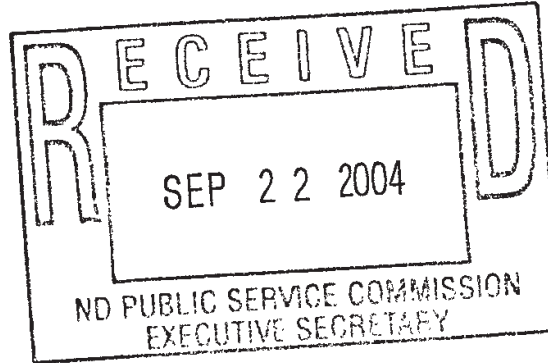


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September 20, 2004

Jon H. Mielke  
Executive Secretary  
North Dakota Public Service Commission  
State Capitol – 12<sup>th</sup> Floor  
600 East Boulevard Avenue – Dept. 408  
Bismarck, ND 58505-0480

**Re: Northwest Dakota Cellular of North Dakota Limited Partnership  
Designation Eligible Carrier Application, Case No. PU-1226-03-597**

**North Central RSA 2 of North Dakota Limited Partnership Designation  
Eligible Carrier Application, Case No. PU-386-03-598**

**North Dakota RSA No. 3 of North Dakota Limited Partnership Designation  
Eligible Carrier Application, Case No. PU-897-03-599**

**Badlands Cellular of North Dakota Limited Partnership Designation  
Eligible Carrier Application, Case No. PU-1255-03-600**

**North Dakota 5-Kidder Limited Partnership Designation Eligible Carrier  
Application, Case No. PU-338-03-601**

**Bismarck MSA Limited Partnership Designation Eligible Carrier  
Application, Case No. PU-494-03-602**

Dear Mr. Mielke:

Pursuant to the Order dated February 25, 2004, the North Dakota Public Service Commission ("Commission") designated each of the applicants in the above-referenced proceedings as an eligible telecommunications carrier. For certain rural local exchange areas, the ETC designations were conditioned upon obtaining approval from the Federal Communications Commission ("FCC") to redefine the service area requirement.

I am pleased to report that the service area redefinitions under the Commission's Order have been approved by the FCC effective September 15, 2004.

37 PU-1226-03-597 *et al* Pages: 4

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MINNEAPOLIS OFFICE ■ IDS CENTER  
MEMBER — LEX MUNDI, A GLOBAL ASSOCIATION

Notice that the service area redefinitions  
have been approved by the FCC  
by Northwest Dakota Cellular of North Dakota Limited

09/22/2004

CC: Comm Legal Illona Pat.

**BRIGGS AND MORGAN**

September 20, 2004

Page 2


In accordance with 47 C.F.R. § 54.207(c), the applicants jointly filed with the FCC a "Petition for Agreement with Redefinition of Service Area Requirement for Certain Rural Telephone Company Study Areas in the State of North Dakota" ("Joint Petition"). The Joint Petition was filed on June 3, 2004. Subsequently, the FCC released a Public Notice on June 17, 2004 soliciting comments on the Joint Petition. Under 47 C.F.R. § 54.207(c)(3)(ii), the redefinition request is deemed approved and effective if the FCC does not act to initiate a proceeding within ninety (90) days of the release date of the Public Notice. Based on the Public Notice date of June 17, 2004, the FCC's concurrence in the redefinition was deemed effective on September 15, 2004.

Please note that as part of the FCC proceeding, North Dakota RSA No. 3 of North Dakota Limited Partnership ("North Dakota No. 3 Partnership") submitted a filing to limit the scope of its request. A copy of the filing dated September 15, 2004 is enclosed for your reference. Specifically, North Dakota No. 3 Partnership withdrew its request for FCC concurrence with the redefinition as it relates to eight (8) specific wire centers partially located within its FCC-licensed area. The specific wire centers include West Oslo, Dahleen, Galesburg, Page, Tower City, Nome, Enderlin and Sheldon. These specific wire centers were only partially located within the North Dakota RSA No. 3 licensed area. FCC staff had expressed a concern regarding North Dakota No. 3 Partnership's ability to serve the portions of the wire centers located outside of its licensed area. In an effort to facilitate the FCC's concurrence to the Petition, North Dakota No. 3 Partnership determined to withdraw them from the proceeding.

Accordingly, the conditional ETC designations granted to each of the applicants as set forth in the Commission's February 25, 2004 Order are now final and effective. The only exception relates to the eight (8) specific wire centers partially located within the North Dakota RSA No. 3 licensed area, which were withdrawn by North Dakota No. 3 Partnership. As a result, North Dakota No. 3 Partnership will not be regarded as an ETC for those eight (8) specific wire centers. However, its ETC designation will otherwise be effective throughout its FCC-licensed area pursuant to the Commission's Order.

If you should have any further questions or require any additional information, please feel free to contact me.

Very truly yours,



Mark J. Ayotte

MJA/sjc

cc: Illona Jeffcoat-Sacco  
Patrick Fahn  
Mark R. Smith  
Diana Stevens  
Thomas D. Kelsch  
Don Negaard

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September 15, 2004

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: *North Dakota Partnerships; Concurrence With Redefinition of Service Area Requirements (CC Docket No. 96-45)*

Dear Ms. Dortch:

This letter is in regard to the above-referenced Petition seeking the Commission's agreement, under 47 U.S.C. section 214(e)(5), with the North Dakota Public Service Commission's ("NDPSC") decision to redefine the service area requirement in connection with its decision to grant Petitioners<sup>1</sup> eligible telecommunications carriers ("ETC") status throughout their respective North Dakota licensed service areas.<sup>2</sup>

Petitioner North Dakota RSA No. 3 of North Dakota Limited Partnership hereby withdraws its request for Commission concurrence with the redefinition of the service area requirement of certain rural telephone companies as it pertains to eight (8) specific wire centers which are partly contained within the North Dakota RSA No. 3 licensed area: West Oslo, Dahleen, Galesburg, Page, Tower City, Nome, Enderlin, and Sheldon. These wire centers lie partially within the Fargo and Grand Forks cellular license areas and thus the unserved portions of the wire centers cannot be served by other co-applicants to this Petition. The Petitioners maintain their request in all other respects.

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<sup>1</sup> Northwest Dakota Cellular of North Dakota Limited Partnership; North Central RSA 2 of North Dakota Limited Partnership; North Dakota RSA No. 3 of North Dakota Limited Partnership; Badlands Cellular of North Dakota Limited Partnership; North Dakota 5 – Kidder Limited Partnership; and Bismarck MSA Limited Partnership.

<sup>2</sup> See *Wireline Competition Bureau Seeks Comment on Petition to Redefine Certain Rural Telephone Company Service Areas in the State of North Dakota*, CC Docket No. 96-45, Public Notice, 19 FCC Rcd 10742 (2004).

WILKINSON ) BARKER ) KNAUER ) LLP

Marlene H. Dortch, Secretary

September 15, 2004

Page 2

Please direct any questions regarding this filing to the undersigned.

Sincerely,

WILKINSON BARKER KNAUER, LLP

By: /s/ L. Charles Keller

L. Charles Keller

cc: Richard Lerner  
Anita Cheng