



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

In the Matter of Northwest Dakota Cellular)
of North Dakota Limited Partnership)
d/b/a Verizon Wireless)
Petition for Designation as an)
Eligible Telecommunications Carrier)

Case No. PU-1226-03-597

JOINT STIPULATION REGARDING
REDEFINITION OF SERVICE AREA REQUIREMENT

This Joint Stipulation Regarding Redefinition of Service Area Requirement (“Service Area Stipulation”) is entered into between and among Northwest Dakota Cellular of North Dakota Limited Partnership d/b/a Verizon Wireless (“Verizon Wireless”) and BEK Communications Cooperative, Consolidated Telecom, Dakota Central Telecom 1, Dakota Central Telecommunications Cooperative, Dickey Rural Access, Inc., Dickey Rural Communications, Inc., Dickey Rural Telephone Cooperative, Missouri Valley Communications, Inc., Nemont Telephone Cooperative, Inc., North Dakota Telephone Company, Northwest Communications Cooperative, Polar Communications Mutual Aid Corporation, Polar Telecommunications, Inc., Reservation Telephone Cooperative, Turtle Mountain Communications and United Telephone Mutual Aid Corporation (individually and collectively “Rural Telephone Companies”), acting by and through their respective undersigned counsel.

Based on information provided by Verizon Wireless, and after consideration of the applicable law, Verizon Wireless and the Rural Telephone Companies agree that the North Dakota Public Service Commission (“Commission”) should accept the following stipulations for purposes of the above-captioned proceeding.

As set forth more fully below, and in the Joint Stipulation of the parties, Verizon Wireless and the Rural Telephone Companies agree the Rural Telephone Companies withdraw

their objections in the above-captioned proceeding and agree the service area requirement should be redefined as necessary for purposes of Verizon Wireless' designation as an additional eligible telecommunications carrier ("ETC") from the "study area" to all wire centers or partial wire centers of the Rural Telephone Companies located within the geographic boundaries of North Dakota Rural Service Area 1 ("RSA 1").

1. On October 15, 2003, Verizon Wireless filed with the Commission an Application for Designation as an Eligible Telecommunications Carrier and Petition for Redefinition of Service Areas of Rural Telephone Companies (the "Application"), pursuant to 47 U.S.C. § 214(e) and N.D. Cent. Code § 49-21-01.7(12). Exhibit A to the Application identifies the particular areas for which designation is sought. Exhibit B to the Application is a map comparing Verizon Wireless' current authorized cellular coverage areas in North Dakota RSA 1 with the wire center boundaries of each local exchange carrier.

2. Upon further review of the Application, Verizon Wireless serves a wire center of BEK Communications Cooperative ("BEK Communications") in RSA 1 that was inadvertently not included in the requested designated areas in the Application. Accordingly, an Amended Exhibit A, including the BEK Communications wire center previously omitted, was filed with the Commission.

3. Verizon Wireless currently serves areas in North Dakota RSA 1 also served by nine rural telephone companies, namely, BEK Communications, Nemont Telephone Cooperative, Inc. ("Nemont Telephone"), Noonan Farmers Telephone Company ("Noonan Farmers"), Northwest Communications Cooperative ("Northwest Communications"), Midstate Telephone Company ("Midstate Telephone"), Reservation Telephone Cooperative ("Reservation Telephone"), SRT Communications, Inc. ("SRT Communications"), Missouri Valley Communications ("Missouri Valley"), and West River Telecommunications ("West River Telecom").

4. Verizon Wireless serves the entire study area of Noonan Farmers and Northwest Communications and thus satisfies Section 214(e)(5) as to the areas served by those telephone companies. It is not necessary to redefine the service area requirement for purposes of Verizon Wireless' ETC designation for those telephone companies.

5. The respective study areas of BEK Communications, Nemont Telephone, Midstate Telephone, Reservation Telephone, SRT Communications, Missouri Valley, and West River Telecom do not correspond with Verizon Wireless' CMRS licensed area or existing signal coverage area in North Dakota RSA 1. Therefore, the Commission should redefine the service area requirement for purposes of Verizon Wireless' ETC designation, pursuant to 47 C.F.R. § 54.207, to enable Verizon Wireless to meet the federal ETC requirements under 47 U.S.C. § 214(e).

6. Accordingly, Verizon Wireless and the Rural Telephone Companies stipulate and agree that the Rural Telephone Companies withdraw their opposition to the Application and

agree that the Commission may issue an Order consistent with this Stipulation to redefine the service area requirement for purposes of designating Verizon Wireless as federal ETC as set forth on Exhibit A.

7. Nothing in this Stipulation shall be construed as an agreement to redefine the Rural Telephone Companies' study area for the purposes of their receipt of universal service support nor shall it be construed to constitute a waiver of the Rural Telephone Companies' rights to object to or contest any future ETC applications which may be filed with the Commission in other documents and this Stipulation shall be limited solely to the purposes of the above-captioned proceeding.

Dated: February 4, 2004

BRIGGS AND MORGAN, P.A.

By 

Mark J. Ayotte

2200 First National Bank Building
332 Minnesota Street
Saint Paul, Minnesota 55101
Telephone No. (651) 808-6600
Facsimile No. (651) 808-6450

Thomas D. Kelsch
Kelsch, Kelsch, Ruff & Kranda
103 Collins Avenue
P.O. Box 1266
Mandan, North Dakota 58554-7266
Telephone No. (701) 663-9818
Facsimile No. (701) 663-9810

Attorneys for Verizon Wireless

PRINGLE & HERIGSTAD

By 

Don Negaard

20 SW First Street
P.O. Box 1000
Minot, North Dakota 58702
Telephone No. (701) 852-0381
Facsimile No. (701) 857-1361

Attorneys for Rural Telephone Companies

Dated: February 4th, 2004

EXHIBIT A

I. Areas for Which Verizon Wireless Should Be Granted ETC Designation

1. Noonan Farmers Telephone Company – North Dakota Study Area
2. Northwest Communications Cooperative – North Dakota Study Area

II. Areas for Which Verizon Wireless Should Be Granted Conditional ETC Designation Subject to Redefinition of the Service Area Requirement

1. BEK Communications Cooperative – All wire centers or partial wire centers located within the geographic boundaries of North Dakota RSA 1
2. Nemont Telephone Cooperative, Inc. – All wire centers or partial wire centers located within the geographic boundaries of North Dakota RSA 1
3. Midstate Telephone Company – All wire centers or partial wire centers located within the geographic boundaries of North Dakota RSA 1
4. Reservation Telephone Cooperative – All wire centers or partial wire centers located within the geographic boundaries of North Dakota RSA 1
5. SRT Communications, Inc. – All wire centers or partial wire centers located within the geographic boundaries of North Dakota RSA 1
6. Missouri Valley Communications – All wire centers or partial wire centers located within the geographic boundaries of North Dakota RSA 1
7. West River Telecommunications Cooperative – All wire centers or partial wire centers located within the geographic boundaries of North Dakota RSA 1