



DIVIDER

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

PU-386-03-598
North Central RSA 2 of ND Limited Partnership
Designated Eligible Carrier
Application 03
Filed 10/15/2003 **Closed 2/26/2004**

BRIGGS AND MORGAN

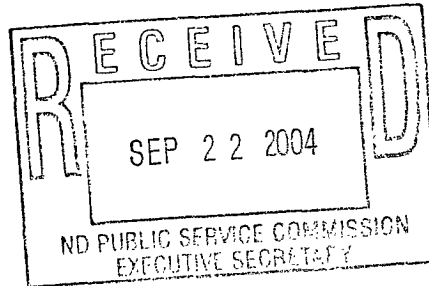
PROFESSIONAL ASSOCIATION

WRITER'S DIRECT DIAL

(651) 808-6561

WRITER'S E-MAIL

mayotte@briggs.com



September 20, 2004

Jon H. Mielke
Executive Secretary
North Dakota Public Service Commission
State Capitol – 12th 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.

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Pages: 4

BRIGGS AND MORGAN

September 20, 2004

Page 2

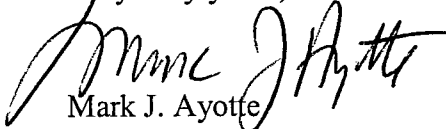
In accordance with 47 C.F.R. § 54.207(c), the applicants jointly filed with the FCC a "Petition for Agreement with Redefinition of Service Area Requirement for Certain Rural Telephone Company Study Areas in the State of North Dakota" ("Joint Petition"). The Joint Petition was filed on June 3, 2004. Subsequently, 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

WILKINSON) BARKER) KNAUER) LLP

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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 Petitioners¹ eligible telecommunications carriers ("ETC") status throughout their respective North Dakota licensed service areas.²

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 with 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.

¹ 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.

² 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

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SAINT PAUL, MINNESOTA 55101
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PROFESSIONAL ASSOCIATION

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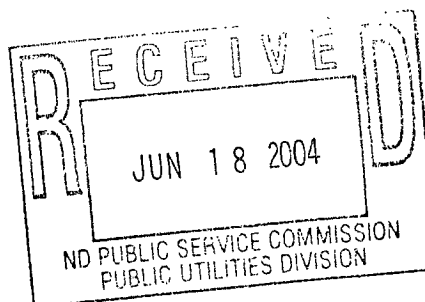
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WRITER'S E-MAIL

mayotte@briggs.com

June 17, 2004

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



**Re: In the Matter of North Central RSA 2 of North Dakota Limited
Partnership Petition for Designation as an Eligible
Telecommunications Carrier
Case No. PU-386-03-598**

Dear Mr. Mielke:

Enclosed herewith for filing in the above-captioned matter is the original and one (1) copy of a replacement page 7 to the Informational Tariff No. 1 filed on May 25, 2004.

If you should have any questions, please contact me.

Very truly yours,

Mark J. Ayotte

MJA/sjc
Enclosures

cc: Patrick Fahn (w/enclosure)
Thomas D. Kelsch (w/enclosure)
Verizon Wireless (w/enclosure)

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Pages: 2

Replacement pg. 7 to Informational Tariff
No 1
by North Central RSA 2 of ND Limited Partnership by

06/18/2004

CC: Comm Legal Ilona Pat .

fail to pay your bill or violate the terms and conditions of service set forth in the Customer Agreement.

(H) Designated Services Available To Lifeline Customers

- (1) Voice grade access to the public switched telephone network
 - (2) Local usage
 - (3) Dual tone multi-frequency signaling or its functional equivalent
 - (4) Single-party service or its functional equivalent
 - (5) Access to emergency services
 - (6) Access to operator services
 - (7) Access to interexchange service
 - (8) Access to directory assistance
 - (9) Toll blocking service (optional) at no charge
- (I) The number of airtime minutes allowed and the local calling area shall be as set forth in the retail service offering provided by the Company as described in Section 4.2. The customer shall be liable to the Company for payment of any and all charges associated with use of the Lifeline service.
- (J) The cost of the handset or other equipment necessary to access the Company's cellular network shall be borne by the customer.
- (K) Eligible customers may elect toll blocking service to not allow the completion of outgoing long distance calls from the customer's wireless phone. Eligible customers who elect toll blocking service shall not be required to pay a service deposit to initiate Lifeline service. If toll blocking is not requested, the Company may charge a service deposit.

4.1.2 Link Up Assistance

- (A) Link Up assistance provides a reduction in the Company's customary charge for commencing telecommunications service for a single
-



PUBLIC NOTICE

PU-1226-03-597
PU-386-03-598
PU-897-03-599
PU-1225-03-600
PU-338-03-601
PU-494-03-602

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

News Media Information 202/418-0500
Fax-On-Demand 202/418-2830
TTY 202/418-2555
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 04-1739

THE 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

Release Date: June 17, 2004

Comment Date: July 1, 2004
Reply Comment Date: July 15, 2004

The Wireline Competition Bureau seeks comment on a petition filed by 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 (Petitioners), pursuant to section 54.207(c) of the Commission’s rules, requesting Federal Communications Commission agreement with the North Dakota Public Service Commission’s (North Dakota Commission) decision to redefine certain rural telephone company service areas in the state of North Dakota.¹

In accordance with section 54.207(c)(1), Petitioners filed with their Petition the service area definition proposed by the North Dakota Commission and the North Dakota Commission’s ruling presenting its reasons for adopting the proposed redefinition.² The North Dakota Commission’s redefinition may not take effect unless and until this Commission agrees with the North Dakota

¹ *Petition for Agreement with Redefinition of Service Area Requirement for Certain Rural Telephone Company Study Areas in the State of North Dakota Pursuant to 47 C.F.R. § 54.207(c)*, CC Docket No. 96-45, filed June 3, 2004 (Petition). Section 54.207 of the Commission’s rules, which implements section 214(e)(5) of the Communications Act of 1934, as amended, provides that a rural telephone company’s service area will be its study area “unless and until the Commission and the states, after taking into account the recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.” 47 C.F.R. § 54.207(b); 47 U.S.C. § 214(e)(5).

² See Petition, Exhibit A, *State of North Dakota Public Service Commission*, Order, Case Nos. PU-1226-03-597, PU-386-03-598, PU-897-03-599, PU-1225-03-600, PU-338-03-601, PU-494-03-602, at 6-7 (North Dakota Pub. Serv. Comm’n. Feb. 25, 2004) (*North Dakota Order*). A petition seeking redefinition of a rural telephone company’s study areas shall contain: (i) the definition proposed by the state commission; and (ii) the state commission’s ruling or other official statement presenting the state commission’s reason for adopting its proposed definition, including an analysis that takes into account the recommendations of any Federal-State Joint Board convened to provide recommendations with respect to the definition of a service area served by a rural telephone company. See also *Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, 12 FCC Rcd 8776, 8881 (1997) (subseq. history omitted) (*Universal Service Order*).

Commission's redefinition.³

This is the Public Notice required by section 54.207(c)(2).⁴ If the Commission initiates a proceeding to consider the Petition, it must do so within ninety (90) days from the release of this Public Notice.⁵ If the Commission does not act on the Petition within 90 days of the release of this Public Notice, the definition proposed by the North Dakota Commission will be deemed approved by the Commission and shall take effect in accordance with state procedures.⁶

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **July 1, 2004**, and reply comments on or before **July 15, 2004**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁷

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties who choose to file by paper also must send three paper copies of their filing to Sheryl

³ See *supra* n. 1.

⁴ 47 C.F.R. § 54.207(c)(2).

⁵ 47 C.F.R. § 54.207(c)(3)(i).

⁶ See 47 C.F.R. § 54.207(c)(3)(ii). The Commission delegated its authority to act on petitions to redefine rural service areas to the Wireline Competition Bureau. 47 C.F.R. § 54.207(e).

⁷ See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II 445 12th Street, Suite CY-B402, Washington, DC 20554.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which ex parte communications are permitted subject to disclosure. For further information, contact Thomas Buckley, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.



Public Service Commission
Receipt of Payment

Receipt# 5871

Received: 6/3/2004 Check# 4827489 for \$230.81
Subject: Utility Valuation

Docket # PU-386-03-598

Verizon Wireless
PO Box 2167
Folsom CA 95763-2167

34 **PU-386-03-598** Pages: 1
Receipt# 5,871 \$230.81
by Verizon Wireless
06/03/2004

2200 FIRST NATIONAL BANK BUILDING
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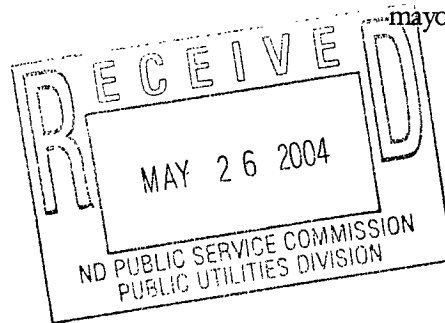
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WRITER'S E-MAIL

mayotte@briggs.com

May 24, 2004

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



**Re: In the Matter of North Central RSA 2 of North Dakota Limited
Partnership Petition for Designation as an Eligible
Telecommunications Carrier
Case No. PU-386-03-598**

Dear Mr. Mielke:

Enclosed herewith for filing in the above-captioned matter is the original and one (1) copy of Informational Tariff No. 1. This Informational Tariff is filed as required by the Commission's Order dated February 25, 2004.

If you should have any questions, please contact me.

Very truly yours,

Mark J. Ayotte

MJA/sjc
Enclosures

cc: Patrick Fahn (w/enclosure)
Thomas D. Kelsch (w/enclosure)
Verizon Wireless (w/enclosure)

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Pages: 1

Cover letter re Informational Tariff No. 1

by North Central RSA 2 of ND Limited Partnership by

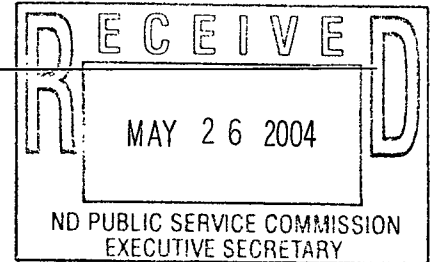
05/26/2004

CC: Comm Legal Ilona Pat .

1615386v1

NORTH DAKOTA PUBLIC SERVICE COMMISSION

**North Central RSA 2 of North Dakota Limited Partnership
d/b/a Verizon Wireless**



INFORMATIONAL TARIFF NO. 1

OF

**NORTH CENTRAL RSA 2 OF NORTH DAKOTA
LIMITED PARTNERSHIP
d/b/a
VERIZON WIRELESS**

32 PU-386-03-598

Pages: 24

Informational Tariff No. 1

by North Central RSA 2 of ND Limited Partnership by

05/26/2004

CC: Comm Legal Ilona Pat

NOTICE: THIS TARIFF IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE TERMS AND CONDITIONS HEREIN ARE SUBJECT TO CHANGE.

Issued: May 24, 2004

Verizon Wireless
Diana Stevens
One Verizon Place
Alpharetta, GA 30004-8511
(678) 339-4478

Effective: May 24, 2004

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EXPLANATION OF SYMBOLS

- (C) – To signify changed regulation
- (D) – To signify discontinued material
- (I) – To signify rate or charge increase
- (M) – To signify material relocated without change in text or rate
- (N) – To signify new material
- (R) – To signify reduction
- (S) – To signify reissued material
- (T) – To signify a change in text but not change in rate or regulation
- (Z) – To signify a correction

1.1 APPLICABILITY

- 1.1.1 This Informational Tariff sets forth the general terms and conditions applicable to the furnishing of wireless services within the State of North Dakota by North Central RSA 2 of North Dakota Limited Partnership d/b/a Verizon Wireless (hereinafter referred to as the "Company") in those areas in which the Company has been designated as a federal eligible telecommunications carrier. This Informational Tariff is filed as required by Order of the North Dakota Public Service Commission dated February 25, 2004. The Company's provision of service to subscribers within the State of North Dakota will be subject to the terms and conditions of a separate Customer Agreement by and between the subscriber and the Company, as described in Section 2.1 below. In the event of any conflict between the provisions of this Informational Tariff and the terms and conditions of the Customer Agreement, the provisions of the Customer Agreement will prevail. This Informational Tariff is subject to all provisions of applicable federal law, including but not limited to 47 U.S.C. § 332.

2.1 TERMS AND CONDITIONS

2.1.1 The terms and conditions of wireless services provided by the Company will be in the form of a contract between the subscriber and the Company known as the Customer Agreement. Attached hereto as Appendix A is a copy of the Customer Agreement. The Customer Agreement may also be obtained at www.verizonwireless.com. The terms and conditions of the Company's generally available service offerings are subject to change without notice.

3.1 SCHEDULE OF RATE PLANS

3.1.1 The Company's universal service offerings are encompassed in a variety of different rate plans for subscribers. A summary of the rate plans and pricing is set forth in Appendix B of this Informational Tariff by plan code, rate plan description, monthly access fee, airtime allowance minutes and per-minute rate after airtime allowance. Additional information about the Company's available rate plans may be viewed at www.verizonwireless.com.

3.1.2 The Company may offer special promotions of limited duration from time to time. The promotional offering may be limited to certain dates, times or locations within the Company's designated service area.

4.1 LIFELINE SERVICE AND LINK UP ASSISTANCE

4.1.1 Lifeline Service

- (A) Lifeline service is a telecommunications service assistance program designed to provide eligible residential customers with a credit to be applied to reduce the price of the Company's lowest generally available retail service offering. A summary of the Company's lowest generally available retail service offering is described in Section 4.2 below.
- (B) Eligible customers will receive a credit as set forth in 4.1.4 below, to be applied to their Lifeline retail service offering.
- (C) Eligible customers shall not receive more than one Lifeline credit at the customer's principal residence regardless of the number of local retail service offerings, residential access lines or locations at which the customer receives service within the State of North Dakota. No person living in a principal residence in which any other eligible resident receives Lifeline credit from a wireline local exchange carrier or other wireless carrier shall be eligible to receive a Lifeline credit from the Company.
- (D) The amount of the Lifeline credit set forth in 4.1.4 below will not exceed the total of the primary residential End User Common Line charge of the incumbent local exchange carrier serving the area in which the eligible customer receives service and the residential local service rate. In no instance will an eligible customer's monthly local retail service offering rate be less than \$1.00 after the application of the Lifeline credit.
- (E) All charges, either recurring or nonrecurring, for any service or feature other than Lifeline service shall be billed at the Company's applicable rates and charges.
- (F) Lifeline service shall not be available on a retroactive basis.
- (G) The Company will not disconnect Lifeline service for non-payment of toll charges. In addition, the Company will not deny reestablishment of service to an eligible customer who has previously been disconnected for non-payment of toll charges. Lifeline service may be disconnected if you

fail to pay your bill or violate the terms and conditions of service set forth in the Customer Agreement.

(H) Designated Services Available To Lifeline Customers

- (1) Voice grade access to the public switched telephone network
- (2) Unlimited local usage
- (3) Dual tone multi-frequency signaling or its functional equivalent
- (4) Single-party service or its functional equivalent
- (5) Access to emergency services
- (6) Access to operator services
- (7) Access to interexchange service
- (8) Access to directory assistance
- (9) Toll blocking service (optional) at no charge

(I) The number of airtime minutes allowed and the local calling area shall be as set forth in the retail service offering provided by the Company as described in Section 4.2. The customer shall be liable to the Company for payment of any and all charges associated with use of the Lifeline service.

(J) The cost of the handset or other equipment necessary to access the Company's cellular network shall be borne by the customer.

(K) Eligible customers may elect toll blocking service to not allow the completion of outgoing long distance calls from the customer's wireless phone. Eligible customers who elect toll blocking service shall not be required to pay a service deposit to initiate Lifeline service. If toll blocking is not requested, the Company may charge a service deposit.

4.1.2 Link Up Assistance

(A) Link Up assistance provides a reduction in the Company's customary charge for commencing telecommunications service for a single

telecommunications connection at an eligible customer's principal place of residence as set forth in 4.1.5 below.

- (B) The reduction in connection or activation charges provided by this program is applicable only to the charge assessed to install or activate a Lifeline service offering.

4.1.3 Eligibility Criteria for Lifeline Service and Link Up Assistance

- (A) A customer or applicant seeking a Lifeline or Link Up assistance service credit must certify to the Company that the customer or applicant meets one or more of the following eligibility requirements described in 4.1.3(B) or (C) below prior to receiving the Lifeline or Link Up assistance service credit. The customer or applicant shall complete and sign, under penalty of perjury, a self-certification form provided by the Company and identify the qualifying program or programs from which the customer or applicant receives benefits, or otherwise certify the customer or applicant meets the income or other eligibility standards established by the North Dakota Public Service Commission.
- (B) The customer or applicant must participate or receive assistance or benefits under one of the following assistance programs:
 - (1) Medicaid;
 - (2) Food Stamps;
 - (3) Energy Assistance Program; or
 - (4) Public Assistance (formerly Aid to Families with Dependent Children).
- (C) Notwithstanding 4.1.3(B), a qualifying low-income consumer living on Tribal lands, as defined in 47 C.F.R. § 54.400(e), may also establish eligibility for Lifeline or Link Up assistance by certifying:
 - (1) That the customer's or applicant's income is equal to or less than 195% of the federal poverty guidelines; or
 - (2) The customer or applicant participates or receive assistance or benefits from one of the following assistance programs:

- (i) Bureau of Indian Affairs General Assistance (Applicant must “have sufficient resources to meet the basic and special needs defined by the Bureau Standard of assistance,” (Reference: 25 C.F.R. § 20.21));
 - (ii) Head Start Programs (under income qualifying eligibility provision only);
 - (iii) Low-Income Home Energy Assistance (LIHEAP);
 - (iv) National School Lunch Program (free lunch program only);
 - (v) Food Distribution Program on Indian Reservations;
 - (vi) Food Stamp benefits;
 - (vii) Special Supplemental Nutrition Program for Women, Infants and Children (WIC);
 - (viii) Supplemental Security Income (SSI);
 - (ix) Tribally administered Temporary Assistance for Needy Families (TANF) (Reference: 42 U.S.C. § 612 and 45 C.F.R. § 286); or
 - (x) North Dakota Healthy Steps – Children’s Health Insurance Plan (CHIP).
- (D) The customer or applicant who is an eligible resident of Tribal lands must also certify under penalty of perjury that he/she is a resident living on or near a reservation determined by applicable FCC regulations.
- (E) Each customer or applicant for Lifeline service and Link Up assistance must also certify to the Company in writing under penalty of perjury:
- (1) That the customer or applicant agrees to notify the Company if he/she ceases to participate in the program or programs described in 4.1.3(B) or (C) above;

-
- (2) That the customer or applicant agrees to notify the Company if his/her income becomes greater than 195% of the federal poverty guidelines as described in 4.1.3(C) above; and/or
 - (3) That the customer or applicant agrees to notify the Company if he/she can no longer claim to be an eligible resident of Tribal lands as described in 4.1.3(C) above.
- (F) Upon receipt of the completed self certification, the Company will begin providing the applicable credits set forth in sections 4.1.4 and 4.1.5 below. Lifeline credits will not be implemented or continued unless telecommunications service arrangements are and remain within the Lifeline service eligibility criteria specified above.
- (G) The Lifeline credits will be discontinued upon receipt by the Company of notice by the customer that they no longer meet the eligibility requirements for the Lifeline credits.
- (H) The Lifeline credits will be discontinued when the customer no longer continues to meet the eligibility requirements for Lifeline credits.

4.1.4 Lifeline Service Credits

(A) Credits for Lifeline Service on Non-Tribal Lands

- (1) An eligible customer in an area not designated as Tribal Lands will receive the appropriate credits specified by the FCC and as set forth below:

Tier 1: Federal End User Common Line Charge Credit	\$ 6.50 ¹
Tier 2: Initial Federal Credit to Residential Service	\$ 1.75
Tier 3: Additional Federal Credit to Residential Access Line	\$ 0.00
Tier 4: Tier 4: Additional Federal Credit to Residential Service necessary to reduce customer's bill to not less than \$1.00	\$ 0.00
TOTAL \$ 8.25	

¹ The Tier 1 credit is equal to the amount received by incumbent local exchange carriers to offset the End User Common Line Charge. The cap for all companies was increased to \$6.50 effective July 2003.

(B) Credits for Lifeline Service for Eligible Resident of Tribal Lands

- (1) An eligible customer in an area designated as Tribal Lands will receive the appropriate credits specified by the FCC and as set forth below:

Tier 1: Federal End User Common Line Charge Credit	\$ 6.50
Tier 2: Initial Federal Credit to Residential Service	\$ 1.75
Tier 3: Additional Federal Credit to Residential Access Line	\$ 0.00
Tier 4: Additional Federal Credit to Residential Service necessary to reduce customer's bill to not less than \$1.00	Up to \$25.00
TOTAL	Varies

4.1.5 Link Up Assistance

(A) Link Up Assistance for Eligible Resident of Non-Tribal Lands

- (1) A reduction of one-half of the Company's customary charge for commencing telecommunications service at a customer's principal place of residence or \$30.00, whichever is less; and
- (2) A deferred schedule for payment of the charges assessed for commencing service, for which the consumer does not pay interest. The interest charges not assessed to the consumer shall be for connection charges of up to \$200.00 that are deferred for a period not to exceed one year.

(B) Link Up Assistance for Eligible Resident of Tribal Lands

- (1) A reduction of up to \$70, in addition to the reduction in paragraph 1.2.5(A)(1) of this section, to cover 100 percent of the charges between \$60 and \$130 assessed for commencing telecommunications service at the eligible customer's principal place of residence; and
- (2) A deferred schedule for payment of the charges assessed for commencing service, for which the eligible customer does not pay

interest. The interest charges not assessed to the consumer shall be for connection charges of up to \$200.00 that are deferred for a period not to exceed one year.

- (C) An eligible customer may receive the benefit of the Link Up program for a second or subsequent time only for a principal place of residence with an address different from the residence at which the Link Up assistance was provided previously.

4.2 SUMMARY OF RETAIL SERVICE OFFERING

4.2.1 Local DigitalChoice® 100 Calling Plan

Monthly Access:	\$24.99 less applicable Lifeline credit
Monthly Home Airtime Allowance Minutes:	100
Local In-Network Calling:	Unlimited usage between Company customers with numbers activated within the same Local In-Network Airtime Rate and Coverage Area.
Night & Weekend Home Airtime Minutes:	Unlimited usage between 9:01 P.M. – 5:59 A.M. Monday – Friday. Weekend hours from 12:00 A.M. Saturday – 11:59 P.M. Sunday.
Local Calling Area:	Home Airtime Rate and Coverage Area includes substantially all of North Dakota, South Dakota and Minnesota as depicted on coverage map provided to Customer.
Home Airtime Per-Minute Rate After Allowance:	\$0.45
Long Distance and Roaming:	Apply and may vary.

Case No. PU-386-03-598
Order February 25, 2004

North Central RSA 2 of North Dakota Limited Partnership
d/b/a Verizon Wireless

North Dakota Informational Tariff No. 1
Original Page No. 13

Taxes, fees and surcharges: The rate for the Company's service offering does not include any amounts resulting from taxes, fees or surcharges imposed by or for the federal, state, local or other political subdivision or agency against the customer, Company, its property or operations.

Other terms, conditions and charges apply as more fully described in the Service Agreement.

1648538v1

Issued: May 24, 2004

Verizon Wireless
Diana Stevens
One Verizon Place
Alpharetta, GA 30004-8511
(678) 339-4478

Effective: May 24, 2004

Customer Agreement Form

verizonwireless.com

verizonwireless



ACTIVATION INFORMATION

Date	Account #	Credit Approval #	# of Phones / Lines	Activation Type: Please check one.			
				<input type="checkbox"/> New	<input type="checkbox"/> New w/CPE	<input type="checkbox"/> Transfer of Service	<input type="checkbox"/> Port In / New Account
				<input type="checkbox"/> Upgrade	<input type="checkbox"/> Renewal	<input type="checkbox"/> Calling Plan w/Promo	<input type="checkbox"/> Port In / Existing Account
				<input type="checkbox"/> Add-on	<input type="checkbox"/> Port In / Phone # Change		
Order #	Sales Rep Name / ID		Agent/Dealer/Sub Dealer ID		Stores / Rep Phone Number		
Group ID	Tie Code	IBAS MAC Code	BGSA	MEA	New Wireless # (MDA)	Existing Wireless # (MDA)	

CONSUMER BILLING INFORMATION BUSINESS

Party Financially Responsible for Account - Name (Please Print)				<input type="checkbox"/> Corporation	<input type="checkbox"/> Proprietorship	<input type="checkbox"/> Government	<input type="checkbox"/> Partnership
				<input type="checkbox"/> Non-Profit			
E-mail Address (Note: By providing your e-mail address you consent to receive Verizon Wireless promotional opportunities.)				Bill to Company Name/Responsible Party (Please Print)			Bill To MTN #
Home Address*				Contact Name (Authorized Business Contact)			
City	State	ZIP Code	Ship To Address* / Shipping Charges \$ _____ (if applicable)				
Mailing Address (if different)				City	State	ZIP Code	
City	State	ZIP Code	Business Phone	Years in Business	Federal Tax ID #		
Home Phone	Work/Alternate Phone		Tax Exempt Certification #		D&B Number		
Social Security #	Date of Birth		Bank Name		Bank Contact/Number		
Primary ID #	State	Exp. Date	Commercial Account #		Years at Bank		
Secondary ID #	Exp. Date		Company Headquarter's Address				
The Sales Representative acknowledges that he/she has verified the customer's ID. Sales Rep Initials: _____				City	State	ZIP Code	
Employer / Employer Telephone #							
*Place of Primary Use - ____ Yes ____ No The home or business address indicated above is for the person using the phone and is the person's residential street or primary business street address.							

PERSON USING PHONE (if different than above)

User Name (Please Print)				Phone
				()
Address				City
				State
				ZIP Code
Place of Primary Use - The address above is the user's residential street or primary business street address. ____ Yes				

PORT REQUEST/OSP (Old Service Provider) INFORMATION

Port In Number	OSP account #	Password / PIN	Billing Address / Name w/OSP (if different from above)	
()				
Initials	Type of Number (i.e., Landline or Wireless)	OSP name		

SERVICE INFORMATION PROMOTIONS

Calling Plan Name & Code		Activation Fee	Promotion(s):	
		\$	<input type="checkbox"/> Check here for NO PROMOTION	
Monthly Access	Allowance Minutes Included:	I understand that I am receiving the first ____ month(s) of ____ at no charge. After this period, I will be charged \$ ____ per month. I understand that I can cancel this feature at anytime by calling *611 on my wireless phone.		
\$ ____ / Month	____ / Month	Initials <input type="checkbox"/> Check here if NOT APPLICABLE		

ENHANCED FEATURES - All costs are monthly. (May not be available in all areas.)

\$ ____	<input type="checkbox"/> Enhanced Voice Mail	\$ ____	<input type="checkbox"/> Select <input type="checkbox"/> Decline Total Equipment Coverage**	\$ ____	<input type="checkbox"/> Voice Mail
\$ ____	<input type="checkbox"/> Detailed Billing	\$ ____	<input type="checkbox"/> Select <input type="checkbox"/> Decline Extended Warranty	\$ ____	<input type="checkbox"/> Call Waiting
\$ ____	<input type="checkbox"/> Mobile to Mobile	\$ ____	<input type="checkbox"/> Select <input type="checkbox"/> Decline Wireless Phone Protection*	\$ ____	<input type="checkbox"/> Call Forwarding
\$ ____	<input type="checkbox"/> TXT Messaging	\$ ____	<input type="checkbox"/> Other	\$ ____	<input type="checkbox"/> 3 Way Calling
\$ ____	<input type="checkbox"/> Mobile Web	\$ ____	<input type="checkbox"/> Other	\$ ____	<input type="checkbox"/> Caller ID

I ____ select or ____ decline Wireless Phone Protection* and understand if I decline, I am responsible for replacement equipment at a non-discounted price. Initials * Provided by third-party insurer.

EQUIPMENT / PAYMENT INFORMATION

Price \$	Non-Discounted Price \$	Electronic Serial Number (ESN)	Model	Lock Code	<input type="checkbox"/> MIN (Check if ported)
SKU#/Prod ID		Equipment	\$	Other	\$
SKU#/Prod ID		Accessory #1	\$	Trade-in/Rebate/Discount	\$
SKU#/Prod ID		Accessory #2	\$	Sub-total	\$
SKU#/Prod ID		Accessory #3	\$	Sales Tax	\$
Paid By: <input type="checkbox"/> Check/Money Order/ P.O. # <input type="checkbox"/> Credit Card <input type="checkbox"/> Cash <input type="checkbox"/> Other		Programming Fee	\$	Total Due	\$
		Security Deposit Amount	\$		
Credit Card #	Exp. Date	Name as it appears on Credit Card		Credit Card/Check Approval #	

TERM / FINANCIAL RESPONSIBILITY & CUSTOMER ACCEPTANCE

<input type="checkbox"/> One (1) Year	<input type="checkbox"/> Two (2) Year	<input type="checkbox"/> Other	I am personally responsible for payment of all charges associated with this account (OR) I am signing on behalf of the Company listed above as Responsible Party and I am duly authorized to financially commit the company. If I am not authorized, I will pay the charges if the Company named denies responsibility.
Initials	Initials		

BY SIGNING THIS FORM YOU'RE AGREEING TO THE ATTACHED CUSTOMER AGREEMENT. PLEASE READ THE AGREEMENT AND YOUR CALLING PLAN. THE CUSTOMER AGREEMENT SETS YOUR AND OUR RIGHTS CONCERNING PAYMENTS, CREDITS, CHARGES, STARTING AND ENDING SERVICE, LOCAL NUMBER PORTABILITY, EARLY TERMINATION FEE OF \$175, LIMITATIONS OF LIABILITY, SETTLEMENT OF DISPUTES BY NEUTRAL ARBITRATION AND OTHER MEANS INSTEAD OF JURY TRIALS, AND OTHER IMPORTANT TOPICS. BY SIGNING THIS FORM YOU ARE AUTHORIZING US TO INVESTIGATE YOUR CREDIT HISTORY AND SHARE CREDIT INFORMATION ABOUT YOU WITH CREDIT REPORTING AGENCIES. WE CAN CONTACT ANY OF THE REFERENCES YOU LISTED. WE CAN ALSO CONTACT YOUR COMPANY IF YOU ARE SIGNING ON BEHALF OF IT. BY SIGNING IT YOU ARE REPRESENTING THAT ALL THE INFORMATION YOU PROVIDED IS ACCURATE. WE ARE RELYING ON THAT INFORMATION. A COPY OR FAX OF THIS FORM WITH YOUR SIGNATURE IS THE SAME AS AN ORIGINAL.

Customer Signature _____ Print Name _____ Date _____

Appendix A

YOUR VERIZON WIRELESS CUSTOMER AGREEMENT

We're Verizon Wireless. Please carefully read this agreement, including the calling plan or plans you've chosen, before filing it in a safe place.



This agreement covers important topics such as when it begins, how long it lasts, fees for early termination and late payments, our rights to change this agreement and your wireless service, limitations of liability, use of information about you, and settlement of disputes by arbitration instead of in court. If you accept this agreement, it will apply to *all* your wireless service from us, including all lines in service from us and all your existing calling plans. Its provisions also apply to any other transactions or agreements between us. To the extent their terms and conditions conflict with this agreement, this agreement will govern.

■ **Your Calling Plans.** YOUR CALLING PLANS BECOME PART OF THIS AGREEMENT. The prices you pay, including activation fees, monthly access fees, monthly minutes of airtime included with an access fee, prices for additional minutes, roaming charges, and any per-minute charges for long distance service from us, may depend in part on how long—the minimum term—you're agreeing in advance to do business with us. Calling plans describe these prices and your minimum term.

■ **Your Rights To Refuse Or Cancel This Agreement.** THIS AGREEMENT STARTS WHEN YOU ACCEPT. Paragraphs marked "∞" continue after it ends. You accept when you do any of the following things after an opportunity to review this agreement:

- Give us a written or electronic signature;
- Tell us orally or electronically that you accept;
- Activate your service through your wireless phone;
- Open a package that says you are accepting by opening it; or
- Use your service after making any change or addition when we've told you that the change or addition requires acceptance.

IF YOU DON'T WANT TO ACCEPT, DON'T DO ANY OF THESE THINGS. You can cancel (if you're a new customer) or go back to the provisions of your former customer agreement (if you're already a customer) without additional fees if you tell us (and return to us in good condition any wireless phone you got from us with your new service) **WITHIN 15 DAYS** of accepting. You'll still be responsible through that date for the new service and any calls using it.

■ **Your Rights To Change Or End Your Service; Termination Fees; Phone Number Portability.** ∞ Except as explicitly permitted by this agreement, you're agreeing to maintain service with us for your minimum term plus any additional time required by any promotions you accept. (Periods of suspension of service don't count toward these requirements.) After that, you'll become a month-to-month customer under this agreement. **IF YOU CHOOSE TO END YOUR SERVICE BEFORE YOU BECOME A MONTH-TO-MONTH CUSTOMER (OR IF WE TERMINATE IT EARLY FOR GOOD CAUSE), YOU MUST PAY UP TO \$175 PER WIRELESS PHONE NUMBER AS AN EARLY TERMINATION FEE.** If at any time you change your service (by accepting a promotion, for example), you'll be subject to any requirements, such as a new minimum term, we set for that change. If you terminate your service as of the end of your minimum term, you won't be responsible for any remaining part of your monthly billing cycle. **Otherwise, all terminations by you during a monthly billing cycle become effective on the last day of that billing cycle.** You'll remain responsible for all fees and charges incurred until then and won't be entitled to any partial month credits or refunds. You may be able to take your current wireless phone number to another service provider. This is called "porting" and will also terminate our service to you for that number. If you request your new service provider to port a number from us, and we receive your request from that new service provider, we'll treat the request as notice from you to terminate our service for that number upon successful completion of porting. After the porting is completed, you won't be able to use our service for that number. You'll remain responsible for any early termination fee, and for all fees and charges through the end of that billing cycle, just like any other termination. If you're porting a phone number to us from another company, we may not be able to provide you some services, such as 911 location services, immediately.

■ **Our Rights To Make Changes.** Your service is subject to our business policies, practices, and procedures, which we can change without notice. **WE CAN ALSO CHANGE PRICES AND ANY OTHER TERMS IN THIS AGREEMENT AT ANY TIME BY GIVING YOU WRITTEN NOTICE PRIOR TO THE BILLING PERIOD IN WHICH THE CHANGES WOULD GO INTO EFFECT. IF YOU CHOOSE TO USE YOUR SERVICE AFTER THAT POINT, YOU'RE ACCEPTING THE CHANGES. IF THE CHANGES HAVE A MATERIAL ADVERSE EFFECT ON YOU, HOWEVER, YOU CAN END THE AFFECTED SERVICE, WITHOUT ANY EARLY TERMINATION FEE, JUST BY CALLING US WITHIN 30 DAYS AFTER THE FIRST BILL WHEN THE CHANGES GO INTO EFFECT.**

■ **Your Wireless Phone.** Your wireless phone is any device equipped to receive our wireless voice or data service. It must comply with Federal Communications Commission regulations and be compatible with our network and your calling plan. Whether you buy your wireless phone through us or through someone else is entirely your choice. We may change a wireless phone's software or programming over the air without notice. This might affect data stored on your wireless phone, or the way you've programmed it. Your wireless phone may also contain software that prevents it from being used with any other company's wireless service, even if you leave us.

■ **Your Wireless Phone Number And Caller ID.** You don't have any rights in any personal identification number, e-mail address, or identifier we assign you. (We'll tell you if we decide to change or reassign them.) The same is true of your wireless phone number, except for any rights federal law grants you. Your wireless phone number and name may show up when you call someone. You can block this "Caller ID" for most calls by dialing *67 before each call, or by ordering per-line call blocking (dialing *82 to unblock) where it's available. You can't block Caller ID to some numbers, such as toll-free numbers. Although it's illegal for unauthorized people to intercept your calls, such interceptions can occur. We may also monitor or record our calls with you for training or quality assurance.

■ **How Service Works.** Wireless phones use radio transmissions, so we can't provide service when your wireless phone isn't in range of one of our transmission sites, or a transmission site of another company that's agreed to carry our customers' calls, or if there isn't sufficient network capacity available at that moment. There are places, particularly in remote areas, with no service at all. Weather, topography, buildings, your wireless phone, and other conditions we don't control may also cause dropped calls or other problems.

■ **Different Kinds Of Charges and Surcharges We Set.** ∞ You agree to pay all access, usage, and other charges and surcharges we bill you, even if you weren't the user of your wireless phone and didn't authorize its use. You may have to pay a fee to begin service or reconnect suspended service. Usage charges may vary depending on where, when, and how you call. We may charge higher airtime rates for calls made and received on our network outside your calling plan's home airtime rate area. You also have a local calling area (which may be different than your home airtime rate area). When you call from inside a local calling area to somewhere outside of it, or call from anywhere outside a local calling area, there may be toll, regional calling, or long distance charges in addition to airtime. (We provide or select the long distance service for calls on our network.) When you make a call inside your local calling area that uses a local phone company's lines (for example, a call to a typical home phone number), there may be a handling fee called a landline or connection fee. We charge airtime for most calls, including toll free and operator assisted calls. Additional features or services such as time, weather, operator or directory assistance, call dialing, calling card use, call forwarding, data calls, automatic call delivery, voice mail, Roadside Assistance, text messaging, and Mobile Web may have additional charges. We also charge monthly fees (such as universal service and regulatory fees) related to our governmental costs. These recurring fees aren't required by law and are subject to change.

■ **Taxes And Surcharges We Don't Set.** You agree to pay all taxes, surcharges, and fees set by the government. We may not always give advance notice of changes to these items. If you're exempt from some taxes, we need your exemption certificates. You agree to pay for any filings we make related to your exemptions.

■ **Roaming And Roaming Charges.** You're "roaming" whenever you make or receive a call using a transmission site outside your home airtime rate area, or using another company's transmission site. Your wireless phone may sometimes connect to and roam on another company's network even when you're near our transmission sites. There may be extra charges (including long distance or toll charges) and higher rates for calls made or received while roaming, depending on your calling plan.

■ **Cumulative Charges.** On any call you make or receive, a number of the different kinds of charges described above may apply. Charges may also apply to two or more calls simultaneously if you use call waiting, call forwarding, or three way calling.

■ **Your Bill.** ∞ Your bill is our notice to you of your fees and charges and other important information. You should read everything you receive with your bill. We bill applicable usage charges after calls are made or received. We bill some access fees and other charges in advance under some calling plans. If you choose Internet billing (where available), you waive any right to paper bills or notices. If your calling plan doesn't include detailed billing, we may charge you for that service if you choose it. We may charge a fee for a bill copy or reprint.

■ **How We Calculate Your Bill.** Your bill reflects the fees and charges in effect under your calling plan at the time they're incurred. You can dispute your bill, but only within 90 days of receiving it. You must still pay any disputed charges until the dispute is resolved. Usage charges may vary by location based on where your wireless phone is when the call starts. If a charge depends on an amount of time used, we'll round up any fraction of a minute to the next full minute unless your calling plan says otherwise. Time starts when you first press "SEND" or the call connects to a network on outgoing calls, and when the call connects to a network (which may be before it rings) on incoming calls. Time may end several seconds after you press "END," or after the call otherwise disconnects. We bill for calls that connect, including calls answered by machines. In some areas we also bill for uncompleted calls that ring for a minute or more. Generally, your calls made within the bill cycle start and end dates will be included in your bill. Billing for certain home and/or roaming calls and related charges may be delayed to a later bill. Depending on your calling plan, these calls may be applied against your airtime allowance in the month they are billed rather than the month you made or received the call. This may result in charges beyond your expected charges in the later month.

you get disconnected by our network from a call in your home airtime rate area, redial. If the home number answers within 5 minutes, call us within 90 days and we'll give you a 1 minute airtime credit. If service is interrupted in your home airtime rate area for more than 24 hours in a row due to our fault, call us within 90 days and we'll give you a pro rata daily credit, up to your monthly access charge, for that period. These are your only rights for dropped calls or interrupted service.

■ Payments, Deposits, Credit Cards, And Checks. Payment is due in full as stated on your bill. IF WE DON'T RECEIVE PAYMENT IN FULL WHEN DUE, WE MAY, TO THE EXTENT PERMITTED BY LAW, CHARGE A LATE FEE OF UP TO 1½ PERCENT A MONTH (18 PERCENT ANNUALLY), OR A FLAT \$5 A MONTH, WHICHEVER IS GREATER, ON UNPAID BALANCES. WE MAY ALSO CHARGE FOR ANY COLLECTION AGENCY FEES BILLED TO US FOR TRYING TO COLLECT FROM YOU. We may require an advance deposit (or an increased deposit) from you. We'll pay simple interest on any deposit at the rate the law requires. Please retain your evidence of deposit. You agree that we can apply deposits, payments, or prepayments in any order to any amounts you owe us on any account. You can't use a deposit to pay any bill unless we agree. We won't honor limiting notations you make on or with your checks. We may charge you up to \$25 for any returned check, depending on applicable law. We refund final credit balances of less than one dollar only upon request.

■ If Someone Steals Your Wireless Phone. If someone steals your wireless phone, notify us, provide us with any documentation (such as a police report) we request, and we'll suspend your service for up to 30 days, or until you replace or recover your wireless phone, whichever comes first. Until you notify us, you're still responsible for all fees and charges.

■ Our Rights To Limit Or End Service Or This Agreement. You agree not to use (or to permit your wireless phone to be used) for any purpose that's illegal or not allowed by this agreement. WE CAN, WITHOUT NOTICE, LIMIT, SUSPEND, OR END YOUR SERVICE OR ANY AGREEMENT WITH YOU FOR THIS OR ANY OTHER GOOD CAUSE, including, but not limited to: (a) paying late more than once in any 12 months; (b) incurring charges larger than a required deposit or billing limit (even if we haven't yet billed the charges); (c) verbally or physically abusing our employees or agents; (d) lying to us; (e) interfering with network, customer service, or business operations; (f) becoming insolvent or going bankrupt; (g) breaching this agreement; (h) "spamming," "mail bombing," or other abusive messaging; (i) modifying your wireless phone from its manufacturer's specifications; (j) providing credit information we can't verify; (k) using your service in a way that adversely affects service to other customers; or (l) allowing anyone to steal or tamper with your wireless phone number. We can also temporarily limit your service for any business or governmental reason.

■ Directories And Your Privacy. Except as follows, we won't share personal information about you with others without your permission. We have a duty under federal law to protect the confidentiality of information about the quantity, technical configuration, type, destination, and amount of your use of our service, together with similar information on your bills. (This doesn't include your name, address, and wireless number. Unless you arrange otherwise with us and pay any required fee, we may list them in a public directory. We aren't responsible for mistakes in the listings.) We can, however, share and use this information as required by law, by legal process, by exigent circumstances, or to protect ourselves. We can also use this information to communicate with you about goods and services related to the products and services you already buy from us, and we can share it with our affiliates when related to goods and services you already buy from both us and our affiliates. You can call us any time if you do not wish us to use this information to communicate about such other goods and services with you or you do not wish us to share this information with our affiliates. In addition, you've authorized us to investigate your credit history at any time and to share credit information about you with credit reporting agencies. If you ask, we'll tell you the name and address of any credit agency that gives us a credit report about you.

■ Disclaimer Of Warranties. WE MAKE NO REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, TO THE EXTENT PERMITTED BY FEDERAL, STATE, AND LOCAL LAW, ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE CONCERNING YOUR SERVICE OR YOUR WIRELESS PHONE. WE CAN'T PROMISE UNINTERRUPTED OR ERROR-FREE SERVICE AND DON'T AUTHORIZE ANYONE TO MAKE ANY WARRANTIES ON OUR BEHALF. THIS DOESN'T DEPRIVE YOU OF ANY WARRANTY RIGHTS YOU MAY HAVE AGAINST ANYONE ELSE.

■ Waivers And Limitations Of Liability. UNLESS THE LAW FORBIDS IT IN ANY PARTICULAR CASE, WE EACH AGREE TO LIMIT CLAIMS FOR DAMAGES OR OTHER MONETARY RELIEF AGAINST EACH OTHER TO DIRECT DAMAGES. THIS LIMITATION AND WAIVER WILL APPLY REGARDLESS OF THE THEORY OF LIABILITY, WHETHER FRAUD, MISREPRESENTATION, BREACH OF CONTRACT, PERSONAL INJURY, PRODUCTS LIABILITY, OR ANY OTHER THEORY. THIS MEANS THAT NEITHER OF US WILL CLAIM OR SEEK ANY INDIRECT, SPECIAL, CONSEQUENTIAL, TREBLE, OR PUNITIVE DAMAGES FROM THE OTHER. You agree we aren't liable for problems caused by you or a third party; by buildings, hills, network congestion, tunnels, weather, or other things we don't control; or by any act of God. If another wireless carrier is involved in any problem (for example, while you roam), you also agree to any limitations of liability in its favor that it imposes.

■ INSTEAD OF SUING IN COURT, WE EACH AGREE TO SETTLE DISPUTES (EXCEPT CERTAIN SMALL CLAIMS) ONLY BY ARBITRATION. THE RULES OF ARBITRATION ARE DIFFERENT. THERE'S NO JUDGE OR JURY. YOUR REVIEW IS LIMITED, BUT AN ARBITRATOR CAN AWARD THE SAME DAMAGES AND RELIEF, AND MUST HONOR THE SAME LIMITATIONS IN THIS AGREEMENT, AS A COURT WOULD. TO THE FULLEST EXTENT PERMITTED BY LAW WE EACH AGREE THAT:

1. THE FEDERAL ARBITRATION ACT APPLIES TO THIS AGREEMENT. ANY CONTROVERSY OR CLAIM ARISING OUT OF OR RELATING TO THIS AGREEMENT, OR ANY PRIOR AGREEMENT FOR WIRELESS SERVICE WITH US OR ANY OF OUR AFFILIATES OR PREDECESSORS IN INTEREST, OR ANY PRODUCT OR SERVICE

PROVIDED UNDER OR IN CONNECTION WITH THIS AGREEMENT OR SUCH A PRIOR AGREEMENT, OR ANY ADVERTISING FOR SUCH PRODUCTS OR SERVICES, WILL BE SETTLED BY ONE OR MORE NEUTRAL ARBITRATORS ON AN INDIVIDUAL BASIS BEFORE THE AMERICAN ARBITRATION ASSOCIATION ("AAA") OR BETTER BUSINESS BUREAU ("BBB") AS DESCRIBED BELOW. (IF YOUR LOCAL SMALL CLAIMS COURT OFFERS ARBITRATION, YOU MAY ALSO USE THAT PROCESS FOR ANY DISPUTE THAT QUALIFIES.) THIS DOESN'T CHANGE YOUR SUBSTANTIVE RIGHTS, JUST THE POTENTIAL FORUMS FOR RESOLVING DISPUTES. IN ADDITION, YOU CAN STILL BRING ANY ISSUES YOU MAY HAVE TO THE ATTENTION OF APPROPRIATE FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCIES AND THEY CAN STILL, IF THE LAW ALLOWS, SEEK RELIEF AGAINST US ON YOUR BEHALF.

2. FOR CLAIMS OVER \$10,000, THE AAA'S WIRELESS INDUSTRY ARBITRATION ("WIA") RULES WILL APPLY. FOR CLAIMS BETWEEN \$2,500 AND \$10,000, THE AAA'S ARBITRATION RULES FOR THE RESOLUTION OF CONSUMER-RELATED DISPUTES (THE "CONSUMER RULES"), WHICH INCLUDE A SMALL CLAIMS COURT OPTION, WILL APPLY. FOR CLAIMS UNDER \$2,500, THE COMPLAINING PARTY CAN CHOOSE EITHER THE CONSUMER RULES OR THE BBB'S RULES FOR BINDING ARBITRATION. AN ARBITRATOR MAY, UNDER ANY OF THESE RULES, REQUIRE EACH OF US TO EXCHANGE RELEVANT EVIDENCE IN ADVANCE. IN LARGE/COMPLEX CASES UNDER THE WIA RULES, THE ARBITRATORS MUST APPLY THE FEDERAL RULES OF EVIDENCE AND THE LOSER MAY HAVE THE AWARD REVIEWED BY A PANEL OF 3 NEW ARBITRATORS.

3. YOU CAN OBTAIN RULES AND FEE INFORMATION FROM THE AAA (www.adr.org), THE BBB (www.bbb.org) OR FROM US. IF YOU CAN'T PAY THE REQUIRED ARBITRATION FEES, IF ANY, THERE ARE FEE WAIVER PROGRAMS. EVEN IF YOU DON'T QUALIFY FOR A FEE WAIVER, WE'LL PAY ALL BUT \$100 OF ANY COMBINED FEES YOU'D BE REQUIRED TO PAY FOR FILING AND A FIRST DAY OF ARBITRATION IF YOU COMPLETE OUR MEDIATION PROGRAM. MEDIATION IS A PROCESS FOR MUTUALLY RESOLVING DISPUTES. A MEDIATOR CAN HELP PARTIES REACH AGREEMENT, BUT DOESN'T DECIDE THEIR ISSUES. IN OUR MEDIATION PROGRAM, WE'LL ASSIGN SOMEONE (WHO MAY BE FROM OUR COMPANY) NOT DIRECTLY INVOLVED IN THE DISPUTE TO MEDIATE. THAT PERSON WILL HAVE ALL THE RIGHTS AND PROTECTIONS OF A MEDIATOR. NOTHING SAID IN THE MEDIATION CAN BE USED IN A LATER ARBITRATION OR LAWSUIT. COMPLETING THE MEDIATION PROGRAM MEANS PARTICIPATING IN GOOD FAITH IN AT LEAST ONE TELEPHONIC MEDIATION SESSION. YOU CAN CONTACT US AT www.verizonwireless.com OR THROUGH CUSTOMER SERVICE TO FIND OUT MORE.

4. ONLY AN ARBITRATOR CAN DECIDE WHETHER AN ISSUE IS ARBITRABLE. AN ARBITRATOR CAN ALLOCATE THE FEES AND COSTS OF ARBITRATION IN AN AWARD. IF AN APPLICABLE STATUTE PROVIDES FOR AN AWARD OF ATTORNEY'S FEES, AN ARBITRATOR CAN AWARD THEM, TOO. ANY ARBITRATION AWARD MADE AFTER COMPLETION OF AN ARBITRATION IS FINAL AND BINDING AND MAY BE CONFIRMED IN ANY COURT OF COMPETENT JURISDICTION. AN AWARD AND ANY JUDGMENT CONFIRMING IT ONLY APPLIES TO THE ARBITRATION IN WHICH IT WAS AWARDED AND CAN'T BE USED IN ANY OTHER CASE EXCEPT TO ENFORCE THE AWARD ITSELF.

5. IF FOR SOME REASON THESE ARBITRATION REQUIREMENTS DON'T APPLY, WE EACH WAIVE ANY TRIAL BY JURY.

■ About You. You represent that you're at least 18 years old and have the legal capacity to accept this agreement. If you're ordering for a company, you're representing that you're authorized to bind it, and where the context requires, "you" means the company.

■ About This Agreement. A waiver of any part of this agreement in one instance won't be a waiver of any other part or any other instance. You can't assign this agreement or any of your rights or duties under it. We may assign all or part of this agreement without notice, and you agree to make all subsequent payments as instructed. NOTICES ARE CONSIDERED DELIVERED 3 DAYS AFTER MAILING TO THE MOST CURRENT BILLING ADDRESS WE HAVE ON FILE FOR YOU, IF BY US, OR TO THE CUSTOMER SERVICE ADDRESS ON YOUR MOST RECENT BILL, IF BY YOU. If any part of this agreement, including any part of its arbitration provisions, is held invalid, that part may be severed from this agreement. This agreement and the documents to which it refers form the entire agreement between us on their subjects. You can't rely on any other documents or statements on those subjects, and you have no other rights with respect to service or this agreement, except as specifically provided by law. This agreement isn't for the benefit of any third party except our parents, affiliates, subsidiaries, agents, and predecessors and successors in interest. It's governed by the laws of the state encompassing the area code assigned to your wireless phone number, without regard to the conflicts of laws rules of that state. It's also subject to any applicable tariffs.

APPENDIX B

**North
Central
RSA 2 of
North
Dakota
Limited
Partnership
Rate Plans**

Mkt Cd	Pplan Cd	Pplan Desc	Access	Pk Allo w Min	Tot Allow Min	Pk Min Rt
RDL	25SAV	CONSUMER VALUE PLAN 25 ANYTIME \$15.00 ACCESS 0302	\$15.00	0	25	\$0.45
RDL	50SAV	CONSUMER VALUE PLAN 50 ANYTIME \$20.00 ACCESS 0302	\$20.00	0	50	\$0.45
RDL	A3N1	BASIC CHOICE 125	\$25.00	0	125	\$0.40
RDL	A3N1	BASIC CHOICE 125	\$25.00	0	125	\$0.40
RDL	A3N2	BASIC CHOICE 350	\$35.00	0	350	\$0.40
RDL	A3N3	BASIC CHOICE 500	\$45.00	0	500	\$0.35
RDL	A3N4	BASIC CHOICE 650	\$55.00	0	650	\$0.35
RDL	A3N5	BASIC CHOICE 1000	\$75.00	0	1000	\$0.35
RDL	AB40	AMERICA'S CHOICE BUSINESS SHARE 400 ANYTIME \$39.99 ACCESS 0603	\$39.99	0	400	\$0.25
RDL	AC12C	AMERICA'S CHOICE 1200 ANYTIME \$79.99 ACCESS 1103	\$79.99	0	1200	\$0.35
RDL	AC12P	AM CHOICE FAMILY 12H	\$100.00	0	1200	\$0.25
RDL	AC20C	AMERICA'S CHOICE 2000 ANYTIME \$99.99 ACCESS 0404	\$99.99	0	2000	\$0.25
RDL	AC25C	AMERICA'S CHOICE 2500 ANYTIME \$149.99 ACCESS 1103	\$149.99	0	2500	\$0.25
RDL	AC25S	AM FAMILY SHARE .25	\$20.00	0	0	\$0.25
RDL	AC300	AMERICAS_CHOICE_300	\$35.00	0	300	\$0.40
RDL	AC30P	AM CHOICE FAMILY 300	\$35.00	0	300	\$0.40
RDL	AC30P	AM CHOICE FAMILY 300	\$35.00	0	300	\$0.40
RDL	AC34	AMERICA'S CHOICE 300 ANYTIME \$34.99 ACCESS 0603	\$34.99	0	300	\$0.45
RDL	AC34	AMERICA'S CHOICE 300 ANYTIME \$34.99 ACCESS 0603	\$34.99	0	300	\$0.45
RDL	AC34P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 300 ANYTIME \$34.99 ACCESS 0603	\$34.99	0	300	\$0.45
RDL	AC35C	AMERICA'S CHOICE 3500 ANYTIME \$199.99 ACCESS 1103	\$199.99	0	3500	\$0.20
RDL	AC35S	AM FAMILY SHARE .35	\$20.00	0	0	\$0.35

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RDL	AC39	AMERICA'S CHOICE 400 ANYTIME \$39.99 ACCESS 0603	\$39.99	0	400	\$0.45
RDL	AC39	AMERICA'S CHOICE 400 ANYTIME \$39.99 ACCESS 0603	\$39.99	0	400	\$0.45
RDL	AC39P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 400 ANYTIME \$39.99 ACCESS 0603	\$39.99	0	400	\$0.45
RDL	AC39P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 400 ANYTIME \$39.99 ACCESS 0603	\$39.99	0	400	\$0.45
RDL	AC39U	AMERICA'S CHOICE FAMILY SHARE PRIM 400 ANYTIME UNL IN NET\$10 + \$39.99 0204	\$39.99	0	400	\$0.45
RDL	AC400	AMERICAS_CHOICE_400	\$45.00	0	400	\$0.35
RDL	AC40F	AMERICA'S CHOICE FAMILY SHARE PRIMARY 4000 ANYTIME \$199.99 ACCESS 0404	\$199.99	0	4000	\$0.20
RDL	AC40P	AM CHOICE FAMILY 400	\$45.00	0	400	\$0.35
RDL	AC40S	AM FAMILY SHARE .40	\$20.00	0	0	\$0.40
RDL	AC49	AMERICA'S CHOICE 500 ANYTIME \$49.99 ACCESS 0603	\$49.99	0	500	\$0.40
RDL	AC49	AMERICA'S CHOICE 500 ANYTIME \$49.99 ACCESS 0603	\$49.99	0	500	\$0.40
RDL	AC49P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 500 ANYTIME \$49.99 ACCESS 0603	\$49.99	0	500	\$0.40
RDL	AC55P	AM CHOICE FAMILY 550	\$55.00	0	550	\$0.35
RDL	AC59U	AMERICA'S CHOICE FAMILY SHARE PRIM 800 ANYTIME UNL IN NET\$10 + \$59.99 0204	\$59.99	0	800	\$0.40
RDL	AC79U	AMERICA'S CHOICE FAMILY SHARE PRIM 1200 ANYTIME UNL IN NET\$10 + \$79.99 0204	\$79.99	0	1200	\$0.35
RDL	AC900	AMERICAS_CHOICE_900	\$75.00	0	900	\$0.35
RDL	ACFS	AMERICA'S CHOICE FAMILY SHARE SECONDARY \$20.00 ACCESS 0603	\$20.00	0	0	\$0.45
RDL	ACFS	AMERICA'S CHOICE FAMILY SHARE SECONDARY \$20.00 ACCESS 0603	\$20.00	0	0	\$0.45
RDL	ACFSS	AMERICA'S CHOICE FAMILY SHARE SECONDARY \$20.00 ACCESS 0204	\$20.00	0	0	\$0.45
RDL	ACFSS	AMERICA'S CHOICE FAMILY SHARE SECONDARY \$20.00 ACCESS 0204	\$20.00	0	0	\$0.45
RDL	ACP12	AMERICA'S CHOICE FAMILY SHARE PRIMARY 1200 ANYTIME \$79.99 ACCESS 1103	\$79.99	0	1200	\$0.35
RDL	ACP16	AMERICA'S CHOICE FAMILY SHARE PRIMARY 1600 ANYTIME \$99.99 ACCESS 1103	\$99.99	0	1600	\$0.25
RDL	ACSEU	AMERICA'S CHOICE FAMILY SHARE SECONDARY UNL IN NET \$10/ACCT \$20.00 0204	\$20.00	0	0	\$0.45
RDL	ACSEU	AMERICA'S CHOICE FAMILY SHARE SECONDARY UNL IN NET \$10/ACCT \$20.00 0204	\$20.00	0	0	\$0.45
RDL	AF19P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 3500 ANYTIME \$199.99 ACCESS 0204	\$199.99	0	3500	\$0.20
RDL	AF30P	AM CHOICE FAMILY 300	\$35.00	0	300	\$0.40
RDL	AF39P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 400 ANYTIME \$39.99 ACCESS 0204	\$39.99	0	400	\$0.45
RDL	AF40S	AM CHOICE FAMILY .40	\$20.00	0	0	\$0.40
RDL	AF49P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 500 ANYTIME \$49.99 ACCESS 0204	\$49.99	0	500	\$0.40
RDL	AF59P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 800 ANYTIME \$59.99 ACCESS 0204	\$59.99	0	800	\$0.40
RDL	AF79P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 1200 ANYTIME \$79.99 ACCESS 0204	\$79.99	0	1200	\$0.35
RDL	AF99P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 1600 ANYTIME \$99.99 ACCESS 0204	\$99.99	0	1600	\$0.25
RDL	AGTR	AGENT PLAN (EMPL)	\$9.95	0	500	\$0.29
RDL	AM12K	AMERICA'S CHOICE 1200 ANYTIME 1002	\$100.00	0	1200	\$0.25
RDL	AM300	AMERICA'S CHOICE 300 ANYTIME 1002	\$35.00	0	300	\$0.45
RDL	AM300	AMERICA'S CHOICE 300 ANYTIME 1002	\$35.00	0	300	\$0.45

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RDL	AM30P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 300 ANYTIME 1002	\$35.00	0	300	\$0.45
RDL	AM35S	AMERICA'S CHOICE FAMILY SHARE SECOND \$0.35 OVERAGE 1002	\$20.00	0	0	\$0.35
RDL	AM3K	AMERICA'S CHOICE 3000 ANYTIME 1002	\$200.00	0	3000	\$0.20
RDL	AM400	AMERICA'S CHOICE 400 ANYTIME 1002	\$45.00	0	400	\$0.40
RDL	AM400	AMERICA'S CHOICE 400 ANYTIME 1002	\$45.00	0	400	\$0.40
RDL	AM40S	AMERICA'S CHOICE FAMILY SHARE SECOND \$0.40 OVERAGE 1002	\$20.00	0	0	\$0.40
RDL	AM45S	AMERICA'S CHOICE FAMILY SHARE SECOND \$0.45 OVERAGE 1002	\$20.00	0	0	\$0.45
RDL	AM550	AMERICA'S CHOICE 550 ANYTIME 1002	\$55.00	0	550	\$0.40
RDL	AM900	AMERICA'S CHOICE 900 ANYTIME 1002	\$75.00	0	900	\$0.35
RDL	APT59	PUSH TO TALK UNLIMITED AMERICA'S CHOICE 400 ANYTIME \$59.99 ACCESS 0803	\$59.99	0	400	\$0.45
RDL	BSA1	AM'S CHC BUS 300	\$35.00	0	300	\$0.25
RDL	BSP40	AMERICA'S CHOICE BUSINESS SHARE 400 ANYTIME \$44.99 ACCESS 0204	\$44.99	0	400	\$0.25
RDL	BSS1	BUS LOCAL SHARE 250	\$35.00	0	250	\$0.25
RDL	BSW2	BUS REG SHARE 500	\$60.00	0	500	\$0.25
RDL	CC12	ADVANTAGE SHARE 70	\$19.99	0	70	\$0.25
RDL	CCP2	\$31.99 SHAREPLAN	\$31.99	0	150	\$0.25
RDL	CCP8	\$25.99 SHREPLN ADLNE	\$25.99	0	100	\$0.25
RDL	CEP1	\$14.99 SHAREPLAN	\$14.99	0	1	\$0.25
RDL	CEP2	\$18 SHAREPLAN	\$18.00	0	21	\$0.40
RDL	CFT4	LD FAMILY 500	\$59.99	0	500	\$0.30
RDL	CFT4A	FAM SHR 500 ADD-A-LN	\$59.99	0	0	\$0.30
RDL	CM06	STANDARD SHARE 400	\$39.99	0	400	\$0.25
RDL	CM06	STANDARD SHARE 400	\$39.99	0	400	\$0.25
RDL	CM06A	FAM SHR 400 ADD-A-LN	\$39.99	0	0	\$0.25
RDL	CM06A	FAM SHR 400 ADD-A-LN	\$39.99	0	0	\$0.25
RDL	CM06S	STANDARD SHARE 1300	\$49.99	0	1300	\$0.25
RDL	CM07	STANDARD SHARE 440	\$49.99	0	440	\$0.25
RDL	CM07A	FAM SHR 400 ADD-A-LN	\$49.99	0	0	\$0.25
RDL	CM08	STANDARD SHARE 660	\$69.99	0	660	\$0.25
RDL	CM08A	FAM SHR 650 ADD-A-LN	\$69.99	0	0	\$0.25
RDL	CM10	STANDARD 150B	\$31.99	0	150	\$0.25
RDL	CM17	CORP 150	\$15.00	0	150	\$0.20
RDL	CM19	MTM SHAREPLAN 300	\$50.00	0	300	\$0.30
RDL	CM19A	FAM SHR 300 ADD-A-LN	\$50.00	0	0	\$0.30
RDL	CM6AS	FAM SHR 13H ADD-A-LN	\$49.99	0	900	\$0.25
RDL	CPPS	SEASONAL SUSPEND	\$4.95	0	0	\$0.00

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RDL	CVP24	CONSUMER VALUE PLAN 100 ANYTIME LONG DISTANCE INCLUDED 0603	\$24.99	0	100	\$0.45
RDL	CVP29	CONSUMER VALUE PLAN 250 ANYTIME LONG DISTANCE INCLUDED 0603	\$29.99	0	250	\$0.45
RDL	D1000	DIGITAL CHOICE 1000	\$55.00	0	1000	\$0.40
RDL	DC150	DIGITAL CHOICE 150	\$25.00	0	150	\$0.40
RDL	DC1KA	DIGITALCHOICE PROMO 1000 ANYTIME W/LD \$39.99 ACCESS 0404	\$39.99	0	1000	\$0.45
RDL	DC1KB	DIGITALCHOICE PROMO 1000 ANYTIME W/LD UNLTD N&W IN NET \$49.99 ACCESS 0404	\$49.99	0	1000	\$0.45
RDL	DC24	DIGITALCHOICE 100 ANYTIME \$24.99 ACCESS 0603	\$24.99	0	100	\$0.45
RDL	DC29	DIGITALCHOICE 250 ANYTIME \$29.99 ACCESS 0603	\$29.99	0	250	\$0.45
RDL	DC29	DIGITALCHOICE 250 ANYTIME \$29.99 ACCESS 0603	\$29.99	0	250	\$0.45
RDL	DC39	DIGITALCHOICE 500 ANYTIME W/LD \$39.99 ACCESS 0603	\$39.99	0	500	\$0.45
RDL	DC39	DIGITALCHOICE 500 ANYTIME W/LD \$39.99 ACCESS 0603	\$39.99	0	500	\$0.45
RDL	DC40	DIGITALCHOICE 400 ANYTIME W/LD \$34.99 ACCESS 0204	\$34.99	0	400	\$0.45
RDL	DC450	DIGITAL CHOICE 450	\$35.00	0	450	\$0.40
RDL	DC49	DIGITALCHOICE 600 ANYTIME W/LD \$49.99 ACCESS 0603	\$49.99	0	600	\$0.40
RDL	DC49P	DIGITALCHOICE FAMILY SHARE PRIMARY 600 ANYTIME W/LD \$49.99 ACCESS 0603	\$49.99	0	600	\$0.40
RDL	DC49U	DIGITALCHOICE FAMILY SHARE PRIM 600 ANYTIME W/LD UNL IN NET\$10+\$49.99 0204	\$49.99	0	600	\$0.40
RDL	DC59U	DIGITALCHOICE FAMILY SHARE PRIM 1000 ANYTIME W/LD UNL IN NET\$10+\$59.99 0204	\$59.99	0	1000	\$0.40
RDL	DC79U	DIGITALCHOICE FAMILY SHARE PRIM 1400 ANYTIME W/LD UNL IN NET\$10+\$79.99 0204	\$79.99	0	1400	\$0.35
RDL	DCFS	DIGITALCHOICE FAMILY SHARE SECONDARY W/LD \$20.00 ACCESS 0603	\$20.00	0	0	\$0.45
RDL	DCFS	DIGITALCHOICE FAMILY SHARE SECONDARY W/LD \$20.00 ACCESS 0603	\$20.00	0	0	\$0.45
RDL	DCFSS	DIGITALCHOICE FAMILY SHARE SECONDARY W/LD \$20.00 ACCESS 0204	\$20.00	0	0	\$0.45
RDL	DCSEU	DIGITALCHOICE FAMILY SHARE SECONDARY W/LD UNL IN NET \$10/ACCT \$20.00 0204	\$20.00	0	0	\$0.45
RDL	DF1KP	DIGCH_FS_1K_PRIMARY	\$75.00	0	1000	\$0.35
RDL	DF35S	SHAREPLAN_\$20_LINE	\$20.00	0	0	\$0.35
RDL	DF49P	DIGITALCHOICE FAMILY SHARE PRIMARY 600 ANYTIME W/LD \$49.99 ACCESS 0204	\$49.99	0	600	\$0.40
RDL	DF59P	DIGITALCHOICE FAMILY SHARE PRIMARY 1000 ANYTIME W/LD \$59.99 ACCESS 0204	\$59.99	0	1000	\$0.40
RDL	DF79P	DIGITALCHOICE FAMILY SHARE PRIMARY 1400 ANYTIME W/LD \$79.99 ACCESS 0204	\$79.99	0	1400	\$0.35
RDL	DG125	DIGITALCHOICE 125	\$25.00	0	125	\$0.40
RDL	DG350	DIGITALCHOICE 350	\$35.00	0	350	\$0.40
RDL	DG600	DIGITALCHOICE 600	\$40.00	0	600	\$0.40
RDL	DH1K	DIGITALCHOICE PROMO 1000 ANYTIME 1102	\$39.99	0	1000	\$0.40
RDL	DH300	DIGITALCHOICE PROMO 300 ANYTIME 1102	\$30.00	0	300	\$0.45
RDL	DIGPP	LOCAL DIG PREPAY	\$0.00	0	999999	\$0.00
RDL	DL125	DIGITALCHOICE 125 ANYTIME 1002	\$25.00	0	125	\$0.45
RDL	DL1K	DIGITALCHOICE 1000 ANYTIME 1002	\$75.00	0	1000	\$0.35
RDL	DL350	DIGITALCHOICE 350 ANYTIME 1002	\$35.00	0	350	\$0.45

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RDL	DL350	DIGITALCHOICE 350 ANYTIME 1002	\$35.00	0	350	\$0.45
RDL	DL35P	DIGITALCHOICE FAMILY SHARE PRIMARY 350 ANYTIME 1002	\$35.00	0	350	\$0.45
RDL	DL35S	DIGITALCHOICE FAMILY SHARE SECONDARY \$0.35 OVERAGE 1002	\$20.00	0	0	\$0.35
RDL	DL40S	DIGITALCHOICE FAMILY SHARE SECONDARY \$0.40 OVERAGE 1002	\$20.00	0	0	\$0.40
RDL	DL40S	DIGITALCHOICE FAMILY SHARE SECONDARY \$0.40 OVERAGE 1002	\$20.00	0	0	\$0.40
RDL	DL45S	DIGITALCHOICE FAMILY SHARE SECONDARY \$0.45 OVERAGE 1002	\$20.00	0	0	\$0.45
RDL	DL500	DIGITALCHOICE 500 ANYTIME 1002	\$45.00	0	500	\$0.40
RDL	DL50H	DIGITALCHOICE 500 ANYTIME LONG DISTANCE INCLUDED 1002	\$39.99	0	500	\$0.45
RDL	DL50H	DIGITALCHOICE 500 ANYTIME LONG DISTANCE INCLUDED 1002	\$39.99	0	500	\$0.45
RDL	DL650	DIGITALCHOICE 650 ANYTIME 1002	\$55.00	0	650	\$0.40
RDL	DL650	DIGITALCHOICE 650 ANYTIME 1002	\$55.00	0	650	\$0.40
RDL	FMA5	FAMILY SHARE 300	\$50.00	0	300	\$0.30
RDL	FMA5A	FMLY SHR 300 ADD LNE	\$50.00	0	0	\$0.30
RDL	FR19	FREEDOM 30	\$30.00	0	100	\$0.30
RDL	FRB2	SHAREPLAN 245 B	\$30.00	0	245	\$0.30
RDL	FRB2A	FAM SHR 245 ADD-A-LN	\$30.00	0	0	\$0.30
RDL	FRC1	FREEDOM 18	\$18.00	0	40	\$0.35
RDL	FRC2	FREEDOM 20	\$20.00	0	40	\$0.35
RDL	FRC3	FREEDOM 28	\$28.00	0	100	\$0.30
RDL	FSW1	FAMILY SHARE 450 ANYTIME \$55.00 ACCESS	\$55.00	0	450	\$0.40
RDL	FSW1A	FAM SHR .40 ADD-A-LN	\$55.00	0	0	\$0.40
RDL	GLD4	GOLD 400	\$39.99	0	400	\$0.30
RDL	GLD4	GOLD 400	\$39.99	0	400	\$0.30
RDL	GLD6	GOLD 800	\$79.99	0	800	\$0.25
RDL	GOL4	GOLD 400	\$39.99	0	400	\$0.30
RDL	GPA2	ANALOG 60	\$19.99	0	60	\$0.30
RDL	HDC49	DIGITALCHOICE 1000 ANYTIME PROMO W/LD \$49.99 ACCESS 1003	\$49.99	0	1000	\$0.45
RDL	HDC79	DIGITALCHOICE 1400 ANYTIME W/LD \$79.99 ACCESS 1103	\$79.99	0	1400	\$0.35
RDL	HDC99	DIGITALCHOICE 1800 ANYTIME W/LD \$99.99 ACCESS 1103	\$99.99	0	1800	\$0.25
RDL	HDP49	DIGITALCHOICE FAMILY SHAREPLAN 1000 ANYTIME PROMO W/LD \$49.99 ACCESS 1003	\$49.99	0	1000	\$0.45
RDL	HDP49	DIGITALCHOICE FAMILY SHAREPLAN 1000 ANYTIME PROMO W/LD \$49.99 ACCESS 1003	\$49.99	0	1000	\$0.45
RDL	HDP79	DIGITALCHOICE FAMILY SHARE PRIMARY 1400 ANYTIME W/LD \$79.99 ACCESS 1103	\$79.99	0	1400	\$0.35
RDL	L3FS	DIGCH FMLY SHR 650	\$45.00	0	650	\$0.40
RDL	L3FS	DIGCH FMLY SHR 650	\$45.00	0	650	\$0.40
RDL	L4FS	DIGCH FMLY SHR 800	\$55.00	0	800	\$0.40
RDL	L5FS	DIGCH FMLY SHR 1500	\$75.00	0	1500	\$0.35

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RDL	LAW3	ANALOG 200	\$29.99	0	200	\$0.30
RDL	LD350	DIGITAL CHOICE 350	\$35.00	0	350	\$0.40
RDL	LS35S	DIGCHOICE FAMILY .35	\$20.00	0	0	\$0.35
RDL	LS500	DIG CHOICE 500 SHARE	\$45.00	0	500	\$0.35
RDL	MMPP	PREPAID AIRTIME	\$0.00	0	999999	\$0.00
RDL	N2FS	AMERCH FMLY SHR 400	\$35.00	0	400	\$0.45
RDL	N3FS	AMERCH FMLY SHR 500	\$45.00	0	500	\$0.40
RDL	N4FS	AMERCH FMLY SHR 700	\$55.00	0	700	\$0.40
RDL	N5FS	AMERCH FMLY SHR 1200	\$75.00	0	1200	\$0.35
RDL	NCH30	AMERICA'S CHOICE 300	\$35.00	0	300	\$0.40
RDL	NCH40	AMERICA'S CHOICE 400	\$45.00	0	400	\$0.35
RDL	PAC14	AMERICA'S CHOICE 2400 ANYTIME \$149.99 ACCESS 0603	\$149.99	0	2400	\$0.25
RDL	PAC59	AMERICA'S CHOICE 800 ANYTIME \$59.99 ACCESS 0603	\$59.99	0	800	\$0.40
RDL	PAC59	AMERICA'S CHOICE 800 ANYTIME \$59.99 ACCESS 0603	\$59.99	0	800	\$0.40
RDL	PAC79	AMERICA'S CHOICE 1100 ANYTIME \$79.99 ACCESS 0603	\$79.99	0	1100	\$0.35
RDL	PAC99	AMERICA'S CHOICE 1500 ANYTIME \$99.99 ACCESS 0603	\$99.99	0	1500	\$0.25
RDL	PAP14	AMERICA'S CHOICE FAMILY SHARE PRIMARY 2400 ANYTIME \$149.99 ACCESS 0603	\$149.99	0	2400	\$0.25
RDL	PAP59	AMERICA'S CHOICE FAMILY SHARE PRIMARY 800 ANYTIME \$59.99 ACCESS 0603	\$59.99	0	800	\$0.40
RDL	PAP59	AMERICA'S CHOICE FAMILY SHARE PRIMARY 800 ANYTIME \$59.99 ACCESS 0603	\$59.99	0	800	\$0.40
RDL	PAP79	AMERICA'S CHOICE FAMILY SHARE PRIMARY 1100 ANYTIME \$79.99 ACCESS 0603	\$79.99	0	1100	\$0.35
RDL	PAP99	AMERICA'S CHOICE FAMILY SHARE PRIMARY 1500 ANYTIME \$99.99 ACCESS 0603	\$99.99	0	1500	\$0.25
RDL	PDC59	DIGITALCHOICE 1000 ANYTIME W/LD \$59.99 ACCESS 0603	\$59.99	0	1000	\$0.40
RDL	PDC59	DIGITALCHOICE 1000 ANYTIME W/LD \$59.99 ACCESS 0603	\$59.99	0	1000	\$0.40
RDL	PDC79	DIGITALCHOICE 1300 ANYTIME W/LD \$79.99 ACCESS 0603	\$79.99	0	1300	\$0.35
RDL	PDP59	DIGITALCHOICE FAMILY SHARE PRIMARY 1000 ANYTIME W/LD \$59.99 ACCESS 0603	\$59.99	0	1000	\$0.40
RDL	PDP99	DIGITALCHOICE FAMILY SHARE PRIMARY 1700 ANYTIME W/LD \$99.99 ACCESS 0603	\$99.99	0	1700	\$0.25
RDL	RE350	SINGLERATE MW 350	\$45.00	0	350	\$0.40
RDL	RE500	SINGLERATE MW 500	\$55.00	0	500	\$0.40
RDL	RS7V2	RADIO SHACK 750 ANYTIME \$20.00 ACCESS 0503	\$20.00	0	750	\$0.40
RDL	SAV6	ANALOG PLAN \$9.95 ACCESS \$0.70 PER MINUTE	\$9.95	0	0	\$0.70
RDL	SC150	SINGLERATE CANADA 150 ANYTIME \$45.00 ACCESS 0801	\$45.00	0	150	\$0.40
RDL	SC15K	SINGLERATE CANADA 1500 ANYTIME \$160.00 ACCESS 0801	\$160.00	0	1500	\$0.25
RDL	SC3K	SINGLERATE CANADA 3000 ANYTIME \$310.00 ACCESS 0801	\$310.00	0	3000	\$0.20
RDL	SC400	SINGLERATE CANADA 400 ANYTIME \$65.00 ACCESS 0801	\$65.00	0	400	\$0.35
RDL	SC600	SINGLERATE CANADA 600 ANYTIME \$85.00 ACCESS 0801	\$85.00	0	600	\$0.35
RDL	SC900	SINGLERATE CANADA 900 ANYTIME \$110.00 ACCESS 0801	\$110.00	0	900	\$0.25

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RDL	SM200	SINGLERATE MW 200	\$35.00	0	200	\$0.40
RDL	SM350	SINGLERATE MW 350	\$45.00	0	350	\$0.35
RDL	SN150	SINGLERATE NATIONAL 150 ANYTIME \$35.00 ACCESS 0402	\$35.00	0	150	\$0.40
RDL	SN15K	SINGLERATE NATIONAL 1500 ANYTIME \$150.00 ACCESS 0402	\$150.00	0	1500	\$0.25
RDL	SN2K	SINGLERATE NATIONAL 2000 ANYTIME \$200.00 ACCESS 0402	\$200.00	0	2000	\$0.20
RDL	SN400	SINGLERATE NATIONAL 400 ANYTIME \$55.00 ACCESS 0402	\$55.00	0	400	\$0.35
RDL	SN600	SINGLERATE NATIONAL 600 ANYTIME \$75.00 ACCESS 0402	\$75.00	0	600	\$0.35
RDL	SN900	SINGLERATE NATIONAL 900 ANYTIME \$100.00 ACCESS 0402	\$100.00	0	900	\$0.25
RDL	SRD1	SINGLE RATE 150	\$35.00	0	150	\$0.40
RDL	SRD2	SINGLE RATE 400	\$55.00	0	400	\$0.35
RDL	SRD2	SINGLE RATE 400	\$55.00	0	400	\$0.35
RDL	SRD3	SINGLE RATE 600	\$75.00	0	600	\$0.35
RDL	SRD4	SINGLE RATE 900	\$100.00	0	900	\$0.25
RDL	SRG4	SR REGIONAL 150	\$30.00	0	150	\$0.35
RDL	SRG5	SR REGIONAL 300	\$40.00	0	300	\$0.30
RDL	SU150	SINGLERATE 150	\$35.00	0	150	\$0.40
RDL	SU400	SINGLERATE 400	\$55.00	0	400	\$0.35
RDL	SU900	SINGLERATE 900	\$100.00	0	900	\$0.25
RDL	WF010	CORP NAT 10.99_0_10	\$10.99	0	0	\$0.10
RDL	WW11	EXTRA SHARE 440	\$40.00	0	440	\$0.25
RDL	WW11S	EXTRA SHARE 1340	\$50.00	0	1340	\$0.25
RDL	WW33	EXTRA SHARE 880	\$80.00	0	880	\$0.20
RDL	WW55	EXTRA SHARE 1650	\$150.00	0	1650	\$0.15
RDL	WWXX	EXTRA SHAREPLAN	\$18.00	0	5	\$0.25

Appendix B-7

APPROVED

DATE: 3-31-04
KMF

MOTION

March 31, 2004

**Northwest Dakota Cellular of North
Dakota Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-1226-03-597

**North Central RSA 2 of North Dakota
Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-386-03-598

**North Dakota RSA No. 3 Limited
Partnership
Designated Eligible Carrier
Application**

Case No. PU-897-03-599

**Badlands Cellular of North Dakota
Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-1225-03-600

**North Dakota 5 – Kidder Limited
Partnership
Designated Eligible Carrier
Application**

Case No. PU-338-03-601

**Bismarck MSA Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-494-03-602

I move the Commission bill Tom D. Kelsch, Attorney, for costs incurred to

date in the above captioned applications.

31 **PU-1226-03-597** Pages: 3

31 **PU-1225-03-600** Pages: 3

31 **PU-386-03-598** Pages: 3

31 **PU-338-03-601** Pages: 3

32 **PU-897-03-599** Pages: 3

31 **PU-494-03-602** Pages: 3

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

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

03/31/2004

CC: Comm Legal Illona Pat .

03/31/2004

CC: Comm Legal Illona Pat .



Public Service Commission

State of North Dakota

COMMISSIONERS

Tony Clark, President
Susan E. Wefald
Kevin Cramer

Executive Secretary
Jon H. Mielke

March 31, 2004

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

Tom D Kelsch
PO Box 1266
Mandan ND 58554

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

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

Case No. PU-897-03-599
North Dakota RSA No. 3
Limited Partnership
Designated Eligible Carrier
Application

Case No. PU-1225-03-600
Badlands Cellular of North Dakota
Limited Partnership
Designated Eligible Carrier
Application

Case No. PU-338-03-601
North Dakota 5 – Kidder
Limited Partnership
Designated Eligible Carrier
Application

Case No. PU-494-03-602
Bismarck MSA Limited Partnership
Designated Eligible Carrier
Application

Enclosed is a copy of the statement approved at the March 31, 2004 Public Service Commission meeting for the expenses incurred to date in the above captioned applications.

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
March 31, 2004**

**Northwest Dakota Cellular of North
Dakota Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-1226-03-597

**North Central RSA 2 of North Dakota
Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-386-03-598

**North Dakota RSA No. 3 Limited
Partnership
Designated Eligible Carrier
Application**

Case No. PU-897-03-599

**Badlands Cellular of North Dakota
Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-1225-03-600

**North Dakota 5 – Kidder Limited
Partnership
Designated Eligible Carrier
Application**

Case No. PU-338-03-601

**Bismarck MSA Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-494-03-602

Bill To:

Tom D. Kelsch, Attorney\$1,384.83

Expenses Incurred to Date:

Advertising Costs	\$1,193.86
Office of Administrative Hearings	190.97

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

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Northwest Dakota Cellular of North Dakota
Limited Partnership
Designated Eligible Carrier
Application

Case No. PU-1226-03-597

North Central RSA 2 of North Dakota
Limited Partnership
Designated Eligible Carrier
Application

Case No. PU-386-03-598 ✓

North Dakota RSA No. 3 Limited
Partnership
Designated Eligible Carrier
Application

Case No. PU-897-03-599

Badlands Cellular of North Dakota Limited
Partnership
Designated Eligible Carrier
Application

Case No. PU-1225-03-600

North Dakota 5 – Kidder Limited
Partnership
Designated Eligible Carrier
Application

Case No. PU-338-03-601

Bismarck MSA Limited Partnership
Designated Eligible Carrier
Application

Case No. PU-494-03-602

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL 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 **26th day of February, 2004**, she deposited in the United States Mail, Bismarck, North Dakota **three** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Order

30 PU-386-03-598

Pages: 2

Affidavit of Service

by Public Service Commission

02/26/2004

CC: Comm Legal Ilona Pat.

The envelopes were addressed as follows:

Diana Stevens
Northwest Dakota Cellular of North Dakota
Limited Partnership
1 Verizon Place
Mail Code – GA1A2FRP
Alpharetta GA 30004
Cert. No. 7002 2410 0003 4911 4691

Mark J Ayotte
Briggs and Morgan PA
2200 First National Bank Bldg
332 Minnesota St
St Paul MN 55101
Cert. No. 7002 2410 0003 4911 4707

Thomas D Kelsch
P O Box 1266
Mandan ND 58554-1266
Cert. No. 7002 2410 0003 4911 4714

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

Subscribed and sworn to before me
this **26th day of February, 2004.**





Notary Public

SEAL



MOTION

APPROVED

DATE: 2-25-04
KMF

February 25, 2004

**Northwest Dakota Cellular of North
Dakota Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-1226-03-597

**North Central RSA 2 of North Dakota
Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-386-03-598

**North Dakota RSA No. 3 Limited
Partnership
Designated Eligible Carrier
Application**

Case No. PU-897-03-599

**Badlands Cellular of North Dakota
Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-1225-03-600

**North Dakota 5 – Kidder Limited
Partnership
Designated Eligible Carrier
Application**

Case No. PU-338-03-601

**Bismarck MSA Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-494-03-602

I move the Commission adopt the Order designating these companies as eligible telecommunications carriers for the purpose of receiving federal universal service support.

PJF/sdh

APPROVED

DATE: 2-25-04
KME

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

**Northwest Dakota Cellular of North
Dakota Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-1226-03-597

**North Central RSA 2 of North Dakota
Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-386-03-598

**North Dakota RSA No. 3 Limited
Partnership
Designated Eligible Carrier
Application**

Case No. PU-897-03-599

**Badlands Cellular of North Dakota
Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-1225-03-600

**North Dakota 5 – Kidder Limited
Partnership
Designated Eligible Carrier
Application**

Case No. PU-338-03-601

**Bismarck MSA Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-494-03-602

ORDER

February 25, 2004

Preliminary Statement

On October 15, 2003, applications for designation as an Eligible Telecommunications Carrier (ETC) were filed by: North Central RSA 2 of North Dakota Limited Partnership d/b/a Verizon Wireless (North Central RSA 2); Badlands Cellular of North Dakota Limited Partnership d/b/a Verizon Wireless (Badlands Cellular); North Dakota RSA 3 Limited Partnership d/b/a Verizon Wireless (North Dakota RSA 3); Bismarck MSA Limited Partnership d/b/a Verizon Wireless (Bismarck MSA); North Dakota 5 - Kidder Limited Partnership d/b/a Verizon Wireless (North Dakota 5); and

28 PU-386-03-598

Pages: 14

Order

by Public Service Commission

02/25/2004

CC: Comm Legal Ilona Pat.

Northwest Dakota Cellular of North Dakota Limited Partnership d/b/a Verizon Wireless (Northwest Dakota Cellular); (collectively the Partnerships).

The Partnerships seek ETC designation for purposes of receiving federal universal service support for certain rural study areas and non-rural exchanges. For certain rural telephone company study areas not wholly within each applicant's FCC licensed service area, the Partnerships seek redefinition of those areas rural study areas. The Partnerships propose to provide universal services using its own facilities, or a combination of its own facilities and leased facilities, pursuant to 47 U.S.C. §214(e) and the FCC's regulations.

On October 22, 2003 the Commission issued a Notice of Opportunity for Hearing and Notice of Informal Hearing. An informal hearing was held on December 17, 2003. The notice stated that the Commission could determine the matter without a hearing.

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.

On December 5, 2003, BEK Communications Cooperative, Consolidated Telcom, Dakota Central Telecom I, Dakota Central Telecommunications Cooperative, Dickey Rural Access, Inc., Dickey Rural Communications, Inc., Dickey rural Telephone Cooperative, Inter-Community Telephone Company, LLC, 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; collectively the Rural Telephone Company Group (RTCG) filed a request to appear in the proceeding. The RTCG stated requested that, if the Commission does not deny the application for redefinition of study areas without a hearing, the RTCG requests a hearing.

On December 17, 2003 the applicants filed affidavits of Mark R. Smith, Director—Financial Reporting and Partnership Relations in support of the applications of the Partnerships.

On December 18, 2003 the Commission issued a Notice of Hearing.

On December 29, 2003 Inter-Community Telephone Company, L.L.C. filed a request to withdraw as an intervenor. The Commission granted the request on January 14, 2004.

On February 6, 2004, the parties filed a Joint Stipulation and six separate Service Area Stipulations setting forth an agreement to resolve objections of the RTCG.

On February 10, 2004, the Commission held an Informal Hearing.

ETC Designation

The Telecommunications Act of 1996 provides financial support for universal services to common carriers that have been designated as eligible telecommunications carriers (ETCs) and that (1) offer the universal 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 and (2) advertise the universal services, advertise the availability of such services, and advertise the charges for such services, using media of general distribution.

The universal services designated for support by Federal universal service support mechanisms include voice grade access to the public switched network, local usage, dual tone multi-frequency signaling or its functional equivalent, single-party service or its functional equivalent, access to emergency services, access to operator services, access to interexchange service, access to directory assistance, and toll limitation for qualifying low-income consumers.

Both federal law and state law provide that the Commission designate a common carrier as an ETC. In areas served by a rural telephone company, the Commission must find that ETC designation is in the public interest.

The affidavits of Mark Smith state that:

- 1) Verizon Wireless is a common carrier, is licensed by the FCC to provide commercial mobile radio service (CMRS), and is currently providing CMRS throughout nearly all North Dakota.
- 2) The Partnerships will provide, throughout the areas in which they are seeking ETC designation, the required telecommunications services that are supported by universal service funding. The Partnerships will participate in Lifeline and Link-Up as required.
- 3) The Partnerships advertise the federally supported universal services throughout its requested designated service areas using different media of general distribution including newspaper, television, radio, and billboard advertising, and once designated, will advertise the availability of the supported services and charges using media of general distribution, in accordance with 47 C.F.R. § 54.201(d)(2).
- 4) The Partnerships will comply with all service area requirements, subject to the requested Commission's redefinition of the same.
- 5) Granting ETC designation to the Partnerships will serve the public interest by offering competitive services to North Dakota customers on a more even-handed basis than is the case today. The Partnerships' service offerings have a larger

local calling area as compared to the incumbent landline carriers, as well as benefits of mobility, and customers will be able to combine basic universal services with advanced data services if they so desire.

- 6) The Partnerships will use federal universal service support to provide universal services and extend its wireless networks in rural areas of North Dakota.
- 7) Designation of the Partnerships as ETCs will provide an incentive to the incumbent carrier to improve their existing networks in order to remain competitive, resulting in improved services and benefits to consumers including better service, lower rates, new technology, and provision of new and innovative services for consumers.

All areas for which the Partnerships request ETC designation, with the exception of the Qwest Corporation exchanges, are study areas of rural telephone companies.

The Partnerships agree that an applicant for ETC status is not required to be providing the required universal services to 100% of a service area before receiving designation as an ETC and that facilities to serve customers are required at some reasonable time after the customer agrees to the terms and conditions of the service provided. We continue to subscribe to this policy.

The Partnerships agree to provide quarterly reports describing the status of its E911 implementation in North Dakota.

Universal Service Support Areas

The Commission must establish a geographic area (service area) for the purpose of determining universal service obligations and support mechanisms for the designated ETC. 47 U.S.C. § 214(e)(5).

47 U.S.C. § 214(e)(5) defines service area:

- (5) **SERVICE AREA DEFINED--** The term "service area" means a geographic area established by a State commission for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

Table 1 lists, for purposes of federal universal service funding, the North Dakota study areas that have been established by the Federal Communications Commission and listed by the Universal Service Administrative Company (USAC) for incumbent local exchange companies (ILECs) serving customers in North Dakota:

TABLE 1

Study Area Name	Included Local Exchange Companies
Absaraka Cooperative Telephone Co., Inc.	Absaraka Co-operative Telephone Company, Inc.
BEK Communications Cooperative	BEK Communications Cooperative
Consolidated Telcom	Consolidated Telcom
Dakota Central Telecommunications Cooperative	Dakota Central Telecommunications Cooperative Dakota Central Telecom I, Inc.
Dickey Rural Telephone Cooperative	Dickey Rural Communications, Inc. Dickey Rural Telephone Cooperative Dickey Rural Access, Inc.
Griggs County Telephone Company	Griggs County Telephone Co
Inter-Community Telephone Company L.L.C.	Inter-Community Telephone Company, L.L.C.
Midstate Communications Inc.	Midstate Communications Inc.
Midstate Telephone Company	Midstate Telephone Company
Moore & Liberty Telephone Company	Moore and Liberty Telephone Company
Nemont Telephone Cooperative, Inc.	Nemont Telephone Cooperative, Inc. Missouri Valley Communications, Inc
Noonan Farmers Telephone Company	Noonan Farmers Telephone Company
North Dakota Telephone Company	North Dakota Telephone Company
Northwest Communications Cooperative	Northwest Communications Cooperative, a Cooperative Association
Polar Communications Mutual Aid Corporation	Polar Communications Mutual Aid Corporation
Polar Telecommunications, Inc.	Polar Telcom, Inc.
Qwest Corporation	Qwest Corporation
Red River Rural Telephone Association	Red River Rural Telephone Association Red River Telecom, Inc.
Reservation Telephone Cooperative	Reservation Telephone Cooperative
SRT Communications, Inc.	SRT Communications, Inc.
United Telephone Mutual Aid Corporation	United Telephone Mutual Aid Corporation Turtle Mountain Communications, Inc.
West River Telecommunications Cooperative	West River Telecommunications Cooperative
Wolverton Telephone Company	Wolverton Telephone Company

Table 2 lists, for purposes of federal universal service funding, the Minnesota study areas that have been established by the Federal Communications Commission and listed by the USAC for ILECs serving customers in North Dakota:

TABLE 2

Study Area Name	Included Local Exchange Companies
Citizens Telecommunications Company of MN	Citizens Telecommunications Company of Minnesota, Inc.
Halstad Telephone Co.	Halstad Telephone Company
Loretel Systems, Inc	Loretel Systems, Inc.

Table 3 lists, for purposes of federal universal service funding, the South Dakota study areas that have been established by the Federal Communications Commission and listed by the USAC for ILECs serving customers in North Dakota:

TABLE 3

Study Area Name	Included Local Exchange Companies
James Valley Cooperative Telephone Company	James Valley Cooperative Telephone Company
Roberts County Telephone Cooperative Association	Roberts County Telephone Cooperative Association RC Communications, Inc.
Venture Communications Cooperative	Venture Communications, Inc.
West River Cooperative Telephone Company	West River Cooperative Telephone Company

Table 4 lists, for purposes of federal universal service funding, the Montana study areas that have been established by the Federal Communications Commission and listed by the USAC for ILECs serving customers in North Dakota:

TABLE 4

Study Area Name	Included Local Exchange Companies
Mid-Rivers Telephone Cooperative, Inc.	Mid-Rivers Telephone Cooperative, Inc.

Table 5 lists the study areas for which the Partnerships request ETC designation and that do not require redefining:

TABLE 5

Applicant name	Study area(s) requested for designation not requiring redefinition under 47 C.F.R. § 54.207(c)
Northwest Dakota Cellular	Noonan Farmers Telephone Company Northwest Communications Cooperative
North Dakota RSA 3	Citizens Telecommunications Company of MN

	Halstad Telephone Co James Valley Cooperative Telephone Company Roberts County Telephone Cooperative Association Red River Rural Telephone Association Venture Communications Cooperative Wolverton Telephone Company Qwest Corporation exchanges of Grafton, Minto, Northwood, Hatton, Mayville, Reynolds, Hillsboro, Jamestown, Valley City, Leonard, Kindred, Wahpeton, Gardner, Hickson and Thompson.
Badlands Cellular	Consolidated Telcom West River Cooperative Telephone Company Qwest Corporation exchanges of Belfield, Mandan, Dickinson, Sidney MT, Fairview MT, McIntosh SD, and Morrystown SD
North Dakota 5	Qwest Corporation exchange of Jamestown
Bismarck MSA	Qwest Corporation exchanges of Bismarck and Mandan

The Partnerships have not requested that a designated service area include the Absaraka Cooperative Telephone Co., Inc. or Loretel Systems, Inc. study areas or the Qwest Corporation exchanges of Casselton, Comstock MN, Emerado, Fargo, Larimore, Manvel, Sabin MN, or West Fargo.

Redefinition of Service Areas

The Partnerships have requested that the Commission redefine the service area requirement for certain rural telephone companies from a study area to an individual wire center or partial wire center to the extent that the Partnerships' wireless service area does not cover the entirety of a rural telephone company's study area. Table 6 lists the rural telephone company study areas for which the Partnerships request redefinition.

TABLE 6

Applicant name	Requested redefined study areas under 47 C.F.R. § 54.207(c)
Northwest Dakota Cellular	BEK Communications Cooperative Midstate Telephone Company Nemont Telephone Cooperative, Inc. Reservation Telephone Cooperative SRT Communications, Inc. West River Telecommunications Cooperative
North Central RSA 2	SRT Communications, Inc. United Telephone Mutual Aid Corporation

	<p>North Dakota Telephone Company</p> <p>Midstate Communications Inc. (formerly known as York Telephone Company)</p> <p>Polar Telecommunications, Inc.</p> <p>Polar Communications Mutual Aid Corporation</p>
North Dakota RSA 3	<p>Dakota Central Telecommunications Cooperative</p> <p>Dickey Rural Telephone Cooperative</p> <p>Griggs County Telephone Company</p> <p>Inter-Community Telephone Company LLC</p> <p>Moore & Liberty Telephone Company</p> <p>North Dakota Telephone Company</p> <p>Polar Communications Mutual Aid Corporation</p> <p>Polar Telecommunications, Inc.</p> <p>United Telephone Mutual Aid Corporation</p>
Badlands Cellular	<p>Mid-Rivers Telephone Cooperative, Inc.</p> <p>Midstate Telephone Company</p> <p>Midstate Communications Inc. (formerly known as York Telephone Company)</p> <p>Reservation Telephone Cooperative</p> <p>West River Telecommunications Cooperative</p>
North Dakota 5	<p>BEK Communications Cooperative</p> <p>Dakota Central Telecommunications Cooperative</p> <p>Dickey Rural Telephone Cooperative</p> <p>Griggs County Telephone Company</p> <p>North Dakota Telephone Company</p> <p>West River Telecommunications Cooperative</p> <p>SRT Communications, Inc.</p>
Bismarck MSA	<p>BEK Communications Cooperative</p> <p>West River Telecommunications Cooperative</p>

Table 7 lists the requested service areas within the requested redefined study areas for which the Partnerships request ETC designation.

TABLE 7

Applicant name	Requested designated service areas within study areas requiring redefinition under 47 C.F.R. § 54.207(c)
Northwest Dakota Cellular	all exchanges and partial exchanges of BEK Communications Cooperative, Nemont Telephone Cooperative, Inc., Midstate Telephone Company,

	Reservation Telephone Cooperative, SRT Communications, Inc., Missouri Valley Communications and West River Telecommunications Cooperative within the geographic boundaries of its Federal Communications Commission (FCC) licensed cellular service area in North Dakota (Rural Service Area 1 (RSA 1))
North Central RSA 2	all exchanges and partial exchanges of SRT Communications, Inc., Turtle Mountain Communications, United Telephone Mutual Aid Corporation, North Dakota Telephone Company, York Telephone Company (now know as Midstate Communications Inc.), Polar Telecommunications, Inc., and Polar Communications Mutual Aid Corporation within the geographic boundaries of its FCC licensed cellular service area in North Dakota (RSA 2)
North Dakota RSA 3	all exchanges and partial exchanges of Dakota Central Telecom I, Inc., Dakota Central Telecommunications Cooperative, Dickey Rural Access, Inc., Dickey Rural Communications, Inc., Dickey Rural Telephone Cooperative, Griggs County Telephone Company, Inter-Community Telephone Company LLC, Moore and Liberty Telephone Company, North Dakota Telephone Company, Polar Communications Mutual Aid Corporation, Polar Telecommunications, Inc., and United Telephone Mutual Aid Corporation within the geographic boundaries of its FCC licensed cellular service area in North Dakota (RSA 3)
Badlands Cellular	all exchanges and partial exchanges of Midstate Telephone Company, West River Telecommunications Cooperative, Reservation Telephone Cooperative, Mid-Rivers Telephone Cooperative, Inc., and York Telephone Company (now known as Midstate Communications Inc.) within the geographic boundaries of its FCC licensed cellular service area in North Dakota (RSA 4)
North Dakota 5	all exchanges and partial exchanges of BEK Communications Cooperative, Dickey Rural Telephone Cooperative, Dakota Central Telecommunications Cooperative, Griggs County Telephone Company, North Dakota Telephone Company, West River Telecommunications Cooperative, SRT Communications, Inc., Dakota Central Telecom I, Inc., and Dickey Rural Communications, Inc. within the geographic boundaries of its FCC licensed cellular service area in North Dakota (RSA 5)
Bismarck MSA	All exchanges and partial exchanges of BEK Communications Cooperative and West River Telecommunications Cooperative within the geographic boundaries of its FCC licensed cellular service area in North Dakota (Bismarck Metropolitan Statistical Area (Bismarck MSA))

Factors for Consideration

The Act and the FCC's regulations authorize the FCC and the Commission to act in concert to develop an alternative service area standard for areas served by rural telephone companies in accordance with 47 § C.F.R. 54.207(c)-(d). In defining a service area other than the study area we are required to take into account three factors as follows: (1) minimizing cream skimming; (2) recognizing that the 1996 Act places rural telephone companies on a different competitive footing from other LECs; and (3)

recognizing the administrative burden of requiring rural telephone companies to calculate costs at something other than a study area level.¹

The first factor is the risk that a competitor would selectively target service only to the low cost areas of the rural ILEC's study areas. The affidavits of Mark Smith state that the risk of cream skimming has been practically eliminated because incumbent rural telephone companies can now utilize a process known as "disaggregation," which allows these companies to target their per-line support to better reflect the actual costs of serving different areas throughout their study areas. In the *Virginia Cellular ETC Order* the FCC determined that, because Virginia Cellular was limited to providing facilities-based service only where it is licensed by the FCC, and because Virginia Cellular commits to providing universal service throughout its licensed territory, concerns regarding cream skimming are minimized.² We find no evidence in this proceeding of rural cream skinning effects in redefining the service areas requested by the Partnerships.

The second factor to consider is the regulatory status enjoyed by rural telephone companies under the Act. The affidavits of Mark Smith state that nothing in the service area redefinition process for an ETC applicant affects the rural carrier's various statutory exemptions under the Act, nor does the redefinition process eliminate the public interest analysis to the designation of an additional ETC in the rural telephone company's service area. In the *Virginia Cellular ETC Order* the FCC determined that (1) the high-cost universal service mechanisms support all lines served by ETCs in rural areas; (2) receipt of high-cost support by Virginia Cellular will not affect the total amount of high-cost support that the incumbent rural telephone company receives; (3) to the extent that Virginia Cellular or any future competitive ETC captures incumbent rural telephone company lines, provides new lines to currently unserved customers, or provides second lines to existing wireline subscribers, it will have no impact on the amount of universal service support available to the incumbent rural telephone companies for those lines they continue to serve; and (4) redefining the service areas of the affected rural telephone companies will not change the amount of universal service support that is available to these incumbents.³ Based on the evidence in this proceeding we conclude that there is little likelihood of harm to the rural companies. No evidence in this proceeding regarding the regulatory status enjoyed by rural telephone companies under the Act leads us to conclude that the Partnerships' request for redefined study areas should not be granted.

The third factor to consider is whether any administrative burdens might result from the redefinition of the service area requirement. The affidavits of Mark Smith state that the administrative ease of calculating costs on a less-than-study area level is not an issue because any federal universal service support available to a competitive ETC in

¹ *In the Matter of Federal-State Joint Board on Universal Service; Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45, Memorandum Opinion and Order, FCC 03-338, adopted December 31, 2003, released January 22, 2004 (*Virginia Cellular ETC Order*)

² *Id.* ¶ 42

³ *Id.* ¶ 43

an area served by one of the rural telephone companies would be determined based on the per-line support available to the rural telephone company itself. In the *Virginia Cellular ETC Order* the FCC determined that redefining the rural telephone company service areas will not require the rural telephone companies to determine their costs on a basis other than the study area level. Rather, the redefinition merely enables competitive ETCs to serve areas that are smaller than the entire incumbent local exchange company study area. The redefinition does not modify the existing rules applicable to rural telephone companies for calculating costs on a study area basis, nor, as a practical matter, the manner in which they will comply with these rules. The FCC found that the concern that redefining rural service areas would impose additional administrative burdens on affected rural telephone companies was not at issue.⁴ No evidence in this proceeding regarding administrative burdens for rural telephone companies leads us to conclude that the Partnerships' request for redefined study areas should be denied.

The affidavits of Mark Smith state that redefinition is in the public interest because it will enable the Partnerships to bring new services and new technologies to customers of North Dakota's rural telephone companies, who now have no choice of universal service providers. The affidavit further states that, because competitor and incumbent licensed service territories are geographically different, and because the study areas of the rural telephone companies wide-ranging, it would be nearly impossible for any other competitive carriers to compete with the incumbents without redefinition.

State Statute Considerations

The North Dakota Legislature enacted N.D.C.C. § 49-21-01.8 in 1999. This law provides that "[a] telecommunications company may not be an eligible telecommunications carrier unless the company offers all services supported by federal universal service mechanisms throughout the study area." During the same session, the Legislature further amended N.D.C.C. § 49-21-01.7 relating to powers of the Commission, specifically granting the Commission the power to:

12. Designate telecommunications companies as eligible telecommunications carriers to receive universal support under sections 214 and 254 of the federal act.
13. Designate geographic service areas for the purpose of determining universal service obligations and support mechanisms under the federal act.

The established rules of statutory interpretation under N.D.C.C. § 1-02-07 require the Commission, if possible, to construe provisions in the same statute so that effect can be given to all provisions. N.D.C.C. § 1-02-09.1 requires that amendments to a statute enacted at the same legislative session are to be harmonized, if possible, so that

⁴ Id. ¶ 44

effect can be given to each. N.D.C.C. § 1-02-38 provides that when the Legislature enacts a statute, it is presumed that the entire statute is intended to be effective, a just and reasonable result is intended, and that it complies with the constitutions of the State of North Dakota and the United States.

As noted above, N.D.C.C. § 49-21-01.7(12) specifically empowers the Commission to designate ETCs under sections 214 and 254 of the federal act. Furthermore, N.D.C.C. § 49-21-01.7(13) expressly gives the Commission the power to designate geographic service areas . . . under the federal act.” These delegations of power from the Legislature necessarily includes the power to redefine a rural company’s “service area” to something less than the company’s “study area” as permitted under 47 U.S.C. § 214(e)(5) and 47 C.F.R. § 54.207. If N.D.C.C. § 49-21-01.8 were construed to restrict an ETC designation to only a study area basis, and without the opportunity for an applicant to seek to redefine the service area requirement consistent with section 214(e)(5), the state law would have the effect of denying the applicant rights that have been conferred by federal law and would render the delegation of power to the Commission meaningless.

Another consideration is that a state law provision that would be construed to limit a federal ETC to providing the supported services throughout a rural telephone company’s “study area” would likely be preempted under both 47 U.S.C. § 254(f) and 47 U.S.C. § 253(a). Section 254(f) limits a state’s authority to adopting “regulations not inconsistent with the [FCC’s] rules to preserve and advance universal service.” Restricting ETC designations under state law to only a study area basis would be inconsistent and directly in conflict with both 47 U.S.C. § 214(e)(5) and 47 C.F.R. § 54.207(b), which both expressly contemplate and permit the redefinition of the service area requirement for purposes of federal ETC designations. Also, 47 U.S.C. § 253(a) provides that no state statute or regulation may prohibit or have the effect of prohibiting the ability of any entity to provide interstate telecommunications service. A state law that would be construed to deny designation of federal ETC status based on a study area requirement could essentially prohibit the Partnerships’ ability to provide the supported services.

The Commission finds that the proper focus of N.D.C.C. § 49-21-08.1 is that an ETC is required to offer all services supported by federal universal service mechanisms throughout the applicable area in which it has been granted ETC status. This requirement makes the state statute consistent with the obligation of an ETC under 47 U.S.C. § 214(e)(1) of the federal act.

The Commission’s action to redefine the service area requirement as requested by the Partnerships is necessary to facilitate the granting of the federal ETC to the Partnerships in the areas of the rural telephone companies’ service areas that fall within Verizon Wireless’ CMRS licensed areas.

Joint Stipulation

The RTCG members have withdrawn their opposition in these proceedings. The February 6, 2004 Joint Stipulation states that, based on the Commission's decision granting ETC status to Western Wireless in Case No. PU-1564-98-428, the RTCG does not contest the designation of the Partnerships as a federal ETC in those areas where the Partnerships serve the entire study area. The parties stipulate that the Commission may issue Orders in each of the captioned dockets to grant conditional ETC designation in rural service areas where the Partnerships redefine the service area requirement for purposes of ETC designation, subject to the FCC approval of the redefined service area requirement under 47 C.F.R. § 54.207(c). The parties stipulate that redefining the rural service areas for the purposes of the Partnerships universal service support shall not be construed as an agreement to redefine the study areas for purposes of RTCG members universal service support nor construed to constitute a waiver of the RTCG's rights to object to or contest any future ETC applications.

Conclusion

Based on the evidence in this proceeding, each applicant is qualified under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service funding and it is in the public interest the Partnerships each be designated as an ETC in the requested designated service areas.

Order

The Commission orders:

1. Northwest Dakota Cellular of North Dakota Limited Partnership is designated an eligible telecommunications carrier for the purpose of receiving federal universal service support in the service area requested as follows: (a) is designated in those study areas not requiring redefinition and, (b) in those study areas where redefinition is required under 47 C.F.R. § 54.207(c), is designated conditioned upon FCC approval.
2. North Central RSA 2 of North Dakota Limited Partnership is designated an eligible telecommunications carrier for the purpose of receiving federal universal service support in the service area requested conditioned upon FCC approval under 47 C.F.R. § 54.207(c) of the requested redefined study areas.
3. North Dakota RSA No. 3 Limited Partnership is designated an eligible telecommunications carrier for the purpose of receiving federal universal service support in the service area requested as follows: (a) is designated in those study areas not requiring redefinition and, (b) in those study areas where redefinition is required under 47 C.F.R. § 54.207(c), is designated conditioned upon FCC approval.
4. Badlands Cellular of North Dakota Limited Partnership is designated an eligible telecommunications carrier for the purpose of receiving federal universal service support in the service area requested as follows: (a) is designated in those study areas not requiring redefinition and, (b) in those study areas where redefinition is required under 47 C.F.R. § 54.207(c), is designated conditioned upon FCC approval.

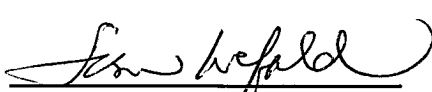
5. North Dakota 5 – Kidder Limited Partnership is designated an eligible telecommunications carrier for the purpose of receiving federal universal service support in the service area requested as follows: (a) is designated in those study areas not requiring redefinition and, (b) in those study areas where redefinition is required under 47 C.F.R. § 54.207(c), is designated conditioned upon FCC approval.

6. Bismarck MSA Limited Partnership is designated an eligible telecommunications carrier for the purpose of receiving federal universal service support in the service area requested as follows: (a) is designated in those study areas not requiring redefinition and, (b) in those study areas where redefinition is required under 47 C.F.R. § 54.207(c), is designated conditioned upon FCC approval.

7. Each of the applicants is designated as an eligible telecommunications carrier for the purpose of receiving federal universal service support in the designated service areas conditioned upon the filing of a tariff for its universal service, Lifeline, and Link-Up offerings.

8. Each of the applicants shall file quarterly reports to the Commission describing the status of its wireless E-911 implementation in North Dakota.

PUBLIC SERVICE COMMISSION



**Susan E. Wefald
Commissioner**



**Tony Clark
President**

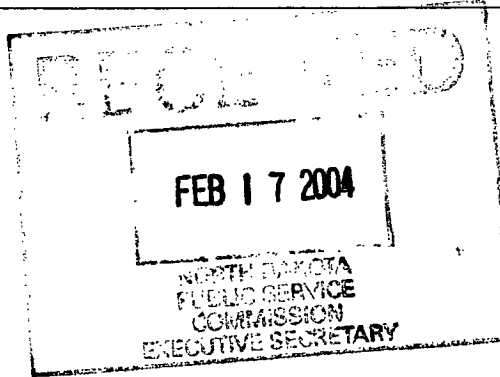


**Kevin Cramer
Commissioner**

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BRIGGS AND MORGAN

PROFESSIONAL ASSOCIATION



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February 13, 2004

VIA FAX (701) 328-2410 AND U.S. MAIL

William W. Binek
Chief Counsel
North Dakota Public Service Commission
600 East Boulevard, 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. Binek:

As requested during the Informal Hearing on February 10, 2004, I am writing to address the questions raised by the Commission concerning compliance with ND Cent. Code § 49-21-01.8 in the above-captioned proceedings. For the reasons set forth below, the Commission should proceed to redefine the service area requirement consistent with state and federal law as requested by the Verizon Wireless applicants in these proceedings.

As more fully set forth in each Application, Verizon Wireless has requested the Commission to redefine the service area requirement for certain rural telephone companies as necessary to facilitate its designation as a federal eligible telecommunications carrier ("ETC").

William W. Binek
February 13, 2004
Page 2

Section 214(e)(1) of the federal Telecommunications Act of 1996 (“Act”) sets for the obligation of a common carrier designated as an ETC to offer and advertise the supported services “throughout the *service area* for which the designation is received.” 47 U.S.C. § 214(e)(1). Section 214(e)(5) of the federal Act defines the term “*service area*” to mean “a geographic area established by a State commission . . . for the purpose of determining universal service obligations and support mechanisms.” In the case of an area served by a rural telephone company, “*service area*” means such company’s study area “unless and until the [FCC] and the States, after taking into account recommendations of a Federal-State Joint Board . . . establish a different definition of *service area* for such company.” 47 U.S.C. § 214(e)(5) (emphasis added). The FCC’s regulations further authorize the FCC and the Commission to act in concert to develop an alternative “*service area*” for a rural telephone company in accordance with 47 C.F.R. § 54.207(c)-(d). The sole requirement in establishing a “*service area*” other than the “study area” is that the FCC and this Commission each take into account the recommendations of the Joint Board and explain their rationale for reaching a different conclusion.

The North Dakota Legislature has also passed § 49-21-01.8 relating to ETC requirements. This section provides as follows, “A telecommunications company may not be an eligible telecommunications carrier unless the company offers all services supported by federal universal service mechanisms throughout the study area.” At the same time the Legislature passed § 49-21-01.8 in 1999, the Legislature further amended § 49-21-01.7 relating to the powers delegated to this Commission. As it relates to these proceedings, the Legislature has expressly granted the Commission 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.*

13. Designate *geographic service areas* for the purpose of determining universal service obligations and support mechanisms *under the federal act.*

N.D. Cent. Code § 49-21-01.7 (emphasis added).

Under the established rules of statutory interpretation, the Commission is required to construe provisions in the same statute so that effect may be given to both. N.D. Cent. Code § 1-02-07. Similarly, amendments to a statute enacted at the same legislative session are to be harmonized so that effect may be given to each. N.D. Cent. Code § 1-02-09.1. Moreover, when the Legislature enacts a statute, it is presumed that the entire statute is intended to be effective, a just and reasonable result is intended, and that the State statutes comply with the constitutions of the State and the United States. N.D. Cent. Code § 1-02-38.

Based on this framework, § 49-21-01.8 does not require an ETC to be designated only on a study area basis. Such an interpretation is inconsistent with the powers expressly delegated to

BRIGGS AND MORGAN

William W. Binck
February 13, 2004
Page 3

the Commission under § 49-21-01.7(12) and (13). Specifically, the Commission has been empowered under § 49-21-01.7(12) to designate ETCs “under sections 214 and 254 of the federal act.” This delegation of power from the Legislature necessarily includes the power to redefine a rural telephone company’s “*service area*” to something less than such company’s “study area” as permitted under 47 U.S.C. § 214(e)(5) and FCC Rule 54.207. If § 49-21-01.8 were construed to restrict an ETC designation to only a study area basis, and without the opportunity for the applicant to seek to redefine the service area requirement consistent with § 214(e)(5), then the State law would have the effect of denying an applicant rights which have been conferred by federal law.

Moreover, § 49-21-01.7(13) expressly gives the Commission power to “designate geographic *service areas* . . . under the federal act.” This power likewise necessarily includes the power and authority to redefine the *service area* requirement consistent with 47 U.S.C. § 214(e)(5) and FCC Rule 54.207. This delegation of power to the Commission would otherwise be rendered meaningless if § 49-21-01.8 were construed to only permit the grant of ETC status to a company which meets the service area requirement of a study area.

Rather, the proper focus of § 49-21-01.8 is a requirement that an ETC “*offers all services supported by federal universal service mechanisms throughout*” the applicable area in which is has been granted ETC status. Such a requirement makes the State statute consistent with the obligation of an ETC under 47 U.S.C. § 214(e)(1) of the federal Act. This is particularly true since a federal ETC designation can also be conferred in areas served by a non-rural telephone company, such as Qwest, which is done on an exchange or wire center basis rather than a study area.

In addition, the Commission’s action to redefine the service area requirement as requested by Verizon Wireless is necessary to facilitate the granting of its federal ETC designation. As more fully set forth in the Applications, Verizon Wireless is licensed by the FCC to provide commercial mobile radio services within a Rural Service Area (“RSA”) or a Metropolitan Statistical Area (“MSA”). A rural telephone company’s study area is generally regarded as all of the company’s existing certificated exchange areas in a given State. Although Verizon Wireless may meet the study area requirement in certain limited instances, the vast majority of rural telephone company study areas in North Dakota do not correspond with Verizon Wireless’ CMRS licensed area or existing signal coverage area based on the RSA or MSA boundaries. Verizon Wireless has no choice but to seek redefinition of the service area requirement given the limitations on the scope of its CMRS licensed area. Verizon Wireless is incapable of serving areas beyond its FCC licensed area. If § 49-21-01.8 were construed to mandate ETC designations only on a study area basis, then Verizon Wireless would largely be foreclosed from being designated a federal ETC in North Dakota.

Alternatively, the Commission must proceed to redefine the service area requirement as requested by Verizon Wireless notwithstanding § 49-21-01.8. Any State law provision that

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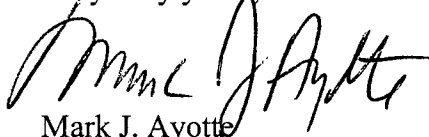
William W. Binek
February 13, 2004
Page 4

would be construed to limit a federal ETC to providing the supported services throughout a rural telephone company's study area would be preempted and inapplicable under both 47 U.S.C. § 254(f) and 47 U.S.C. § 253(a). Section 254(f) limits a State's authority to adopting "regulations not inconsistent with the [FCC's] rules to preserve and advance universal service." Restricting ETC designations under State law to only a study area basis would be inconsistent and directly conflict with both 47 U.S.C. § 214(e)(5) and FCC Rule 54.207(b), which both expressly contemplate and permit the redefinition of the service area requirement for purposes of federal ETC designations. Similarly, Section 253(a) of the federal Act provides that no State statute or regulation may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate telecommunications service. Any State law that would be construed to deny designation of federal ETC status based on a study area requirement would essentially prohibit Verizon Wireless' ability to provide the supported services, and thus would be preempted under Section 253(a).

Finally, the Commission should note that the Rural Telephone Companies have withdrawn their opposition to these proceedings based on the Joint Stipulation filed by the parties. As a result, the Rural Telephone Companies have waived any objection to the Commission's action to redefine the service area requirement as requested by Verizon Wireless.

Thank you for the opportunity to provide these comments. If you should have any questions, or require any additional information, please feel free to contact me.

Very truly yours,



Mark J. Ayotte

MJA/sjc

cc: Verizon Wireless
Thomas D. Kelsch



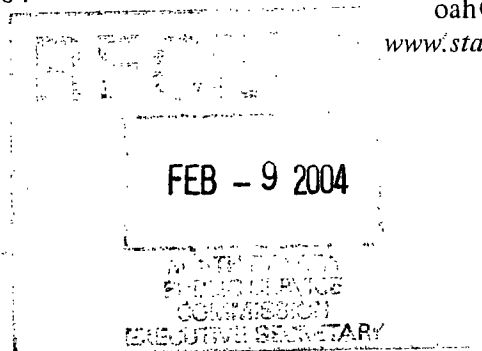
OFFICE OF ADMINISTRATIVE HEARINGS
 STATE OF NORTH DAKOTA
 1707 North 9th Street
 Bismarck, North Dakota 58501-1882

Allen C. Hoberg
 DIRECTOR

February 6, 2004

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 oah@state.nd.us
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Mr. William W. Binek
 Hearing Administrator
 Public Service Commission
 600 E. Boulevard Avenue
 Bismarck, ND 58505



Re:

Northwest Dakota Cellular of North Dakota Limited Partnership
 North Central RSA 2 of North Dakota Limited Partnership
 North Dakota RSA No. 3 Limited Partnership
 Badlands Cellular of North Dakota Limited Partnership
 North Dakota 5 - Kidder Limited Partnership
 Bismarck MSA Limited Partnership
 Designated Eligible Carrier
 Applications
 OAH File No. 20040006

Case No. PU-1226-03-0597
 Case No. PU-386-03-598
 Case No. PU-897-03-599
 Case No. PU-1225-03-600
 Case No. PU-338-03-601
 Case No. PU-494-03-602

Dear Mr. Binek:

I am advised that the hearing for the captioned matters scheduled to be held February 10, 2004, will be conducted as an informal hearing, and that my presence is not required. Accordingly, I have noted our docket, and return to you the documents previously provided to me for the hearing. No additional documents for the hearing were filed with me.

Please do not hesitate to call me directly if you have any questions concerning our file or otherwise if I can be of further assistance to you for this matter.

We were pleased to assist the Public Service Commission for this matter.

Sincerely,

Al Wahl
 Administrative Law Judge

AW/ljc
 Enc.

cc: Mr. Mark J. Ayotte
 Mr. Don Negaard

26	PU-1226-03-597	Pages: 1
26	PU-386-03-598	Pages: 1
27	PU-897-03-599	Pages: 1
26	PU-1225-03-600	Pages: 1
26	PU-338-03-601	Pages: 1
26	PU-494-03-602	Pages: 1

Letter closing ALJ's file

by Office of Administrative Hearings

02/09/2004

CC: Comm Legal Illona Pat -

BRIGGS AND MORGAN

PROFESSIONAL ASSOCIATION

WRITER'S DIRECT DIAL

(651) 808-6561

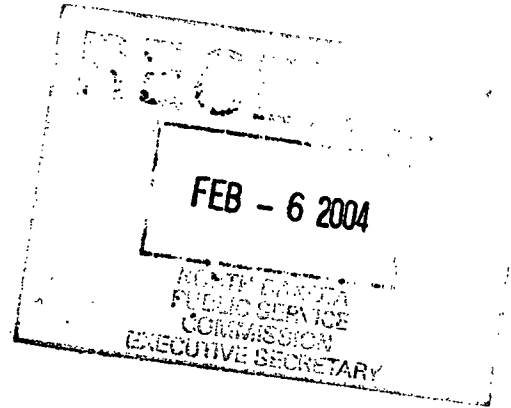
WRITER'S E-MAIL

mayotte@briggs.com

February 5, 2004

VIA FEDERAL EXPRESS

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



**Re: In the Matter of North Central RSA 2 of North Dakota Limited Partnership d/b/a Verizon Wireless Petition for Designation as an Eligible Telecommunications Carrier
Case No. PU-386-03-598**

Dear Mr. Mielke:

Enclosed herewith for filing in the above-captioned matter are the original and seven (7) copies of the following:

- (1) Joint Stipulation (the original Joint Stipulation was filed in Case No. PU-1226-03-597); and
- (2) Joint Stipulation Regarding Redefinition of Service Area Requirement.

As more fully described in the Stipulations, the Rural Telephone Companies have agreed to withdraw their objections in this proceeding and agree that Verizon Wireless may be designated as a federal eligible telecommunications carrier.

Accordingly, the formal evidentiary hearing scheduled for February 10, 2004, may be canceled. However, Verizon Wireless will appear for purposes of explaining the Stipulations and otherwise responding to any questions from the Commissioners or Staff.

If you should have any questions, please contact me.

25 PU-386-03-598

Pages: 2

Cover letter re filings

BRIGGS AND MORGAN

February 5, 2004

Page 2

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark J. Ayotte". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark J. Ayotte

MJA/sjc

Enclosures

cc: Don Negaard (w/enclosures)
Thomas D. Kelsch (w/enclosures)
Verizon Wireless (w/enclosures)

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

FEB - 6 2004

NORTH DAKOTA
PUBLIC SERVICE
COMMISSION

Case No. PU-1226-03-597
ALTERNATE SECRETARY

Northwest Dakota Cellular of North
Dakota Limited Partnership
Designation Eligible Carrier Application

Case No. PU-386-03-598

North Central RSA 2 of North Dakota
Limited Partnership
Designation Eligible Carrier Application

Case No. PU-897-03-599

North Dakota RSA 3 of North Dakota
Limited Partnership
Designation Eligible Carrier Application

Case No. PU-1255-03-600

Badlands Cellular of North Dakota
Limited Partnership
Designation Eligible Carrier Application

Case No. PU-338-03-601

North Dakota 5 – Kidder Limited Partnership
Designation Eligible Carrier Application

Case No. PU-494-03-602

Bismarck MSA Limited Partnership
Designation Eligible Carrier Application

JOINT STIPULATION

This Joint Stipulation is entered into between and among 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 (individually and collectively “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 proceedings.

As set forth more fully below, and in the separate Joint Stipulation Regarding Redefinition of Service Area Requirement ("Service Area Stipulations") of the parties, Verizon Wireless and the Rural Telephone Companies agree the Rural Telephone Companies withdraw their objections in the above-captioned proceedings and agree the Verizon Wireless entities may be designated as a federal eligible telecommunications carrier ("ETC") as follows:

1. On December 5, 2003, the Rural Telephone Companies filed a Notice of Appearance in response to the Commission's Notice of Opportunity for Hearing and Notice of Informal Hearing dated October 22, 2003. Based on the Commission's decision granting ETC status to Western Wireless in Case No. PU-1564-98-428, the Rural Telephone Companies did not contest the designation of Verizon Wireless as a federal ETC in those areas where Verizon Wireless served the entire study area. The Rural Telephone Companies' interest in the proceedings was limited to Verizon Wireless' request to redefine the service area requirement for purposes of its ETC designation.

2. On December 17, 2003, an informal hearing was held before the Commission. At the informal hearing, Verizon Wireless presented an overview of the Applications and various Affidavits demonstrating its compliance with the requirements to be designated a federal ETC. The Rural Telephone Companies were also given an opportunity to be heard.

3. Verizon Wireless' network includes cell sites, antennas and other network facilities and infrastructure which were installed and constructed throughout the areas served by the Rural Telephone Companies prior to the enactment of the 1996 Act and not solely for the purposes of obtaining ETC status.

4. Verizon Wireless and the Rural Telephone Companies stipulate and agree that the Rural Telephone Companies withdraw their opposition to the Applications and agree that the Commission may issue Orders consistent with this Stipulation and the Service Area Stipulations in each of the above-captioned dockets to grant ETC designation for those areas that Verizon

Wireless wholly serves, as identified on each Exhibit A to each Application. Verizon Wireless and the Rural Telephone Companies further stipulate, agree and request that the Commission may issue Orders in each of the above-captioned dockets to grant conditional ETC designation in all other Rural Telephone Company service areas identified on Exhibit A to each Application, subject to the FCC's approval of the redefined service area requirement under 47 C.F.R. § 54.207(c) as more fully set forth in the Service Area Stipulations.

5. Nothing in this Stipulation shall be construed to constitute a redefinition of any Rural Telephone Company study area for the receipt of universal service support by the Rural Telephone Company or 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 dockets and this Stipulation shall be limited only to the purposes of the above-captioned proceedings.

Dated: February 4, 2004

BRIGGS AND MORGAN, P.A.

By 

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Attorneys for Verizon Wireless

PRINGLE & HERIGSTAD

By 

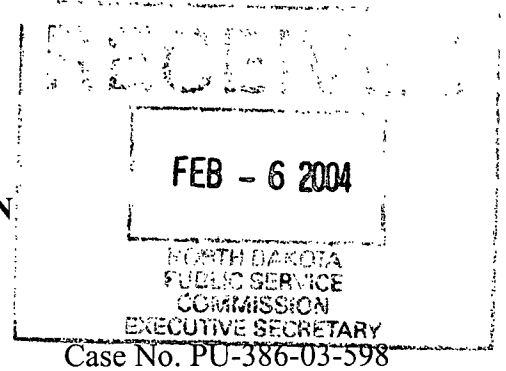
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20 SW First Street
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Telephone No. (701) 852-0381
Facsimile No. (701) 857-1361

Attorneys for Rural Telephone Companies

Dated: February 4, 2004

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**



In the Matter of North Central RSA 2 of)
North Dakota Limited Partnership)
d/b/a Verizon Wireless)
Petition for Designation as an)
Eligible Telecommunications Carrier)

**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 North Central RSA 2 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 2 ("RSA 2").

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 2 with the wire center boundaries of each local exchange carrier.

2. Verizon Wireless currently serves areas in North Dakota RSA 2 also served by seven rural telephone companies, namely, Turtle Mountain Communications ("Turtle Mountain"), SRT Communications, Inc. ("SRT Communications"), United Telephone Mutual Aid Corporation ("United Telephone"), North Dakota Telephone Company ("North Dakota Telephone"), York Telephone Company ("York Telephone"), Polar Telecommunications, Inc. ("Polar Telecom"), and Polar Communications Mutual Aid Corporation ("Polar Communications").

3. Verizon Wireless serves the entire study area of Turtle Mountain and thus satisfies Section 214(e)(5) as to the area served by this telephone company. It is not necessary to redefine the service area requirement for purposes of Verizon Wireless' ETC designation for this telephone company.

4. The respective study areas of SRT Communications, United Telephone, North Dakota Telephone, York Telephone, Polar Telecom, and Polar Communications do not correspond with Verizon Wireless' CMRS licensed area or existing signal coverage area in North Dakota RSA 2. 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).

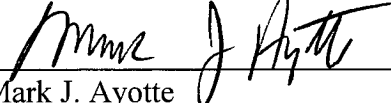
5. Accordingly, Verizon Wireless and the Rural Telephone Companies stipulate and agree that the Rural Telephone Companies withdraw their opposition to the Application and agree that the Commission may issue an Order consistent with this Stipulation to redefine the service area requirement for purposes of designating Verizon Wireless as federal ETC as set forth on Exhibit A.

6. 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. Turtle Mountain Communications – 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. SRT Communications, Inc. – All wire centers or partial wire centers located within the geographic boundaries of North Dakota RSA 2
2. United Telephone Mutual Aid Corporation – All wire centers or partial wire centers located within the geographic boundaries of North Dakota RSA 2
3. North Dakota Telephone Company – All wire centers or partial wire centers located within the geographic boundaries of North Dakota RSA 2
4. York Telephone Company – All wire centers or partial wire centers located within the geographic boundaries of North Dakota RSA 2
5. Polar Telecommunications, Inc. – All wire centers or partial wire centers located within the geographic boundaries of North Dakota RSA 2
6. Polar Communications Mutual Aid Corporation – All wire centers or partial wire centers located within the geographic boundaries of North Dakota RSA 2



Public Service Commission
State of North Dakota

COMMISSIONERS

Tony Clark, President
Susan E. Wefald
Kevin Cramer

Executive Secretary
Jon H. Mielke

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

January 14, 2004

Don Negaard
Pringle & Herigstad
P O Box 1000
Minot ND 58702-1000

Dear Mr. Negaard:

On January 14, 2004, the Commission granted Inter-Community Telephone Company, LLC's request to withdraw its intervention in Case Nos. PU-1226, 03-597, PU-386-03-598, PU-897-03-599; PU-1225-03-600, PU-338-03-601 and PU-494-03-602, applications for Designated Eligible Carrier status.

A copy of the motion is enclosed.

Sincerely,


Sharon Helbling
Public Utilities Division

Sdh

APPROVED

DATE: 1-14-04
KMF

MOTION

January 14, 2004

**Northwest Dakota Cellular of North
Dakota Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-1226-03-597

**North Central RSA 2 of North Dakota
Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-386-03-598

**North Dakota RSA No. 3 Limited
Partnership
Designated Eligible Carrier
Application**

Case No. PU-897-03-599

**Badlands Cellular of North Dakota
Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-1225-03-600

**North Dakota 5 – Kidder Limited
Partnership
Designated Eligible Carrier
Application**

Case No. PU-338-03-601

**Bismarck MSA Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-494-03-602

I move the Commission grant Inter-Community Telephone Company, LLC's request to withdraw its intervention in the above captioned applications for eligible carrier designation.

PJF/sdh



OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF NORTH DAKOTA

1707 North 9th Street

Bismarck, North Dakota 58501-1882

Allen C. Hoberg
DIRECTOR

701-328-3260

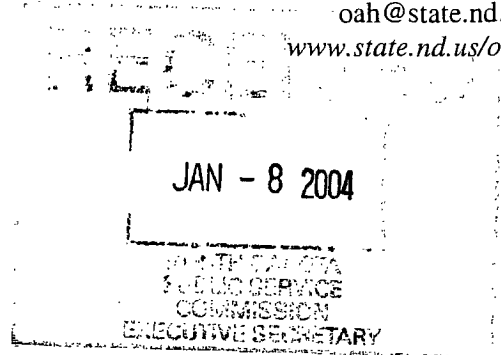
Fax 701-328-3254

oah@state.nd.us

www.state.nd.us/oah

January 7, 2004

Mr. William W. Binek
Chief Counsel
Public Service Commission
600 E. Boulevard Avenue
Bismarck, ND 58505



Dear Mr. Binek:

Thank you for your January 5, 2004, request of the designation of an administrative law judge from the Office of Administrative Hearings to conduct a hearing in the matter of Verizon Wireless, et al (PU-1226-03-597). I hereby designate Al Wahl to be assigned as an administrative law judge to conduct the hearing in regard to this matter. Because the administrative law judge will not be making recommended findings of fact and conclusions of law, or issuing a recommended order, the person or persons who will actually be making the final administrative decision in regard to this matter (i.e., commission) must actually be in attendance at the hearing.

Please send all additional relevant documents in regard to this matter (correspondence, and other pleadings and documents) to the designated administrative law judge in care of the Office of Administrative Hearings, 1707 North 9th Street, Bismarck, North Dakota 58501-1882. The hearing is scheduled for February 10, 2004, beginning at 8:30 a.m., in the Commission Hearing Room, State Capitol, 600 East Boulevard Avenue, Bismarck, North Dakota.

Sincerely,

Allen C. Hoberg
Director

ACH:ps

c: Al Wahl
Mark J. Ayotte
Don Negaard



Public Service Commission
State of North Dakota

COMMISSIONERS

Tony Clark, President
Susan E. Wefald
Kevin Cramer

Executive Secretary
Jon H. Mielke

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

January 5, 2004

Mark J. Ayotte
Briggs and Morgan, P.A.
2200 First National Bank Building
332 Minnesota Street
St. Paul, MN 55101

Don Negaard
Pringle & Herigstad, P.C.
P. O. Box 1000
Minot, ND 58702-1000

Re: Request for Court Reporter
Case Nos. PU-1226-03-597; PU-386-03-598; PU-897-03-599; PU-1225-03-600;
PU-338-03-601 and PU-494-03-602

Dear Mr. Ayotte and Mr. Negaard:

The hearing in the above cases has been scheduled for February 10, 2004, beginning at 8:30 a.m., in the Commission Hearing Room. The Commission will tape record the hearing. If parties would like a court reporter present at the hearing please notify the Commission in writing within ten days of receipt of this letter and our office will make the necessary arrangements.

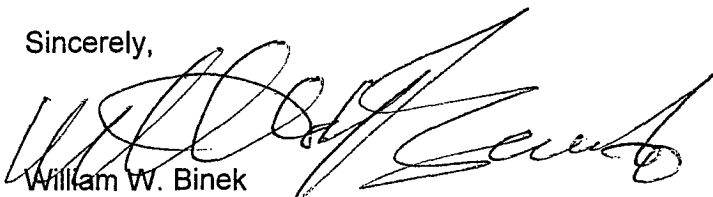
The Commission has a contract with the following court-reporting service:

Emineth & Associates
P. O. Box 2655
Bismarck, ND 58502-2655
Telephone: 701-255-3513
Fax: 701-255-6079

Parties will pay costs associated with the court-reporting service (i.e. appearance fee, transcript of hearing), and Emineth & Associates will bill for its services as directed by the parties.

If you have any questions, please contact us.

Sincerely,


William W. Binek
Hearing Administrator

19 PU-386-03-598

Pages: 1

Letter to parties re Court Reporter

by Public Service Commission

01/05/2004

CC: Comm Legal Illona Pat.



Public Service Commission
State of North Dakota

COMMISSIONERS

Tony Clark, President
Susan E. Wefald
Kevin Cramer

Executive Secretary
Jon H. Mielke

January 5, 2004

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

Mr. Allen C. Hoberg
Office of Administrative Hearings
1707 North 9th Street, Lower Level
Bismarck, ND 58501

Re:

Northwest Dakota Cellular of North Dakota Limited Partnership
North Central RSA 2 of North Dakota Limited Partnership
North Dakota RSA No. 3 Limited Partnership
Badlands Cellular of North Dakota Limited Partnership
North Dakota 5 – Kidder Limited Partnership
Bismarck MSA Limited Partnership
Designated Eligible Carrier
Applications

Case No. PU-1226-03-597
Case No. PU-386-03-598
Case No. PU-897-03-599
Case No. PU-1225-03-600
Case No. PU-338-03-601
Case No. PU-494-03-602


Dear Mr. Hoberg:

Enclosed is a request for an administrative law judge in the above cases. The Commission has scheduled a hearing for February 10, 2004, beginning at 8:30 a.m. (CST) in the Commission's Hearing Room, 12th Floor, State Capitol, Bismarck. The administrative law judge will serve as a procedural law judge, a court reporter may be present, and the hearing will be tape recorded. A copy of the case is enclosed.

Please provide the Commission with a copy of any filings issued by your office in this matter.

If you have any questions, please contact me. Thank you.

Sincerely,



William W. Binek
Hearing Administrator

/s/
Enclosure

C: Mark J. Ayotte
Don Negaard

18 PU-386-03-598

Pages 2

Request for ALJ

by Public Service Commission

01/05/2004

CC: Comm Legal Ilona Pat.



REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION
NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS
 SFN 17819 (Rev. 03-2001)

Name of Agency, Board, or Commission
 Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the hearing set for February 10, 2004, beginning at 8:30 a.m., in the Commission's hearing room, 12th floor, State Capitol; Case No. PU-1226-03-597 (et al) .

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in Title 49 _____ (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:
 Verizon Wireless seeks ETC designation for purposes of receiving federal universal service support for certain rural study areas & non-rural exchanges.

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY Public Service Commission	Address 600 E. Blvd. Ave., Bismarck, ND 58505-0480	Telephone Number 701-328-2400
Representation William W. Binek	Address Same as Above	Telephone Number 701-328-4088
PARTY Verizon Wireless	Address % Briggs & Morgan, PA - 2200 1st Nat. Bank Bldg.	Telephone Number 651-808-6561
Representation Mark J. Ayotte	Address 332 Minnesota St., St. Paul, MN 55101	Telephone Number Same as above
PARTY Rural Telephone Group	Address % Pringle & Herigstad, P.C.	Telephone Number 701-852-0381
Representation Don Negaard	Address Same as Above	Telephone Number Same as above

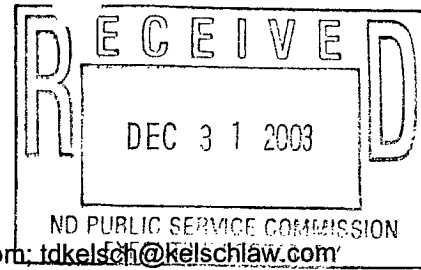
Additional Comments
 Hearing will be tape recorded and court reporter may be present.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person William W. Binek, Hearing Administrator	Date 1-5-04
Signature of Requesting Person X	Telephone Number 328-4088

Fahn, Patrick J.

From: Ayotte, Mark J. [MAyotte@Briggs.com]
Sent: Wednesday, December 31, 2003 2:25 PM
To: pjf@psc.state.nd.us
Cc: ijs@psc.state.nd.us; mark.r.smith@verizonwireless.com; tdkelsch@kelschlaw.com
Subject: VZW ETC Matters



Pat—I followed up with Illona regarding some of the discussions from the Informal Hearing. In particular, Commissioner Wefold wanted to make sure you and Illona had copies of the various rules and FCC Orders which were discussed at the hearing. As I recall, most of this related to the redefinition of the service area requirement and her questions on local usage. The key redefinition citations were contained in the Redefinition Overview memo which I had distributed before the filing. The local usage issues are addressed in 47 C.F.R. 54/101(a)(2) and the FCC's initial Universal Service Order at pars. 65-67. As you may recall from the WW proceeding, the FCC has not quantified any minimum amount of local usage for any ETC, but has initiated a separate rulemaking proceeding to address the issue. That is found at In the Matter of Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Further Notice of Proposed Rulemaking, FCC 98-278, par. 44-45 (rel. Oct. 26, 1998). Moreover, the FCC recently determined that unlimited local usage is not required by any federal ETC as a supported service. (Order and Order on Reconsideration (rel. July 14, 2003)).

On the topic of redefinition, I have compiled a listing and copies of approximately a dozen state commission and FCC decisions which have approved redefining the service area requirement for wireless carriers. If you are interested in seeing any of them, let me know. (In other words, don't spend a lot of time searching for other decisions since I should have most of them.)

Finally, if you have any specific questions or need any additional information on the subjects, please let me know. We have already compiled the research on these items. I am also continuing to dialogue with Don to see if we can reach a stipulated resolution, but the holidays have made it a bit more difficult. We are going to try to connect again next week. I'll keep you posted.

Mark J. Ayotte
Briggs and Morgan, P.A.
2200 First National Bank Building
332 Minnesota Street
Saint Paul, MN 55101
Telephone No. (651) 808-6561
Fax No. (651) 808-6450

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(<http://www.messagelabs.com>)

BRIGGS AND MORGAN

PROFESSIONAL ASSOCIATION

WRITER'S DIRECT DIAL

(651) 808-6561

WRITER'S E-MAIL

mayotte@briggs.com

October 9, 2003

REDEFINITION OVERVIEW

- **General requirement:** An applicant for designation as an additional ETC must demonstrate its ability and willingness to serve the incumbent ETC's entire "service area" to be designated in that area. 47 U.S.C. § 214(e).
- **Service Area:** A "service area" is defined as a geographic area established by a State commission for the purpose of determining universal service obligations and support mechanisms. 47 U.S.C. § 214(e)(5). In an area served by a non-rural telephone company, the service area is synonymous with each of its local exchange areas or wire centers. In areas served by a rural telephone company, the service area is the company's entire "study area," unless and until the FCC and State commission establish a different definition for that company.
- **Study Area:** A "study area" is generally considered to be all of the rural telephone company's existing, certificated exchange areas in a given State. *Universal Service Order* ¶ 172, n. 434.
- **The Redefinition Process:** The FCC and State commissions must act in concert to define a rural telephone company's service area as something other than its entire study area. 47 C.F.R. § 54.207(c)-(d)

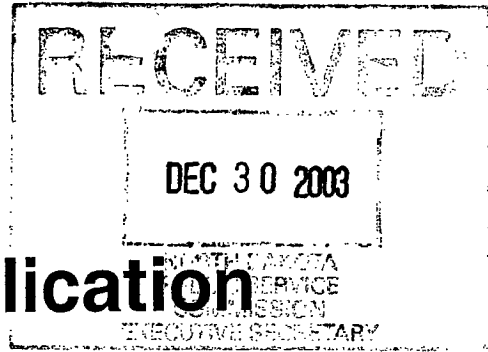
- **Joint-Board Factors:** 47 U.S.C. § 214(e)(5) and 47 C.F.R. § 54.207(b) require the FCC and State commission to each give full consideration to the prior recommendations of the Federal-State Joint Board on Universal Service (“Joint Board”) and provide a rationale for defining the rural telephone company’s service area as something other than the study area. These factors and a brief description are set forth below.

Sectors that must be considered by the PSC

- The risk that a competitive provider may try to target service to only low-cost, high-support areas of a rural telephone company’s study, a process known as “cream-skimming.” The FCC has now eliminated the risk of cream-skimming by permitting the rural incumbent ETCs to “disaggregate” (*i.e.*, target) their support to high-cost areas under 47 C.F.R. § 54.315.
- The effect on the rural telephone company’s regulatory status resulting from the redefinition. This factor concerns the protected status rural telephone companies enjoy under the Telecommunication Act of 1996 (the “Act”), including the exemption from the interconnection, unbundling, and resale requirements of 47 U.S.C. § 251(c). To date, no rural telephone company has identified any adverse regulatory effect as a result of redefinition.
- Additional administrative burdens resulting from redefinition. This factor concerns the additional administrative burdens to the rural telephone company that may result from redefinition. Specifically, the Joint Board expressed concern that rural telephone companies might have difficulty calculating costs on a less-than study area basis. Like the risk of cream-skimming, this concern was largely eliminated by the FCC’s interim funding mechanisms which allow rural telephone

companies to continue to calculating their support based on their embedded costs averaged over their entire study area. The redefinition of the service area for purposes of designating a competitive ETC does not affect the way in which the rural ETC calculates its embedded costs or the amount of per-line support it receives.

- **Redefinition Is Necessary To Promote Competition:** The FCC and other State commissions have recognized that redefinition of the study area service requirement is necessary to promote competition by removing artificial barriers to entry. With respect to wireless carriers in particular, the FCC has cautioned that requiring the carrier to serve the rural telephone company's entire study area as a prerequisite to ETC designation may impose an artificial barrier to entry and harm competition. *Universal Service Order* ¶ 190 (emphasis added). Simply stated, because a wireless carrier's FCC-licensed service area is often geographically different than the incumbent rural telephone company's study area, it may be impossible for the competitive carrier to be designated as a competitive ETC, unless the incumbent's service area is redefined to something less than its entire study area. Thus, large and non-contiguous study areas create a disincentive to competition. Conversely, smaller service areas promote competition and the profusion of universal services.



Affidavit of Publication

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 - Northwest -> Bismarck MSA, 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.

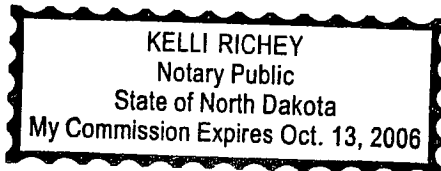
Signed: Colleen Park

State of ND

County of Burleigh

Subscribed and sworn to before me this 29th day of December 20 03.

Kelli Richey



- 16 PU-1226-03-597 Pages: 1
- ✓ 16 PU-386-03-598 Pages: 1
- 17 PU-897-03-599 Pages: 1
- 16 PU-1225-03-600 Pages: 1
- 16 PU-338-03-601 Pages: 1
- 16 PU-494-03-602 Pages: 1

Affidavit of Publication

by North Dakota Advertising Service, Inc.

12/30/2003

CC: Comm Legal Ilona Pat.



North Dakota Newspaper Associati

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

DEC 30 2003

INVOICE

NORTH DAKOTA
PUBLIC SERVICE
COMMISSION

Order 18521-03125PP1

Invoice # 29714

December 29, 2003

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

Advertiser: Public Service Commission

P.O.#:

Amount Due \$551.94

Amount Paid

Voice: 701-328-4076

Please detach and return this portion with your payment

Public Service Commission Invoice # 18521-03125PP1-29714

Table with columns: Ad Size, Rate Type, Rate, Total, Discount (%), Caption, Page, Run Date. Lists various newspapers and their advertising rates.

Summary table with columns: Gross Advertising, Agency Discount, Other Discount, Service Charge, Total Misc, Tax, Total Billed, Unbilled, Amount Paid, Adjustments, Payment Date, Balance Due.

- 16 PU-1226-03-597 Pages: 1
16 PU-1225-03-600 Pages: 1
16 PU-386-03-598 Pages: 1
16 PU-338-03-601 Pages: 1
17 PU-897-03-599 Pages: 1
16 PU-494-03-602 Pages: 1

Affidavit of Publication

by North Dakota Advertising Service, Inc.

12/30/2003

CC: Comm Legal Ilona Pat.

Affidavit of Publication

by North Dakota Advertising Service, Inc.

12/30/2003

CC: Comm Legal Ilona Pat.



LAW OFFICES OF

PRINGLE & HERIGSTAD, P.C.

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

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

OF COUNSEL
HERBERT L. MESCHKE

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

ROGER O. HERIGSTAD
(1919-2003)

December 26, 2003

Jon Mielke, Executive Secretary
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480

CASE NO. PU-1226-03-597
CASE NO. PU-1226-03-598
CASE NO. PU-1226-03-599
CASE NO. PU-1226-03-600
CASE NO. PU-1226-03-601
CASE NO. PU-1226-03-602

This letter is to advise you that Inter-Community Telephone Company, LLC, wishes to withdraw as a party from Case Nos. PU-1226-03-597 through 602, inclusive, the Verizon ETC matter.

Thank you for noting this in your records.


Don Negaard

jt

cc: Mark Ayotte, Briggs and Morgan, P.A.
Keith Andersen, Manager, Inter-Community Telephone Company, LLC

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northwest Dakota Cellular of North
Dakota Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-1226-03-597

**North Central RSA 2 of North Dakota
Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-386-03-598

**North Dakota RSA No. 3 Limited
Partnership
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Case No. PU-897-03-599

**Badlands Cellular of North Dakota
Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-1225-03-600

**North Dakota 5 – Kidder Limited
Partnership
Designated Eligible Carrier
Application**

Case No. PU-338-03-601

**Bismarck MSA Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-494-03-602

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL 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 **19th day of December, 2003**, she deposited in the United States Mail, Bismarck, North Dakota **three** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Notice of Hearing

14 **PU-386-03-598**

Pages: 17

Affidavits of Service

by Public Service Commission

12/19/2003

CC: Comm Legal Ilona Pat .

The envelopes were addressed as follows:

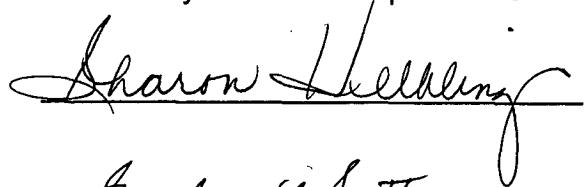
Diana Stevens
Northwest Dakota Cellular of North Dakota
Limited Partnership
1 Verizon Place
Mail Code – GA1A2FRP
Alpharetta GA 30004
Cert. No. 7003 1680 0004 9646 3603

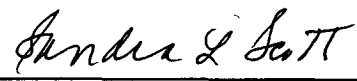
Mark J Ayotte
Briggs and Morgan PA
2200 First National Bank Bldg
332 Minnesota St
St Paul MN 55101
Cert. No. 7003 1680 0004 9646 3610

Thomas D Kelsch
P O Box 1266
Mandan ND 58554-1266
Cert. No. 7003 1680 0004 9646 3627

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

Subscribed and sworn to before me
this **19th day of December, 2003.**





Notary Public

SEAL



**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Northwest Dakota Cellular of North
Dakota Limited Partnership
Designated Eligible Carrier
Application** **Case No. PU-1226-03-597**

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

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

**Badlands Cellular of North Dakota
Limited Partnership
Designated Eligible Carrier
Application** **Case No. PU-1225-03-600**

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

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

AFFIDAVIT OF SERVICE BY ORDINARY MAIL OR E-MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

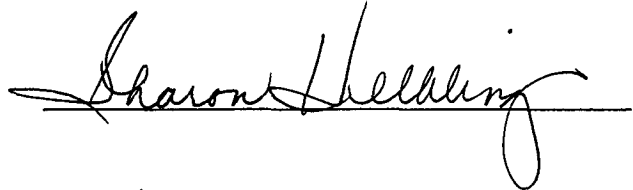
she is over the age of 18 years and not a party to this action and, on the **19th day of December, 2003**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, and/or e-mailed a copy of:

Notice of Hearing

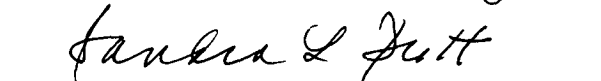
To:

See Attached List

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



Subscribed and sworn to before me
this **19th day of December, 2003**.


Notary Public

SEAL

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

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Gene DeJordy
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Helbling, Sharon D.

From: Helbling, Sharon D.
Sent: Thursday, December 18, 2003 3:48 PM
To: ndna (E-mail)
Subject: Attached Notice of Hearing

**Colleen Park
North Dakota Newspaper Association**

Colleen:

Please have the attached Notice of Hearing published as a legal publication in the ten North Dakota daily newspapers, and run it as a "News Item Only" article as well.

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

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

Thank you.

**Sharon Helbling
Public Utilities Division**

13 PU-386-03-598

Pages: 1

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

12/18/2003

12/18/2003

CC: Comm Legal Ilona Pat .

MOTION

December 18, 2003

APPROVED

DATE: 12-18-03
KMP

**Northwest Dakota Cellular of North
Dakota Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-1226-03-597

**North Central RSA 2 of North Dakota
Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-386-03-598

**North Dakota RSA No. 3 Limited
Partnership
Designated Eligible Carrier
Application**

Case No. PU-897-03-599

**Badlands Cellular of North Dakota
Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-1225-03-600

**North Dakota 5 – Kidder Limited
Partnership
Designated Eligible Carrier
Application**

Case No. PU-338-03-601

**Bismarck MSA Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-494-03-602

I move the Commission issue a Notice of Hearing in the above captioned applications for eligible carrier designation.

PJF/sdh

APPROVED

STATE OF NORTH DAKOTA

DATE: 12-18-03
KMF

PUBLIC SERVICE COMMISSION

**Northwest Dakota Cellular of North
Dakota Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-1226-03-597

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**North Dakota 5 – Kidder Limited
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Designated Eligible Carrier
Application**

Case No. PU-338-03-601

**Bismarck MSA Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-494-03-602

NOTICE OF HEARING

December 18, 2003

On October 15, 2003, applications for designation as an Eligible Telecommunications Carriers (ETC) were filed by: North Central RSA 2 of North Dakota Limited Partnership d/b/a Verizon Wireless; Badlands Cellular of North Dakota Limited Partnership d/b/a Verizon Wireless; North Dakota RSA 3 Limited Partnership d/b/a Verizon Wireless; Bismarck MSA Limited Partnership d/b/a Verizon Wireless; North Dakota 5 - Kidder Limited Partnership d/b/a Verizon Wireless; and Northwest Dakota Cellular of North Dakota Limited Partnership d/b/a Verizon Wireless (individually and collectively "Verizon Wireless"). Verizon Wireless seeks ETC designation for purposes of receiving federal universal service support for certain rural study areas and non-rural




exchanges. For certain rural telephone company study areas not wholly within each applicant's FCC licensed service area, Verizon Wireless seeks redefinition of those areas to the wire center level and, where necessary, to the partial wire center level. Verizon Wireless proposes to provide universal services using its own wireless communications service facilities pursuant to 47 U.S.C. §214(e) and the FCC's regulations.

A **public hearing** on this matter will be held beginning **February 10, 2004 at 8:30 a.m. CST** in the Commission hearing room, State Capitol, 12th Floor, Bismarck, North Dakota 58505. Issues to be considered in this matter include:

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.

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. Weisald Commissioner	Tony Clark President	Kevin Cramer Commissioner

Optional Services

Night & Weekend Minutes

Add 1000 night & weekend home airtime minutes to your Calling Plan for an extra \$10 monthly access. *Not available with Night & Weekend promotional offer.*

Night hours: 9:01 PM – 5:59 AM Monday – Friday.
Weekend hours: 12:00 AM Saturday – 11:59 PM Sunday.

National Mobile to Mobile†

Add national mobile to mobile minutes to your Calling Plan to make and receive calls to and from other Verizon Wireless customers throughout the National Mobile to Mobile Rate and Coverage Area. *Not available with National Mobile to Mobile promotional offer.*

1000 minutes \$10 monthly access
5000 minutes \$25 monthly access

Get It Now^{SM†A5}

Send and receive TXT Messages, and download tones, pix and other cool stuff from your wireless phone.

Mobile Web^{†A4}

Read and send e-mail, exchange instant messages and view the latest Web content, such as news, weather, sports and much more.

Voice Gear: Voice Dialing, Voice Browsing & Voice E-mail^{†A4}

Voice Dialing: Simply say a name or number to make calls. *Voice Browsing:* Access helpful, up-to-date information on your phone, such as flight tracker, headline news, horoscopes and more. *Voice E-mail:* Listen to your personal e-mail on your phone.

Extended Warranty^{†A}

Replacement coverage for defective phones.

Wireless Phone Protection^{†A}

Insurance coverage for your wireless phone and certain accessories. Insurance offered by third-party providers.

Total Equipment Coverage^{†A}

Combined Extended Warranty and Wireless Phone Protection for one low monthly fee. Insurance offered by third-party providers.

Roadside Assistance^{†A}

Emergency help when and where you need it, 24 hours a day. Service offered by third-party providers.

Detailed Billing

Lists all home airtime calls. \$1.99 per month per wireless number.

Enhanced Voice Mail^{†A1}

Valuable extras including extended message lengths and retention periods and a higher-capacity mailbox. \$5.99 monthly access.

Included Features

Basic Voice Mail with Message Waiting Indicator^{†A1}

Takes a caller's message when you can't answer the phone. Indicates that you have a message waiting.

TXT Messaging^{†A3}

Fun, easy way to stay in touch. 2c for messages received and 10c for messages sent. Bundle plans also available.

Picture Messaging^{SM†A4}

Send and receive picture messages for 25c per message. Only available on camera phones. Bundle plans also available.

411 Connect^{SM†A2}

Directory assistance with automatic call completion. \$1.25 per call plus airtime charges.

Caller ID[†]

See caller's phone number before you take the call.

Call Waiting^{†3}

Take another call while you're already on the line.

3-Way Calling^{†3}

Talk with two people at the same time.

Call Forwarding^{†3}

Forward your calls to another number.

No Answer/Busy Transfer^{†3}

Transfer unanswered or busy calls to another number.

10 Pass technology. Get a free phone
two years on plans of at least \$34.99
new two-year agreement required.

10 E-mail Updates
Best promotions, products and news
ess, register at vzw-e-values.com.

10 require digital service and specific equipment.
areas.
y SharePlan additional lines.
for details.
to message retrievals from your wireless
is not initialized within 45 days of feature
pled.
id, home airtime charges and taxes will apply.
Connect may vary when on the Extended
ming (as shown on your phone's display).
to all simultaneous calls and to forwarded/
you send the call to wireline telephones.

10 be fees apply.

10 tional Mobile to Mobile
obile minutes are depleted, calling plan rates
obile requires that Caller ID be present on each
national mobile to mobile will apply to outgoing
mobile minutes do not apply to calls received
it. National mobile to mobile is not available to
exchange restricts the delivery of Caller ID or
with usage substantially from a single cell site.

Pamphlets re Verizon's America's Choice
and Local Digital Choice calling plans
by North Central RSA 2 of ND Limited Partnership
12/16/2003
CC: Corinn Legal Illinois Pat

10 PU-386-03-598

Pages: 2

Important Information

For more information, refer to the Customer Agreement or speak with a sales representative.

Service is subject to the Customer Agreement, which you should read before activating service. Credit approval required. Billing, shipping and end-user address must be within the Verizon Wireless licensed and service areas where the wireless phone number is issued.

Failure to program your phone in accordance with the directions included with your phone may cause the roaming indicator to display inaccurately. Pressing *228 SEND periodically will allow you to receive the current preferred roaming list. In some rare instances, this may alter your Calling Plan Home Airtime Rate and Coverage Area. The accuracy of the roaming indicator on your phone cannot be guaranteed. Automatic roaming may not be available in all areas. Charges for calls will be based on the cell sites used and time of day shown on your phone at start of call. Rates do not apply to credit card or operator-assisted calls, which may be required in certain areas. Even in areas depicted as your Home Airtime Rate and Coverage Area, there may be instances when you are roaming and you will incur roaming charges. Usage rounded up to next full minute. Unused allowance minutes lost. Charges for calls start when you press "SEND" or the call connects to the system. Charges stop when your call disconnects from the system, which may be a few seconds after you press "END" or the call is otherwise terminated. On incoming calls, charges begin when the call connects to the system, which may be before the phone rings or before you answer it. If a device such as an answering machine or fax machine "answers" the incoming call automatically, the call may be considered completed and billable. Calls to 800, 855, 866, 877, 888 and other "toll-free" numbers are toll-free; however, you will be billed airtime. Billing for certain home and/or roaming calls and related charges may be delayed to a later bill. Depending on your Calling Plan, these calls may be applied against your airtime allowance in the month they are billed rather than the month you made or received the call.

Family SharePlan

Minimum of two lines required. Only one line is the primary line. All lines must be activated on the same billing account. Monthly home airtime allowance minutes apply to the primary line first at the end of the billing cycle. If there are allowance minutes remaining, they will be applied to the additional line(s) with the highest usage.

How Minutes Are Depleted

If your Calling Plan includes unlimited and limited allowance minutes, the unlimited allowance minutes will deplete first. If your Calling Plan includes limited mobile to mobile and limited night and weekend options, airtime minutes will deplete in the following order for a mobile to mobile call during night and weekend hours: 1) mobile to mobile, 2) night and weekend and 3) anytime allowance.

Internet Access

Use of Mobile Office Kits, PC Cards, PDAs or other wireless modem devices for Internet access requires subscription to select NationalAccess plans.

Verizon Wireless calling plans, rate and coverage areas, rates, agreement provisions, business practices, procedures and policies are subject to change as specified in the Customer Agreement.

Verizon Wireless
has been awarded

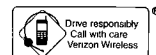


See website for details



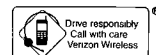
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We never stop working for you.®

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verizonwireless.com



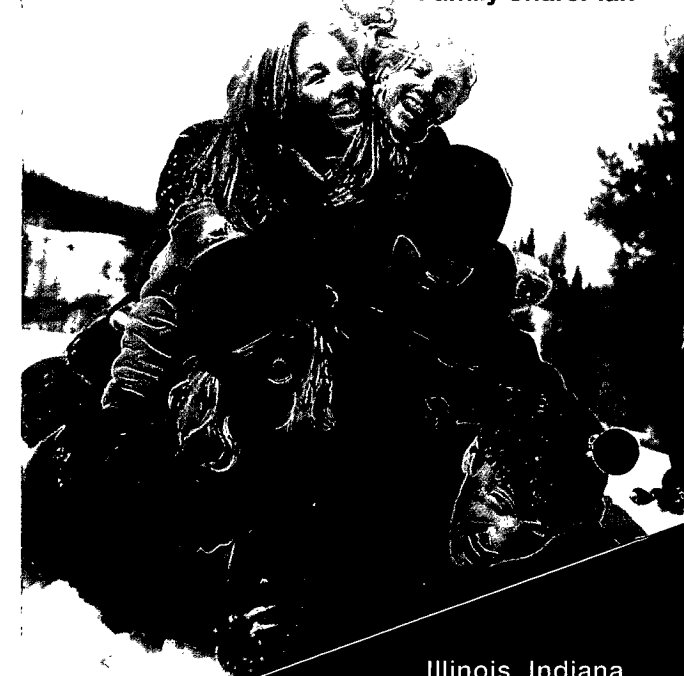
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Reorder # 7964N11/03

Verizon Wireless
America's ChoiceSM
Calling Plans

UNLIMITED
Family Calling

AND
UNLIMITED

Night & Weekend Shared Airtime Minutes
with the America's ChoiceSM Family SharePlan[®]



Illinois, Indiana,
Iowa, Kansas, Kentucky,
Minnesota, Missouri, Omaha NE,
North Dakota, South Dakota & Wisconsin

✓ **verizon**wireless
We never stop working for you.®

America's ChoiceSM Family SharePlan[®]

Sign up now and get:

UNLIMITED Family Calling

— AND —

UNLIMITED Night & Weekend Shared Airtime Minutes

Activate an America's Choice Calling Plan of \$39.99 monthly access or more and add up to three additional lines for \$20 monthly access per line and get:

- Unlimited Family Calling between Family SharePlan lines on the same billing account

— OR —

1000 shared National Mobile to Mobile Minutes for calls to or from any of our 32.5 million Verizon Wireless customers, within the National Mobile to Mobile Rate and Coverage Area.

- All lines on the account share Monthly Home Airtime Allowance Minutes, including Bonus Minutes, and Unlimited Night & Weekend Minutes.

- Individual numbers for each phone, with one account and one monthly bill.

**Share the minutes. Share the value.
Sign up today!**

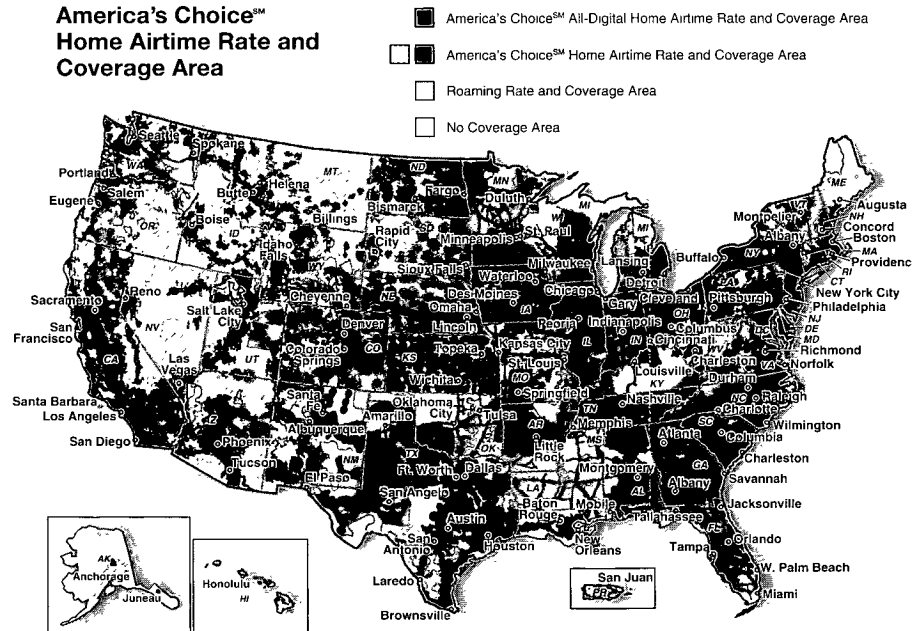
Sign up now for any America's Choice Calling Plan starting at \$39.99 monthly access or more and get:

- UNLIMITED Night & Weekend Minutes
- 1000 National Mobile to Mobile Minutes for calls to or from any of our 32.5 million Verizon Wireless customers, within the National Mobile to Mobile Rate and Coverage Area.
- Bonus Monthly Home Airtime Allowance Minutes on calling plans \$59.99 or more (varies by calling plan)

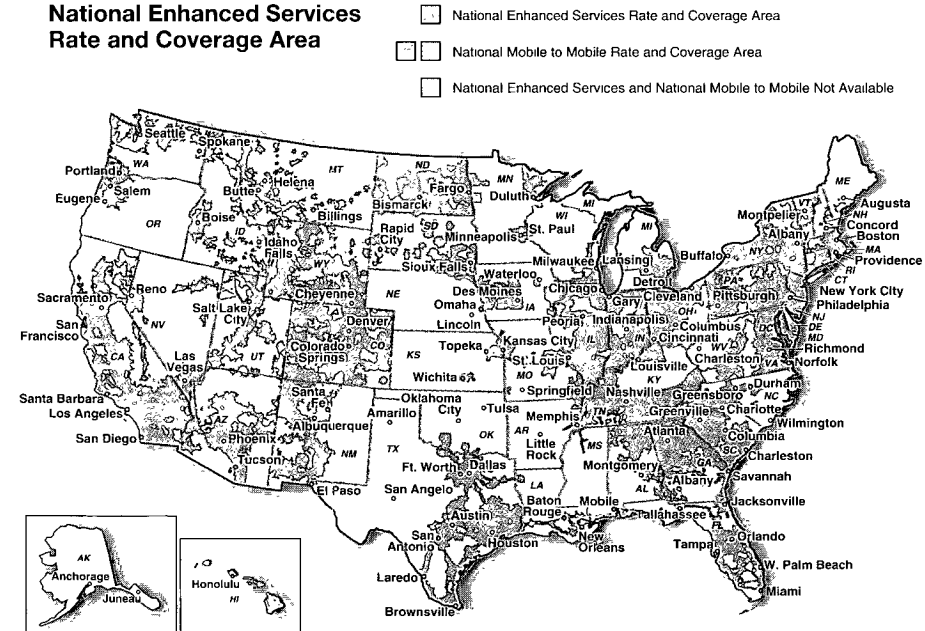
Limited Time Promotional Offers.

America's Choice SM Calling Plans								Family SharePlan [®]
Monthly Access	\$39.99	\$49.99	\$59.99	\$79.99	\$99.99	\$149.99	\$199.99	\$20 per additional line
Monthly Home Airtime Allowance Minutes	400	500	800 (700 plus 100 bonus)	1100 (1000 plus 100 bonus)	1500 (1300 plus 200 bonus)	2400 (2200 plus 200 bonus)	3400 (3200 plus 200 bonus)	Share the allowance minutes
National Mobile to Mobile Minutes	1000	1000	1000	1000	1000	1000	1000	Unlimited Family Calling OR Share 1000 minutes
Night & Weekend Airtime Minutes	UNLIMITED							
Nationwide Long Distance	INCLUDED							
Home Airtime Per-Minute Rate After Allowance	45¢	40¢	40¢	35¢	25¢	25¢	20¢	45¢ for additional line(s)
<ul style="list-style-type: none"> • Domestic long distance is included from your America's Choice Home Airtime Rate and Coverage Area (airtime charges apply). • Domestic roaming is 69¢ per minute (includes domestic long distance charges). 								
<p>411 Connect is \$1.25 per call plus airtime. One- or two-year agreement required per line. \$35 activation fee per line on one-year agreements. \$175 early termination fee applies per line. To get home airtime rates, calls must be placed within designated Home Airtime Rate and Coverage Area and on a preferred carrier as defined by the preferred roaming list. Taxes, surcharges and fees apply and may vary. Federal Universal Service Charge of 1.90%, as of October 1, 2003 (which varies quarterly based on FCC rate), and a 5c Regulatory Charge per line/month are our charges, not taxes. Toll and other fees, such as E911 and gross receipt charges (which vary by market), apply in addition to airtime and monthly access. Long distance and roaming rates for international calls (where available) will vary. Requires a CDMA tri-mode or All-Digital phone with specific software and preferred roaming list as programmed by Verizon Wireless. Digital service, features and promotions are not available in all areas, may not follow you across the entire America's Choice Home Airtime Rate and Coverage Area and may be limited to the Verizon Wireless digital network. Plans are not available in all areas. Night hours: 9:01 PM – 5:59 AM Monday – Friday. Weekend hours: 12:00 AM Saturday – 11:59 PM Sunday.</p>								

America's ChoiceSM Home Airtime Rate and Coverage Area



National Enhanced Services Rate and Coverage Area



Important Map Information: These maps are not a guarantee of coverage and contain areas with no service. These maps are a general prediction of where rates, outdoor coverage and enhanced services apply, based on our internal data. Wireless service is subject to limitations, particularly near boundaries and in remote areas. Customer equipment, cell site availability, topography and other environmental considerations also affect service, which may vary significantly within buildings. Service outside the Verizon Wireless network, although depicted as America's Choice, is based on information from other carriers or publicly available information, and we cannot ensure its accuracy. With "All-Digital" devices, you can make and receive calls only when digital service is available in the America's Choice Home Airtime Rate and Coverage Area and when digital service is available while roaming. When digital service is not available, your device will not operate or be able to make 911 calls. Check your roaming indicator to determine where rates apply. National mobile to mobile and other features are not available throughout the America's Choice Home Airtime Rate and Coverage Area. **National Enhanced Services Rate and Coverage Area:** When the roaming indicator is off, your national mobile to mobile minutes apply. When the roaming indicator is on or flashing, your national mobile to mobile minutes do not apply. Although your roaming indicator is off, your national mobile to mobile minutes may not apply in certain counties in Iowa, Kentucky, Ohio and West Virginia.

Update Your Phone's Software

Update your phone's software every three months. To update, simply press *228 SEND (toll- and airtime-free) and press 2 while in the National Enhanced Services Rate and Coverage Area. The call, which usually takes less than a minute, will disconnect automatically once completed.

Roaming Indicator

When your phone's roaming indicator is not displayed or the banner displays "Verizon Wireless," your home airtime rates apply. When the digital indicator is also on, digital features and services are available. When the roaming indicator is flashing or the banner displays "Extended Network," America's ChoiceSM home airtime rates still apply but other additional features and services may not be available. When the roaming indicator is solid or the banner displays "Roaming," roaming rates apply and other additional features and services may not be available. Roaming indicators vary by phone model.

Optional Services

Night & Weekend Minutes

Add 1000 night & weekend home airtime minutes to your Calling Plan for an extra \$10 monthly access. *Not available with Night & Weekend promotional offer.*

Night hours: 9:01 PM – 5:59 AM Monday – Friday.

Weekend hours: 12:00 AM Saturday – 11:59 PM Sunday.

Local Mobile to Mobile†

Add local mobile to mobile minutes to your Calling Plan to make and receive calls to and from other local Verizon Wireless customers throughout your Local Mobile to Mobile Airtime Rate and Coverage Area. *Not available with Local Mobile to Mobile promotional offer.*

.1000 minutes \$10 monthly access

5000 minutes \$15 monthly access

Get It Now^{SM†A5}

Send and receive TXT Messages and download tones, pix and other cool stuff from your wireless phone.

Mobile Web^{†A4}

Read and send e-mail, exchange instant messages and view the latest Web content, such as news, weather, sports and much more.

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Voice Dialing: Simply say a name or number to make calls. *Voice Browsing:* Access helpful, up-to-date information on your phone, such as flight tracker, headline news, horoscopes and more. *Voice E-mail:* Listen to your personal e-mail on your phone.

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Replacement coverage for defective phones.

Wireless Phone Protection^{†A}

Insurance coverage for your wireless phone and certain accessories. Insurance offered by third-party providers.

Total Equipment Coverage^{†A}

Combined Extended Warranty and Wireless Phone Protection for one low monthly fee. Insurance offered by third-party providers.

Roadside Assistance^{†A}

Emergency help when and where you need it, 24 hours a day. Service offered by third-party providers.

Detailed Billing

Lists all home airtime calls. \$1.99 per month per wireless number.

Enhanced Voice Mail^{†A1}

Valuable extras including extended message lengths and retention periods and a higher-capacity mailbox. \$5.99 monthly access.

Included Features

Basic Voice Mail with Message Waiting Indicator^{†A1}

Takes a caller's message when you can't answer the phone. Indicates that you have a message waiting.

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Fun, easy way to stay in touch. 2¢ for messages received and 10¢ for messages sent. Bundle plans also available.

Picture Messaging^{SM†A4}

Send and receive picture messages for 25¢ per message. Only available on camera phones. Bundle plans also available.

411 Connect^{SM†A2}

Directory assistance with automatic call completion. \$1.25 per call plus airtime charges.

Caller ID[†]

See caller's phone number before you take the call.

Call Waiting^{†3}

Take another call while you're already on the line.

3-Way Calling^{†3}

Talk with two people at the same time.

Call Forwarding^{†3}

Forward your calls to another number.

No Answer/Busy Transfer^{†3}

Transfer unanswered or busy calls to another number.

New Every Two^{SM††}

Keep up with wireless technology. Get a free phone (up to \$100) every two years on plans of at least \$34.99 monthly access. New two-year agreement required.

Services and Features may require digital service and specific equipment.

† Not available in some areas.

†† Not available on Family SharePlan additional lines.

Δ See product brochure for details.

1 Airtime charges apply to message retrievals from your wireless phone. Voice mailboxes not initialized within 45 days of feature activation will be canceled.

2 When a call is connected, home airtime charges and taxes will apply. Per-call charge for 411 Connect may vary when on the Extended Network and while roaming (as shown on your phone's display).

3 Airtime charges apply to all simultaneous calls and to forwarded/transferred calls even if you send the call to wireline telephones.

4 Airtime charges apply.

5 Airtime and other service fees apply.

Important Information: Local Mobile to Mobile

Local mobile to mobile minutes apply to calls made between Verizon Wireless subscribers with Verizon Wireless numbers activated within the same Local Mobile to Mobile Airtime Rate and Coverage Area. All parties must be within the designated Local Mobile to Mobile Airtime Rate and Coverage Area and on the Verizon Wireless network at the time the call originates. When local mobile to mobile minutes are depleted, calling plan rates apply. Local mobile to mobile requires that Caller ID be present on each line. If Caller ID is not present, local mobile to mobile will apply to outgoing calls only. Local mobile to mobile minutes do not apply to calls received when Caller ID is not present. Local mobile to mobile is not available to customers whose wireless exchange restricts the delivery of Caller ID or with fixed wireless devices with usage substantially from a single cell site.

a sales representative.

Service is subject to the Customer Agreement, which you should read before activating service. Credit approval required. Billing, shipping and end-user address must be within the Verizon Wireless licensed and service areas where the wireless phone number is issued.

Failure to program your phone in accordance with the directions included with your phone may cause the roaming indicator to display inaccurately. Pressing *228 SEND periodically will allow you to receive the current preferred roaming list. In some rare instances, this may alter your Calling Plan Home Airtime Rate and Coverage Area. The accuracy of the roaming indicator on your phone cannot be guaranteed. Automatic roaming may not be available in all areas. Charges for calls will be based on the cell sites used and time of day shown on your phone at start of call. Rates do not apply to credit card or operator-assisted calls, which may be required in certain areas. Even in areas depicted as your Home Airtime Rate and Coverage Area, there may be instances when you are roaming and you will incur roaming or long distance and toll charges. For Local DigitalChoice Calling Plans, long distance or toll charges may still apply inside your Home Airtime Rate and Coverage Area. Usage rounded up to next full minute. Unused allowance minutes lost. Charges for calls start when you press "SEND" or the call connects to the system. Charges stop when your call disconnects from the system, which may be a few seconds after you press "END" or the call is otherwise terminated. On incoming calls, charges begin when the call connects to the system, which may be before the phone rings or before you answer it. If a device such as an answering machine or fax machine "answers" the incoming call automatically, the call may be considered completed and billable. Calls to 800, 855, 866, 877, 888 and other "toll-free" numbers are toll-free; however, you will be billed airtime. Billing for certain home and/or roaming calls and related charges may be delayed to a later bill. Depending on your Calling Plan, these calls may be applied against your airtime allowance in the month they are billed rather than the month you made or received the call.

Family SharePlan

Minimum of two lines required. Only one line is the primary line. All lines must be activated on the same billing account. Monthly home airtime allowance minutes apply to the primary line first at the end of the billing cycle. If there are allowance minutes remaining, they will be applied to the additional line(s) with the highest usage.

How Minutes Are Depleted

If your Calling Plan includes unlimited and limited allowance minutes, the unlimited allowance minutes will deplete first. If your Calling Plan includes limited mobile to mobile and limited night and weekend options, airtime minutes will deplete in the following order for a mobile to mobile call during night and weekend hours: 1) mobile to mobile, 2) night and weekend and 3) anytime allowance.

Internet Access

Use of Mobile Office Kits, PC Cards, PDAs or other wireless modem devices for Internet access requires subscription to select NationalAccess plans.

Verizon Wireless calling plans, rate and coverage areas, rates, agreement provisions, business practices, procedures and policies are subject to change as specified in the Customer Agreement.

Verizon Wireless
has been awarded



See website for details



CON76144

GP-12K

verizonwireless

We never stop working for you.®

1.800.2 JOIN IN
verizonwireless.com



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Reorder # 7968N11/03

Local DigitalChoice Calling Plans

UNLIMITED

Family Calling

AND

UNLIMITED

Night & Weekend Shared Airtime Minutes
with the Local DigitalChoice® Family SharePlan®



Minnesota, North Dakota
& South Dakota

verizonwireless

We never stop working for you.®

**Local DigitalChoice®
Family SharePlan®**

Sign up now and get:

**UNLIMITED
Family Calling
AND
UNLIMITED**

Night & Weekend Shared Airtime Minutes

Activate a Local DigitalChoice Calling Plan of \$49.99 monthly access or more and add up to three additional lines for \$20 monthly access per line and get:

- Unlimited Family Calling between Family SharePlan lines on the same billing account
- OR —
- 1000 shared Local Mobile to Mobile Minutes for calls to or from other local Verizon Wireless customers, within the Local Mobile to Mobile Airtime Rate and Coverage Area.
- All lines on the account share Monthly Home Airtime Allowance Minutes, including Bonus Minutes, and Unlimited Night & Weekend Minutes.
- Individual numbers for each phone, with one account and one monthly bill.

**Share the minutes. Share the value.
Sign up today!**

Sign up now for any Local DigitalChoice Calling Plan starting at \$39.99 monthly access or more and get:

- UNLIMITED Night & Weekend Minutes
- 1000 Local Mobile to Mobile Minutes for calls to or from other local Verizon Wireless customers, within the Local Mobile to Mobile Airtime Rate and Coverage Area.
- Bonus Monthly Home Airtime Allowance Minutes on calling plans \$59.99 or more (varies by calling plan)

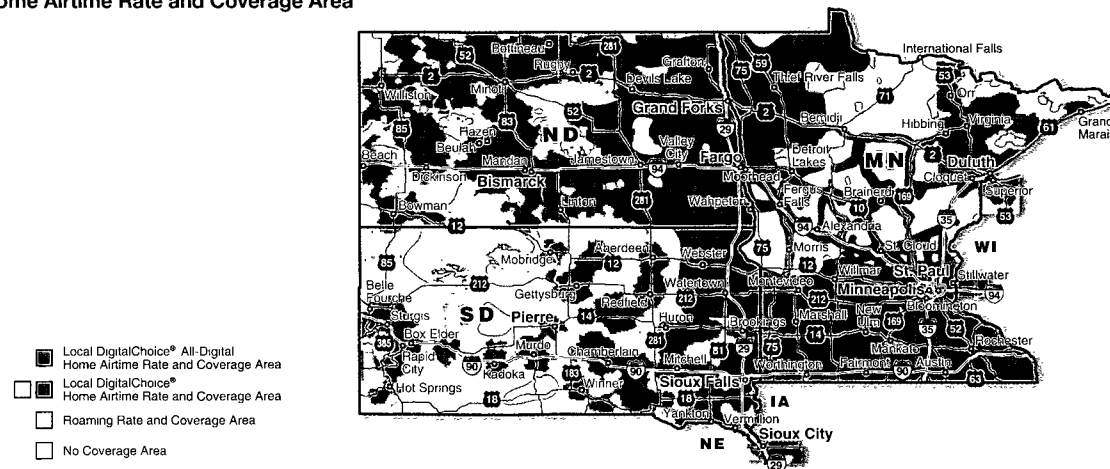
Limited Time Promotional Offers.

Local DigitalChoice® Calling Plans						Family SharePlan®
			Great Value			
Monthly Access	\$39.99	\$49.99	\$59.99	\$79.99	\$99.99	\$20 per additional line
Monthly Home Airtime Allowance Minutes	500	600	1000 (800 plus 200 bonus)	1300 (1100 plus 200 bonus)	1700 (1400 plus 300 bonus)	Share the allowance minutes
Local Mobile to Mobile Minutes	1000	1000	1000	1000	1000	Unlimited Family Calling OR Share 1000 minutes
Night & Weekend Airtime Minutes	UNLIMITED					
Nationwide Long Distance	INCLUDED					
Home Airtime Per-Minute Rate After Allowance	45¢	40¢	40¢	35¢	25¢	45¢ for additional line(s)

• Domestic long distance is included from your Home Airtime Rate and Coverage Area (airtime charges apply).
 • Domestic roaming is 69¢ per minute (includes domestic long distance charges).

411 Connect is \$1.25 per call plus airtime. One- or two-year agreement required per line. \$35 activation fee per line on one-year agreements. \$175 early termination fee applies per line. To get home airtime rates, calls must be placed within designated Home Airtime Rate and Coverage Area and on a preferred carrier as defined by the preferred roaming list. **Taxes, surcharges and fees apply and may vary. Federal Universal Service Charge of 1.90%, as of October 1, 2003 (which varies quarterly based on FCC rate), and a 5¢ Regulatory Charge per line/month are our charges, not taxes. Toll and other fees, such as E911 and gross receipt charges (which vary by market), apply in addition to airtime and monthly access.** Long distance and roaming rates for international calls (where available) will vary. Requires a CDMA tri-mode or All-Digital phone with specific software and preferred roaming list as programmed by Verizon Wireless. Digital service, features and promotions are not available in all areas, may not follow you across the entire Local DigitalChoice Home Airtime Rate and Coverage Area and may be limited to the Verizon Wireless digital network. Plans are not available in all areas. **Night hours: 9:01 PM–5:59 AM Monday–Friday. Weekend hours: 12:00 AM Saturday–11:59 PM Sunday.**

**Local DigitalChoice®
Home Airtime Rate and Coverage Area**



Important Map Information: These maps are not a guarantee of coverage and contain areas with no service. These maps are a general prediction of where rates and outdoor coverage apply, based on our internal data. Wireless service is subject to limitations, particularly near boundaries and in remote areas. Customer equipment, cell site availability, topography and other environmental considerations also affect service, which may vary significantly within buildings. Service outside the Verizon Wireless network, although depicted as Local DigitalChoice, is based on information from other carriers or publicly available information, and we cannot ensure its accuracy. With "All-Digital" devices, you can make and receive calls only when digital service is available in the Local DigitalChoice Home Airtime Rate and Coverage Area and when digital service is available while roaming. When digital service is not available, your device will not operate or be able to make 911 calls. Check your roaming indicator to determine where rates apply. Local mobile to mobile and other features are not available throughout the Local DigitalChoice Home Airtime Rate and Coverage Area.

Register Now For E-mail Updates

For e-mail on the latest promotions, products and news from Verizon Wireless, register at vzw-e-values.com.

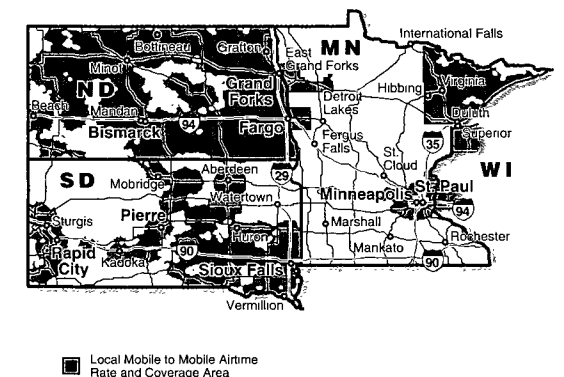
Update Your Phone's Software

Update your phone's software every three months. To update, simply press *228 SEND (toll- and airtime-free) and press 2 while on the Verizon Wireless digital network. The call, which usually takes less than a minute, will disconnect automatically once completed.

Roaming Indicator

When your phone's roaming indicator is not displayed or the banner displays "Verizon Wireless," your home airtime rates apply. When the digital indicator is also on, digital features and services are available. When the roaming indicator is flashing or the banner displays "Extended Network," your home airtime rates still apply but other additional features and services may not be available. When the roaming indicator is solid or the banner displays "Roaming," roaming rates apply and other additional features and services may not be available. Roaming indicators vary by phone model.

Local Mobile to Mobile Airtime Rate and Coverage Area



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

DEC 17 2003

NORTH DAKOTA
PUBLIC SERVICE
COMMISSION
EXECUTIVE SECRETARY

Case No. PU-386-03-598

In the Matter of North Central RSA 2 of)
North Dakota Limited Partnership)
d/b/a Verizon Wireless)
Petition for Designation as an)
Eligible Telecommunications Carrier)

**AFFIDAVIT OF MARK R. SMITH IN SUPPORT OF
PETITION FOR REDEFINITION OF RURAL TELEPHONE COMPANY
SERVICE AREA REQUIREMENT**

I, Mark R. Smith, being first duly sworn on oath, state:

1. I am over eighteen years of age and competent to make this affidavit.
2. I serve as Director – Financial Reporting and Partnership Relations for North Central RSA 2 of North Dakota Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless").
3. Verizon Wireless filed with the North Dakota Public Service Commission (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 with the wire center boundaries of each local exchange carrier. Copies of **Exhibit A** and **Exhibit B** to the Application are attached hereto and incorporated by reference.
4. I have responsibility for the filing and management of applications for eligible telecommunications carrier ("ETC") designation in several jurisdictions. In that capacity, I have knowledge about the products and services offered by Verizon Wireless, as well as its network and business operations. I am also knowledgeable about federal and North Dakota law governing designation of ETCs.
5. This Affidavit is submitted in support of Verizon Wireless' Application, specifically the request for redefinition of the service area requirement as to certain rural telephone companies set forth in **Exhibit A** to the Application. Accompanying this Affidavit is a separate affidavit demonstrating Verizon Wireless' satisfaction of all federal ETC designation requirements. The statements contained herein are true and correct and within my personal knowledge.
6. In North Dakota, Verizon Wireless currently serves areas also served by seven rural telephone companies, namely, Turtle Mountain Communications ("Turtle Mountain"), SRT Communications, Inc. ("SRT Communications"), United Telephone Mutual Aid Corporation

9 PU-386-03-598 Pages: 10

Affidavit of Mark R. Smith in Support of
Petition for Redefinition of R.T.C. Service
by North Central RSA 2 of ND Limited Partnership

12/17/2003

CC: Comm Legal Iliona Pat

("United Telephone"), North Dakota Telephone Company ("North Dakota Telephone"), York Telephone Company ("York Telephone"), Polar Telecommunications, Inc. ("Polar Telecom"), and Polar Communications Mutual Aid Corporation ("Polar Communications").

7. For areas served by a rural telephone company, Section 214(e)(5) of the federal Telecommunications Act of 1996 (the "Act") provides that the ETC's designated service area must be that rural telephone company's study area. A rural telephone company's "study area" is generally defined as all of the company's existing certificated exchange areas in a given State.

8. Verizon Wireless serves the entire study area of Turtle Mountain and thus satisfies Section 214(e)(5) as to the areas served by that telephone company.

9. But the respective study areas of SRT Communications, United Telephone, North Dakota Telephone, York Telephone, Polar Telecom, and Polar Communications do not correspond with Verizon Wireless' CMRS licensed area or existing signal coverage area. Thus, it is necessary in this proceeding for the Commission to redefine the service area requirement for these companies from the study area to the wire center level, 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). To the extent that Verizon Wireless' service area does not cover the entirety of a rural telephone company's wire center, the Commission must further redefine the requirement to the partial wire center level.

10. The Act and the FCC's regulations authorize the FCC and the Commission to act in concert to develop an alternative service area standard for areas served by rural telephone companies in accordance with 47 C.F.R. § 54.207(c)-(d). The sole requirement in establishing a service area other than the study area is that the FCC and the State commission each consider three factors that were initially relevant in establishing the service area requirement, and explain their rationale for reaching a different conclusion. 47 U.S.C. § 214(e)(5); 47 C.F.R. § 54.207(b).

11. The first factor is the risk that a competitor would selectively target service only to the low cost areas of the rural ILEC's study area, a process labeled as "cream skimming." The theory was that if a competitor were required to serve a rural telephone company's entire study area, this risk would be reduced because a competitive ETC would be prevented from selectively targeting service only to the low cost exchange of the rural ILEC's study area.

12. The second factor to consider is the regulatory status enjoyed by rural telephone companies under the Act. Here, the theory was that initially establishing a study area for a rural telephone company's service area was appropriate in recognition of the different treatment afforded to smaller rural telephone companies which are exempt from certain of the Act's requirements.

13. The third and final factor to consider is whether any administrative burdens might result from the redefinition of the service area requirement. A rural telephone company's universal service support payments are currently based on a rural company's embedded costs determined at the study area level, and initially there was some concern that rural telephone companies might have difficulty calculating costs on a less-than-study area level.

14. Despite the initial decision to adopt the study area as the rural telephone companies' service area, the FCC now favors a policy of redefinition in instances where a rural carrier's study area is large and/or non-contiguous, as is the case with those rural telephone companies identified on **Exhibit A** to the Application.

15. Verizon Wireless requests that the Commission redefine the service area requirement for these rural telephone companies from a study area to an individual wire center basis. To the extent that Verizon Wireless' service area does not cover the entirety of a rural telephone company's wire center, Verizon Wireless requests that the Commission redefine the service area standard to the partial wire center level.

16. The study areas of these rural telephone companies contain multiple wire centers which are either wholly or partially not located within the scope of Verizon Wireless' authorized service areas as depicted on **Exhibit B**. Redefining the service area requirement as requested will promote competition by eliminating a barrier to entry into the universal services market. It also would enable Verizon Wireless to be designated a federal ETC in the wire center areas within its existing licensed and signal coverage area consistent with the public interest determination of the Commission.

17. Redefinition is consistent with the three factors noted above. The risk of cream skimming has been practically eliminated because incumbent rural telephone companies can now utilize a process known as "disaggregation," which allows these companies to target their per-line support to better reflect the actual costs of serving different areas throughout their study areas. Thus, federal law now ensures that a competitive ETC would only receive higher per-line support in truly high-cost portions of study areas. Redefinition will preserve and advance universal service by establishing designated service areas that more aptly reflect the areas actually served. In short, there will be no opportunity for cream skimming.

18. The second factor relating to the special status of rural LECs can also appropriately be taken into account in granting this redefinition request. Nothing in the service area redefinition process for an ETC applicant affects the rural carrier's various statutory exemptions. Nor does the redefinition process eliminate the public interest analysis to the designation of an additional ETC in the rural telephone company's service area. The public interest factor thus remains an effective check to prevent the designation of a competitive ETC who may otherwise pose a detriment to the rural consumers in those service areas.

19. The final factor relating to the administrative ease of calculating costs on a less-than-study area level is likewise not an issue. There are no administrative costs to consider because any federal universal service support available to a competitive ETC in an area served by one of the rural telephone companies would be determined based on the per-line support available to the rural telephone company itself. 47 C.F.R. § 54.307(a). Moreover, this current funding mechanism will remain in place for approximately another four years, when the FCC is expected to make changes to the funding mechanism for rural telephone companies.

20. Accordingly, redefining the service area requirement for areas served by SRT Communications, United Telephone, North Dakota Telephone, York Telephone, Polar Telecom, and Polar Communications on an individual wire center basis and, where necessary, on a partial

wire center basis, fosters competition and brings new telecommunications services to rural North Dakota.

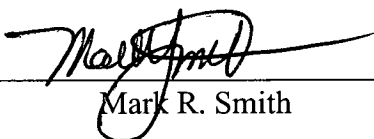
21. Redefinition is in the public interest because it will enable Verizon Wireless to bring new services and new technologies to customers of North Dakota's rural telephone companies, who now have no choice of universal service providers. Without redefinition, these wide-ranging study areas will pose an impenetrable barrier to entry for Verizon Wireless to be designated as an ETC in *any* of the SRT Communications, United Telephone, North Dakota Telephone, York Telephone, Polar Telecom, and Polar Communications wire centers. Because competitor and incumbent service territories are geographically different, it would be nearly impossible for any other competitive carrier to compete with the incumbents.

22. Verizon Wireless provides the supported services, satisfies all applicable requirements subject to the redefinition of the service area requirement, and can and will meet the obligations of an ETC. For rural customers, Verizon Wireless' designation will bring new technology, lower rates, and better service, and so is clearly in the public interest. Therefore, Verizon Wireless respectfully requests the Commission grant its Application by issuing an order unconditionally designating Verizon Wireless as an ETC in the Turtle Mountain study area, and conditionally designating Verizon Wireless as an ETC in the service areas of the remaining rural telephone companies listed in **Exhibit A**.

23. In order to effectuate the Commission's designation of Verizon Wireless as an ETC in the service areas of the rural telephone companies listed on **Exhibit A**, the Commission must redefine the service area requirement for areas served by those rural telephone companies to the individual wire center and, where necessary, partial wire center level.

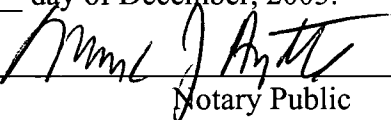
24. I hereby certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

This concludes my affidavit.



Mark R. Smith

Subscribed and sworn to before me this
17 day of December, 2003.



Notary Public



EXHIBIT A

I. Areas for Which Verizon Wireless Seeks Unconditional ETC Designation

1. Turtle Mountain Communications – Study Area

- Souris
- Kramer
- Bottineau
- Dunseith
- Rolla
- Willow City
- Rolette
- Bisbee

II. Areas for Which Verizon Wireless Seeks Conditional ETC Designation

1. SRT Communications, Inc. – Redefined Study Area Wire Centers

- Antler
- Westhope
- Landa
- Mohall
- Maxbass
- Newburg
- Lansford
- Glenburn
- Upham
- Deering
- Towner
- Sawyer
- Karlsruhe
- Martin
- Metigoshe
- All other wire centers or partial wire centers located within the North Dakota RSA 2, except Butte

2. United Telephone Mutual Aid Corporation – Redefined Study Area Wire Centers

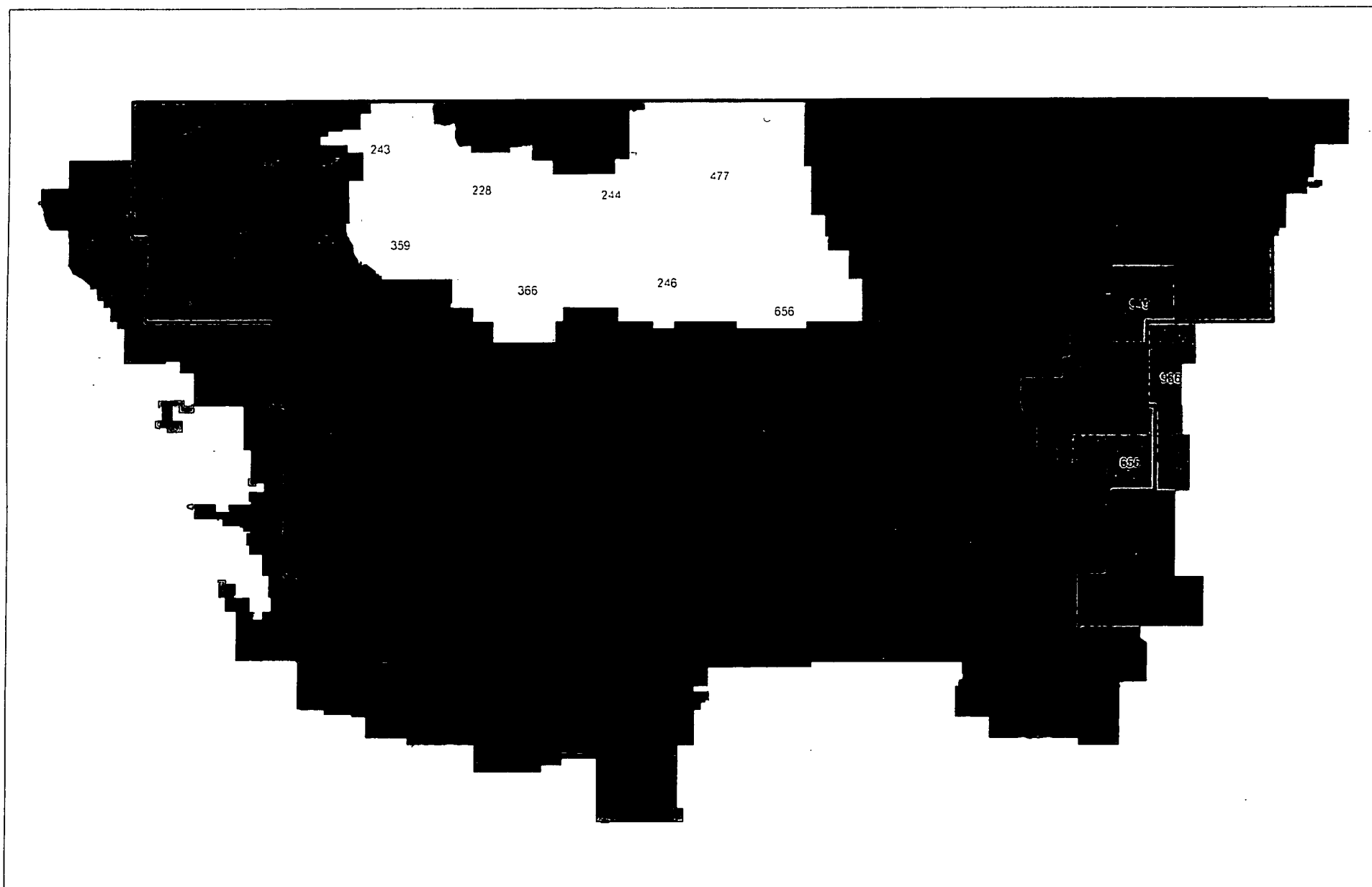
- Rock Lake
- Sarles
- Wales
- Langdon

- Walhalla
 - Milton
 - Munich
 - All other wire centers or partial wire centers located within the North Dakota RSA 2
3. North Dakota Central Telephone Company – Redefined Study Area Wire Centers
- Rugby
 - Knox
 - Leeds
 - Cando
 - Starkweather
 - Hampden
 - Balta
 - Esmond
 - Maddock
 - Minnewaukan
 - Penn
 - Webster
 - Drake
 - Harvey
 - Oberon
 - Fort Totten
 - Crary
 - Warwick
 - Tolna
 - Devils Lake
 - All other wire centers or partial wire centers located within the North Dakota RSA 2, except Velva
4. York Telephone Company – Redefined Study Area Wire Centers
- York
 - All other wire centers or partial wire centers located within the North Dakota RSA 2
5. Polar Communications Mutual Aid Corporation – Redefined Study Area Wire Centers
- Nekoma
 - Fairdale
 - Brocket
 - All other wire centers or partial wire centers located within the North Dakota RSA 2

6. Polar Telecommunications, Inc. – Redefined Study Area Wire Centers
 - Edmore
 - Lakota
 - All other wire centers or partial wire centers located within the North Dakota RSA 2

EXHIBIT B

ND -2 RSA



ND -2 RSA

ND2 Wire Center by Company Name

■	NORTH DAKOTA TELEPHONE CO.	(20)
■	POLAR COMMUNICATIONS MUTUAL AID CORP.	(3)
■	POLAR TELECOMMUNICATIONS, INC.	(2)
■	SRT COMMUNICATIONS, INC.	(15)
■	TURTLE MOUNTAIN COMMUNICATIONS	(8)
■	UNITED TELEPHONE MUTUAL AID CORP.	(7)
□	YORK TELEPHONE CO.	(1)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

DEC 17 2003

CASE NO. PU-1226-03-597
EXECUTIVE SECRETARY

Northwest Dakota Cellular of North
Dakota Limited Partnership
Designation Eligible Carrier Application

North Central RSA 2 of North Dakota
Limited Partnership
Designation Eligible Carrier Application

Case No. PU-386-03-598

North Dakota RSA 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

**AFFIDAVIT OF MARK R. SMITH IN SUPPORT OF DESIGNATION AS
ELIGIBLE TELECOMMUNICATIONS CARRIER APPLICATIONS**

I, Mark R. Smith, being first duly sworn on oath, state:

1. I am over eighteen years of age and competent to make this affidavit.
2. I serve as Director – Financial Reporting and Partnership Relations for each of the following: Northwest Dakota Cellular of North Dakota Limited Partnership, North Central RSA 1 of North Dakota Limited Partnership, North Dakota RSA 2 of North Dakota Limited Partnership, Badlands Cellular of North Dakota Limited Partnership, North Dakota 5 – Kidder Limited Partnership, and Bismarck MSA Limited Partnership. Each of these entities does business as "Verizon Wireless" in North Dakota and will collectively be referred to as such in this affidavit.
3. These entities have each filed with the North Dakota Public Service Commission (the "Commission") an Application for Designation as an Eligible Telecommunications Carrier and Petition for Redefinition of Service Areas of Rural Telephone Companies (the "Applications"), pursuant to 47 U.S.C. § 214(e) and N.D. Cent. Code § 49-21-01.7(12). Each Application includes an **Exhibit A** that identifies the particular areas for which designation as an eligible telecommunications carrier ("ETC") is sought. **Exhibit B** to each Application is a true

and correct map comparing Verizon Wireless' current authorized cellular coverage areas in North Dakota with the wire center boundaries of each local exchange carrier.

4. I have responsibility for the filing and management of applications for ETC designation in several jurisdictions, including North Dakota. In that capacity, I have knowledge about the products and services offered by Verizon Wireless, as well as its network and business operations. I am also familiar with federal and North Dakota law governing designation of ETCs.

5. This Affidavit is submitted in support of Verizon Wireless' Applications for ETC designation. Accompanying this Affidavit are separate affidavits addressing each entity's request for redefinition of the service area requirement as to certain rural telephone companies. The statements contained herein are true and correct and within my personal knowledge.

6. Verizon Wireless is licensed by the FCC to provide commercial mobile radio services ("CMRS") under federal law. Verizon Wireless collectively provides cellular service throughout nearly of all North Dakota. Over 34 million subscribers nationwide and over 135,000 subscribers in North Dakota are served under the brand name "Verizon Wireless."

7. 47 U.S.C. § 214(e), the rules and regulations of the Federal Communications Commission ("FCC"), specifically 47 C.F.R. § 54.101(a), and N.D. Cent. Code § 49-21-01.8 establish the exclusive criteria for designation of a federal ETC in North Dakota. Verizon Wireless meets all applicable requirements to be designated an ETC.

8. First, Verizon Wireless is a "common carrier." A common carrier is defined as "any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio" 47 U.S.C. § 153(10). The FCC has specifically determined that wireless telecommunications is a "common carrier" service. *See* 47 C.F.R. § 20.9(a)(7). As a CMRS provider, Verizon Wireless meets the federal definition of "common carrier" for purposes of ETC designation.

9. Second, Verizon Wireless is a facilities-based provider of telecommunications services to customers in North Dakota through its CMRS offerings, and will provide all of the supported services specified in 47 C.F.R. § 54.101(a) throughout its designated service areas using its own facilities, or a combination of its own facilities and leased facilities. Verizon Wireless does not provide services on a resale basis in North Dakota. Verizon Wireless currently offers and is able to provide each of the services and functionalities identified by the FCC in 47 C.F.R. § 54.101(a)(1)-(9) as follows:

(a) Voice-grade access to the public switched telephone network. "Voice-grade access" means the ability to make and receive phone calls, within a frequency range of between 300 to 3000 Hertz. 47 C.F.R. § 54.101(a)(1). Through its interconnection arrangements with local telephone companies, including Qwest, all North Dakota customers of Verizon Wireless are able to make and receive calls on the public switched telephone network within the FCC's specified frequency range.

(b) Local usage. An ETC must include an amount of local usage minutes free of charge as part of a universal service offering. 47 C.F.R. § 54.101(a)(2). Verizon Wireless will meet this requirement by including local usage in each offering to its customers. In addition, Verizon Wireless will comply with any specific local usage requirements adopted by the FCC in the future and required of a federal ETC.

(c) Dual-tone, multi-frequency ("DTMF") signaling, or its functional equivalent. DTMF is a method of signaling that facilitates the transportation of call set-up and call detail information. 47 C.F.R. § 54.101(a)(3). Verizon Wireless currently uses out-of-band digital signaling and in-band multi-frequency ("MF") signaling that is functionally equivalent to DTMF signaling in satisfaction of this requirement.

(d) Single-party service or its functional equivalent. The FCC has determined that a CMRS provider meets the requirement of offering single party service when it offers a dedicated message path for the length of a user's particular transmission. 47 C.F.R. § 54.101(a)(4). Verizon Wireless meets the requirement of single-party service by providing a dedicated message path for the length of a user's wireless transmission in all of its service offerings.

(e) Access to emergency services. Verizon Wireless currently provides access to the 911 system for its customers, and has implemented and will continue to implement Enhanced 911 ("E911") services consistent with the FCC's rules and orders and local public safety answering point requests.

(f) Access to operator services. "Access to operator services" means any automatic or live assistance provided to a customer to arrange for the billing or completion, or both, of a telephone call. 47 C.F.R. § 54.101(a)(6). Verizon Wireless meets this requirement by providing all of its customers with access to operator services provided by either itself or other entities.

(g) Access to interexchange service. Access to interexchange service means offering a service to customers to make and receive toll or interexchange calls. Equal access to interexchange service is not a required service or functionality. Verizon Wireless presently meets this requirement by providing all of its customers with the ability to make and receive interexchange or toll calls through direct interconnection arrangements it has with several interexchange carriers (IXCs). Additionally, customers are able to reach their IXC of choice by dialing the appropriate access code.

(h) Access to directory assistance. "Access to directory assistance" means the ability to place a call directly to directory assistance. 47 C.F.R. § 54.101(a)(8). Verizon Wireless meets this requirement by providing all of its customers with access to directory assistance by dialing "411" or "555-1212."

(i) Toll limitation for qualifying low-income consumers. Toll limitation requires offering either "toll control" or "toll blocking" to qualifying

low-income customers, as a means of limiting the completion of outgoing toll calls. An ETC is not required to provide both services if the carrier is incapable of providing both. Once designated an ETC, Verizon Wireless will participate in Lifeline and Link-Up as required, and will utilize its existing toll-blocking technology to provide the service to its Lifeline and Link-Up customers, at no charge, in satisfaction of this requirement.

10. Third, Verizon Wireless provides the supported services today within each of the requested designated areas using its existing network facilities. Upon designation, Verizon Wireless will offer and provide the supported services within those areas consistent with the obligations of an ETC.

11. Fourth, Verizon Wireless currently offers and advertises its services throughout each of the requested designated service areas using several different media of general distribution, including newspaper, television, radio and billboard advertising. Once designated, Verizon Wireless will advertise the availability of the supported services and charges using media of general distribution, in accordance with the requirements of 47 C.F.R. § 54.201(d)(2). Additionally, Verizon Wireless will comply with all applicable provisions of N.D. Admin. Code § 69-09-05-12.

12. Fifth, Verizon Wireless will comply with all service area requirements, subject to the Commission's redefinition of the same, as set forth more fully in the accompanying affidavits.

13. Finally, the designation of Verizon Wireless as an additional ETC in each of the areas served by a rural telephone company will serve the public interest by offering competitive services to North Dakota consumers on a more even-handed basis than is the case today. Verizon Wireless' service offerings have a larger local calling area as compared to the incumbent landline carriers, as well as the benefits of mobility, and customers will be able to combine basic universal services with advanced data services if they so desire.

14. Verizon Wireless will use federal universal service support to provide universal services and extend its wireless networks in rural areas of North Dakota, which clearly benefits the public interest by ensuring these networks will be available to deliver basic and advanced services to North Dakota consumers. Designation of Verizon Wireless as an ETC will also provide an incentive to the incumbent carriers in the requested designated areas to improve their existing networks in order to remain competitive, resulting in improved services and benefits to consumers. The benefits of increased competition can be expected to lead to better service and the provision of new, innovative services for the consumers. For instance, where requested by the PSAP, Verizon Wireless will provide GPS location assistance for customers dialing 911.

15. Verizon Wireless' designation will not adversely affect or otherwise threaten the provision of universal services by the rural telephone companies. Under the current FCC funding mechanisms, rural telephone companies will continue to receive universal service support based on an embedded cost methodology until 2006, and will not lose support if they lose lines to a competitor. This extended transition period – as well as their continued receipt of implicit subsidies within intrastate access rates – ensures the rural companies can move successfully to competitive markets.

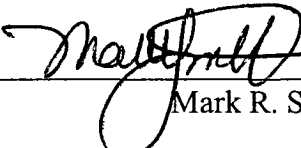
16. Verizon Wireless provides the supported services, satisfies all applicable requirements subject to the redefinition of the service area requirements for certain rural telephone companies, and can and will meet the obligations of an ETC. For rural customers, Verizon Wireless' designation will bring new technology, lower rates, and better service, and so is clearly in the public interest.

17. I provided a Certification attached to each of the ETC Applications filed with the Commission. This Certification constitutes my attestation as to the truth of the allegations set forth in each Application based on my personal knowledge and understanding.

18. Accordingly, Verizon Wireless respectfully requests unconditional ETC designation for those exchanges served by Qwest Corporation, as well as for those rural telephone company study areas that Verizon Wireless wholly serves, as identified on each **Exhibit A** to each Application. Verizon Wireless' request for ETC designation in all other rural telephone company service areas identified on **Exhibit A** to each Application, however, is subject to the Commission redefining the service area requirement for those areas on a wire center or, where necessary, partial wire center basis, pursuant to 47 C.F.R. § 54.207(c). Verizon Wireless asks the Commission to conditionally designate Verizon Wireless as an ETC in these service areas, subject to approval of the redefinition by the FCC under 47 C.F.R. § 54.207(c).

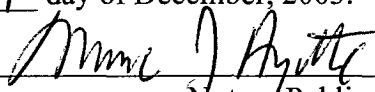
19. I hereby certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

This concludes my affidavit.



Mark R. Smith

Subscribed and sworn to before me this
17 day of December, 2003.



Notary Public





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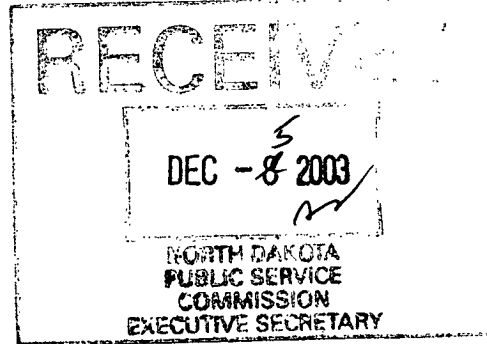
OF COUNSEL
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THOMAS A. WENTZ
MARK F. PURDY
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ROGER O. HERIGSTAD
(1919-2003)

December 5, 2003

Jon Mielke, Executive Secretary
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480



- CASE NO. PU-1226-03-597 - *etal*
- CASE NO. PU-1226-03-598
- CASE NO. PU-1226-03-599
- CASE NO. PU-1226-03-600
- CASE NO. PU-1226-03-601
- CASE NO. PU-1226-03-602

Our office wishes to appear in the above matters on behalf of the following companies:

- BEK Communications Cooperative
- Consolidated Telcom
- Dakota Central Telecom I
- Dakota Central Telecommunications Cooperative
- Dickey Rural Access, Inc.
- Dickey Rural Communications, Inc.
- Dickey Rural Telephone Cooperative
- Inter-Community Telephone Company, LLC
- 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
- United Telephone Mutual Aid Corporation

Jon Mielke, Executive Secretary
Page 2
December 5, 2003

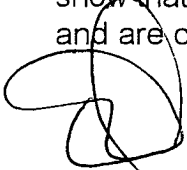
Pursuant to Commission Rule 69-02-02-04(1), the name of each company and its telephone number and contact person are attached hereto.

On behalf of these companies, we wish to respond to the Commission's Notice of Opportunity for Hearing and Notice of Informal hearing dated October 22, 2003. We wish to advise the Commission as follows:

1. These companies do not intend to contest the designations sought by the Applicants for ETC designation in areas where the Applicant serves the entire study area. The Applicant refers to these as an "Unconditional ETC Designation." This position is based on the precedent established in the matter of *Western Wireless* and the recognized futility of opposition at this time. The above companies wish to verify the accuracy of the Applications before withdrawing their opposition to these Applications. As an example, in Exhibit A of the Application of Northwest Dakota Cellular, Missouri Valley and Nemont are listed as separate study areas when, in fact, the FCC has designated these as one study area.
2. These companies do oppose the efforts of the Applicants to redefine the service area of the telephone company areas in North Dakota. The Applicants refer to these redefinitions as "Conditional ETC Designation."

The above companies request the Commission to (1) set a date for the above companies to contest the information in the exhibits and (2) deny the request of the Applicants to redefine study areas. This is bolstered by the statement of legislative intent contained in section 49-21-01.8 of the North Dakota Century Code that certification not be granted in such instances.

If the Commission does not deny the application for redefinition of study areas without a hearing, the companies listed above request a hearing for the purposes of establishing a record. At that time, it can be demonstrated why the Commission should not approve the requests. Without enumerating all the reasons why the Applications for Conditional ETC Designations would be improper, the above-listed companies would, among other things, show that the Applications for Conditional ETC Designations are not in the public's interest and are contrary to public policy.

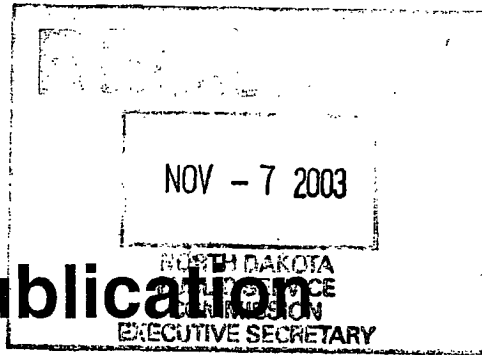


Don Negaard

jt
Enclosure

BEK Communications Cooperative Jerome Tishmack, Manager P.O. Box 230, 200 East Broadway Steele, ND 58482-0230	701-475-2361 Fax 701-867-2314
Consolidated Telcom Paul Schuetzler, Manager P.O. Box 1408, 507 South Main Dickinson, ND 58602-1408	701-483-4000 Fax 701-483-0001
Dakota Central Telecom I Dakota Central Telecomm. Coop. Keith Larson, Manager 630 5th Street North, P.O. Box 299 Carrington, ND 58421	701-652-3184 800-771-0974 Fax 701-674-8121
Dickey Rural Access, Inc. Dickey Rural Communications, Inc. Dickey Rural Telephone Cooperative Mark Scallon, Manager P.O. Box 69, 9628 Highway 281 Ellendale, ND 58436-0069	701-344-5000 877-559-4692 Fax 701-344-4300
Inter-Community Telephone Co., LLC Keith Andersen, Manager P.O. Box 8 Nome, ND 58062	701-924-8815 Fax 701-924-8808
Missouri Valley Communications, Inc. Nemont Telephone Cooperative Kathy Greenwood, Office Manager Highway 13 South, P.O. Box 600 Scobey, MT 59263	406-783-5654 Fax 406-783-5636
North Dakota Telephone Company Dave Dircks, Manager P.O. Box 180 Devils Lake, ND 58301-0180	701-662-1100 800-880-4213 Fax 701-662-6444
Northwest Communications Coop. Dwight Schmitt, Manager P.O. Box 38, 111 Railroad Avenue Ray, ND 58849-0038	701-568-3331 Fax 701-568-7778

Polar Comm. Mutual Aid Corp. Polar Telecommunications, Inc. David L. Dunning, Manager 110 4th Street East, P.O. Box 270 Park River, ND 58270	701-284-7221 Fax 701-284-7277
Reservation Telephone Coop. Royce Aslakson, Manager P.O. Box 68 Parshall, ND 58770-0068	701-862-3115 Fax 701-862-3008
Turtle Mountain Communications United Telephone Mutual Aid Corp. Kenneth Carlson, Manager 411 7th Avenue, P.O. Box 729 Langdon, ND 58249	701-256-5156 Fax 701-256-5150



Affidavit of Publication

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; Northwest ... Bismarck USA, 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.

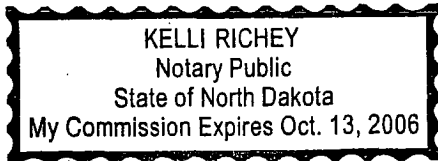
Signed: Colleen Park

State of ND

County of Burleigh

Subscribed and sworn to before me this 5th day of October 2008.

Kelli Richey



- 6 PU-1226-03-597 Pages: 1
- 6 PU-386-03-598 Pages: 1
- 7 PU-897-03-599 Pages: 1
- 6 PU-1225-03-600 Pages: 1
- 6 PU-338-03-601 Pages: 1
- 6 PU-494-03-602 Pages: 1

Affidavit of Publication

by North Dakota Advertising Service, Inc.

11/07/2003

CC: Comm Legal Illona Pat.



North Dakota Newspaper Association

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

NOV - 7 2003
NORTH DAKOTA
PUBLIC SERVICE
COMMISSION
EXECUTIVE SECRETARY

INVOICE

Order **18255-03111PP0**

Invoice # **26927**

November 6, 2003

Advertiser: **Public Service Commission**

P.O.#: **PU-1226-03-597, etc**

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

Voice: 701-328-4076

Amount Due **\$641.92**

Amount Paid

Please detach and return this portion with your payment

Public Service Commission Invoice # 18255-03111PP0-26927 PO# PU-1226-03-597, etc

Ad Size	Rate Type	Rate	Total	Discount (%)	Caption	Page	Run Date
DAILY							
Bismarck Tribune (Bismarck ND)							
100.00	SPR2	0.64	64.00	0.00	Northwest - Bis MSA		10/29/03
Devils Lake Daily Journal (Devils Lake ND)							
103.00	SPR2	0.63	64.89	0.00	Northwest - Bis MSA		10/29/03
Dickinson Press (Dickinson ND)							
108.00	SPR2	0.57	61.56	0.00	Northwest - Bis MSA		10/29/03
Fargo, The Forum (Fargo ND)							
86.00	SPR2	0.71	61.06	0.00	Northwest - Bis MSA		11/03/03
Grand Forks Herald (Grand Forks ND)							
89.00	SPR2	0.69	61.41	0.00	Northwest - Bis MSA		10/30/03
Jamestown Sun (Jamestown ND)							
111.00	SPR2	0.54	59.94	0.00	Northwest - Bis MSA		10/29/03
Minot Daily News (Minot ND)							
156.00	SPR2	0.54	84.24	0.00	Northwest - Bis MSA		10/29/03
Valley City Times-Record (Valley City ND)							
104.00	SPR2	0.61	63.44	0.00	Northwest - Bis MSA		10/29/03
Wahpeton Daily News (Wahpeton ND)							
116.00	SPR2	0.51	59.16	0.00	Northwest - Bis MSA		10/29/03
Williston Herald (Williston ND)							
102.00	SPR2	0.61	62.22	0.00	Northwest - Bis MSA		10/29/03

Gross Advertising	641.92	Total Misc	0.00	Amount Paid	0.00
Agency Discount		Tax	0.00	Adjustments	0.00
Other Discount	0.00	Total Billed	641.92	Payment Date	
Service Charge	0.00	Unbilled	0.00	Balance Due	641.92

- | | | | | | |
|----------|-----------------------|----------|----------|-----------------------|----------|
| 6 | PU-1226-03-597 | Pages: 1 | 6 | PU-1225-03-600 | Pages: 1 |
| 6 | PU-386-03-598 | Pages: 1 | 6 | PU-338-03-601 | Pages: 1 |
| 6 | PU-897-03-599 | Pages: 1 | 6 | PU-494-03-602 | Pages: 1 |

Affidavit of Publication

by North Dakota Advertising Service, Inc.

Affidavit of Publication

by North Dakota Advertising Service, Inc.

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Northwest Dakota Cellular of North
Dakota Limited Partnership
Designated Eligible Carrier
Application** **Case No. PU-1226-03-597**

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

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

**Badlands Cellular of North Dakota
Limited Partnership
Designated Eligible Carrier
Application** **Case No. PU-1225-03-600**

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

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

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL 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 **23rd day of October, 2003**, she deposited in the United States Mail, Bismarck, North Dakota **three** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

**Notice of Opportunity to File Written Comments and Notice of Opportunity for
Hearing**

5 **PU-386-03-598** Pages: 17

Affidavit of Service

by Public Service Commission

10/23/2003

CC. Comm Legal Ilona Pat.

The envelopes were addressed as follows:

Diana Stevens
Northwest Dakota Cellular of North Dakota
Limited Partnership
1 Verizon Place
Mail Code – GA1A2FRP
Alpharetta GA 30004
Cert. No. 7001 2410 0003 4913 4033

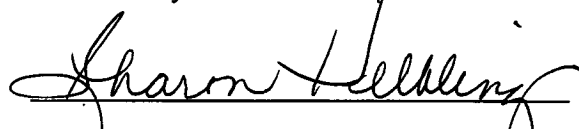

Mark J Ayotte
Briggs and Morgan PA
2200 First National Bank Bldg
332 Minnesota St
St Paul MN 55101

Cert. No. 7001 2410 0003 4913 4040

Thomas D Kelsch
P O Box 1266
Mandan ND 58554-1266
Cert. No. 7001 2410 0003 4913 4057

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

Subscribed and sworn to before me
this **23rd day of October, 2003.**



Notary Public

SEAL

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

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northwest Dakota Cellular of North
Dakota Limited Partnership
Designated Eligible Carrier
Application** **Case No. PU-1226-03-597**

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

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

**Badlands Cellular of North Dakota
Limited Partnership
Designated Eligible Carrier
Application** **Case No. PU-1225-03-600**

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

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

AFFIDAVIT OF SERVICE BY ORDINARY MAIL OR E-MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

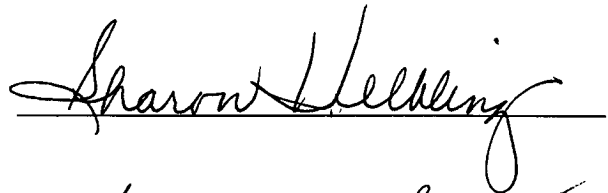
she is over the age of 18 years and not a party to this action and, on the **23rd day of October, 2003**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, and/or e-mailed a copy of:

Notice of Opportunity to File Written Comments and Notice of Opportunity for Hearing

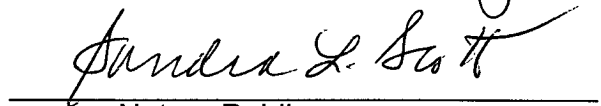
To:

See Attached List

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

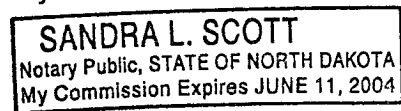


Subscribed and sworn to before me
this **23rd day of October, 2003**.



Notary Public

SEAL



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Louisville CO 80027-4670

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Farmington Hills MI 48334

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Eden Prairie MN 55344

Kimberly Nielsen
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Jack Medaris
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Jon M Hesse
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C12 Inc
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Atlanta GA 30339

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Walnut Creek CA 94598

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Lenexa KS 66215-5210

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Englewood CO 80111

David Ococello
Commnet Wireless Inc
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Burr Ridge IL 60521

Murray Barr
Competitive Strategies Group Inc
164 N Euclid Ave
Oak Park IL 60302-2106

Computer Integrated Communications Inc
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Potomac MD 20854-4071

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Dickinson ND 58601

Consolidated Telcom
PO Box 1077
Dickinson ND 58601-1077

Contact Communications
937 W Main St
Riverton WY 82501

Continental FS Communications
702 W 1st St
Deming NM 88030

Covista Inc
1 Mack Ctr Dr
Paramus NJ 07652-3908

D D D Calling Inc
6300 Richmond Ave Ste 304
Houston TX 77057

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Keith Larson
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Carrington ND 58421-0299

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Carrington ND 58421-0299

Dave Dircks
DCN LLC
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Definitive Computer Services
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Dickey Rural Services Inc
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Winona MN 55987

DSLnet Communications LLC
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New Haven CT 06511

Easton Telecom Services Inc
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Richfield OH 44286-9399

Regulatory Dept
Essential.com Inc
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Kennebunk ME 04043

Chere Heintzmann
Extend America Inc
222 S 12th St
Bismarck ND 58504

Lawrence Freedman
Fleischman & Walsh
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Washington DC 20036

Global Tel*Link Corporation
2609 Cameron St
Mobile AL 36607-3104

Lucille Nilson
Griggs County Telephone Co
Cooperstown ND 58425

Guaranteed Phone Service
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Council Bluffs IA 51501-3605

Houlton Enterprises Inc
2201 W Bdwy Ste 1
Council Bluffs IA 51501

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ICG Telecom Group Inc
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Ken Hanks
International Telcom Ltd
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David A. Huberman
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Dave Waters
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Ronald Rodemerk
Frontier Comm International
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Group Long Distance Inc
9500 Toledo Way
Irvine CA 92618-1806

HJN Telecom Inc
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Duluth GA 30096

HTC Services Inc
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Robert K Johnson
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Fargo ND 58104

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Nanette Edwards
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Larry Barnes
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PO Box 216
Mayville ND 58257-0216

KMC Telecom V Inc
1545 Rt 206
Bedminster NJ 07921

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

Thomas K Crowe
Law Offices of Thomas K Crowe PC
1250 24th St NW Ste 300
Washington DC 20037

Level 3 Communications LLC
3555 Farnam St
Omaha NE 68131

Local Telcom Holdings LLC
485 Madison Ave 15th Fl
New York NY 10022-5803

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

Steven Katka
Loretel Systems Inc
13 E 4th Ave
Ada MN 56510

Max-Tel Communications Inc
P O Box 280
Alvord TX 76225

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

Michel Murray
MCI WorldCom Inc
707 17th St Ste 3600
Denver CO 80202

MCImetro Access Transmission Services
707 17th ST Ste 3600
Denver CO 80202

McKenzie Consolidated Telecom LLC
P O Box 1408
Dickinson ND 58602-1408

Midcontinent Communications
410 South Phillips Ave
Sioux Falls SD 57104

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

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

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

Minnesota Independent Equal Access
Corp
c/o Onvoy Inc
300 S Hwy 169
Minneapolis MN 55426
Mobile Communications Corporation
1800 W Park Dr
Westborough MA 01581-3912

Dave Crothers
NDATC
Box 1144
Mandan ND 58554-1144

New Edge Network Inc
3000 Columbia House Blvd Ste 106
Vancouver WA 98661

Bob Edgerly
Nextel West Corp
2001 Edmund Halley Dr
Reston VA 20191

Dave Dircks
North Dakota Long Distance Inc
P O Box 180
Devils Lake ND 58301-0180

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

NOW Communications Inc
711 S Tejon St Ste 201
Colorado Springs CO 80903

Mary Buley
Onvoy Inc
300 South Highway 169
Minneapolis MN 55426

Philip Schellenberg
Midwest Wireless Corp LLC
2200 1st Nat'l Bk Bldg
332 Minnesota St
St Paul MN 55101
Mike Strand
MITS
PO Box 5237
Helena MT 59604-5237

Jim Arbury
National Multi Housing Council
1850 M St NW Ste 540
Washington DC 20036

Richard Thronson
Nemont Telephone Cooperative Inc
Scobey MT 59263

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

Carmine Russo
North Dakota Big Sky Telecom
374 Ansin Blvd
Hallandale FL 33009

Steven Lysne
North Dakota Network Co
P O Box 2027
Minot ND 58702-2027

Glenn Stockton
NOS Communications Inc
4380 Boulder Hwy
Las Vegas NV 89121

NPCR Inc
4500 Carillon Point
Kirkland WA 98033

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

Brad Van Leur
OrbitCom Inc
1701 N Louise Ave
Sioux Falls SD 57107

Jeff Walker
Preferred Carrier Services Inc
14681 Midway Rd Ste 105
Dallas TX 75001

Primus Telecommunications Inc
1700 Old Meadow Rd 3rd Fl
McLean VA 22102

Public Communications Services Inc
11859 Wilshire Blvd Ste 600
Los Angeles CA 90025

Heather Troxell
Qwest Communications Corporation
4250 Fairfax Dr
Arlington VA 22203

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

Dean Polkow
Rural Cellular Corporation
P O Box 2000
Alexandria MN 56308

ServiSense.com Inc
115 Shawmut Rd
Canton MA 02021-1438

Andrew Jones
Sprint
6391 Sprint Pkwy
Overland Park KS 66251-6100

SRT Communications Inc
P O Box 2027
Minot ND 58702-2027

Pilgrim Telephone Inc
1 Kendall Sq Bldg 600 PMD 450
Cambridge MA 02139-1971

Premiere Network Services Inc
1510 N Hampton Rd Ste 120
DeSoto TX 75115

Scott Lee
Protel Advantage Inc
1308 Medora Rd
St. Paul MN 55118-1734

QuantumShift Communications Inc
88 Rowland Way Ste 200
Novato CA 94945-5000

Qwest Interprise America Inc
1801 California St 49th Fl
Denver CO 80202

Kimberly Nielson
RTC-1
Legal & External Affairs
7277 164th Ave NE
Redmond WA 98052

Sandra Adams
NewPath Holdings Inc
4364 114th St
Des Moines IA 50322
Lisa Dabkowski
SNET America Inc
310 Orange St
North Haven CT 06510-1719

Sprint Spectrum L P
6160 Sprint Pkwy 4th Fl KSOPHIO414
Overland Park KS 66251

Randy Burckhard
SRT Communications Inc
P O Box 2027
Minot ND 58702-2027

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

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

Telespectrum Communications Inc
219 NP Ave
Fargo ND 58102-4833

Jonathan Marashlian
The Helein Law Group P C
8180 Greensboro Dr Ste 700
McLean VA 22102

Touch America Inc
40 E Bdwy
Butte MT 59701

Dan Willis
TW Wireless LLC
1860 Lincoln St 14th Fl
Denver CO 80295

Sam Billingsley
United States Advanced Network Inc
3080 Northwoods Cir
Norcross GA 30071-1562

Christina Tygielski
Universal Access Inc
Sears Tower 233 S Wacker Dr Ste 600
Chicago IL 60606-6307

US West NewVector Group Inc
3350 161st Ave SE
Bellevue WA 98009-9697

VarTec Telecom Inc
1600 Viceroy Dr
Dallas TX 75235

Jack Medaric
Telco Partners Inc
P O Box 807
Conshohocken PA 19428-0807

Telera Communications Inc
910 E Hamilton Ave Ste 200
Campbell CA 95008

Tele-Tech Inc
2900 W 11th St
Sioux Falls SD 57104-3660

T-Netix Inc
P O Box 701028
Dallas TX 75370-1028

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

United Communications HUB Inc
10390 Commerce Ctr Dr Ste 250
Rancho CA 91730-5860

Kenneth Carlson
United Telephone Mut Aid Corp
Langdon ND 58249

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

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

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

David Armev
Verizon Communications
600 E Hidden Ridge HQE02i33
Irving TX 75038

Joseph B McNeal
WaveSent LLC
P O Box 15509
Boise ID 83715

Darrell Henderson
West River Cooperative Telephone
Company
PO Box 39
Bison SD 57620-0039

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

WTC Competitive Services Inc
P O Box 129
Wolverton MN 56594

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

Molli Harpel
Verizon Wireless
6350 E Crescent Pkwy Ste 200
Greenwood Village CO 80111

West River Coop Telephone Co
P O Box 39
Bison SD 57620-0039

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

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

Gene DeJordy
WWC Holding Co Inc
3650 131st Ave SE
Bellevueq WA 98006

Helbling, Sharon D.

From: Helbling, Sharon D.
Sent: Thursday, October 23, 2003 10:04 AM
To: ndna (E-mail)
Subject: Attached Notices

**Colleen Park
North Dakota Newspaper Association**

Colleen:

Please have the attached Notices of Opportunity for Hearing and Notice of Opportunity to File Written Comments published as legal publications in the next issue of the ten North Dakota daily newspapers and run them as "News Item Only" articles as well.

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

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

Thank you.

**Sharon Helbling
Public Utilities Division**

MOTION

October 22, 2003

APPROVED

DATE: 10-22-03
KMF

**Northwest Dakota Cellular of North
Dakota Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-1226-03-597

**North Central RSA 2 of North Dakota
Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-386-03-598

**North Dakota RSA No. 3 Limited
Partnership
Designated Eligible Carrier
Application**

Case No. PU-897-03-599

**Badlands Cellular of North Dakota
Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-1225-03-600

**North Dakota 5 – Kidder Limited
Partnership
Designated Eligible Carrier
Application**

Case No. PU-338-03-601

**Bismarck MSA Limited Partnership
Designated Eligible Carrier
Application**

Case No. PU-494-03-602

I move the Commission issue a Notice of Opportunity for Hearing and Notice of Informal Hearing in the above captioned applications for eligible carrier designation.

PJF/sdh

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Northwest Dakota Cellular of North
Dakota Limited Partnership
Designated Eligible Carrier
Application** **Case No. PU-1226-03-597**

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

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

**Badlands Cellular of North Dakota
Limited Partnership
Designated Eligible Carrier
Application** **Case No. PU-1225-03-600**

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

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

**NOTICE OF OPPORTUNITY FOR HEARING AND
NOTICE OF INFORMAL HEARING**

October 22, 2003

On October 15, 2003, applications for designation as an Eligible Telecommunications Carriers (ETC) were filed by: North Central RSA 2 of North Dakota Limited Partnership d/b/a Verizon Wireless; Badlands Cellular of North Dakota Limited Partnership d/b/a Verizon Wireless; North Dakota RSA 3 Limited Partnership d/b/a Verizon Wireless; Bismarck MSA Limited Partnership d/b/a Verizon Wireless; North Dakota 5 - Kidder Limited Partnership d/b/a Verizon Wireless; and Northwest Dakota Cellular of North Dakota Limited Partnership d/b/a Verizon Wireless (individually and collectively "Verizon Wireless"). Verizon Wireless seeks ETC designation for purposes of receiving federal universal service support for certain rural study areas and non-rural exchanges. For certain rural telephone company study areas not wholly within each applicant's FCC licensed service area, Verizon Wireless seeks redefinition of

those areas to the wire center level and, where necessary, to the partial wire center level. Verizon Wireless proposes to provide universal services using its own wireless communications service facilities pursuant to 47 U.S.C. §214(e) and the FCC's regulations.

The issues to be considered are:

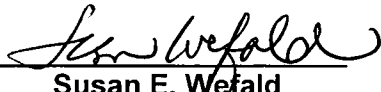
1. The qualification of the applicant under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service funding.
2. The ETC universal service support area to be designated for the applicant.

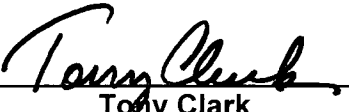
Those interested are invited to comment on the applications in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. Comments and requests for hearings must be received by **December 8, 2003**. If deemed appropriate, the Commission can determine the matter without a hearing.

An **informal hearing** on this matter will be held on **December 17, 2003 at 1:30 p.m. (CST)** in the Commission hearing room, State Capitol, 12th Floor, Bismarck, North Dakota 58505. At the informal hearing Verizon Wireless 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


Kevin Cramer
Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

RECEIVED

OCT 15 2003

NORTH DAKOTA
PUBLIC SERVICE
COMMISSION
EXECUTIVE SECRETARY

In the Matter of North Central RSA 2 of)
North Dakota Limited Partnership)
d/b/a Verizon Wireless)
Petition for Designation as an)
Eligible Telecommunications Carrier)
)

Case No: _____

**APPLICATION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER AND
PETITION FOR REDEFINITION OF SERVICE AREAS OF
RURAL TELEPHONE COMPANIES**

I. Introduction

1. North Central RSA 2 of North Dakota Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"), hereby applies to be designated as an eligible telecommunications carrier ("ETC") for purposes of qualifying to obtain federal universal service support throughout the certain areas identified in Exhibit A. This Application is made pursuant to and based upon 47 U.S.C. § 214(e) and N.D. Cent. Code § 49-21-01.7(12).

2. Section 214(e) of the federal Telecommunications Act of 1996 ("Act"), the rules and regulations of the Federal Communications Commission ("FCC"), specifically 47 C.F.R. § 54.101(a), and N.D. Cent. Code § 49-21-01.8 establish the mandatory and exclusive criteria for designation of a federal ETC in North Dakota. This Application affirms and demonstrates that Verizon Wireless meets all applicable requirements to be designated an ETC.

3. Verizon Wireless requests unconditional ETC designation for the study area of Turtle Mountain Communications ("Turtle Mountain") as set forth on Exhibit A. Verizon Wireless' request for ETC designation in areas served by other rural telephone companies is subject to the further condition that the Commission redefine the service areas of those rural

telephone companies listed on Exhibit A into service areas based on the companies' respective wire centers, pursuant to 47 C.F.R. § 54.207(a). To the extent that Verizon Wireless' service area does not cover the entirety of a rural telephone company's wire center, Verizon Wireless' request is further conditioned on the Commission redefining each such partial area as a separate service area. Verizon Wireless asks the Commission to conditionally designate Verizon Wireless as an ETC in those newly redefined service areas, subject to approval of the redefinition by the FCC under 47 C.F.R. § 54.207(c).

II. Identification of Verizon Wireless

4. Pursuant to Commission Rule 69-02-02-04(1), Verizon Wireless states its name, address, telephone number, and designated contact person as follows:

North Central RSA 2 of North Dakota Limited Partnership,
d/b/a Verizon Wireless
One Verizon Place
Mail Code – GA1A2FRP
Alpharetta, GA 30004
Attention: Diana Stevens
Phone: (678) 339-4478
Fax: (678) 339-8575

5. Verizon Wireless is licensed by the FCC to provide commercial mobile radio services ("CMRS") under federal law. Verizon Wireless currently provides cellular service in North Dakota Rural Service Area 2 ("North Dakota RSA 2") and currently serves customers in the following North Dakota counties: Bottineau, Rolette, McHenry, Pierce, Benson, Towner, Cavalier, and Ramsey. Attached as Exhibit B is a map illustrating Verizon Wireless' current authorized cellular coverage areas, with the wire center boundaries of each rural telephone company within those areas superimposed.

6. North Central RSA 2 of North Dakota Limited Partnership is one of several operating entities doing business as "Verizon Wireless" in North Dakota. Over 34 million

subscribers nationwide and over 135,000 subscribers in North Dakota are served under the brand name "Verizon Wireless."

III. Verizon Wireless Meets All the Requirements for Designation as an ETC

7. Under 47 U.S.C. § 214(e)(2) and N.D. Cent. Code §§ 49-21-01.7(12), (13), the Commission has the authority to designate Verizon Wireless as an ETC in its requested designated areas. The requirements for ETC designation are set forth in 47 U.S.C. § 214(e)(1)-(2), 47 C.F.R. § 54.101, and incorporated by reference in N.D. Cent. Code § 49-21-01.8. As set forth more fully below, Verizon Wireless: (1) is a common carrier; (2) provides the supported services; and (3) will meet all service and advertising obligations of an ETC. In addition, in areas served by rural telephone companies, Verizon Wireless' designation as an additional ETC serves the public interest.

A. Verizon Wireless is a Common Carrier Providing Service Over its Own Facilities

8. The first requirement for ETC designation is that the applicant is a common carrier. 47 U.S.C. § 214(e)(1). As a CMRS provider, Verizon Wireless is a "common carrier" under federal law. *See* 47 C.F.R. § 20.9(a)(7).

B. Verizon Wireless Offers All Supported Services and Functionalities

9. The second requirement for ETC designation is that the applicant provide the services set forth in 47 C.F.R. § 54.101(a)(1)-(9) throughout the requested designated service areas. 47 U.S.C. § 214(e)(1)(A). Verizon Wireless is a facilities-based provider of telecommunications services to customers in North Dakota through its CMRS offerings, and will provide all of the supported services specified in 47 C.F.R. § 54.101(a) throughout its designated service areas using its own facilities, or a combination of its own facilities and leased facilities.

Verizon Wireless currently offers and is able to provide each of the services and functionalities identified by the FCC in 47 C.F.R. § 54.101(a)(1)-(9) as follows:

(a) Voice-grade access to the public switched telephone network. "Voice-grade access" means the ability to make and receive phone calls, within a frequency range of between 300 to 3000 Hertz. 47 C.F.R. § 54.101(a)(1). Through its interconnection arrangements with local telephone companies, including Qwest Corporation, all North Dakota customers of Verizon Wireless are able to make and receive calls on the public switched telephone network within the FCC's specified frequency range.

(b) Local usage. An ETC must include an amount of local usage minutes free of charge as part of a universal service offering. 47 C.F.R. § 54.101(a)(2). To date, the FCC has not quantified any minimum amount of local usage required to be included in a universal service offering, but has initiated a separate proceeding to address this issue. *See Universal Service Further Notice of Proposed Rulemaking*, FCC 98-278 (Oct. 26, 1998) ("*October 1998 NPRM*"). Moreover, unlimited local usage is not required by any ETC. *In the Matter of Federal-State Joint Board on Universal Service*, CC 96-45, FCC 03-170, Order and Order on Reconsideration (rel. July 14, 2003) ("*July 2003 Order*"). Verizon Wireless will meet this requirement by including local usage in each offering to its customers. In addition, Verizon Wireless will comply with any specific local usage requirements adopted by the FCC in the future and required of a federal ETC.

(c) Dual-tone, multi-frequency ("DTMF") signaling, or its functional equivalent. DTMF is a method of signaling that facilitates the transportation of call set-up and call detail information. 47 C.F.R. § 54.101(a)(3). Verizon Wireless currently uses out-of-band

digital signaling and in-band multi-frequency ("MF") signaling that is functionally equivalent to DTMF signaling in satisfaction of this requirement.

(d) Single-party service or its functional equivalent. "Single-party service" means that only one party will be served by a subscriber loop or access line, in contrast to a multi-party line. 47 C.F.R. § 54.101(a)(4). The FCC's regulation further states that a CMRS provider meets the requirement of offering single-party service when it offers a dedicated message path for the length of a user's particular transmission. *Id.*; *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket 96-45, Report and Order, FCC 97-157, ¶ 162 (rel. May 7, 1997) ("*Universal Service Order*"). Verizon Wireless meets this requirement of single-party service by providing a dedicated message path for the duration of all customer calls.

(e) Access to emergency services. The ability to reach a public emergency service provider by dialing 911 is a required service in any universal service offering. Enhanced 911, or "E911," which includes the capability of providing both automatic numbering information ("ANI") and automatic location information ("ALI"), is only required if a public emergency service provider makes arrangements with the local provider for the delivery of such information. 47 C.F.R. § 54.101(a)(5). Verizon Wireless currently provides access to the 911 system for its customers, and has implemented and will continue to implement E911 services consistent with the FCC's rules and orders and local public safety answering point requests. To date, Verizon Wireless has received one request for Phase I and no requests for Phase II E911 service. *See Corr Wireless Communications, LLC*, CC Docket No. 96-45, Memorandum Opinion and Order, DA 02-2855, ¶ 9 n.28 (rel. Oct. 31, 2002) (noting provision of 911, implementation of Phase I E911 where requested, and waiver of Phase II E911). The Phase I request is on a statewide basis and is pending.

(f) Access to operator services. "Access to operator services" means any automatic or live assistance provided to a customer to arrange for the billing or completion, or both, of a telephone call. 47 C.F.R. § 54.101(a)(6). Verizon Wireless meets this requirement by providing all of its customers with access to operator services provided by either itself or other entities.

(g) Access to interexchange service. An ETC must offer customers access to interexchange service for purposes of making and receiving interexchange calls. 47 C.F.R. § 54.101(a)(9). Equal access to interchange service – i.e., the ability of a customer to access a presubscribed long distance carrier by dialing 1+number – is not required. *July 2003 Order* at ¶¶ 14-15. Verizon Wireless presently meets this requirement by providing all of its customers with the ability to make and receive interexchange or toll calls through direct interconnection arrangements it has with several interexchange carriers (IXCs). Additionally, customers are able to reach their IXC of choice by dialing the appropriate access code.

(h) Access to directory assistance. "Access to directory assistance" means the ability to place a call directly to directory assistance. 47 C.F.R. § 54.101(a)(8). Verizon Wireless meets this requirement by providing all of its customers with access to directory assistance by dialing "411" or "555-1212."

(i) Toll limitation for qualifying low-income consumers. An ETC must offer either "toll control" or "toll blocking" services to qualifying Lifeline customers at no charge. The FCC no longer requires an ETC to provide both services as part of the toll limitation service required under 47 C.F.R. § 54.101(a)(9) if the carrier is incapable of providing both. *See Universal Service Fourth Order on Reconsideration*, FCC 97-420 (rel. Dec. 30, 1997). Verizon Wireless currently has no Lifeline customers because only a carrier designated as an ETC can

participate in Lifeline. *See* 47 C.F.R. § 54.400-.415. Once designated an ETC, Verizon Wireless will participate in Lifeline, Link-Up, and Tel-Assistance as required, and will provide a toll blocking service in satisfaction of this requirement. Verizon Wireless will utilize its existing toll-blocking technology to provide the service to its Lifeline, Link-Up, and Tel-Assistance customers, at no charge, as part of its service offerings.

C. Verizon Wireless Will Offer and Advertise the Availability of Supported Services

10. Verizon Wireless provides the supported services today within the requested designated areas described on Exhibit A using its existing network facilities. Upon designation, Verizon Wireless will offer and provide the supported services within those areas consistent with the obligations of an ETC.

11. The third requirement for ETC designation is that an applicant advertise the availability of the supported services and charges using media of general distribution. 47 U.S.C. § 214(e)(1)(B). Verizon Wireless currently offers and advertises its services throughout its requested designated service areas using several different media, including newspaper, television, radio and billboard advertising. Once designated, Verizon Wireless will advertise the availability of the supported services and charges therefor using media of general distribution, in accordance with the requirements of 47 C.F.R. § 54.201(d)(2). Additionally, Verizon Wireless will comply with all applicable provisions of N.D. Admin. Code § 69-09-05-12.

IV. Verizon Wireless will Comply with Service Area Requirements

12. Verizon Wireless currently serves areas also served by seven rural telephone companies, namely, Turtle Mountain, SRT Communications, Inc. ("SRT Communications"), United Telephone Mutual Aid Corporation ("United Telephone"), North Dakota Telephone Company ("North Dakota Telephone"), York Telephone Company ("York Telephone"), Polar

Telecommunications, Inc. ("Polar Telecom"), and Polar Communications Mutual Aid Corporation ("Polar Communications").

13. For areas served by a rural telephone company, Section 214(e)(5) of the Act provides that the ETC's designated service area must be that rural telephone company's study area. A rural telephone company's "study area" is generally defined as all of the company's existing certificated exchange areas in a given State. *Universal Service Order*, ¶ 172 n.434.

14. Verizon Wireless serves the entire study area of Turtle Mountain and thus satisfies Section 214(e)(5) as to the areas served by that rural telephone company.

15. But the respective study areas of SRT Communications, United Telephone, North Dakota Telephone, York Telephone, Polar Telecom, and Polar Communications do not correspond with Verizon Wireless' CMRS licensed area or existing signal coverage area. Thus, it is necessary in this proceeding for the Commission to redefine the service area requirement for these companies from the study area to the wire center level, 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). To the extent that Verizon Wireless' service area does not cover the entirety of a rural telephone company's wire center, the Commission must further redefine each such partial area as a separate service area.

16. The Act and the FCC's regulations authorize the FCC and the Commission to act in concert to develop an alternative service area for a rural telephone company in accordance with 47 C.F.R. § 54.207(c)-(d). The sole requirement in establishing a service area other than the study area is that the FCC and the State commission each give full consideration to the Joint Board's recommendations and explain their rationale for reaching a different conclusion. 47 U.S.C. § 214(e)(5); 47 C.F.R. § 54.207(b); *Universal Service Order*, ¶ 187.

17. Verizon Wireless seeks unconditional ETC designation in all Turtle Mountain exchanges within Verizon Wireless' service area, and conditional ETC designation in the wire centers of SRT Communications, United Telephone, North Dakota Telephone, York Telephone, Polar Telecom, and Polar Communications identified on Exhibit A. The map attached as Exhibit B compares Verizon Wireless' current authorized cellular coverage areas with the wire center boundaries of each rural telephone company. Verizon Wireless currently provides signal coverage throughout these rural telephone company wire centers. Verizon Wireless' request for conditional ETC designation is subject to the redefinition of the service area for the rural telephone companies listed on Exhibit A from the study area to the wire center level, and then further to the partial service areas as required.

V. Designation of Verizon Wireless as an ETC in the State of North Dakota Serves the Public Interest

18. For areas served by a rural telephone company, the Commission must find that designating an additional ETC serves the public interest in accordance with 47 U.S.C. § 214(e)(2). Verizon Wireless states that its designation in the areas served by SRT Communications, United Telephone, North Dakota Telephone, Turtle Mountain, York Telephone, Polar Telecom, and Polar Communications will serve the public interest.

19. The Commission has determined that the public interest analysis under 47 U.S.C. § 214(e)(2) should balance increased benefits of competition against any proven detrimental impacts on the preservation and advancement of universal services. *In the Matter of Western Wireless Corporation Designated Eligible Carrier Application*, No. PU-1564-98-428, ¶¶ 11-38 (Oct. 3, 2001). As an ETC, Verizon Wireless will be able to provide universal service on a more competitively neutral basis than is the case today. The rural telephone companies in North Dakota remain landline monopoly providers, and the only significant source of competition will

come from wireless carriers. With access to universal service funding, Verizon Wireless can offer competitive services to North Dakota consumers on a more even-handed basis.

20. Verizon Wireless will provide the supported services to North Dakota consumers with service offerings that will be different from landline offerings. Verizon Wireless' service offerings have a larger local calling area, as well as the benefits of mobility. Because Verizon Wireless' network supports the provisions of data services, customers will be able to combine basic universal services with advanced services if they so desire.

21. Wireless technology and networks have been rapidly deployed in the past 15 years. This deployment and network expansion must continue if rural consumers will have full access to this technology in the future. The use of federal universal service support to provide universal services and extend wireless networks in rural areas of North Dakota clearly benefits the public interest by ensuring these networks will be available to deliver basic and advanced services to North Dakota consumers.

22. Designation of Verizon Wireless as an ETC will provide an incentive to the incumbent carriers in the requested designated areas to improve their existing networks in order to remain competitive, resulting in improved services and benefits to consumers. The benefits of increased competition can be expected to lead to better service and the provision of new, innovative services. Verizon Wireless will provide to consumers the benefits of mobility, larger local calling areas, and where requested by the PSAP, GPS location assistance for customers dialing 911.

23. Designation of Verizon Wireless as an ETC will serve the public interest because Verizon Wireless will provide all of the supported services required by the Commission, will participate in the Lifeline and Link-Up programs as required by the FCC's Rules, and will

otherwise comply with all FCC Rules governing universal service programs, which are designed to ensure that the public interest standards of the Act are achieved. Allowing Verizon Wireless access to universal service subsidies will allow Verizon Wireless to continue to enhance and expand its network infrastructure to better serve consumers and to compete with other carriers on a level playing field.

24. Verizon Wireless' designation will not adversely affect or otherwise threaten the provision of universal services by the rural telephone companies. Under the current funding mechanisms, rural telephone companies will continue to receive universal service support based on an embedded cost methodology until 2006, and will not lose support if they lose lines to a competitor. This extended transition period – as well as their continued receipt of implicit subsidies within intrastate access rates – ensures the rural companies can move successfully to competitive markets.

25. Accordingly, designation of Verizon Wireless as an additional ETC in the areas served by the rural telephone companies will serve the public interest.

VI. Redefinition Of Rural Telephone Company Service Areas

26. Verizon Wireless' request for ETC designation is subject to the Commission's action to redefine the service areas of the rural telephone companies listed on Exhibit A, except Turtle Mountain. As stated above, the Act and the FCC's rules provide that the service area of a rural telephone company shall be the "study area" of the rural telephone company, until and unless the FCC and the State commission both agree to redefine the service area. 47 U.S.C. § 214(e)(5); 47 C.F.R. § 54.207(b). 47 C.F.R. § 54.207 provides the mechanism by which the FCC will process a request by a State commission for redefinition of a service area. The decision to redefine the service area must be made after taking into account recommendations of the Federal-State Joint Board. *Id.*

A. Service Area Redefinition Is Consistent With Joint Board Standards

27. The FCC identified three factors initially recommended by the Joint-Board which should be considered by the Commission and the FCC when determining the appropriateness of redefining a rural telephone company's service area. The first factor is the risk of cream skimming. The FCC noted that if a competitor were required to serve a rural telephone company's entire study area, the risk of "cream-skimming" would be reduced because a competitive ETC would be prevented from selectively targeting service only to the lowest cost exchange of the rural ILEC's study area. *Universal Service Order*, ¶ 189. As the Joint Board explained:

We note that some commenters argue that Congress presumptively retained study areas as the service area for rural telephone companies in order to minimize "cream skimming" by potential competitors. Potential "cream skimming" is minimized because competitors, as a condition of eligibility, must provide services throughout the rural telephone company's study area. Competitors would thus not be eligible for universal service support if they sought to serve only the lowest cost portions of a rural telephone company's study area.

In the Matter of Federal-State Joint Board on Universal Service, CC Docket 96-45, ¶ 172 (rel. Nov. 8, 1996) ("*Joint Board Recommendations*").

28. Second, a State commission and the FCC must consider the regulatory status enjoyed by rural telephone companies under the Act. The FCC determined that initially establishing a study area for a rural telephone company's service area was appropriate, at least temporarily, in recognition of the different treatment afforded to smaller rural telephone companies which are exempt from certain of the Act's requirements. *Universal Service Order*, ¶ 189. In making its recommendation, the Joint Board had reasoned:

For example, rural telephone companies are initially exempt from the interconnection, unbundling, and resale requirements of 47 U.S.C. § 251(c). The 1996 Act continues this exemption until the relevant state commission finds, inter alia, that a request of a rural telephone company for interconnection, unbundling, or resale would not be unduly economically burdensome, would be technically

feasible, and would be consistent with section 254. Moreover, while a state commission must designate other eligible carriers for non-rural areas, states may designate additional eligible carriers for areas served by a rural telephone company only upon a specific finding that such a designation is in the public interest.

Joint Board Recommendations, ¶ 173.

29. The third factor to be considered is whether any administrative burdens might result from the redefinition of the service area. A rural telephone company's universal service support payments are currently based on a rural company's embedded costs determined at the study area level. *Universal Service Order*, ¶ 189. The Joint Board initially expressed concern that rural telephone companies might have difficulty calculating costs on a less-than-study area level. The Joint Board stated:

Another reason to retain existing study areas is that it is consistent with our recommendation that the determination of the costs of providing universal service by a rural telephone company should be based, at least initially, on the Company's embedded costs. Rural telephone companies currently determine such costs at the study area level. We conclude, therefore, that it is reasonable to adopt the current study areas as the service areas for rural telephone companies rather than impose the administrative burden of requiring rural telephone companies to determine embedded costs on a basis other than study areas.

Joint Board Recommendations, ¶ 174.

30. Despite its initial decision to adopt the study area as the rural telephone companies' service area, the FCC has now stated a policy favoring redefinition in instances where a rural carrier's study area is large and/or non-contiguous. In response to issues raised by competitive ETCs and wireless carriers who might not be able to provide facilities-based service throughout a rural company's entire study area, the FCC has expressly urged State commissions to explore redefinition for purposes of ETC designations. The FCC cautioned that requiring a new entrant to serve a non-contiguous service area as a prerequisite to ETC eligibility would impose a "serious barrier to entry, particularly for wireless carriers" and would be "particularly

harmful to competition in rural areas, where wireless carriers could potentially offer service at much lower costs than traditional wireline service." *Universal Service Order*, ¶ 190.

31. Verizon Wireless requests that the Commission redefine the service areas of the rural telephone companies listed on Exhibit A, except Turtle Mountain, on an individual wire center basis for purposes of designating an ETC under 47 U.S.C. § 214(e). To the extent that Verizon Wireless' service area does not cover the entirety of a rural telephone company's wire centers, Verizon Wireless requests that the Commission redefine each such partial area as a separate service area. The study areas of these rural telephone companies contain multiple wire centers which are either wholly or partially not located within the scope of Verizon Wireless' authorized service areas. The most logical and appropriate method of redefining these service areas is by individual wire centers, and then by partial wire center areas where necessary. Redefining these service areas as such for purposes of ETC designations will promote competition by eliminating a barrier to entry into the universal services market. This approach also would enable Verizon Wireless to be designated a federal ETC in the wire center areas within its existing licensed and signal coverage area consistent with the public interest determination of the Commission.

32. The Commission can proceed to redefine the service areas as outlined above while appropriately taking into account the three factors noted by the Joint Board and adopted by the FCC. The first factor relating to a risk of cream skimming is not present. Verizon Wireless seeks redefinition of the rural telephone company service areas on an individual wire center basis and, where necessary, partial wire center basis, so it can be designated as an ETC in those areas for which it is licensed and has the ability to provide facilities-based services. Redefinition on this basis will preserve and advance universal service by establishing designated service areas

that are more reflective of the areas actually served. Redefinition furthers competition and protects the incumbents from selective targeting of specific areas with the lowest cost and highest support. In short, there will be no opportunity for cream skimming.

33. The second factor relating to the special status of rural LECs can also appropriately be taken into account by redefining on a wire center and partial wire center basis. The redefinition of the rural telephone company service areas on this basis will not compromise or impair the unique treatment of these companies as rural telephone companies under Section 251(f) of the Act. Consequently, the companies will still retain the statutory exemptions from interconnection, unbundling and resale requirements under 47 U.S.C. § 251(c) even if their service areas are redefined for purposes of ETC designations.

34. The Act's public interest factor for the designation of an additional ETC in the service areas of these rural telephone companies under 47 U.S.C. § 214(e)(2) will remain in place. The continued existence of the public interest standard was noted by the FCC as a safeguard available to a State commission to support a redefinition request for service areas on a less-than-study area level. *Universal Service Order*, ¶ 190. This public interest factor will remain as an effective check to prevent the designation of an additional competitive ETC who may seek to target only low cost areas or otherwise pose a detriment to the rural consumers of the incumbents. Thus, the incumbent LECs would retain their unique status and special treatment as rural telephone companies under the Act consistent with the Joint Board's recommendations if their study areas were redefined on a wire center and partial wire center basis.

35. The third and final Joint Board factor relating to the administrative ease of calculating the costs of the rural telephone companies on a less-than-study area level is likewise

not an issue. There are no administrative costs to consider because any federal universal service support available to a competitive ETC in an area served by one of the rural telephone companies would be determined based on the per-line support available to the rural telephone company itself. 47 C.F.R. § 54.307(a). Moreover, this current funding mechanism will remain in place for approximately another four years, when the FCC is expected to make changes to the funding mechanism for rural telephone companies.

36. Accordingly, the Commission should act to redefine the service areas of SRT Communications, United Telephone, North Dakota Telephone, York Telephone, Polar Telecom, and Polar Communications on an individual wire center basis and, where necessary, on a partial wire center basis, in order to foster competition and bring new telecommunications services to rural North Dakota. Consistent with the factors articulated by the FCC based on the Joint Board's recommendations, the Commission should order redefinition of the study areas to a wire center and partial wire center basis.

B. Redefinition is Necessary to Promote Competition and Advance Universal Service

37. The redefinition of the SRT Communications, United Telephone, North Dakota Telephone, York Telephone, Polar Telecom, and Polar Communications service areas is necessary for the promotion of competition and the advancement of universal service. Unless the service areas are redefined, Verizon Wireless is precluded from being designated as an ETC in *any* of these six rural telephone companies' wire centers because Verizon Wireless cannot serve the entire study area. Redefinition is in the public interest because it will enable Verizon Wireless, and other competitors, to bring new services and new technologies to customers of North Dakota's rural telephone companies, who now have no choice of universal service providers. Unless the Commission establishes a different definition of service area for these

companies in this proceeding, those wide-ranging study areas will pose an impenetrable barrier to entry for not only Verizon Wireless, but also any other competitive carrier, especially cellular providers, seeking ETC status. Because competitor and incumbent service territories are geographically different, it would be nearly impossible for any other competitive carrier to compete with the incumbents.

38. These large and non-contiguous study areas create a disincentive to competition. This type of barrier to entry was appropriately recognized by the Washington Utilities and Transportation Commission when it successfully applied to the FCC to redefine the study areas of rural LECs in its State. The Washington Commission noted: "The designation of the service area impacts the ease with which competition will come to rural areas The wider the service area defined by the state commission, the more daunting the task facing a potential competitor seeking to enter the market." *Petition for Agreement With Designation of Rural Company Eligible Telecommunications Carrier Service Areas at the Exchange Level and for Approval of the Use of Disaggregation of Study Areas for the Purpose of Distributing Portable Federal Universal Service Support*, Washington Util. & Transp. Comm'n, Docket No. 970380, at 3 (Aug. 1998). The Washington Commission concluded that smaller service areas for the designation of ETCs in rural areas will promote competition and speed deregulation. *Id.* at 9.

39. The FCC has previously determined that redefinition of rural telephone company service areas to the exchange or wire center basis facilitates local competition by enabling new providers to serve relatively small areas. *In the Matter of Petition for Agreement With Designation of Rural Company Eligible Telecommunications Carrier Service Areas and for Approval of the Use of Disaggregation of Study Areas of the Purpose of Distributing Portable Federal Universal Service Support*, Memorandum Opinion and Order, CC Docket No. 96-45,

DA 99-1844, ¶ 8 (rel. Sept. 9, 1999). The FCC noted: "We find that our concurrence with rural LEC petitioners' request for designation of their individual exchanges as service areas is warranted in order to promote competition." *Id.* The FCC concluded that Washington's "effort to facilitate local competition justifies [the FCC's] concurrence with the proposed service area designation." *Id.*

40. The redefinition of the SRT Communications, United Telephone, North Dakota Telephone, York Telephone, Polar Telecom, and Polar Communications listed service areas to an individual wire center basis and, where necessary, partial wire center basis, will foster competition in North Dakota. Redefining these study areas for purposes of determining ETC service areas will enable Verizon Wireless and other carriers to offer competitive universal services to the customers of these rural telephone companies. This fostering of competition comports with the goals of the Act and the FCC's directives. Unless the Commission seeks redefinition, the customers of these six rural telephone companies' wire centers Verizon Wireless desires to serve will be denied all the benefits of competition that Congress and the FCC have sought to foster. Accordingly, this Commission should order that the SRT Communications, United Telephone, North Dakota Telephone, York Telephone, Polar Telecom, and Polar Communications service areas should be redefined into service areas on an individual wire center basis and, where necessary, partial wire center basis, for ETC designation purposes.

41. The Commission should proceed to redefine the service areas as requested herein notwithstanding N.D. Cent. Code § 49-21-01.8. Any State law provision that limits a federal ETC to providing the supported services throughout a rural telephone company's study area is inapplicable to this proceeding under both 47 U.S.C. § 254(f) and 47 U.S.C. § 253(a). 47 U.S.C. § 254(f) limits State authority to adopting "regulations not inconsistent with the [FCC]'s rules to

preserve and advance universal service." (Emphasis added). Section 49-21-01.8 is inconsistent and directly conflicts with both 47 U.S.C. § 214(e)(5) and 47 C.F.R. § 54.207(b). Because Verizon Wireless' Application seeks redefinition of certain study areas consistent with federal law, the study area requirement in N.D. Cent. Code § 49-21-01.8 does not apply to this proceeding. Section 49-21-01.8 is also inapplicable and unenforceable because it effectively prevents Verizon Wireless from providing universal service to North Dakota residents, contrary to federal law. No State statute or regulation may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate telecommunications service. 47 U.S.C. § 253(a). Thus, both 47 U.S.C. § 254(f) and 47 U.S.C. § 253(a) preempt the imposition of an inconsistent or contrary State law like Section 49-21-01.8.

VII. Conclusion

42. The Act and the North Dakota Century Code, supplemented by the Commission's rules, establish clear, consistent and competitively fair mechanisms for allowing carriers, including a CMRS provider, to be designated as an ETC for the purpose of federal universal service support. Verizon Wireless provides the supported services, satisfies all applicable requirements subject to the redefinition of the rural telephone company service areas, and can and will meet the obligations of an ETC. Verizon Wireless' designation will bring new technology, lower rates, and better service, and so is clearly in the public interest.

43. Verizon Wireless respectfully requests the Commission to follow the directives and principles of the Act and to grant its Application by issuing an order unconditionally designating Verizon Wireless as an ETC pursuant to 47 U.S.C. § 214(e) in the Turtle Mountain study area, and conditionally designating Verizon Wireless as an ETC in the service areas of the rural telephone companies listed in Exhibit A. In order to effectuate the Commission's designation of Verizon Wireless as an ETC in the service areas of the rural telephone companies

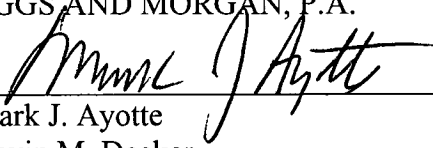
listed on Exhibit A, and as a condition thereto, the Commission should seek to redefine the service areas of those rural telephone companies to the individual wire center and, where necessary, partial wire center, consistent with purposes of 47 C.F.R. § 54.207.

Dated: October 15, 2003

Respectfully submitted,

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By


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Limited Partnership d/b/a Verizon Wireless*

EXHIBIT A

I. Areas for Which Verizon Wireless Seeks Unconditional ETC Designation

1. Turtle Mountain Communications – Study Area
 - Souris
 - Kramer
 - Bottineau
 - Dunseith
 - Rolla
 - Willow City
 - Rolette
 - Bisbee

II. Areas for Which Verizon Wireless Seeks Conditional ETC Designation

1. SRT Communications, Inc. – Redefined Study Area Wire Centers
 - Antler
 - Westhope
 - Landa
 - Mohall
 - Maxbass
 - Newburg
 - Lansford
 - Glenburn
 - Upham
 - Deering
 - Towner
 - Sawyer
 - Karlsruhe
 - Martin
 - Metigoshe
 - All other wire centers or partial wire centers located within the North Dakota RSA 2, except Butte

2. United Telephone Mutual Aid Corporation – Redefined Study Area Wire Centers
 - Rock Lake
 - Sarles
 - Wales
 - Langdon

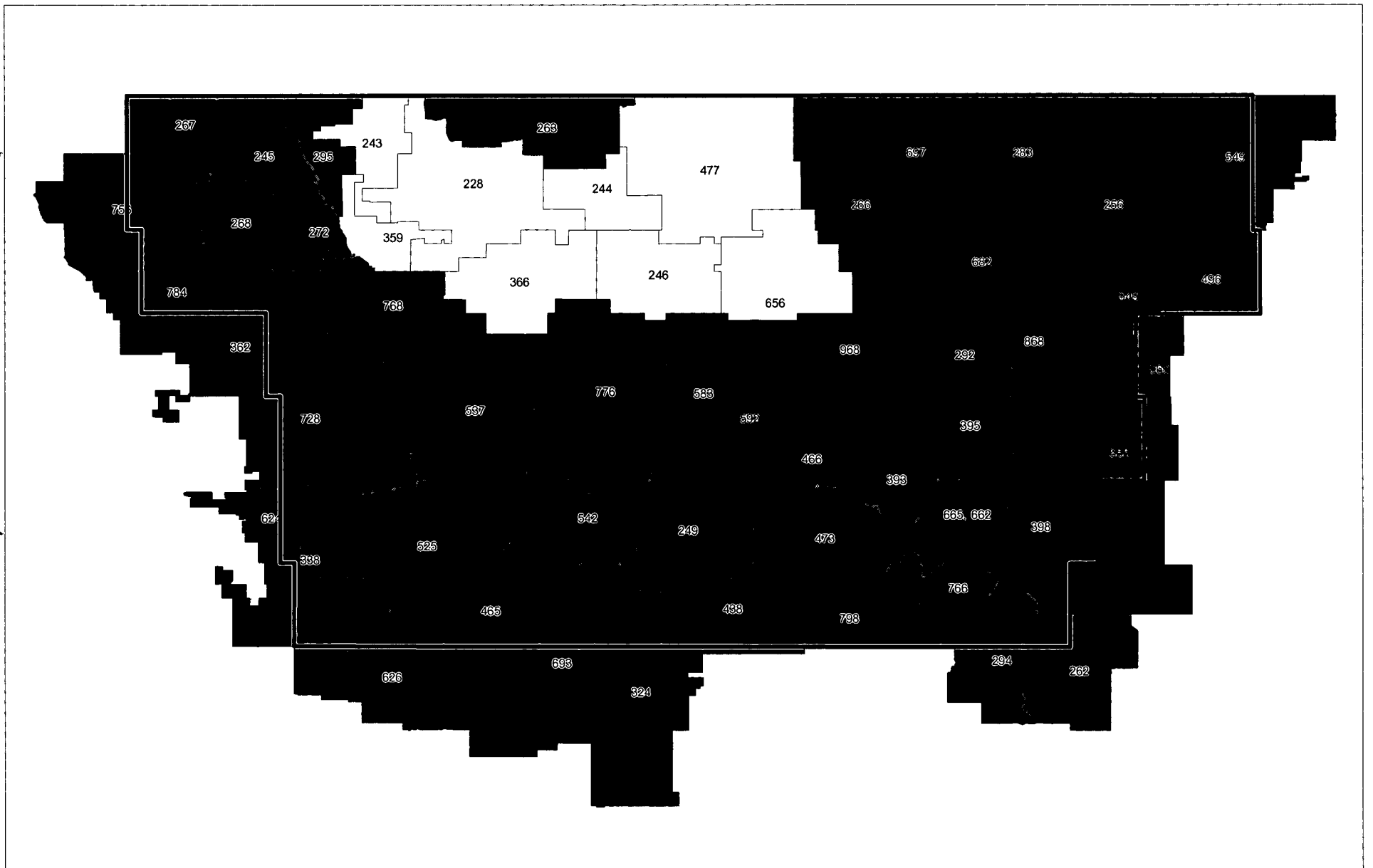
- Walhalla
 - Milton
 - Munich
 - All other wire centers or partial wire centers located within the North Dakota RSA 2
3. North Dakota Central Telephone Company – Redefined Study Area Wire Centers
- Rugby
 - Knox
 - Leeds
 - Cando
 - Starkweather
 - Hampden
 - Balta
 - Esmond
 - Maddock
 - Minnewaukan
 - Penn
 - Webster
 - Drake
 - Harvey
 - Oberon
 - Fort Totten
 - Crary
 - Warwick
 - Tolna
 - Devils Lake
 - All other wire centers or partial wire centers located within the North Dakota RSA 2, except Velva
4. York Telephone Company – Redefined Study Area Wire Centers
- York
 - All other wire centers or partial wire centers located within the North Dakota RSA 2
5. Polar Communications Mutual Aid Corporation – Redefined Study Area Wire Centers
- Nekoma
 - Fairdale
 - Brocket
 - All other wire centers or partial wire centers located within the North Dakota RSA 2

6. Polar Telecommunications, Inc. – Redefined Study Area Wire Centers
 - Edmore
 - Lakota
 - All other wire centers or partial wire centers located within the North Dakota RSA 2

EXHIBIT B

7

ND -2 RSA



ND -2 RSA

ND2 Wire Center by Company Name

■	NORTH DAKOTA TELEPHONE CO.	(20)
■	POLAR COMMUNICATIONS MUTUAL AID CORP.	(3)
■	POLAR TELECOMMUNICATIONS, INC.	(2)
■	SRT COMMUNICATIONS, INC.	(15)
□	TURTLE MOUNTAIN COMMUNICATIONS	(8)
■	UNITED TELEPHONE MUTUAL AID CORP.	(7)
■	YORK TELEPHONE CO.	(1)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

In the Matter of North Central RSA 2 of)
North Dakota Limited Partnership)
d/b/a Verizon Wireless)
Petition for Designation as an) Case No. _____
Eligible Telecommunications Carrier)

CERTIFICATION OF MARK R. SMITH

I, the undersigned, Mark R. Smith, do hereby certify as follows:


1. I serve as Director – Financial Reporting and Partnership Relations for North Central RSA 2 of North Dakota Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") and each of its affiliates.

2. This Certification is submitted in support of Verizon Wireless' Application for Designation as an Eligible Telecommunications Carrier and Petition for Redefinition of Service Areas of Rural Telephone Companies ("Application").

3. I further declare that I have reviewed the Application and that the facts stated therein, of which I have personal knowledge, are true and correct to the best of my knowledge and belief.

I certify that the foregoing is true and correct to the best of my knowledge, information and belief.

Date: October 10, 2003



Mark R. Smith