ND Net's service is better than Western Wireless service, because this case is not a contest for the PSC to choose between two carriers. It will be for each consumer to choose which competitor in the market offers the better service to him or her. The point is that the relevant history shows that as little as 60 unrestricted minutes has qualified a CMRS carrier as an eligible telecommunications carrier. ND Net's universal service offering far exceeds that minimum standard.

D. Even if North Dakota's Commissioners were to believe that CMRS carriers should be required to offer unlimited local usage, the Commission has already recognized in the Western Wireless case that "Under N.D.C.C. § 49-21-01.7(14) we find the Commission has no authority to impose additional requirements when designating carriers as ETCs for federal universal service support." Western Wireless Corporation, ND PSC Case No. PU-1564-98-428, Order On Remand, Oct. 3, 2001, Par 51.

E. The FCC has indicated that "varying amounts of local usage" is acceptable where a minimum local usage requirement has not yet been decided by the FCC. See Western Wireless Corporation, Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming. Memorandum Opinion and Order, December 26, 2000, CC Docket No. 96-45, DA 00-2896 at Para. 12. Western Wireless informed the FCC in the Wyoming case that it intended to offer universal service customers a rate plan that includes unlimited local usage, but the FCC did not say that unlimited usage was required to satisfy the local usage requirement. Western Wireless' website information about Wyoming calling plans shows calling plans like those

available in North Dakota, and does not show the availability of unlimited usage.

ND Net's offering 2000 unrestricted minutes of local usage per month meets industry and legal standards of universal service. ND Net will comply with any minimum local usage requirement adopted by the FCC.

4. **Access to interexchange service.**

The services designated for universal service support in the FCC's 97-157 Order and in 47 CFR 54.101 et. seq. include "access to interexchange service" This is defined by the FCC as the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier's network. As noted by the ND PSC in the Western Wireless case, the FCC has not included 1+ equal access as a requirement for ETC designation, Western Wireless Corporation, ND PSC Case No. PU-1564-98-428, Order On Remand, Oct. 3, 2001, Par 46.

ND Net's universal service calling plan includes access to interexchange service for the purposes of making and receiving toll or interexchange calls. ND Net has long distance service available, so this fulfills the requirement of access to "an" interexchange carrier's network. ND Net's service does not presently include capability for dialing other interexchange carriers' access codes such as 10-10-XXX. But ND Net's customers are not restricted to ND Net's service when making long distance calls out of ND Net's local calling area. ND Net's service does provide customers the ability to access

interexchange carriers of choice by use of calling cards (credit cards or pre-paid calling cards).

In an order issued July 14, 2003, the FCC adopted a recommendation of the Federal-State Joint Board on Universal Service not to add any new items to the list of core services supported by the federal universal service program. In this order, the FCC deferred making a decision on whether equal access should be added to the list of core USF supported services.

5. **Reporting of wireless E911 deployment.**

The services designated for universal service support in the FCC's 97-157 Order and in 47 CFR 54.101 et. seq. include "access to emergency services," defined to mean access to 911 and enhanced 911 services to call emergency services through a Public Service Access Point (PSAP) operated by the local government, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems.

As the Commission knows, the FCC has exercised its jurisdiction over CMRS providers, whether or not designated as ETCs for USF purposes, establishing deployment requirements for wireless E911 service, including required filing of reports. Because of its small size in terms of numbers of subscribers, ND Net is not subject to the FCC's quarterly filing requirements that affect large and nation-wide CMRS carriers. Under the present rules, ND Net is subject to a one-time filing requirement to report about E911 implementation, with filing due on August 1, 2003. See the attached FCC "Public Notice" documents, attached hereto as exhibit 2 and 3.

At the July 16 hearing, the Commission requested that ND Net submit reports about the status of E911 deployment. ND Net will file E911 reports with the Commission. When our report is filed with the FCC on August 1, 2003, we will file a copy with the North Dakota Commission. We will update the report by filings as required by the FCC or as directed by the Commission in any order resulting from this proceeding.

As stated in the original affidavit, ND Net's universal service calling plan includes access to emergency 911 services, and ND Net will provide enhanced 911 service as required under FCC rules.

6. **Lifeline and Linkup.**

The FCC's rules require that an eligible telecommunications carrier must offer Link Up and Lifeline service. In general terms, Link Up and Lifeline are cost reductions available to qualifying low-income consumers. At the July 16 hearing, the Commission and staff requested additional information about consumers' eligibility for Lifeline and Linkup and advertising affecting Lifeline and Linkup.

As stated in the original affidavit, in accordance with the procedure established in the Western Wireless ETC case, ND Net intends to file a universal service tariff after the Commission makes its order designating ND Net as an eligible telecommunications carrier in the SRT universal service support area. The proposed ND Net tariff will make appropriate reference to the Commission's pertinent decision describing Lifeline and Linkup eligibility so that ND Net's universal service offerings will continue to meet the requirements established by the FCC and the North Dakota Lifeline Plan and Link Up Plan.

Additionally, it is industry practice that telcos participating in these programs do not test consumers for eligibility; the various social service agencies do that in their services to their clientele. Consumers who are pre-qualified by the agencies request cost reductions from their telecommunications providers, and telcos do not second guess eligibility issues.

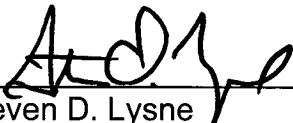
The federal statute and the FCC's rules require ETCs to advertise the availability of universal services including Lifeline and Linkup, but the FCC specifically refrained from imposing detailed requirements about the form or content of advertising and did not impose separate requirements about advertising Lifeline and Linkup. We intend that ND Net will engage in ordinary business procedures to advertise its universal services in a competitive market and also to follow established industry practice to meet the FCC's rules about advertising universal services including Lifeline and Linkup. We will also inform the various social service agencies in the service area that Lifeline and Linkup discounts and toll blocking are available from ND Net so they will have the information available.

As stated the informal hearing, ND Net intends to advertise the availability of Lifeline and Linkup in a manner similar to SRT's advertisement of Lifeline and Linkup. Attached hereto as exhibit 4 is a photocopy of a newspaper advertisement appearing annually in the Minot Daily News. This printed advertisement appears in several rural newspapers within SRT's study area, including The Mouse River Journal (Towner), Renville County Farmer (Mohall), The Standard (Westhope), Velva Voice, The Courant (Bottineau), and the Northern Star (Minot Air Force Base).

SRT advertises the availability of the Lifeline and Linkup plans in its directory. The directory is distributed to all customers in SRT's study area. Attached hereto as exhibit 5 is a photocopy of the advertisement in the SRT directory. ND Net's Lifeline and Linkup plans will be incorporated in the same or a similar advertisement within the SRT directory.

ND Net will work with the Commission and staff to assure the words of the universal service tariff will meet the requirements established by the FCC and the North Dakota Lifeline Plan and Link Up Plan.

Dated this 23 day of July, 2003.



Steven D. Lysne

Subscribed and sworn to before me this 23 day of July, 2003,



Notary Public

North Dakota Network Company
 PCS minutes of use information
 Latest 10 months

Month	Year	Subscribers	Accounts Over 2000 Minutes	% Over	Average Usage	Average Unused
Sept	2002	5813	127	2.18%	718	1282
Oct	2002	5980	15	0.25%	352	1648
Nov	2002	6106	129	2.11%	507	1493
Dec	2002	6343	114	1.80%	480	1520
Jan	2003	6507	135	2.07%	492	1508
Feb	2003	6652	150	2.25%	503	1497
Mar	2003	6827	101	1.48%	461	1539
Apr	2003	7008	166	2.37%	525	1475
May	2003	7252	159	2.19%	544	1456
June	2003	7460	257	3.45%	592	1408
10 month Average			135.3	2.02%	517.4	1482.6



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Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 03-1902
Released: June 6, 2003

WIRELESS TELECOMMUNICATIONS BUREAU STANDARDIZES CARRIER REPORTING ON WIRELESS E911 IMPLEMENTATION

CC DOCKET NO. 94-102

In this Public Notice, the Wireless Telecommunications Bureau (Bureau) takes steps to facilitate more uniform reporting of wireless Enhanced 911 (E911) deployment, in order to foster greater coordination and collaboration among various stakeholders in the implementation process. In particular, the Bureau establishes the format of an Excel spreadsheet to be submitted with the wireless carrier E911 deployment reports required by the Federal Communications Commission (Commission).

The nationwide wireless carriers ("Tier I") generally must file quarterly reports with the Commission on February 1, May 1, August 1, and November 1 of each year, with the exception of T-Mobile.¹ Mid-sized wireless carriers ("Tier II") also are required to file quarterly reports under this same time schedule.² Beginning with the August 1, 2003, filing, Tier I and Tier II carriers must include with their quarterly reports the attached spreadsheet detailing certain elements related to E911 implementation status. Small wireless carriers ("Tier III") are not required to submit the attached spreadsheet with their one time filings, which are due on August 1, 2003.³

The submission of the attached spreadsheet will permit the Commission to track wireless E911 deployment in a more uniform and consistent manner, as well as assist E911 stakeholders in coordinating

¹ The six Tier I carriers are AT&T Wireless Services, Inc., Celco Partnership d/b/a Verizon Wireless, Sprint Spectrum L.P. d/b/a Sprint PCS, Cingular Wireless LLC, Nextel Communications, Inc. (including Nextel Partners, Inc.), and T-Mobile USA (formerly VoiceStream Wireless). T-Mobile is required to file semiannual reports with the Commission on April 1 and October 1 of each year. See *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Fourth Memorandum Opinion and Order, 15 FCC Rcd 17442 (2000) (*E911 Fourth Memorandum Opinion and Order*). For a discussion of the quarterly reporting requirements for the other five Tier I carriers, see Orders cited in note 4 infra. (available at <http://www.fcc.gov/enhanced/releases.html#ro>).

² See *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers*, CC Docket No. 94-102, FCC 02-210 (rel. July 26, 2002) (*Non-Nationwide Carrier E911 Order*). For a definition of Tier II carriers, see *Non-Nationwide Carrier Order* at paras. 22-24.

³ *Non-Nationwide Carrier E911 Order* at paras. 34-35. For a definition of Tier III carriers, see *Non-Nationwide Carrier E911 Order* at paras. 22-24.

their deployment efforts. The requirement to submit the attached spreadsheet is in addition to, and does not supercede, the E911 reporting requirements established by the Commission in previous Orders.⁴ The spreadsheet should be an appendix to the broader narrative set forth in the text of the report.

The attached spreadsheet includes the following data elements, which are described in greater length in the instructions to the spreadsheet: PSAP ID; PSAP Name; PSAP State; PSAP County; Implementation Phase; Air Interface; Date PSAP Request Made; Date PSAP Request Withdrawn; Invalid Request; Deployed; Date Deployed; Date Projected; Reasons; and Comment. A copy of the Excel spreadsheet can be obtained from the FCC-Internet site by accessing <http://www.fcc.gov/911/enhanced/reports/>. Information regarding PSAP ID, PSAP Name, and PSAP County can be obtained from the PSAP Registry⁵ by accessing the FCC Internet site at <http://www.fcc.gov/911/enhanced/reports/>.

The majority of the data elements outlined above has previously been a part of carriers' reporting requirements. We believe the requirement to submit these data elements in a uniform spreadsheet, particularly with the availability of the spreadsheet format and PSAP Registry on the Bureau's web site, will not impose significant new burdens on carriers. We note that the requirement to include this spreadsheet as an appendix to the carrier E911 reports is subject to OMB approval. Therefore, we will be submitting the spreadsheet to OMB as a revision to OMB Control No. 3060-1004.

Quarterly Reports and Excel spreadsheets⁶ are required to be submitted electronically at E911compliance@fcc.gov. Only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, postal service mailing address, and the applicable docket number, CC Docket No. 94-102. Carriers must also file Quarterly Reports with the Wireless Telecommunications Bureau and the Enforcement Bureau.

Quarterly Reports must also be filed electronically with the Electronic Filing System (ECFS)⁷ or by paper with the Office of the Secretary. Parties who choose to file by paper must file an original and four copies of each filing. All filings must be sent to the Commission's Secretary, Marlene Dortch, Office

⁴ See *In the Matter of AT&T Wireless Services, Inc.*, FCC 02-174A1, 17 FCC Rcd 11510 (rel. June 18, 2002) (*AT&T Order and Consent Decree*); *In the Matter of AT&T Wireless Services, Inc.*, FCC 02 - 283A1, 17 FCC Rcd 19938 (rel. Oct. 9, 2002) (*AT&T Order and Consent Decree*); *In the Matter of Cingular Wireless LLC*, FCC 02-132A1, 17 FCC Rcd 8529 (2002) (*Cingular Wireless Order and Consent Decree*); Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Fourth Memorandum Opinion and Order, CC Docket No. 94-102, 15 FCC Rcd 17442 (2000) (*T-Mobile's [formerly VoiceStream] Waiver Request*); Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems Request for Waiver by Verizon Wireless, CC Docket No. 94-102, FCC 01-299, 16 FCC Rcd 18364 (2001) (*Verizon Waiver Order*); Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems Request for Waiver by Sprint Spectrum L. P. d/ b/ a Sprint PCS, CC Docket No. 94-102, FCC 01-0297, 16 FCC Rcd 18330 (2001) (*Sprint Waiver Order*); Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems Wireless E911 Phase II Implementation Plan of Nextel Communications, Inc., CC Docket No. 94-102, FCC 01-295, 16 FCC Rcd 18277 (2001) (*Nextel Waiver Order*); Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers, CC Docket No. 94-102, FCC 02-210 (rel. July 26, 2002) (*Non-Nationwide Carrier E911 Order*).

⁵ The PSAP Registry was provided to the FCC by the National Emergency Numbering Association (NENA).

⁶ Only one excel sheet should be filed, as indicated in the sample provided.

⁷ See *In re Electronic Filing of Documents in Rulemaking Proceedings*, 13 FCC Rcd. 11322 (1998) (amending Parts 0 and 1 of the Commission's rules to allow electronic filing of comments and other pleadings).

of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Quarterly Reports are available for public inspection during regular business hours in the FCC Public Reference Room, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554.

For further information concerning the FCC's E911 reporting requirements, contact Andra Cunningham, Policy Division, Wireless Telecommunications Bureau at (202) 418-1310; TTY 1-888-835-5322. For technical questions regarding the guidance set forth in this public notice, contact Eric Baer, Database Management Division, Wireless Telecommunications Bureau at (717) 338-2638.

- FCC -



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DA 03-2113

Released: June 30, 2003

WIRELESS TELECOMMUNICATIONS BUREAU PROVIDES FURTHER GUIDANCE ON INTERIM REPORT FILINGS BY SMALL SIZED CARRIERS

CC DOCKET NO. 94-102

In this Public Notice, the Wireless Telecommunications Bureau (Bureau) provides further guidance to small sized carriers (Tier III carriers) regarding the reporting of wireless Enhanced 911 (E911) deployment and implementation status.

On July 26, 2002, the Commission adopted an Order staying certain E911 Phase II deployment deadlines for Tier II and Tier III carriers, with conditions.¹ In the *Non-Nationwide Carrier Order*, Tier II carriers were defined as non-nationwide carriers that had over 500,000 subscribers as of year-end 2001, and Tier III carriers were defined as all other non-nationwide carriers.² The Commission extended the E911 Phase II interim handset and network upgrade compliance deadlines by 13 months from the date of the *Non-Nationwide Carrier Order* for Tier III carriers.³ To assist in monitoring Tier III carriers' E911 deployment progress, the Commission required Tier III carriers to file an Interim Report on August 1, 2003.⁴

This Public Notice provides specific details regarding how to file the Interim Report and what should be contained in the Report. The Interim Report is intended to provide specific, verifiable information to the Commission to assist in the monitoring of Tier III carriers' progress and the determination of whether Tier III carriers are on track for compliance with each of the benchmarks established in the *Non-Nationwide Carrier Order* and with other applicable provisions of the E911 rules.⁵

The Interim Reports should be in a narrative format and should include detailed statements regarding the reporting requirements outlined below. The Reports should serve as the principal vehicle for providing the Commission with information regarding E911 Phase I and Phase II deployment, implementation status, and notice of any problems encountered affecting a carrier's ability to

¹ See *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Order to Stay (rel. July 26, 2002) (*Non-Nationwide Carrier Order*).

² See *Non-Nationwide Carrier E911 Order* at paras. 22-24.

³ See *Non-Nationwide Carrier E911 Order* at para. 1.

⁴ *Id.* at paras. 34-35.

⁵ For specific details regarding Tier III Carrier benchmarks see *id.* at paras. 32-33.

comply with the Commission's benchmarks. Each Tier III carrier must support each Interim Report with an affidavit, from an officer or director of the carrier, attesting to the truth and accuracy of the report.⁶

The *Non-nationwide Carrier Order* set forth categories of information that Tier III carriers must include in the Interim Reports.⁷ For Tier III Carriers' convenience, these categories are restated in boldface type below. In addition, the Commission encourages carriers to add any information that they consider pertinent to the Commission's understanding of issues affecting small carrier deployment and implementation in answering these questions. In this regard, the Bureau provides additional guidance in each category regarding specific information that the Bureau believes could be useful for the carriers to include if it affects their E911 deployment.

- **The number of Phase I and Phase II requests from PSAPs (including those the carrier may consider invalid);**
 - The Bureau encourages you to describe the specific sources of any problems that you have encountered in meeting any valid PSAP request. Please feel free to describe any trunking problems, other LEC issues, problems in coordination with your state or locality, specific PSAP issues, location technology issues, other vendor or equipment issues, data-base problems, funding limitations, or any other problem you have encountered.
 - If you have determined that the PSAP request is not valid, what steps have you or the PSAP taken to resolve outstanding issues? What has been the outcome?
 - Do you have any valid PSAP requests that have been or that you anticipate will be outstanding longer than six months? If so, what are the problems that you have encountered that have caused or contributed to the delay?
- **The carrier's specific technology choice (*i.e.*, network-based or handset-based solution, as well as the type of technology used);**
 - If you have begun implementation, have you experienced any problems, and if so, what are the major sources of the difficulties, and what would resolve them?
- **Status on ordering and/or installing necessary network equipment;**
 - Have you begun to order equipment?
 - If so, what problems, if any, have you encountered?
 - If you have begun installing necessary equipment, what problems, if any, have you encountered?
 - What problems do you anticipate encountering in ordering and installing necessary equipment?
- **If the carrier is pursuing a handset-based solution, the Report must also include information on whether ALI-capable handsets are now available, and whether the carrier has obtained ALI-capable handsets or has agreements in place to obtain these handsets;**
 - If you have been unable to obtain ALI-capable handsets, what has been the major source of the problem? What have you done to resolve it?
 - Have you encountered any problems in negotiating agreements to obtain these handsets?

⁶ To the extent any Tier III carrier believes any of the required information is proprietary, it may file a request for confidential treatment pursuant to 47 C.F.R. § 0.459.

⁷ See *Non-Nationwide Carrier Order* at para. 35.

- Do you anticipate any problems in marketing ALLI-capable handsets to your customers?
- **The estimated date on which Phase II service will first be available in the carrier's network;**
 - What problems are you encountering or do you anticipate encountering in making Phase II service available in your service area or in any part of your service area?
- **Information on whether the carrier is on schedule to meet the ultimate implementation date of December 31, 2005.**
 - If so, what factors are contributing to your anticipated problems?

The requirement to adhere to the above outlined reporting requirements will not impose significant new burdens on Tier III carriers. In November 2002, the reporting requirements were approved as a revision to OMB Control No. 3060-1004. We further note that the Tier III carriers' requirement to submit the Interim Reports was also included in a revised Notice of Information Collection, pursuant to the Paperwork Reduction Act, regarding the establishment of the format of an Excel spreadsheet for Tier I and Tier II Carriers. OMB Control No. [68 FR 34606, June 10, 2003]. The Excel Spreadsheet format does not apply to Tier III Carriers.

Interim reports are required to be submitted electronically at E911compliance@fcc.gov. Only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, postal service mailing address, and the applicable docket number, CC Docket No. 94-102. Carriers must also file Interim Reports with the Wireless Telecommunications Bureau and the Enforcement Bureau.

Interim Reports must also be filed electronically with the Electronic Filing System (ECFS)⁸ or by paper with the Office of the Secretary. Parties who choose to file by paper must file an original and four copies of each filing. All filings must be sent to the Commission's Secretary, Marlene Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Quarterly Reports are available for public inspection during regular business hours in the FCC Public Reference Room, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554.

For further information concerning the FCC's E911 reporting requirements, contact Andra Cunningham, Policy Division, Wireless Telecommunications Bureau at (202) 418-1310; TTY 1-888-835-5322.

- FCC -

⁸ See *In re Electronic Filing of Documents in Rulemaking Proceedings*, 13 FCC Red. 11322 (1998) (amending Parts 0 and 1 of the Commission's rules to allow electronic filing of comments and other pleadings).

SRT Communications, Inc. Universal Telephone Service

Under the Telecommunications Act of 1996, universal service means basic telephone service to all consumers. Universal service is voice grade access to the telecommunications network, including local usage, touchtone calling, single-party service, access to emergency 911 services, access to operator services, access to directory assistance, access to long distance telephone service, and discounted service to qualifying low-income consumers. All of these services are available from SRT Communications in these service areas: Antler, Berthold, Butte, Carpio, Deering/Granville/Norwich, Des Lacs, Donnybrook, Glenburn, Karlsruhe, Landa, Lansford, Martin, Maxbass, Metigoshe, Minot, Minot AFB, Mohall, Newburg, Sawyer, Sherwood, South Prairie, Tolley, Towner, Upham and Westhope.

EFFECTIVE JULY 2003, MONTHLY CHARGES FOR THESE UNIVERSAL SERVICES ARE:

Basic local residential service <i>(Including extended area service to designated nearby service areas)</i> <i>(Basic local service rates vary among exchanges)</i>	\$8.95 - \$15.95
Touchtone calling	No additional charge
Single-party service	No additional charge
Access to emergency service <i>(Local government may assess a tax to pay for special equipment)</i>	No additional charge
Access to operator services	No additional charge
Access to local directory assistance <i>(If you call a long distance company for assistance, that company may charge for its services)</i>	\$0.75 per call for information

LOW-INCOME PROGRAMS:

Lifeline (monthly discount) <i>(toll blocking to prevent long distance calls from your phone, is available at no charge to qualifying low-income consumers)</i>	\$10.00
Link Up (connection discount)	50% of connection charges

FIXED FEDERAL, STATE AND LOCAL PRESCRIBED CHARGES:

Federal Subscriber Line Charge:	
Residential & Single Line Business	\$6.50
Multi-Line Business	\$9.20
Federal Universal Service Charge <i>(charge depends on class of service)</i>	\$.62 - \$1.17
Telecommunications Relay Service	\$.06
E911 Emergency Services	\$1.00



858-1200 • 800-737-9130 Minot, ND • www.srt.com

Minot Daily News - week of July 21-25, 2003
All area newspapers

HOME TELEPHONE ASSISTANCE

CAN'T AFFORD TELEPHONE SERVICE? LINK UP AND LIFELINE PROGRAMS CAN HELP

HOME TELEPHONE ASSISTANCE

Link Up and Lifeline help eligible people pay PART of their telephone costs.

LINK UP

- Will save you 50% of the initial charges to hook up primary telephone service, or \$30, whichever is less.
- Your telephone company may defer payment on the balance and waive interest.
- You may qualify for service without a deposit. Ask your local telephone company.

LIFELINE

- Can save you \$9.50 on your monthly phone bill for primary local telephone service.
- Applies only to primary local telephone service in the home where you live.

WHO IS ELIGIBLE?

Anyone qualified under one of the four major economic assistance programs: **TANF, Food Stamps, Energy Assistance, Medicaid.**

HOW TO OBTAIN THE TELEPHONE SERVICES

- When you qualify for TANF, Food Stamps, Energy Assistance, or Medicaid through your county social services office you will *automatically* receive a Qualifying Certificate within a month by mail.
- Provide the Qualifying Certificate to your local telephone company.

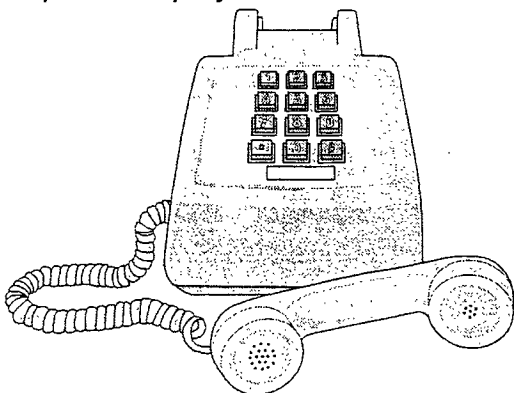
WHAT IF MY BENEFITS STOP?

If you no longer qualify for any economic program, you no longer qualify for Link Up or Lifeline.

MORE INFORMATION

- For more information on **Link Up and Lifeline**, please contact **your local telephone company.**
- For questions on **eligibility**, call **your county social services office.**

NOTE: People who live on tribal lands may be eligible for separate Tribal Link Up and Lifeline Programs. Contact your local telephone company for information.



North Dakota Public Service Commission, 600 East Boulevard Avenue,
Dept 408, Bismarck, ND 58505-0480, 701-328-2400

HOME TELEPHONE ASSISTANCE-TRIBAL LANDS

These programs allow eligible persons on tribal lands to receive local telephone service for \$1.00 a month plus taxes. They also offer assistance with telephone service hook up costs.

EXPANDED LINK UP

- Expanded Link Up provides eligible residents of Tribal Lands with an additional benefit of up to \$70 in addition to regular Link Up. Expanded Link Up does not apply to connection charges that are less than \$60.
- Telephone company may set up a payment plan on the balance and waive interest.
- Contact your local telephone company to find out if you qualify for hook up service without a deposit.

ENHANCED LIFELINE

- Provides primary local telephone service for \$1.00 a month (plus taxes) for eligible persons.
- Applies only to primary local telephone service in the home.

WHO IS ELIGIBLE?

Residents of tribal lands whose income is equal to or less than 195% of the federal poverty guidelines

OR

Residents of tribal lands participating in at least one of the following programs: **BIA General Assistance, Food Distribution Program, Food Stamps benefit recipient, Head Start or Early Head Start** (only those meeting its income qualifying standard), **Heating Assistance, Medicaid, National School Free Lunch Program, WIC, SSI, TANF, North Dakota Healthy Steps - Children's Health Insurance Plan (CHIP), or Federal Public Housing Assistance. (Not included in ND PSC, but FCC approved)**

NOTE: If you have been disconnected for non payment of telephone bills, these programs are available to you if you bring your local bill current. You may be required to pay a reconnect fee.

HOW TO OBTAIN THE TELEPHONE SERVICES

You may self certify at your local telephone office that you qualify for one of the above programs.

OR

When you qualify for any programs administered through your county social services office you will *automatically* receive a Qualifying Certificate within a month by mail. Provide the Qualifying Certificate to your local telephone company and do the necessary paperwork.

OR

When you qualify for any programs administered by tribal offices, the tribal program administrator can provide verification of eligibility to the telephone company. Contact the telephone company to do the necessary paperwork.

HOW LONG WILL THESE BENEFITS CONTINUE?

- If you no longer meet the eligibility guidelines above, you no longer qualify for Link Up or Lifeline.

MORE INFORMATION

- For more information on **Link Up and Lifeline**, please contact **your local telephone company.**

star services

caller id - number

Caller ID Number delivery lets you see the phone number of incoming calls before you answer the phone. With a Caller ID unit or a telephone equipped with a special display, you can store numbers that called and use it as a message center.

caller id - name and number

Caller ID Name and Number delivery lets you see the name and phone number of incoming calls before you answer the phone. With a Caller ID unit or a telephone equipped with a special display, you can store numbers that called and use it as a message center.

caller id blocking

Prevents you from sending your telephone number to users of the Caller ID service. You must activate the blocking service each time you make a call to prevent your number from being delivered.

call waiting id

With Call Waiting ID, when you're on the phone and hear a distinct Call Waiting tone, you can look at your display unit, which shows the incoming caller's name and number, and decide whether to answer the call. Your display unit, which you can purchase or lease from SRT, needs to be compatible with Call Waiting ID.

last call return

You heard the phone ring but didn't get to it in time. With just a touch, Last Call Return will dial the last number that called you.

continuous redial

You need to reach someone, but their phone is busy. Continuous Redial calls the party you're trying to reach every minute for 30 minutes.

customer originated trace

Are you receiving annoying phone calls? Customer Originated Trace lets you trace the call and, at your request, the local law enforcement agency will investigate.

selective call rejection

Allows you to create a list of up to 12 telephone numbers from which you do not wish to receive calls. Calls from telephone numbers included in your list will receive an announcement informing the caller that you are not receiving calls at this time.

selective call acceptance

Allows you to screen incoming calls by creating a list of up to 12 telephone numbers from which you are willing to accept calls. Calls from numbers not included in your list will receive an announcement informing the caller that you are not receiving calls at this time.

anonymous call rejection

Allows you to reject incoming calls from calling parties who choose to keep their number private. The calling party will receive an announcement informing them that the person they are calling does not accept a call from callers who choose to block their numbers.

call forward - remote access

Allows you to activate and deactivate Call Forwarding from another telephone number.

selective call forwarding

Allows you to create a list of up to 12 specific telephone numbers from which calls will be forwarded to a number of your choice. When someone on your list calls you, their call will ring at the forwarding number location. All other calls not included on your Selective Call Forwarding list will ring to your line as normal.

distinctive ringing call waiting

Allows you to create a list of up to 12 specific telephone numbers from which calls will ring in a unique pattern. When someone on your list calls you, their call will ring with a different tone. If you're on the phone and another caller from your list calls, the Call Waiting tone will be unique from a regular Call Waiting beep. All other calls not included on your Distinctive Ringing/Call Waiting list will ring to your line as normal.

call transfer

Allows you to transfer a call to another party and hang up making your line available for other calls.

sim ring

Allows you to program up to four additional telephone numbers to ring at the same time. For example: a call made to you at your home can ring your wireless phone, your office phone, your lake cabin phone and your friends home phone - all at the same time. One call, one number - the first person to answer accepts the call.

SRT
Communications, Inc.

Call SRT 701-858-1200 or 1-800-737-9130 • www.srt.com

INFORMAL HEARING AGENDA

July 16, 2003

PU-2875-03-266

Covista, Inc.
Local Exchange/Interexchange
Public Convenience and Necessity

PU-2048-03-235

North Dakota Network Co.
Designated Eligible Carrier
Application

Global Information Systems (GIS) Presentation
Upper Great Plains Transportation Institute

- 11** **PU-2048-03-235** Pages: 0
Informal Hearing held
by Public Service Commission
07/16/2003 CC: Comm Legal PUD (3)
- 11** **PU-2875-03-266** Pages: 0
Informal Hearing held
by Public Service Commission
07/16/2003 CC: Comm Legal Ilona Jerry .



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@srt.com

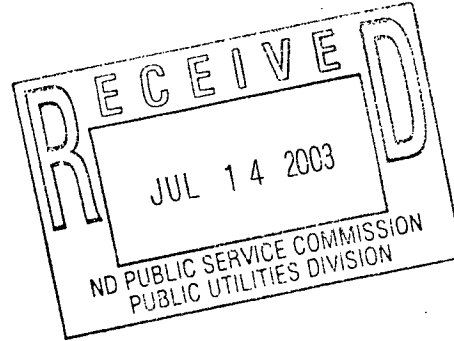
DONALD A. NEGAARD
JAMES E. NOSTDAHL
CAROL K. LARSON
DAVID J. HOGUE
REED A. SODERSTROM
MARK R. HAYS
BRENT M. OLSON
DENISE C. HAYS
DEBRA L. HOFFARTH
SCOTT M. KNUDSVIG

OF COUNSEL
HERBERT L. MESCHKE

RETIRED
THOMAS A. WENTZ
MARK F. PURDY
JAN M. SEBBY

ROGER O. HERIGSTAD
(1919-2003)

July 11, 2003



North Dakota Public Service Commission
Jon Mielke, Executive Secretary
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

**RE: NORTH DAKOTA NETWORK CO. APPLICATION FOR DESIGNATION AS
ELIGIBLE TELECOMMUNICATIONS CARRIER**

Dear Mr. Mielke:

On behalf of North Dakota Network Co., enclosed for filing are an original and seven (7) copies of an Affidavit of Steven D. Lysne in the above-captioned matter.

If you have any questions, please don't hesitate to contact me.

Very truly yours,


David J. Hogue
kk

Enclosure

10 PU-2048-03-235

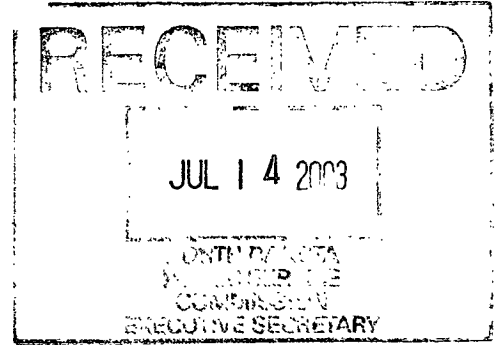
Pages: 1

Cover letter re Affidavit of Steven D. Lysne

by North Dakota Network Co.

07/14/2003

CC: Comm Legal PUD (3)



**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

**North Dakota Network Co.
Designated Eligible Carrier
Application**

Case No. PU-2048-03-235

AFFIDAVIT

Steven D. Lysne affirms the following statement of facts, under oath, in support of the Application of North Dakota Network Co. ("ND Net") for designation as an eligible telecommunications carrier, under section 214 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996.

1. ND Net is a "telecommunications carrier" within the meaning of section 153 (44) of the Act, and is a "telecommunications company" within the meaning of NDCC section 49-21-01(19). NDNet is a CMRS common carrier licensed by the FCC to provide wireless personal communications service ("PSC"). NDNet is registered as a personal communications service provider offering services in North Dakota. Certificate No 897, issued by the North Dakota Public Service Commission ("NDPSC") in Case No PU-2048-02-511 on October 10, 2002.

2. NDNet is a wholly owned subsidiary of SRT Communications, Inc. ("SRT"). SRT is a "rural telephone company" within the meaning of section 153(37) of the Act. SRT is designated as an eligible telecommunications carrier for the purpose of receiving federal universal service support in its study area, by order of the NDPSC in its case No PU-1332-97-439.

3. ND Net intends to provide all the services designated for universal service support in the SRT universal service support area using a combination of its own facilities and resale of another carrier's services.

4. NDNet initiated wireless personal communications service in September 1999 using the name of its corporate parent, "SRT." ND Net has embarked on a program to install base stations to provide service in its license area, as illustrated by the attached maps. Presently, ND Net has 29 base stations installed at various points and our construction plan will add 6 more base stations by the end of 2003. ND Net also has an agreement with a CMRS common carrier licensed by the FCC to provide cellular service in the area. ND Net intends to provide the supported services throughout the area designated as SRT's universal service support area, using a combination of its own facilities and resale of another carrier's services. Map exhibits attached to this affidavit illustrate the area in which ND Net will provide the support services.

5. Like other wireless telecommunications companies, ND Net has a number of calling plans available, with different calling areas and different numbers of minutes included in each plan. ND Net has developed a universal service calling plan. The services available under ND Net's universal service calling plan will be included in all other calling plans offered by ND Net. We understand from a previous case where the NDPSC designated a wireless carrier as an eligible telecommunications carrier that the designation was conditioned on filing a tariff for its universal service offering. (The case referred to is Western Wireless Corporation Designated Eligible Carrier

Application, Case No. PU-1564-98-428.) In accordance with the procedure established in that case, ND Net intends to file a universal service tariff after the Commission makes its order designating ND Net as an eligible telecommunications carrier in the SRT universal service support area.

6. All the services designated for universal service support in the FCC's 97-157 Order and in 47 CFR 54.101 et. seq. are included in ND Net's universal service calling plan.

These services include:

Voice grade access to the public switched network. This is defined by the FCC to mean a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call, within the frequency range of between approximately 500 Hertz and 4,000 Hertz, for a bandwidth of approximately 3,500 Hertz. Voice grade access to the public switched network is included in ND Net's universal service calling plan.

Local usage. This is defined by the FCC to mean a number of minutes of use of local service, prescribed by that Commission, provided free of charge to end users. The FCC does not currently require any minimum amount of local usage to be provided by an ETC, but has initiated a separate rulemaking proceeding to address this issue.

ND Net will comply with any minimum local usage requirement adopted by the FCC or by the NDPSC.

In the absence any minimum local usage prescribed by the FCC, ND Net's universal service calling plan will include 2000 minutes of use of local service monthly in the SRT universal service support area. This local usage is all anytime minutes, without time of day or day of week limits.

Local calling will include: 1) calls placed by ND Net customers to other ND Net customers when the calls are originated and terminated through base stations in the local area; 2) calls from ND Net customers originated from ND Net base stations within the local area to customers of other carriers with NXXs associated with the area; 3) calls from customers of other carriers with NXXs associated with the area to ND Net customers where the call is terminated through ND Net's base stations within the local area.

Dual tone multi-frequency signaling or its functional equivalent. "Dual tone multi-frequency" (DTMF) is defined as a method of signaling that facilitates the transportation of signaling through the network. The common name for DTMF was touch-tone signaling as 10 digit keypads were offered as an alternative to old-fashioned rotary dials on telephone instruments connected to the wired network. 10 digit keypads and the functional equivalent of DTMF signaling are the standard in wireless telecommunications and are included in ND Net's universal service calling plan.

Single-party service or its functional equivalent. For purposes of wireless telecommunications carriers' ETC designation, the FCC defines "single party service" as service that permits users to have a dedicated message path for the length of a user's particular transmission. ND Net's universal service calling plan includes single-party service as defined by the FCC.

Access to emergency services. "Access to emergency services" is defined to mean access to 911 and enhanced 911 services to call emergency services through a Public Service Access Point ("PSAP") operated by the local government, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems.

Whether or not designated as an eligible telecommunications carrier under section 214 of the Act, a wireless telecommunications company is subject to the requirements of FCC rules that require deployment of 911 service, 47 CFR part 20. The requirements for enhanced 911 technology are applicable only if the administrator of the designated Public Safety Answering Point has requested the services and is capable of receiving and utilizing the data elements associated with the service, and if a mechanism is in place for recovering the Public Safety Answering Point's costs of the enhanced 911 service.

ND Net's universal service calling plan includes access to emergency 911 services, and ND Net will provide enhanced 911 service as required under FCC rules.

Access to operator services. ND Net's universal service calling plan includes "access to operator services," which is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call. Access to operator services is activated by dialing the digit 0 (zero), commonly referred to in the industry as O for Operator.

Access to interexchange service. "Access to interexchange service" is defined by the FCC's rules affecting ETC designation as the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier's network. As noted by the ND PSC in the case of another wireless carrier's application for ETC designation, the FCC has not included 1+ equal access as a requirement for ETC designation.

ND Net's universal service calling plan includes access to interexchange service for the purposes of making and receiving toll or interexchange calls. ND Net has long distance service available. ND Net's service also provides customers the ability to access interexchange carriers of choice by dialing other carriers' appropriate access codes.

Access to directory assistance. ND Net's universal service calling plan includes customers' access to directory assistance by dialing 1-NPA-555-1212.

7. For schools and libraries, the service designated by the FCC for support by universal support mechanisms include all items listed on the Eligible Services List of the

Schools and Libraries Support Mechanism of the Universal Service Administrative Company dated October 18, 2002. For health care providers, the services supported by universal service support mechanisms include any telecommunications service that is used primarily for the provision of health care.

8. The FCC's rules and the North Dakota Commission also require that an eligible telecommunications carrier must offer Link Up service and Lifeline Service. In general terms, Link Up and Lifeline are cost reductions available to qualifying low-income consumers.

Link Up means a reduction in the customary charge for commencing telecommunications service for a single telecommunications connection at a consumer's principal place of residence. ND Net's universal service calling plan includes a customary "activation fee" as a charge for commencing service. ND Link Up and Lifeline plan provides for a 50% reduction of this charge to qualifying low-income consumers. ND Net meets the Link Up requirement.

Lifeline service means a retail local telecommunications offering for which qualifying low-income consumers pay reduced charges. In other words, Lifeline service has two components. One component is service related; Lifeline service includes specific package of services. The second component is price related; qualifying low-income consumers pay reduced charges for the Lifeline service package.

Lifeline service includes all the services designated for universal service support in the FCC's 97-157 Order and in 47 CFR 54.101. These services 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. Lifeline service also includes toll limitation.

“Toll limitation” includes “toll blocking,” an arrangement under which a consumer of telecommunications service chooses not to purchase long distance “toll” services for calling outside the local calling area, thus avoiding measured service charges for long distance service in addition to the fixed price for local usage. Toll blocking disables access to interexchange service, at the customers request. Toll blocking is ordinarily offered as a fixed price option. Lifeline rules require toll limitation to be available free of charge to qualified low-income consumers.

ND Net's universal service calling plan meets the service components of the Lifeline requirement, because the plan includes all the services designated for universal service support in the FCC's 97-157 Order and in 47 CFR 54.101, and also includes toll limitation. Under ND Net's Lifeline plan, toll blocking is available free of charge to qualified low-income consumers.

The price related component of Lifeline service, reduced charges for qualifying low income consumers, possibly includes up to four “tiers” under the present rules. But only tier two affects ND Net; that is a \$1.75 monthly reduction in charges for ND Net's universal service to qualifying low-income consumers.

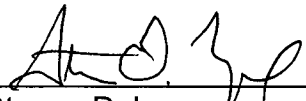
(Tier one, waiver of the federal End-User Common Line charge, does not affect wireless carriers. Tier three, a USF matching fund for any additional discounts voluntarily offered by an ETC, does not affect ND Net because we do not offer additional discounts. Tier four, affecting eligible residents of tribal lands, does not affect ND Net's application to be an additional ETC in the SRT support area because that area does not include any tribal lands.)

ND Net's universal service calling plan meets the price related component of the Lifeline requirement, because the plan offers the \$1.75 monthly reduction in charges for ND Net's universal service to qualifying low-income consumers.

ND Net'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.


9. ND Net intends to provide all the services designated for universal service support in the universal service support area of SRT using a combination of its own facilities and resale of another carrier's services, to follow the Lifeline Plan and Link Up plan for North Dakota, to offer supported services to schools, libraries and health care providers, and to advertise the availability of supported services and the charges therefor using media of general distribution in its service area.

Dated this 11 day of July, 2003.

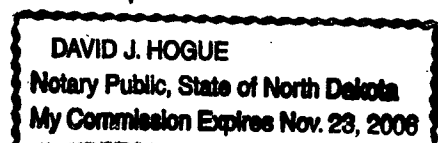


Steven D. Lysne

Subscribed and sworn to before me this 11 day of July, 2003.

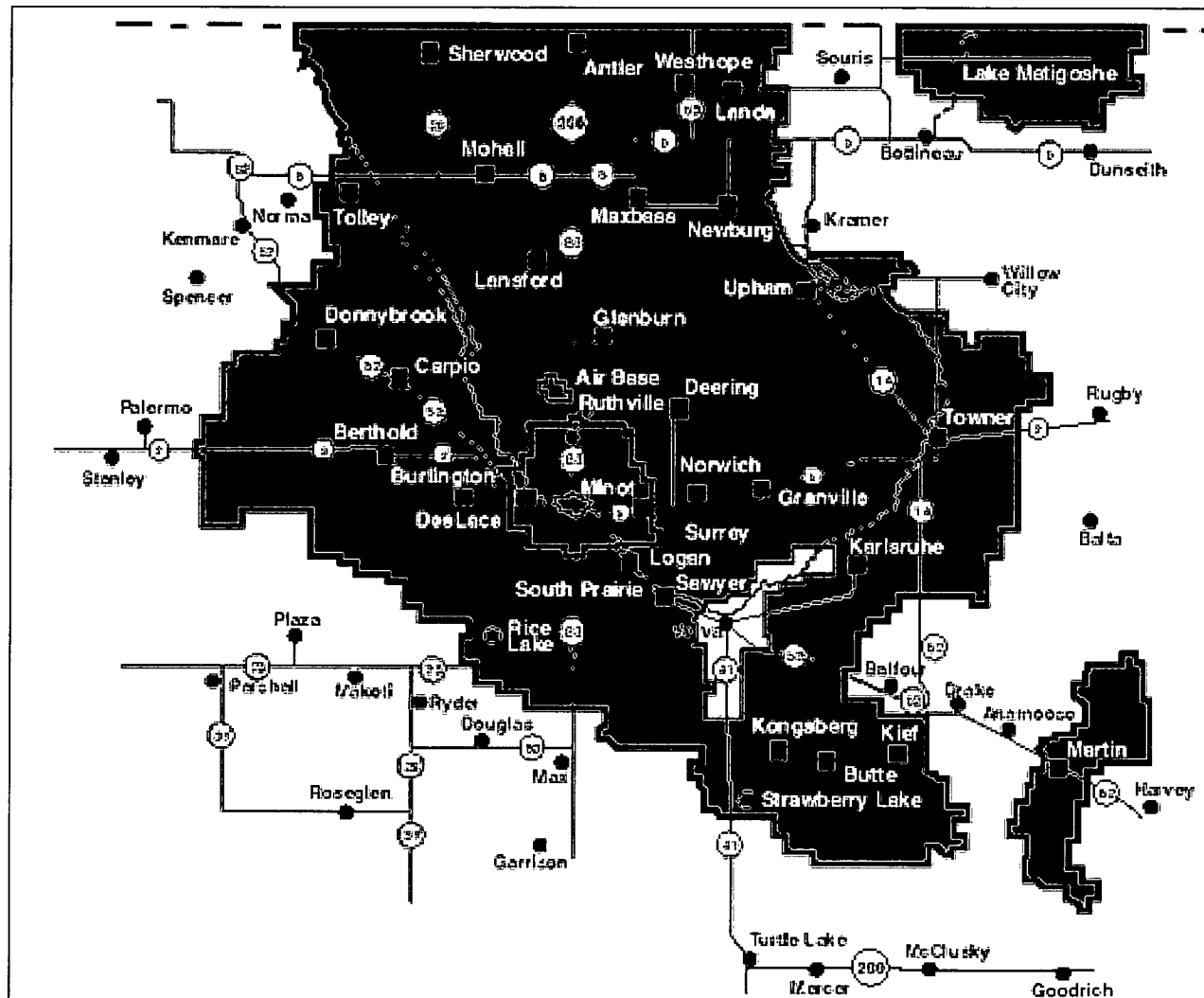


Notary Public



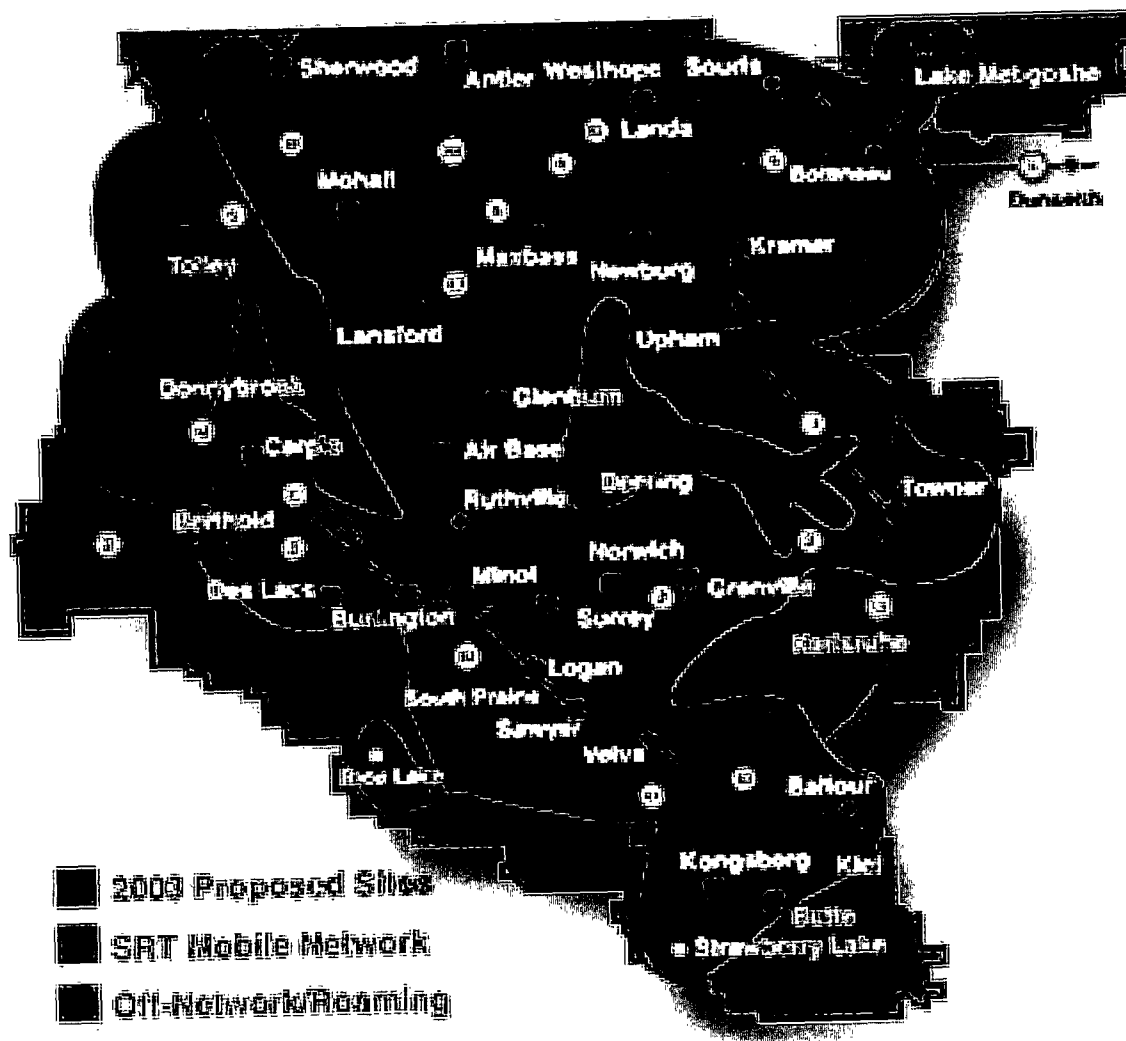
SRT

SRT Study Area



SRT

SRT PCS Coverage Area





Public Service Commission
Receipt of Payment

Receipt# 5480

Received: 7/9/2003 Check# 79245 for \$37.26
Subject: Utility Valuation (for ND Network Co)

Docket # PU-2048-03-235

Pringle & Herigstad
PO Box 1000
Minot ND 58702-1000

APPROVED

MOTION

DATE: 7-2-03
KMF

July 2, 2003

North Dakota Network Co.
Designated Eligible Carrier
Application

Case No. PU-2048-03-235

I move the Commission bill North Dakota Network Co. for costs incurred to date in Case No. PU-2048-03-235, North Dakota Network Co., Designated Eligible Carrier, Application.



Public Service Commission

State of North Dakota

COMMISSIONERS

Tony Clark, President
Leo M. Reinbold
Susan E. Wefald

Executive Secretary
Jon H. Mielke

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

July 2, 2003

David J Hogue
Pringle & Herigstad
PO Box 1000
Minot ND 58702-1000

RE: Case No. PU-2048-03-235
North Dakota Network Co.
Designated Eligible Carrier
Application

Enclosed is a copy of the statement approved at the July 2, 2003 Public Service Commission meeting for the expenses incurred to date in Case No. PU-2048-03-235.

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,

Gloria Geiger
Admin Staff Officer
701-328-2401

Enc.

Billing Statement

July 2, 2003

North Dakota Network Co.
Designated Eligible Carrier
Application

Case No. PU-2048-03-235

Bill To:

North Dakota Network Co.\$37.26

Expenses Incurred to Date:

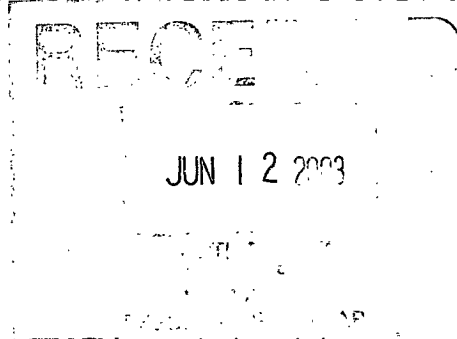
Advertising Costs\$37.26

Send Payment and a Copy of this Statement To:

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

Federal Tax ID 45-0309764

Affidavit of Publication



State of North Dakota)
County of Burleigh)

Colleen Park

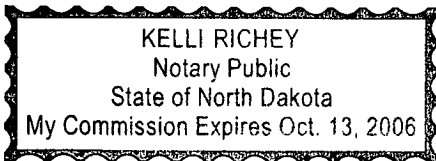
, being duly sworn, state as follows:

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:
PSC - ND Network, 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: Colleen Park

Subscribed and sworn to before me this 10th day of June A.D. 2003.

Kelli Richey



State Of North Dakota
Public Service Commission
Case No. PU - 2048 - 03 - 235

Minot

6-8



North Dakota Newspaper Association

1435 Interstate Loop
 Bismarck, ND 58503-0567
 Ph (701) 223-6397 • Fax (701) 223-8185

INVOICE

Order **17680-03062PP0**

Invoice # **18484**

June 11, 2003

Attn: JONH. MIELKE
 PUBLIC SERVICE COMMISSION
 600 E. BOULEVARD AVE.
 STATE CAPITOL
 BISMARCK, ND 58505

Advertiser: **Public Service Commission**

P.O.#:

Amount Due **\$37.26**

Amount Paid

Voice: 701-328-4076

Please detach and return this portion with your payment

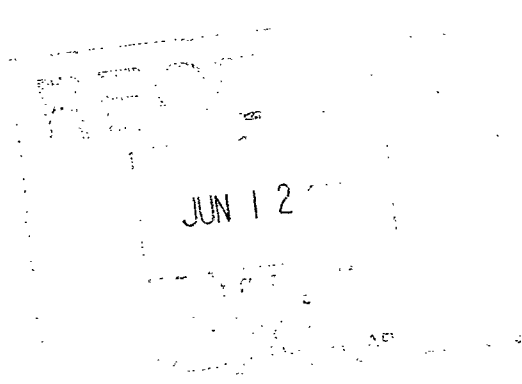
Public Service Commission Invoice # 17680-03062PP0-18484

Ad Size	Rate Type	Rate	Total	Discount (%)	Caption	Page	Run Date
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Minot Daily News (Minot ND)

69.00	SPR2	0.54	37.26	0.00	ND Network		06/08/03
-------	------	------	-------	------	------------	--	----------

Gross Advertising	37.26	Total Misc	0.00	Amount Paid	0.00
Agency Discount		Tax	0.00	Adjustments	0.00
Other Discount	0.00	Total Billed	37.26	Payment Date	
Service Charge	0.00	Unbilled	0.00	Balance Due	37.26



6

PU-2048-03-235

Pages: 1

Affidavit of Publication

by North Dakota Advertising Service, Inc.

06/12/2003

CC: Comm Legal PUD (3)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

North Dakota Network Co.
Designated Eligible Carrier
Application

Case No. PU-2048-03-235

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 June, 2003**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

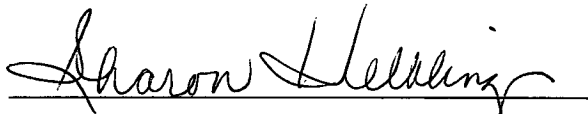

Notice of Opportunity for Hearing and Notice of Informal Hearing

The envelopes were addressed as follows:

David J Hogue
Pringle & Herigstad
P O Box 1000
Minot ND 58702-1000
Cert. No. 7002 2030 0003 7647 8450

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

Subscribed and sworn to before me
this **5th day of June, 2003**.



Notary Public

SEAL



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

North Dakota Network Co.
Designated Eligible Carrier
Application

Case No. PU-2048-03-235

AFFIDAVIT OF SERVICE BY ORDINARY AND ELECTRONIC 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 June, 2003**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, each containing a photocopy of:

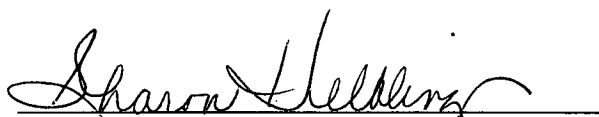
Notice of Opportunity for Hearing and Notice of Informal Hearing


The envelopes were addressed as follows:

See Attached List

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

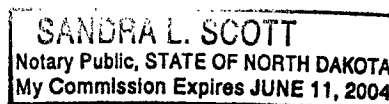
Subscribed and sworn to before me
this **5th day of June, 2003**.





Notary Public

SEAL



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Computer Integrated Communications Inc
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D D D Calling Inc
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Kennebunk Me 04043

Evercom Systems Inc
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Irving TX 75063-2824

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Fleischman & Walsh
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Washington DC 20036

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Mobile AL 36607-3104

Group Long Distance Inc
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Irvine CA 92618-1806

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Santa Clara CA 95051-0703

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Richfield OH 44286-9399

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New Rochelle NY 10801-7214

Dave Waters
Fairpoint Communications Solutions
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Charlotte NC 28202-2695

Ronald Rodemerk
Frontier Comm International
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Lucille Nilson
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HJN Telecom Inc
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Duluth GA 30096

Houlton Enterprises Inc
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Council Bluffs IA 51501

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Huntsville AL 35802-1382

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Ellendale ND 58436-0069

KMAV AM/FM RADIO
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Mayville ND 58257-0216

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St Louis Park MN 55426

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Omaha NE 68131

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Long Dist Consolidated Billing Co
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MCI WorldCom Inc
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Denver CO 80202

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Denver CO 80202

MCImetro Access Transmission Services
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410 South Phillips Ave
Sioux Falls SD 57104

Mid-Rivers Telephone Coop Inc
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Circle MT 59215

Gordon Wilhelmi
Midstate Communications Inc
PO Box 400
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Mark Wilhelmi
Midstate Telephone Co
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New Edge Network Inc
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Vancouver WA 98661

Nextel West Corp
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Dave Dircks
North Dakota Telephone Company
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Z-Tel Communications Inc
601 S Harbour Island Blvd Ste 220
Tampa FL 33602-5925

Helbling, Sharon D.

From: Helbling, Sharon D.
Sent: Wednesday, June 04, 2003 1:23 PM
To: ndna (E-mail)
Subject: Attached Notice of Opportunity for Hearing and Notice of Informal Hearing

**Coleen Park
North Dakota Newspaper Association**

Colleen:

Please have the attached Notice of Opportunity for Hearing and Notice of Informal Hearing published as a legal publication in the next issue of the Minot Daily News. Please run it as a "News Item Only" article as well.

Please send the bill directly 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 Helbling
Public Utilities Division**

4 **PU-2048-03-235** Pages: 1

Notice e-mailed to NDNA requesting
publication
by Public Service Commission

6/4/2003

06/04/2003

CC: Comm Legal PUD (3)

APPROVED

MOTION

DATE: 6-4-03
KMF

June 4, 2003

**North Dakota Network Co.
Designated Eligible Carrier
Application**

Case No. PU-2048-03-235

I move the Commission issue a Notice of Opportunity for Hearing and Notice of Informal Hearing in North Dakota Network Co.'s application for designation as an eligible carrier in North Dakota, Case No. PU-2048-03-235.

PJF/sdh

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

North Dakota Network Co.
Designated Eligible Carrier
Application

Case No. PU-2048-03-235

NOTICE OF OPPORTUNITY FOR HEARING AND
NOTICE OF INFORMAL HEARING

June 4, 2003

On May 6, 2003, North Dakota Network Co. (NDNet), a wholly owned subsidiary of SRT Communications, Inc. filed an application for designation as an Eligible Telecommunications Carrier (ETC) for receiving federal universal service support for the study area/universal service support area served by SRT Communications, Inc. NDNet proposes to provide universal services using a combination of its own wireless personal communications service facilities and resale of other carriers' services.

The issues to be considered are:

1. The qualification of the applicant under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service funding.
2. The ETC universal service support area to be designated for the applicant.

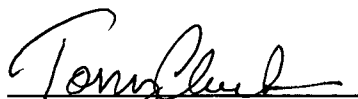
Those interested are invited to comment on the applications in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. Comments and requests for hearings must be received by **July 11, 2003**. If deemed appropriate, the Commission can determine the matter without a hearing.

An **informal hearing** on this matter will be held on **July 16, 2003 at 1:30 p.m. (CDT)** in the Commission hearing room, State Capitol, 12th Floor, Bismarck, North Dakota 58505. At the informal hearing NDNet will be given an opportunity to present an overview of its petition and interested persons will be given an opportunity to be heard.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; 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.

PUBLIC SERVICE COMMISSION


Susan E. Wefald
Commissioner


Tony Clark
President


Leo M. Reinbold
Commissioner



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May 5, 2003



North Dakota Public Service Commission
Jon Mielke, Executive Secretary
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

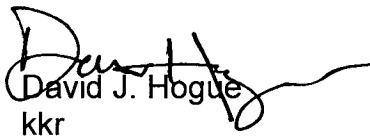
**RE: NORTH DAKOTA NETWORK CO. APPLICATION FOR DESIGNATION AS
ELIGIBLE TELECOMMUNICATIONS CARRIER**

Dear Mr. Mielke:

On behalf of North Dakota Network Co., enclosed for filing are an original and seven (7) copies of North Dakota Network Co.'s Application for Designation as Eligible Telecommunications Carrier.

If you have any questions, please don't hesitate to contact me.

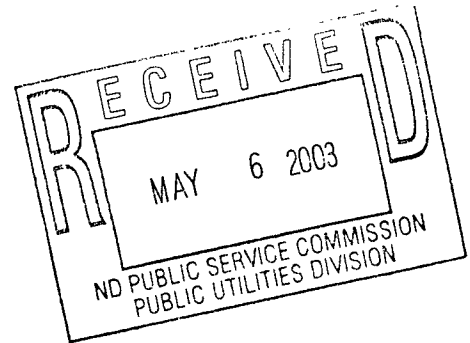
Very truly yours,


David J. Hogue
kkf

Enclosure

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA



**North Dakota Network Co.
Application for designation as
Eligible Telecommunications Carrier**

Designated Eligible Carrier
Case No. PU--

North Dakota Network Co. (NDNet) applies to the North Dakota Public Service Commission for designation as an eligible telecommunications carrier under section 214 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996.

INTRODUCTION - LEGAL BACKGROUND

1. In the Telecommunications Act of 1996 (1996 Act), amending the Communications Act of 1934, 47 U.S.C. Sec. 151 et. seq. (Act), the United States Congress enacted provisions for the support of universal service. The Act provides financial support for universal services to common carriers that have been designated as eligible telecommunications carriers (ETCs) and that provide and advertise universal services:

PROVISION OF UNIVERSAL SERVICE.

(1) ELIGIBLE TELECOMMUNICATIONS CARRIERS.--A common carrier designated as an eligible telecommunications under paragraph (2) or (3) shall be

eligible to receive universal service support in accordance with section 254 and shall, throughout the service area for which the designation is received--

(A) offer the services that are supported by Federal universal service support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and

(B) advertise the availability of such services and the charges therefor using media of general distribution.

47 U.S.C. § 214(e)

2. On May 8, 1997, the Federal Communications Commission (FCC) issued its Universal Service Report and Order, CC Docket 96-45, Order No. 97-157 (97-157 Order) to implement universal service support provisions of the Act. The FCC issued further orders to implement the Act on December 30, 1997, July 13, 1998, and October 26, 1998. The 97-157 Order and Rules Promulgated in Title 47 of the Code of Federal Regulations set forth the services designated for universal service support:

Subpart B - Services Designated for Support

§ 54.101 Supported services for rural, insular and high cost areas.

Services Designated for Support. The following services or functionalities shall be supported by Federal universal service support mechanisms:

Voice grade access to the public switched network. "Voice grade access" is defined as a functionality that enables a user of telecommunications

services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call. For purposes of this Part, voice grade access shall occur within the frequency range of between approximately 500 Hertz and 4,000 Hertz, for a bandwidth of approximately 3,500 Hertz;

Local usage. "Local usage" means an amount of minutes of use of exchange service, prescribed by the Commission, provided free of charge to end users;

Dual tone multi-frequency signaling or its functional equivalent. "Dual tone multi-frequency" (DTMF) is a method of signaling that facilitates the transportation of signaling through the network, shortening call set-up time;

Single-party service or its functional equivalent. "Single-party service" is telecommunications service that permits users to have exclusive use of a wireline subscriber loop or access line for each call placed, or, in the case of wireless telecommunications carriers, which use spectrum shared among users to provide service, a dedicated message path for the length of a user's particular transmission;

Access to emergency services. "Access to emergency services" includes access to services, such as 911 and enhanced 911, provided by local governments or other public safety organizations. 911 is defined as a service that permits a telecommunications user, by dialing the three-digit code "911," to call emergency services through a Public Service Access Point (PSAP) operated by the local government. "Enhanced 911" is defined as 911 service that includes the ability to provide automatic numbering information (ANI), which enables the

PSAP to call back if the call is disconnected, and automatic location information (ALI), which permits emergency service providers to identify the geographic location of the calling party. "Access to emergency services" includes access to 911 and enhanced 911 services to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems;

Access to operator services. "Access to operator services" is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call;

Access to interexchange service. "Access to interexchange service" is defined as the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier's network;

Access to directory assistance. "Access to directory assistance" is defined as access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings; and

Toll limitation for qualifying low-income consumers. Toll limitation for qualifying low-income consumers is described in Subpart E.

47 C.F.R. § 54.101(a)

3. An eligible telecommunications carrier must offer Link Up service and Lifeline Service:

§ 54.411 Link Up program defined.

For purposes of this subpart, the term "Link Up" shall describe the following assistance program for qualifying low-income consumers, which an eligible telecommunications carrier shall offer as part of its obligation set forth in §§ 54.101(a)(9) and 54.101(b):

47 C.F.R. § 54.411(a)

§ 54.405 Carrier obligation to offer Lifeline.

All eligible telecommunications carriers shall make available Lifeline service, as defined in § 54.401, to qualifying low-income consumers.

47 C.F.R. § 54.405

4. On November 5, 1997, in Case No. PU-439-96-149, the Commission adopted a Lifeline Plan and a Link Up plan for North Dakota. On December 29, 2000, The Commission adopted an order amending the Lifeline Plan and a Link Up plan for North Dakota. An eligible telecommunications carriers designated in North Dakota must follow these plans for providing Link Up and Lifeline services.

5. The Act defines a common carrier as:

COMMON CARRIER.--*The term* "common carrier" or "carrier" means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to this Act; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

47 U.S.C. § 153(10)

6. The Act states that a Commercial Mobile Radio Service (CMRS) provider shall be treated as a common carrier:

REGULATORY TREATMENT OF MOBILE SERVICES.--

COMMON CARRIER TREATMENT OF COMMERCIAL MOBILE SERVICES.-- (A) A person engaged in the provision of service that is a commercial mobile service shall, insofar as such person is so engaged, be treated as a common carrier for purposes of this Act, except for such provisions of title II as the Commission may specify by regulation as inapplicable to that service or person.

47 U.S.C. § 332(c)(1)

9. In addition, FCC rules classify wireless telecommunications services as common carriage:

(a) The following mobile services shall be treated as common carriage services and regulated as commercial mobile radio services (including any such service offered as a hybrid service or offered on an excess capacity basis to the extent it meets the definition of commercial mobile radio service, or offered as an auxiliary or ancillary service), pursuant to Section 332 of the Communications Act, 47 U.S.C. 332:

* * * *

Domestic Public Cellular Radio Telecommunications Service (part 22, subpart K of this chapter);

* * * *

Personal Communications Services (part 24 of this chapter), except as provided in paragraph (b) of this section;

* * * *

47 C.F.R. § 20.9(a)

5. The 97-157 Order specifically provides that wireless carriers may be designated as an ETC:

We agree with the Joint Board's analysis and recommendation that any telecommunications carrier using any technology, including wireless technology, is eligible to receive universal service support if it meets the criteria under section 214(e)(1). We agree with the Joint Board that any wholesale exclusion of a class of carriers by the Commission would be inconsistent with the language of the statute and the pro-competitive goals of the 1996 Act. The treatment granted to certain wireless carriers under section 332(c)(3)(A) does not allow states to deny wireless carriers eligible status. *Universal Service Report and Order*, FCC 97-157 at Para. 145.

(Section 332(c)(3)(A) of the Act, mentioned in the 97-157 Order, preempts state regulation of commercial mobile services as to both market entry and rates for services.)

6. Both federal law and state law provide that the Commission designate common carriers that meet the requirements as eligible telecommunications carriers for a service area, and for more than ETC to be designated in a service area. In areas served by rural telephone companies, the Commission must find that ETC designation is in the public interest:

(2) DESIGNATION OF ELIGIBLE TELECOMMUNICATIONS CARRIERS-- A State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State commission. Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest.

47 U.S.C. § 214(e)(2)

Powers in general. The Commission has the power to:

12. Designate telecommunications companies as eligible telecommunications carriers to receive universal service support under sections 214 and 254 of the federal act. North Dakota Century Code (NDCC) § 49-21-01.7.

7. The NDPSC has determined that the designation of more than one common carrier as an eligible telecommunications carrier in specific rural telephone company service areas in North Dakota is in the public interest. Western Wireless Corporation, Designated Eligible Carrier Application, NDPSC Case No. PU-1564-98-428. Order on Remand, October 3, 2001; Aff'd, Rural Telephone Company Group v Western Wireless Corporation, Burleigh County North Dakota District Court, Civil No 01-C-2662, Memorandum Opinion and Order on Appeal, February 10, 2003.

STATEMENT OF FACTS

1. NDNNet is a a "telecommunications carrier" within the meaning of section 153 (44) of the Act, and is a "telecommunications company" within the meaning of NDCC section 49-21-01(19).

NDNNet is a CMRS common licensed by the FCC to provide wireless personal communications service.

NDNNet is registered as a personal communications service provider offering services in North Dakota. Certificate No 897, issued by the North Dakota Public Service Commission (NDPSC) in Case No PU-2048-02-511 on October 10, 2002.

NDNNet is also registered to resell local exchange telecommunications services and to resell interexchange telecommunications services in North Dakota,, Certificate No 896,

issued by the NDPSC in Case No PU-2048-02-511 on October 10, 2002, and Certificate No 611 , issued by the NDPSC in Case No PU-2048-99-92 on March 17, 1999.

2. NDNNet is a wholly owned subsidiary of SRT Communications, Inc. ("SRT"). SRT is a "rural telephone company" within the meaning of section 153(37) of the Act. SRT is designated as an eligible telecommunications carrier for the purpose of receiving federal universal service support in its study area, by order of the NDPSC in its case No PU-1332-97-439.

3. The area in which NDNNet is licensed to provide personal communications service includes the area designated as the universal service support area of SRT. NDNNet presently offers wireless personal communications service in the area designated as the universal service support area of SRT Communications, Inc.

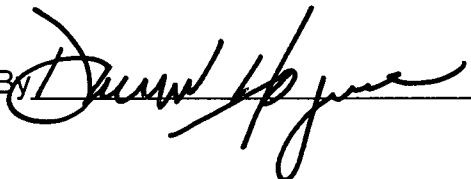
4. ND Net intends to provide all the services designated for universal service support in the universal service support area of SRT using NDNNet's own facilities and under agreements with other telecommunications carriers, to follow the Lifeline Plan and a Link Up plan for North Dakota and to advertise the availability of such services and the charges therefor using media of general distribution in its service area.

APPLICATION

North Dakota Network Co requests designation as an eligible telecommunications carrier in the study area/universal service support area served by SRT Communications, Inc.

Dated this 5th day of May 2003.

PRINGLE & HERIGSTAD, P.C.

By 

David J Hogue (ID#4486)
Attorneys for ND Net
First American Bank Bldg., 2nd Fl.
20 - 1st Street SW
P.O. Box 1000
Minot, ND 58702-1000

PU-2048-03-235

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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. 	A. Signature <input checked="" type="checkbox"/> <i>Angela Keller</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <i>David J. Hogue</i> <i>Pringle & Houghton</i> <i>PO Box 1000</i> <i>Minot ND 58702-1000</i>	B. Received by (Printed Name) <i>Angela Keller</i>	C. Date of Delivery <i>06 JUN 01</i>
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	7002 2030 0003 7647 8450	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
PS Form 3811, August 2001 Domestic Return Receipt 2ACPRI-03-Z-0985		

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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. 	A. Signature <input checked="" type="checkbox"/> <i>Angela Keller</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
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	D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No	
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4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
PS Form 3811, August 2001 Domestic Return Receipt 2ACPRI-03-Z-0985		