



# DIVIDER

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



PU-494-03-602  
Bismarck MSA Limited Partnership  
Designated Eligible Carrier  
Application  
Filed 10/15/2003      Closed 2/26/2004

03

# BRIGGS AND MORGAN

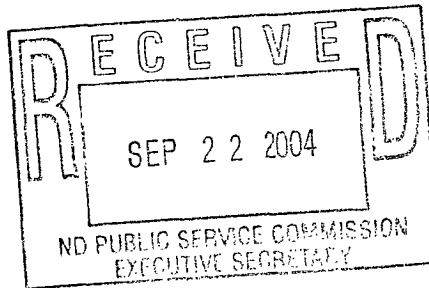
PROFESSIONAL ASSOCIATION

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 – 12<sup>th</sup> Floor  
600 East Boulevard Avenue – Dept. 408  
Bismarck, ND 58505-0480

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

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

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

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

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

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

Dear Mr. Mielke:

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

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

**BRIGGS AND MORGAN**

September 20, 2004

Page 2

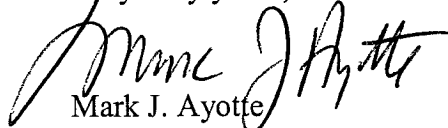
In accordance with 47 C.F.R. § 54.207(c), the applicants jointly filed with the FCC a "Petition for Agreement with Redefinition of Service Area Requirement for Certain Rural Telephone Company Study Areas in the State of North Dakota" ("Joint Petition"). The Joint Petition was filed on June 3, 2004. Subsequently, 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 Petitioners<sup>1</sup> eligible telecommunications carriers ("ETC") status throughout their respective North Dakota licensed service areas.<sup>2</sup>

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

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

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

WILKINSON ) BARKER ) KNAUER ) LLP

Marlene H. Dortch, Secretary

September 15, 2004

Page 2

Please direct any questions regarding this filing to the undersigned.

Sincerely,

WILKINSON BARKER KNAUER, LLP

By: /s/ L. Charles Keller

L. Charles Keller

cc: Richard Lerner  
Anita Cheng

2200 FIRST NATIONAL BANK BUILDING  
332 MINNESOTA STREET  
SAINT PAUL, MINNESOTA 55101  
TELEPHONE (651) 808-6600  
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# BRIGGS AND MORGAN

PROFESSIONAL ASSOCIATION

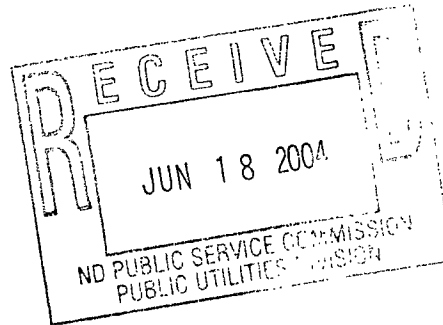
WRITER'S DIRECT DIAL

(651) 808-6561

WRITER'S E-MAIL

mayotte@briggs.com

June 17, 2004



## VIA FEDERAL EXPRESS

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

**Re: In the Matter of Bismarck MSA Limited Partnership Petition for  
Designation as an Eligible Telecommunications Carrier  
Case No. PU-494-03-602**

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,

A handwritten signature in black ink, appearing to read "Mark J. Ayotte".

Mark J. Ayotte

MJA/sjc  
Enclosures

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

**36 PU-494-03-602**

Pages 2

Replacement pg. 7 to Informational Tariff  
No. 1  
by Bismarck MSA Limited Partnership et. al. dba Verizon  
6/18/2004 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.<sup>1</sup>

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.<sup>2</sup> The North Dakota Commission’s redefinition may not take effect unless and until this Commission agrees with the North Dakota

<sup>1</sup> *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).

<sup>2</sup> 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.<sup>3</sup>

This is the Public Notice required by section 54.207(c)(2).<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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.<sup>7</sup>

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](mailto: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

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<sup>3</sup> See *supra* n. 1.

<sup>4</sup> 47 C.F.R. § 54.207(c)(2).

<sup>5</sup> 47 C.F.R. § 54.207(c)(3)(i).

<sup>6</sup> 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).

<sup>7</sup> 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# 5875

Received: 6/3/2004 Check# 4827489 for \$230.80  
Subject: Utility Valuation

**Docket # PU-494-03-602**

Verizon Wireless  
PO Box 2167  
Folsom CA 95763-2167

**34** **PU-494-03-602** Pages: 1

Receipt# 5,875 \$230.80

by Verizon Wireless

06/03/2004

# BRIGGS AND MORGAN

PROFESSIONAL ASSOCIATION

WRITER'S DIRECT DIAL

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WRITER'S E-MAIL

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May 24, 2004



## VIA FEDERAL EXPRESS

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

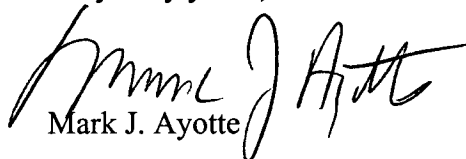
**Re: In the Matter of Bismarck MSA Limited Partnership Petition for  
Designation as an Eligible Telecommunications Carrier  
Case No. PU-494-03-602**

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

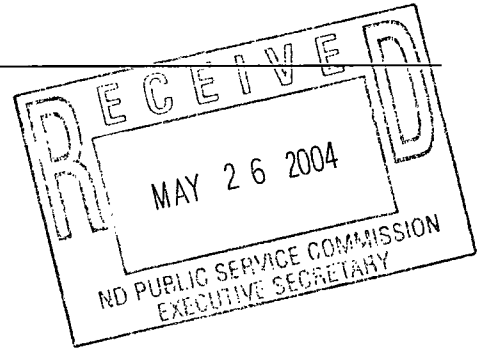
by Bismarck MSA Limited Partnership et. al. dba Verizon

05/26/2004

CC: Comm Legal Ilona Pat

**NORTH DAKOTA PUBLIC SERVICE COMMISSION**

**Bismarck MSA Limited Partnership  
d/b/a Verizon Wireless**



**INFORMATIONAL TARIFF NO. 1**

**OF**

**BISMARCK MSA LIMITED PARTNERSHIP  
d/b/a  
VERIZON WIRELESS**

**32 PU-494-03-602**

Pages: 28

Informational Tariff No. 1

by Bismarck MSA Limited Partnership et. al. dba Verizon

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 Bismarck MSA 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](http://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](http://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 <sup>1</sup>
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
<b>TOTAL</b>	<b>\$ 8.25</b>

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<sup>1</sup> 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.

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(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
<b>TOTAL</b>	<b>Varies</b>

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-494-03-602  
Order February 25, 2004

Bismarck MSA Limited Partnership  
d/b/a Verizon Wireless

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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.

1617544v3

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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



**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		Store / 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.			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

**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	

<b>SERVICE INFORMATION</b>		<b>PROMOTIONS</b>	
Calling Plan Name & Code	Activation Fee \$	Promotion(s):	
		<input type="checkbox"/> Check here for NO PROMOTION	
Monthly Access \$ / Month	Allowance Minutes Included: / Month	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.	
		<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.

**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. #	Programming Fee	\$	Total Due	\$
<input type="checkbox"/> Credit Card	<input type="checkbox"/> Cash	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 same 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 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, AND 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](http://www.adr.org)), THE BBB ([www.bbb.org](http://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](http://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**

**Bismarck  
MSA  
Limited  
Partnership  
Rate Plans**

<b>Mkt Cd</b>	<b>Pplan Cd</b>	<b>Pplan Desc</b>	<b>Access</b>	<b>Pk Allo w Min</b>	<b>Tot Allow Min</b>	<b>Pk Min Rt</b>
RBM	25SAV	CONSUMER VALUE PLAN 25 ANYTIME \$15.00 ACCESS 0302	\$15.00	0	25	\$0.45
RBM	50SAV	CONSUMER VALUE PLAN 50 ANYTIME \$20.00 ACCESS 0302	\$20.00	0	50	\$0.45
RBM	A3N1	BASIC CHOICE 125	\$25.00	0	125	\$0.40
RBM	AB15C	AMERICA'S CHOICE BUSINESS SHARE 1500 ANYTIME \$99.99 ACCESS 0603	\$99.99	0	1500	\$0.25
RBM	AB40	AMERICA'S CHOICE BUSINESS SHARE 400 ANYTIME \$39.99 ACCESS 0603	\$39.99	0	400	\$0.25
RBM	AB800	AMERICA'S CHOICE BUSINESS SHARE 800 ANYTIME \$59.99 ACCESS 0603	\$59.99	0	800	\$0.25
RBM	AC12C	AMERICA'S CHOICE 1200 ANYTIME \$79.99 ACCESS 1103	\$79.99	0	1200	\$0.35
RBM	AC12C	AMERICA'S CHOICE 1200 ANYTIME \$79.99 ACCESS 1103	\$79.99	0	1200	\$0.35
RBM	AC12K	AMERICAS_CHOICE_1200	\$100.00	0	1200	\$0.25
RBM	AC12P	AM CHOICE FAMILY 12H	\$100.00	0	1200	\$0.25
RBM	AC14U	AMERICA'S CHOICE FAMLY SHARE PRIM 2500 ANYTIME UNL IN NET\$10 + \$149.99 0204	\$149.99	0	2500	\$0.25
RBM	AC16C	AMERICA'S CHOICE 1600 ANYTIME \$99.99 ACCESS 1103	\$99.99	0	1600	\$0.25
RBM	AC20C	AMERICA'S CHOICE 2000 ANYTIME \$99.99 ACCESS 0404	\$99.99	0	2000	\$0.25
RBM	AC20F	AMERICA'S CHOICE FAMILY SHARE PRIMARY 2000 ANYTIME \$99.99 ACCESS 0404	\$99.99	0	2000	\$0.25
RBM	AC20U	AMERICA'S CHOICE FAMLY SHARE PRIM 2000 ANYTIME UNL IN NET\$10 + \$99.99 0404	\$99.99	0	2000	\$0.25
RBM	AC25C	AMERICA'S CHOICE 2500 ANYTIME \$149.99 ACCESS 1103	\$149.99	0	2500	\$0.25
RBM	AC25S	AM FAMILY SHARE .25	\$20.00	0	0	\$0.25
RBM	AC29P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 5500 ANYTIME \$299.99 ACCESS 1003	\$299.99	0	5500	\$0.20
RBM	AC300	AMERICAS_CHOICE_300	\$35.00	0	300	\$0.40
RBM	AC300	AMERICAS_CHOICE_300	\$35.00	0	300	\$0.40
RBM	AC30C	AMERICA'S CHOICE 3000 ANYTIME \$149.99 ACCESS 0404	\$149.99	0	3000	\$0.25
RBM	AC30F	AMERICA'S CHOICE FAMILY SHARE PRIMARY 3000 ANYTIME \$149.99 ACCESS 0404	\$149.99	0	3000	\$0.25
RBM	AC30P	AM CHOICE FAMILY 300	\$35.00	0	300	\$0.40
RBM	AC30P	AM CHOICE FAMILY 300	\$35.00	0	300	\$0.40

**Appendix B-1**

RBM	AC30U	AMERICA'S CHOICE FAMLY SHARE PRIM 3000 ANYTIME UNL IN NET\$10 + \$149.99 0404	\$149.99	0	3000	\$0.25
RBM	AC34	AMERICA'S CHOICE 300 ANYTIME \$34.99 ACCESS 0603	\$34.99	0	300	\$0.45
RBM	AC34	AMERICA'S CHOICE 300 ANYTIME \$34.99 ACCESS 0603	\$34.99	0	300	\$0.45
RBM	AC34P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 300 ANYTIME \$34.99 ACCESS 0603	\$34.99	0	300	\$0.45
RBM	AC35C	AMERICA'S CHOICE 3500 ANYTIME \$199.99 ACCESS 1103	\$199.99	0	3500	\$0.20
RBM	AC35S	AM FAMILY SHARE .35	\$20.00	0	0	\$0.35
RBM	AC35S	AM FAMILY SHARE .35	\$20.00	0	0	\$0.35
RBM	AC39	AMERICA'S CHOICE 400 ANYTIME \$39.99 ACCESS 0603	\$39.99	0	400	\$0.45
RBM	AC39	AMERICA'S CHOICE 400 ANYTIME \$39.99 ACCESS 0603	\$39.99	0	400	\$0.45
RBM	AC39P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 400 ANYTIME \$39.99 ACCESS 0603	\$39.99	0	400	\$0.45
RBM	AC39P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 400 ANYTIME \$39.99 ACCESS 0603	\$39.99	0	400	\$0.45
RBM	AC39U	AMERICA'S CHOICE FAMILY SHARE PRIM 400 ANYTIME UNL IN NET\$10 + \$39.99 0204	\$39.99	0	400	\$0.45
RBM	AC400	AMERICAS_CHOICE_400	\$45.00	0	400	\$0.35
RBM	AC40F	AMERICA'S CHOICE FAMILY SHARE PRIMARY 4000 ANYTIME \$199.99 ACCESS 0404	\$199.99	0	4000	\$0.20
RBM	AC40P	AM CHOICE FAMILY 400	\$45.00	0	400	\$0.35
RBM	AC40S	AM FAMILY SHARE .40	\$20.00	0	0	\$0.40
RBM	AC40S	AM FAMILY SHARE .40	\$20.00	0	0	\$0.40
RBM	AC40U	AMERICA'S CHOICE FAMLY SHARE PRIM 4000 ANYTIME UNL IN NET\$10 + \$199.99 0404	\$199.99	0	4000	\$0.20
RBM	AC49	AMERICA'S CHOICE 500 ANYTIME \$49.99 ACCESS 0603	\$49.99	0	500	\$0.40
RBM	AC49	AMERICA'S CHOICE 500 ANYTIME \$49.99 ACCESS 0603	\$49.99	0	500	\$0.40
RBM	AC49P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 500 ANYTIME \$49.99 ACCESS 0603	\$49.99	0	500	\$0.40
RBM	AC49P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 500 ANYTIME \$49.99 ACCESS 0603	\$49.99	0	500	\$0.40
RBM	AC49U	AMERICA'S CHOICE FAMILY SHARE PRIM 500 ANYTIME UNL IN NET\$10 + \$49.99 0204	\$49.99	0	500	\$0.40
RBM	AC550	AMERICAS_CHOICE_550	\$55.00	0	550	\$0.35
RBM	AC55P	AM CHOICE FAMILY 550	\$55.00	0	550	\$0.35
RBM	AC59	AMERICA'S CHOICE 700 ANYTIME 0603	\$59.99	0	700	\$0.40
RBM	AC59P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 700 ANYTIME 0603	\$59.99	0	700	\$0.40
RBM	AC59U	AMERICA'S CHOICE FAMILY SHARE PRIM 800 ANYTIME UNL IN NET\$10 + \$59.99 0204	\$59.99	0	800	\$0.40
RBM	AC59U	AMERICA'S CHOICE FAMILY SHARE PRIM 800 ANYTIME UNL IN NET\$10 + \$59.99 0204	\$59.99	0	800	\$0.40
RBM	AC60C	AMERICA'S CHOICE 6000 ANYTIME \$299.99 ACCESS 0404	\$299.99	0	6000	\$0.20
RBM	AC79P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 1000 ANYTIME 0603	\$79.99	0	1000	\$0.35
RBM	AC79U	AMERICA'S CHOICE FAMLY SHARE PRIM 1200 ANYTIME UNL IN NET\$10 + \$79.99 0204	\$79.99	0	1200	\$0.35
RBM	AC900	AMERICAS_CHOICE_900	\$75.00	0	900	\$0.35
RBM	AC90P	AM CHOICE FAMILY 900	\$75.00	0	900	\$0.35
RBM	AC90P	AM CHOICE FAMILY 900	\$75.00	0	900	\$0.35
RBM	AC99	AMERICA'S CHOICE 1300 ANYTIME 0603	\$99.99	0	1300	\$0.25

## Appendix B-2

RBM	AC99P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 1300 ANYTIME 0603	\$99.99	0	1300	\$0.25
RBM	AC99U	AMERICA'S CHOICE FAMILY SHARE PRIM 1600 ANYTIME UNL IN NET\$10 + \$99.99 0204	\$99.99	0	1600	\$0.25
RBM	ACFS	AMERICA'S CHOICE FAMILY SHARE SECONDARY \$20.00 ACCESS 0603	\$20.00	0	0	\$0.45
RBM	ACFS	AMERICA'S CHOICE FAMILY SHARE SECONDARY \$20.00 ACCESS 0603	\$20.00	0	0	\$0.45
RBM	ACFSS	AMERICA'S CHOICE FAMILY SHARE SECONDARY \$20.00 ACCESS 0204	\$20.00	0	0	\$0.45
RBM	ACFSS	AMERICA'S CHOICE FAMILY SHARE SECONDARY \$20.00 ACCESS 0204	\$20.00	0	0	\$0.45
RBM	ACP12	AMERICA'S CHOICE FAMILY SHARE PRIMARY 1200 ANYTIME \$79.99 ACCESS 1103	\$79.99	0	1200	\$0.35
RBM	ACP16	AMERICA'S CHOICE FAMILY SHARE PRIMARY 1600 ANYTIME \$99.99 ACCESS 1103	\$99.99	0	1600	\$0.25
RBM	ACP25	AMERICA'S CHOICE FAMILY SHARE PRIMARY 2500 ANYTIME \$149.99 ACCESS 1103	\$149.99	0	2500	\$0.25
RBM	ACP35	AMERICA'S CHOICE FAMILY SHARE PRIMARY 3500 ANYTIME \$199.99 ACCESS 1103	\$199.99	0	3500	\$0.20
RBM	ACSEU	AMERICA'S CHOICE FAMILY SHARE SECONDARY UNL IN NET \$10/ACCT \$20.00 0204	\$20.00	0	0	\$0.45
RBM	ACSEU	AMERICA'S CHOICE FAMILY SHARE SECONDARY UNL IN NET \$10/ACCT \$20.00 0204	\$20.00	0	0	\$0.45
RBM	ADTR	PB AGENT PLN (EMP)	\$9.95	0	1000	\$0.29
RBM	AF14P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 2500 ANYTIME \$149.99 ACCESS 0204	\$149.99	0	2500	\$0.25
RBM	AF19P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 3500 ANYTIME \$199.99 ACCESS 0204	\$199.99	0	3500	\$0.20
RBM	AF30P	AM CHOICE FAMILY 300	\$35.00	0	300	\$0.40
RBM	AF35S	AM CHOICE FAMILY .35	\$20.00	0	0	\$0.35
RBM	AF39P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 400 ANYTIME \$39.99 ACCESS 0204	\$39.99	0	400	\$0.45
RBM	AF39P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 400 ANYTIME \$39.99 ACCESS 0204	\$39.99	0	400	\$0.45
RBM	AF40P	AM CHOICE FAMILY 400	\$45.00	0	400	\$0.35
RBM	AF40S	AM CHOICE FAMILY .40	\$20.00	0	0	\$0.40
RBM	AF49P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 500 ANYTIME \$49.99 ACCESS 0204	\$49.99	0	500	\$0.40
RBM	AF55P	AM CHOICE FAMILY 550	\$55.00	0	550	\$0.35
RBM	AF59P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 800 ANYTIME \$59.99 ACCESS 0204	\$59.99	0	800	\$0.40
RBM	AF79P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 1200 ANYTIME \$79.99 ACCESS 0204	\$79.99	0	1200	\$0.35
RBM	AF90P	AM CHOICE FAMILY 900	\$75.00	0	900	\$0.35
RBM	AF99P	AMERICA'S CHOICE FAMILY SHARE PRIMARY 1600 ANYTIME \$99.99 ACCESS 0204	\$99.99	0	1600	\$0.2
RBM	AGEM1	INDIRECT AGENT EXECUTIVE PLAN - 3000 ANYTIME	\$0.00	0	3000	\$0.25
RBM	AGTR	AGENT PLAN (EMPL)	\$9.95	0	500	\$0.29
RBM	AM12K	AMERICA'S CHOICE 1200 ANYTIME 1002	\$100.00	0	1200	\$0.25
RBM	AM20S	AMERICA'S CHOICE FAMILY SHARE SECOND \$0.20 OVERAGE 1002	\$20.00	0	0	\$0.20
RBM	AM25S	AMERICA'S CHOICE FAMILY SHARE SECOND \$0.25 OVERAGE 1002	\$20.00	0	0	\$0.25
RBM	AM2K	AMERICA'S CHOICE 2000 ANYTIME 1002	\$150.00	0	2000	\$0.25
RBM	AM300	AMERICA'S CHOICE 300 ANYTIME 1002	\$35.00	0	300	\$0.45
RBM	AM300	AMERICA'S CHOICE 300 ANYTIME 1002	\$35.00	0	300	\$0.45
RBM	AM35S	AMERICA'S CHOICE FAMILY SHARE SECOND \$0.35 OVERAGE 1002	\$20.00	0	0	\$0.35

Appendix B-3

RBM	AM400	AMERICA'S CHOICE 400 ANYTIME 1002	\$45.00	0	400	\$0.40
RBM	AM400	AMERICA'S CHOICE 400 ANYTIME 1002	\$45.00	0	400	\$0.40
RBM	AM40S	AMERICA'S CHOICE FAMILY SHARE SECOND \$0.40 OVERAGE 1002	\$20.00	0	0	\$0.40
RBM	AM45S	AMERICA'S CHOICE FAMILY SHARE SECOND \$0.45 OVERAGE 1002	\$20.00	0	0	\$0.45
RBM	AM45S	AMERICA'S CHOICE FAMILY SHARE SECOND \$0.45 OVERAGE 1002	\$20.00	0	0	\$0.45
RBM	AM550	AMERICA'S CHOICE 550 ANYTIME 1002	\$55.00	0	550	\$0.40
RBM	AM900	AMERICA'S CHOICE 900 ANYTIME 1002	\$75.00	0	900	\$0.35
RBM	AN500	NATIONAL ACT AMERICA'S CHOICE AGG SHARE 500 ANYTIME \$45.00 ACCESS 0702	\$45.00	0	500	\$0.25
RBM	ANA1	ANALOG CELLULAR 60 \$24.99 ACCESS	\$24.99	0	60	\$0.35
RBM	APP19	PUSH TO TALK UNLIMITED AMERICA'S CHOICE 1500 ANYTIME 0803	\$119.99	0	1500	\$0.25
RBM	APP79	PUSH TO TALK UNLIMITED AMERICA'S CHOICE 800 ANYTIME \$79.99 ACCESS 0803	\$79.99	0	800	\$0.40
RBM	APT11	PUSH TO TALK UNLIMITED AMERICA'S CHOICE 1600 ANYTIME \$119.99 ACCESS 1103	\$119.99	0	1600	\$0.25
RBM	APT25	PUSH TO TALK UNLIMITED AMERICA'S CHOICE 2500 ANYTIME \$169.99 ACCESS 1103	\$169.99	0	2500	\$0.25
RBM	APT59	PUSH TO TALK UNLIMITED AMERICA'S CHOICE 400 ANYTIME \$59.99 ACCESS 0803	\$59.99	0	400	\$0.45
RBM	APT59	PUSH TO TALK UNLIMITED AMERICA'S CHOICE 400 ANYTIME \$59.99 ACCESS 0803	\$59.99	0	400	\$0.45
RBM	APT60	PUSH TO TALK UNLIMITED AMERICA'S CHOICE 6000 ANYTIME \$319.99 ACCESS 0404	\$319.99	0	6000	\$0.20
RBM	APT69	PUSH TO TALK UNLIMITED AMERICA'S CHOICE 500 ANYTIME \$69.99 ACCESS 0803	\$69.99	0	500	\$0.40
RBM	BLKBU	BLACKBERRY UNLIMITED PLAN \$49.99 ACCESS 0303	\$49.99	0	0	\$0.25
RBM	BSA1	AM'S CHC BUS 300	\$35.00	0	300	\$0.25
RBM	BSA3	AM'S CHC BUS 550	\$55.00	0	550	\$0.25
RBM	BSA4	AM'S CHC BUS 900	\$75.00	0	900	\$0.25
RBM	BSA5	AM'S CHC BUS 1200	\$100.00	0	1200	\$0.25
RBM	BSA6	AM'S CHC BUS 2000	\$150.00	0	2000	\$0.25
RBM	BSP16	AMERICA'S CHOICE BUSINESS SHARE 1600 ANYTIME \$104.99 ACCESS 0204	\$104.99	0	1600	\$0.25
RBM	BSP40	AMERICA'S CHOICE BUSINESS SHARE 400 ANYTIME \$44.99 ACCESS 0204	\$44.99	0	400	\$0.25
RBM	BSP80	AMERICA'S CHOICE BUSINESS SHARE 800 ANYTIME \$64.99 ACCESS 0204	\$64.99	0	800	\$0.25
RBM	BSS1	BUS LOCAL SHARE 250	\$35.00	0	250	\$0.25
RBM	BSS2	BUS LOCAL SHARE 500	\$50.00	0	500	\$0.25
RBM	BSS3	BUS LOCAL SHARE 1000	\$100.00	0	1000	\$0.25
RBM	BSW1	BUS REG SHARE 250	\$45.00	0	250	\$0.25
RBM	BSW2	BUS REG SHARE 500	\$60.00	0	500	\$0.25
RBM	CC12	ADVANTAGE SHARE 70	\$19.99	0	70	\$0.25
RBM	CCP2	\$31.99 SHAREPLAN	\$31.99	0	150	\$0.25
RBM	CCP8	\$25.99 SHREPLN ADLNE	\$25.99	0	100	\$0.25
RBM	CEP1	\$14.99 SHAREPLAN	\$14.99	0	1	\$0.25
RBM	CEP2	\$18 SHAREPLAN	\$18.00	0	21	\$0.40

**Appendix B-4**

RBM	CFT4	LD FAMILY 500	\$59.99	0	500	\$0.30
RBM	CFT4A	FAM SHR 500 ADD-A-LN	\$59.99	0	0	\$0.30
RBM	CFT5	LD FAMILY 800	\$89.99	0	800	\$0.30
RBM	CFT5A	FAM SHR 800 ADD-A-LN	\$89.99	0	0	\$0.30
RBM	CM06	STANDARD SHARE 400	\$39.99	0	400	\$0.25
RBM	CM06	STANDARD SHARE 400	\$39.99	0	400	\$0.25
RBM	CM06A	FAM SHR 400 ADD-A-LN	\$39.99	0	0	\$0.25
RBM	CM06A	FAM SHR 400 ADD-A-LN	\$39.99	0	0	\$0.25
RBM	CM06S	STANDARD SHARE 1300	\$49.99	0	1300	\$0.25
RBM	CM07	STANDARD SHARE 440	\$49.99	0	440	\$0.25
RBM	CM07A	FAM SHR 400 ADD-A-LN	\$49.99	0	0	\$0.25
RBM	CM08	STANDARD SHARE 660	\$69.99	0	660	\$0.25
RBM	CM10	STANDARD 150B	\$31.99	0	150	\$0.25
RBM	CM17	CORP 150	\$15.00	0	150	\$0.20
RBM	CM19	MTM SHAREPLAN 300	\$50.00	0	300	\$0.30
RBM	CM19A	FAM SHR 300 ADD-A-LN	\$50.00	0	0	\$0.30
RBM	CM6AS	FAM SHR 13H ADD-A-LN	\$49.99	0	900	\$0.25
RBM	CPPS	SEASONAL SUSPEND	\$4.95	0	0	\$0.00
RBM	CVP24	CONSUMER VALUE PLAN 100 ANYTIME LONG DISTANCE INCLUDED 0603	\$24.99	0	100	\$0.45
RBM	CVP29	CONSUMER VALUE PLAN 250 ANYTIME LONG DISTANCE INCLUDED 0603	\$29.99	0	250	\$0.45
RBM	D1000	DIGITAL CHOICE 1000	\$55.00	0	1000	\$0.40
RBM	DC11H	DIGITAL CHOICE 11H	\$75.00	0	1100	\$0.35
RBM	DC150	DIGITAL CHOICE 150	\$25.00	0	150	\$0.40
RBM	DC1KA	DIGITALCHOICE PROMO 1000 ANYTIME W/LD \$39.99 ACCESS 0404	\$39.99	0	1000	\$0.45
RBM	DC1KB	DIGITALCHOICE PROMO 1000 ANYTIME W/LD UNLTD N&W IN NET \$49.99 ACCESS 0404	\$49.99	0	1000	\$0.45
RBM	DC1KB	DIGITALCHOICE PROMO 1000 ANYTIME W/LD UNLTD N&W IN NET \$49.99 ACCESS 0404	\$49.99	0	1000	\$0.45
RBM	DC22C	DIGITALCHOICE 2200 ANYTIME W/LD \$99.99 ACCESS 0504	\$99.99	0	2200	\$0.25
RBM	DC24	DIGITALCHOICE 100 ANYTIME \$24.99 ACCESS 0603	\$24.99	0	100	\$0.45
RBM	DC24	DIGITALCHOICE 100 ANYTIME \$24.99 ACCESS 0603	\$24.99	0	100	\$0.45
RBM	DC29	DIGITALCHOICE 250 ANYTIME \$29.99 ACCESS 0603	\$29.99	0	250	\$0.45
RBM	DC39	DIGITALCHOICE 500 ANYTIME W/LD \$39.99 ACCESS 0603	\$39.99	0	500	\$0.45
RBM	DC39	DIGITALCHOICE 500 ANYTIME W/LD \$39.99 ACCESS 0603	\$39.99	0	500	\$0.45
RBM	DC40	DIGITALCHOICE 400 ANYTIME W/LD \$34.99 ACCESS 0204	\$34.99	0	400	\$0.45
RBM	DC450	DIGITAL CHOICE 450	\$35.00	0	450	\$0.40
RBM	DC49	DIGITALCHOICE 600 ANYTIME W/LD \$49.99 ACCESS 0603	\$49.99	0	600	\$0.40
RBM	DC49P	DIGITALCHOICE FAMILY SHARE PRIMARY 600 ANYTIME W/LD \$49.99 ACCESS 0603	\$49.99	0	600	\$0.40

**Appendix B-5**

RBM	DC49U	DIGITALCHOICE FAMILY SHARE PRIM 600 ANYTIME W/LD UNL IN NET\$10+\$49.99 0204	\$49.99	0	600	\$0.40
RBM	DC550	DIGITAL CHOICE 550	\$45.00	0	550	\$0.35
RBM	DC59U	DIGITALCHOICE FAMILY SHARE PRIM 1000 ANYTIME W/LD UNL IN NET\$10+\$59.99 0204	\$59.99	0	1000	\$0.40
RBM	DC79U	DIGITALCHOICE FAMILY SHARE PRIM 1400 ANYTIME W/LD UNL IN NET\$10+\$79.99 0204	\$79.99	0	1400	\$0.35
RBM	DC79U	DIGITALCHOICE FAMILY SHARE PRIM 1400 ANYTIME W/LD UNL IN NET\$10+\$79.99 0204	\$79.99	0	1400	\$0.35
RBM	DC99U	DIGITALCHOICE FAMILY SHARE PRIM 1800 ANYTIME W/LD UNL IN NET\$10+\$99.99 0204	\$99.99	0	1800	\$0.25
RBM	DCFS	DIGITALCHOICE FAMILY SHARE SECONDARY W/LD \$20.00 ACCESS 0603	\$20.00	0	0	\$0.45
RBM	DCFS	DIGITALCHOICE FAMILY SHARE SECONDARY W/LD \$20.00 ACCESS 0603	\$20.00	0	0	\$0.45
RBM	DCFSS	DIGITALCHOICE FAMILY SHARE SECONDARY W/LD \$20.00 ACCESS 0204	\$20.00	0	0	\$0.45
RBM	DCFSS	DIGITALCHOICE FAMILY SHARE SECONDARY W/LD \$20.00 ACCESS 0204	\$20.00	0	0	\$0.45
RBM	DCSEU	DIGITALCHOICE FAMILY SHARE SECONDARY W/LD UNL IN NET \$10/ACCT \$20.00 0204	\$20.00	0	0	\$0.45
RBM	DCSEU	DIGITALCHOICE FAMILY SHARE SECONDARY W/LD UNL IN NET \$10/ACCT \$20.00 0204	\$20.00	0	0	\$0.45
RBM	DF14P	DIGITALCHOICE FAMILY SHARE PRIMARY 2800 ANYTIME W/LD \$149.99 ACCESS 0204	\$149.99	0	2800	\$0.25
RBM	DF35S	SHAREPLAN_\$20_LINE	\$20.00	0	0	\$0.35
RBM	DF49P	DIGITALCHOICE FAMILY SHARE PRIMARY 600 ANYTIME W/LD \$49.99 ACCESS 0204	\$49.99	0	600	\$0.40
RBM	DF49P	DIGITALCHOICE FAMILY SHARE PRIMARY 600 ANYTIME W/LD \$49.99 ACCESS 0204	\$49.99	0	600	\$0.40
RBM	DF50P	DIGCH_FS_500_PRIMARY	\$45.00	0	500	\$0.35
RBM	DF59P	DIGITALCHOICE FAMILY SHARE PRIMARY 1000 ANYTIME W/LD \$59.99 ACCESS 0204	\$59.99	0	1000	\$0.40
RBM	DF79P	DIGITALCHOICE FAMILY SHARE PRIMARY 1400 ANYTIME W/LD \$79.99 ACCESS 0204	\$79.99	0	1400	\$0.35
RBM	DF99P	DIGITALCHOICE FAMILY SHARE PRIMARY 1800 ANYTIME W/LD \$99.99 ACCESS 0204	\$99.99	0	1800	\$0.25
RBM	DG125	DIGITALCHOICE 125	\$25.00	0	125	\$0.40
RBM	DG350	DIGITALCHOICE 350	\$35.00	0	350	\$0.40
RBM	DG500	DIGITALCHOICE 500	\$45.00	0	500	\$0.35
RBM	DG600	DIGITALCHOICE 600	\$40.00	0	600	\$0.40
RBM	DG600	DIGITALCHOICE 600	\$40.00	0	600	\$0.40
RBM	DH1K	DIGITALCHOICE PROMO 1000 ANYTIME 1102	\$39.99	0	1000	\$0.40
RBM	DH300	DIGITALCHOICE PROMO 300 ANYTIME 1102	\$30.00	0	300	\$0.40
RBM	DH300	DIGITALCHOICE PROMO 300 ANYTIME 1102	\$30.00	0	300	\$0.45
RBM	DIGPP	LOCAL DIG PREPAY	\$0.00	0	999999	\$0.00
RBM	DL125	DIGITALCHOICE 125 ANYTIME 1002	\$25.00	0	125	\$0.45
RBM	DL1K	DIGITALCHOICE 1000 ANYTIME 1002	\$75.00	0	1000	\$0.35
RBM	DL1K	DIGITALCHOICE 1000 ANYTIME 1002	\$75.00	0	1000	\$0.35
RBM	DL25S	DIGITALCHOICE FAMILY SHAREPLAN SECONDARY \$0.25 OVERAGE 1002	\$20.00	0	0	\$0.25
RBM	DL350	DIGITALCHOICE 350 ANYTIME 1002	\$35.00	0	350	\$0.45
RBM	DL350	DIGITALCHOICE 350 ANYTIME 1002	\$35.00	0	350	\$0.45
RBM	DL35P	DIGITALCHOICE FAMILY SHARE PRIMARY 350 ANYTIME 1002	\$35.00	0	350	\$0.45

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RBM	DL35P	DIGITALCHOICE FAMILY SHARE PRIMARY 350 ANYTIME 1002	\$35.00	0	350	\$0.45
RBM	DL35S	DIGITALCHOICE FAMILY SHARE SECONDARY \$0.35 OVERAGE 1002	\$20.00	0	0	\$0.35
RBM	DL40S	DIGITALCHOICE FAMILY SHARE SECONDARY \$0.40 OVERAGE 1002	\$20.00	0	0	\$0.40
RBM	DL40S	DIGITALCHOICE FAMILY SHARE SECONDARY \$0.40 OVERAGE 1002	\$20.00	0	0	\$0.40
RBM	DL45S	DIGITALCHOICE FAMILY SHARE SECONDARY \$0.45 OVERAGE 1002	\$20.00	0	0	\$0.45
RBM	DL45S	DIGITALCHOICE FAMILY SHARE SECONDARY \$0.45 OVERAGE 1002	\$20.00	0	0	\$0.45
RBM	DL500	DIGITALCHOICE 500 ANYTIME 1002	\$45.00	0	500	\$0.40
RBM	DL50H	DIGITALCHOICE 500 ANYTIME LONG DISTANCE INCLUDED 1002	\$39.99	0	500	\$0.45
RBM	DL650	DIGITALCHOICE 650 ANYTIME 1002	\$55.00	0	650	\$0.40
RBM	DL800	DIGITALCHOICE 800 ANYTIME LONG DISTANCE INCLUDED 1002	\$59.99	0	800	\$0.45
RBM	EVDO1	NATIONALACCESS AND BROADBANDACCESS UNLIMITED \$79.99 ACCESS 0903	\$79.99	0	0	\$0.25
RBM	EX150	NATIONALACCESS 150 ANYTIME MINUTES \$35.00 ACCESS 0502	\$35.00	0	150	\$0.40
RBM	EX1M	NATIONALACCESS 1 MEGABYTE PLAN \$9.00 ACCESS 0702	\$9.00	0	0	\$0.25
RBM	EX20	NATIONALACCESS 20 MEGABYTE PLAN \$39.99 ACCESS 0603	\$39.99	0	0	\$0.25
RBM	EX20K	NATIONALACCESS 2000 ANYTIME MINUTES \$200.00 ACCESS 0502	\$200.00	0	2000	\$0.20
RBM	EX400	NATIONALACCESS 400 ANYTIME MINUTES \$55.00 ACCESS 0502	\$55.00	0	400	\$0.35
RBM	EX600	NATIONALACCESS 600 ANYTIME MINUTES \$75.00 ACCESS 0502	\$75.00	0	600	\$0.35
RBM	FMA5	FAMILY SHARE 300	\$50.00	0	300	\$0.30
RBM	FMA5A	FMLY SHR 300 ADD LNE	\$50.00	0	0	\$0.30
RBM	FR19	FREEDOM 30	\$30.00	0	100	\$0.30
RBM	FRB2	SHAREPLAN 245 B	\$30.00	0	245	\$0.30
RBM	FRB2A	FAM SHR 245 ADD-A-LN	\$30.00	0	0	\$0.30
RBM	FRC1	FREEDOM 18	\$18.00	0	40	\$0.35
RBM	FRC2	FREEDOM 20	\$20.00	0	40	\$0.35
RBM	FRC2	FREEDOM 20	\$20.00	0	40	\$0.35
RBM	FRC3	FREEDOM 28	\$28.00	0	100	\$0.30
RBM	FSP1	FAMILY SHARE 450	\$50.00	0	450	\$0.4
RBM	FSP1A	FAM SHR .40 ADD-A-LN	\$50.00	0	0	\$0.40
RBM	FSW1	FAMILY SHARE 450 ANYTIME \$55.00 ACCESS	\$55.00	0	450	\$0.40
RBM	FSW1A	FAM SHR .40 ADD-A-LN	\$55.00	0	0	\$0.40
RBM	FSW2	FAMILY SHARE 550 ANYTIME \$65.00 ACCESS	\$65.00	0	550	\$0.35
RBM	FSW2A	FAM SHR .35 ADD-A-LN	\$65.00	0	0	\$0.35
RBM	FSW3	FAMILY SHARE 750 ANYTIME \$75.00 ACCESS	\$75.00	0	750	\$0.35
RBM	FSW3A	FAM SHR .35 ADD-A-LN	\$75.00	0	0	\$0.35
RBM	GLD4	GOLD 400	\$39.99	0	400	\$0.30
RBM	GLD5	GOLD 500	\$49.99	0	500	\$0.30

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RBM	GLD6	GOLD 800	\$79.99	0	800	\$0.25
RBM	GLD6	GOLD 800	\$79.99	0	800	\$0.25
RBM	GOL4	GOLD 400	\$39.99	0	400	\$0.30
RBM	GOL7	GOLD 1000	\$99.99	0	1000	\$0.25
RBM	GPA2	ANALOG 60	\$19.99	0	60	\$0.30
RBM	HDC49	DIGITALCHOICE 1000 ANYTIME PROMO W/LD \$49.99 ACCESS 1003	\$49.99	0	1000	\$0.45
RBM	HDC79	DIGITALCHOICE 1400 ANYTIME W/LD \$79.99 ACCESS 1103	\$79.99	0	1400	\$0.35
RBM	HDC99	DIGITALCHOICE 1800 ANYTIME W/LD \$99.99 ACCESS 1103	\$99.99	0	1800	\$0.25
RBM	HDP49	DIGITALCHOICE FAMILY SHAREPLAN 1000 ANYTIME PROMO W/LD \$49.99 ACCESS 1003	\$49.99	0	1000	\$0.45
RBM	HDP79	DIGITALCHOICE FAMILY SHARE PRIMARY 1400 ANYTIME W/LD \$79.99 ACCESS 1103	\$79.99	0	1400	\$0.35
RBM	HDP99	DIGITALCHOICE FAMILY SHARE PRIMARY 1800 ANYTIME W/LD \$99.99 ACCESS 1103	\$99.99	0	1800	\$0.25
RBM	HDP99	DIGITALCHOICE FAMILY SHARE PRIMARY 1800 ANYTIME W/LD \$99.99 ACCESS 1103	\$99.99	0	1800	\$0.25
RBM	L3FS	DIGCH FMLY SHR 650	\$45.00	0	650	\$0.40
RBM	L4FS	DIGCH FMLY SHR 800	\$55.00	0	800	\$0.40
RBM	L4FS	DIGCH FMLY SHR 800	\$55.00	0	800	\$0.40
RBM	L5FS	DIGCH FMLY SHR 1500	\$75.00	0	1500	\$0.35
RBM	L6FS	DIGCH FMLY SHR 2000	\$100.00	0	2000	\$0.25
RBM	LAW2	ANALOG 60	\$19.99	0	60	\$0.30
RBM	LAW3	ANALOG 200	\$29.99	0	200	\$0.30
RBM	LD125	DIGITAL CHOICE 125	\$25.00	0	125	\$0.40
RBM	LD350	DIGITAL CHOICE 350	\$35.00	0	350	\$0.40
RBM	LD500	DIGITAL CHOICE 500	\$45.00	0	500	\$0.35
RBM	LD650	DIGITAL CHOICE 650	\$55.00	0	650	\$0.35
RBM	LS1K	DIG CHOICE 1K SHARE	\$75.00	0	1000	\$0.35
RBM	LS350	DIG CHOICE 350 SHARE	\$35.00	0	350	\$0.40
RBM	LS35S	DIGCHOICE FAMILY .35	\$20.00	0	0	\$0.35
RBM	LS40S	DIGCHOICE FAMILY .40	\$20.00	0	0	\$0.4
RBM	MMPP	PREPAID AIRTIME	\$0.00	0	999999	\$0.00
RBM	N2FS	AMERCH FMLY SHR 400	\$35.00	0	400	\$0.45
RBM	N2FS	AMERCH FMLY SHR 400	\$35.00	0	400	\$0.45
RBM	N3FS	AMERCH FMLY SHR 500	\$45.00	0	500	\$0.40
RBM	N4FS	AMERCH FMLY SHR 700	\$55.00	0	700	\$0.40
RBM	N5FS	AMERCH FMLY SHR 1200	\$75.00	0	1200	\$0.35
RBM	N6FS	AMERCH FMLY SHR 1500	\$100.00	0	1500	\$0.25
RBM	N7FS	AMERCH FMLY SHR 2500	\$150.00	0	2500	\$0.25
RBM	N8FS	AMERCH FMLY SHR 3500	\$200.00	0	3500	\$0.20

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RBM	NCH30	AMERICA'S CHOICE 300	\$35.00	0	300	\$0.40
RBM	NCH30	AMERICA'S CHOICE 300	\$35.00	0	300	\$0.40
RBM	NCH40	AMERICA'S CHOICE 400	\$45.00	0	400	\$0.35
RBM	NCH55	AMERICA'S CHOICE 550	\$55.00	0	550	\$0.35
RBM	NCH90	AMERICA'S CHOICE 900	\$75.00	0	900	\$0.35
RBM	ON14	9.99 CORP PRFRD FLAT	\$9.99	0	0	\$0.14
RBM	ON37	CORPORATE ONNET \$37.47 ACCESS 500 ANYTIME \$.07 PEAK \$.07 OFF-PEAK 0403	\$37.47	0	500	\$0.07
RBM	PAC14	AMERICA'S CHOICE 2400 ANYTIME \$149.99 ACCESS 0603	\$149.99	0	2400	\$0.25
RBM	PAC19	AMERICA'S CHOICE 3400 ANYTIME \$199.99 ACCESS 0603	\$199.99	0	3400	\$0.20
RBM	PAC59	AMERICA'S CHOICE 800 ANYTIME \$59.99 ACCESS 0603	\$59.99	0	800	\$0.40
RBM	PAC59	AMERICA'S CHOICE 800 ANYTIME \$59.99 ACCESS 0603	\$59.99	0	800	\$0.40
RBM	PAC79	AMERICA'S CHOICE 1100 ANYTIME \$79.99 ACCESS 0603	\$79.99	0	1100	\$0.35
RBM	PAC99	AMERICA'S CHOICE 1500 ANYTIME \$99.99 ACCESS 0603	\$99.99	0	1500	\$0.25
RBM	PAP14	AMERICA'S CHOICE FAMILY SHARE PRIMARY 2400 ANYTIME \$149.99 ACCESS 0603	\$149.99	0	2400	\$0.25
RBM	PAP19	AMERICA'S CHOICE FAMILY SHARE PRIMARY 3400 ANYTIME \$199.99 ACCESS 0603	\$199.99	0	3400	\$0.20
RBM	PAP59	AMERICA'S CHOICE FAMILY SHARE PRIMARY 800 ANYTIME \$59.99 ACCESS 0603	\$59.99	0	800	\$0.40
RBM	PAP79	AMERICA'S CHOICE FAMILY SHARE PRIMARY 1100 ANYTIME \$79.99 ACCESS 0603	\$79.99	0	1100	\$0.35
RBM	PAP79	AMERICA'S CHOICE FAMILY SHARE PRIMARY 1100 ANYTIME \$79.99 ACCESS 0603	\$79.99	0	1100	\$0.35
RBM	PAP99	AMERICA'S CHOICE FAMILY SHARE PRIMARY 1500 ANYTIME \$99.99 ACCESS 0603	\$99.99	0	1500	\$0.25
RBM	PAP99	AMERICA'S CHOICE FAMILY SHARE PRIMARY 1500 ANYTIME \$99.99 ACCESS 0603	\$99.99	0	1500	\$0.25
RBM	PDC59	DIGITALCHOICE 1000 ANYTIME W/LD \$59.99 ACCESS 0603	\$59.99	0	1000	\$0.40
RBM	PDC59	DIGITALCHOICE 1000 ANYTIME W/LD \$59.99 ACCESS 0603	\$59.99	0	1000	\$0.40
RBM	PDC79	DIGITALCHOICE 1300 ANYTIME W/LD \$79.99 ACCESS 0603	\$79.99	0	1300	\$0.35
RBM	PDC99	DIGITALCHOICE 1700 ANYTIME W/LD \$99.99 ACCESS 0603	\$99.99	0	1700	\$0.25
RBM	PDP59	DIGITALCHOICE FAMILY SHARE PRIMARY 1000 ANYTIME W/LD \$59.99 ACCESS 0603	\$59.99	0	1000	\$0.40
RBM	PDP59	DIGITALCHOICE FAMILY SHARE PRIMARY 1000 ANYTIME W/LD \$59.99 ACCESS 0603	\$59.99	0	1000	\$0.40
RBM	PDP79	DIGITALCHOICE FAMILY SHARE PRIMARY 1300 ANYTIME W/LD \$79.99 ACCESS 0603	\$79.99	0	1300	\$0.35
RBM	PDP99	DIGITALCHOICE FAMILY SHARE PRIMARY 1700 ANYTIME W/LD \$99.99 ACCESS 0603	\$99.99	0	1700	\$0.25
RBM	PPEV1	PUSH TO TALK UNLIMITED VZW DEMO USE ONLY/SPECIAL EVENT OR CHARITY 0903	\$0.00	0	999999	\$0.00
RBM	RE200	SINGLERATE MW 200	\$35.00	0	200	\$0.45
RBM	RE350	SINGLERATE MW 350	\$45.00	0	350	\$0.40
RBM	RE500	SINGLERATE MW 500	\$55.00	0	500	\$0.40
RBM	RE550	SINGLERATE MIDWEST 550 ANYTIME \$55.00 ACCESS 1102	\$55.00	0	550	\$0.40
RBM	RE750	SINGLERATE MIDWEST 750 ANYTIME \$75.00 ACCESS 1102	\$75.00	0	750	\$0.35
RBM	RS750	AGENT SALES NON STANDARD	\$20.00	0	750	\$0.40
RBM	RS7V2	RADIO SHACK 750 ANYTIME \$20.00 ACCESS 0503	\$20.00	0	750	\$0.40

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RBM	SAV6	ANALOG PLAN \$9.95 ACCESS \$0.70 PER MINUTE	\$9.95	0	0	\$0.70
RBM	SC150	SINGLERATE CANADA 150 ANYTIME \$45.00 ACCESS 0801	\$45.00	0	150	\$0.40
RBM	SC15K	SINGLERATE CANADA 1500 ANYTIME \$160.00 ACCESS 0801	\$160.00	0	1500	\$0.25
RBM	SC2K	SINGLERATE CANADA 2000 ANYTIME \$210.00 ACCESS 0801	\$210.00	0	2000	\$0.20
RBM	SC3K	SINGLERATE CANADA 3000 ANYTIME \$310.00 ACCESS 0801	\$310.00	0	3000	\$0.20
RBM	SC400	SINGLERATE CANADA 400 ANYTIME \$65.00 ACCESS 0801	\$65.00	0	400	\$0.35
RBM	SC600	SINGLERATE CANADA 600 ANYTIME \$85.00 ACCESS 0801	\$85.00	0	600	\$0.35
RBM	SC900	SINGLERATE CANADA 900 ANYTIME \$110.00 ACCESS 0801	\$110.00	0	900	\$0.25
RBM	SHAK4	NON-STND AGENT SALES	\$20.00	0	750	\$0.40
RBM	SM200	SINGLERATE MW 200	\$35.00	0	200	\$0.40
RBM	SM350	SINGLERATE MW 350	\$45.00	0	350	\$0.37
RBM	SM500	SINGLERATE MW 500	\$55.00	0	500	\$0.35
RBM	SM750	SINGLERATE MW 750	\$75.00	0	750	\$0.35
RBM	SN150	SINGLERATE NATIONAL 150 ANYTIME \$35.00 ACCESS 0402	\$35.00	0	150	\$0.40
RBM	SN15K	SINGLERATE NATIONAL 1500 ANYTIME \$150.00 ACCESS 0402	\$150.00	0	1500	\$0.25
RBM	SN15K	SINGLERATE NATIONAL 1500 ANYTIME \$150.00 ACCESS 0402	\$150.00	0	1500	\$0.25
RBM	SN2K	SINGLERATE NATIONAL 2000 ANYTIME \$200.00 ACCESS 0402	\$200.00	0	2000	\$0.20
RBM	SN3K	SINGLERATE NATIONAL 3000 ANYTIME \$300.00 ACCESS 0402	\$300.00	0	3000	\$0.20
RBM	SN400	SINGLERATE NATIONAL 400 ANYTIME \$55.00 ACCESS 0402	\$55.00	0	400	\$0.35
RBM	SN400	SINGLERATE NATIONAL 400 ANYTIME \$55.00 ACCESS 0402	\$55.00	0	400	\$0.35
RBM	SN600	SINGLERATE NATIONAL 600 ANYTIME \$75.00 ACCESS 0402	\$75.00	0	600	\$0.35
RBM	SN900	SINGLERATE NATIONAL 900 ANYTIME \$100.00 ACCESS 0402	\$100.00	0	900	\$0.25
RBM	SPEV1	VERIZON WIRELESS DEMO USE ONLY/SPECIAL EVENT OR CHARITY 0602	\$0.00	0	999999	\$0.00
RBM	SPLND	REPAY LOCAL NORTH DAKOTA TIERED PRICING FROM \$0.50 TO \$0.20 PER MIN 0400	\$0.00	0	999999	\$0.00
RBM	SPNDG	PREPAY LOCAL NORTH DAKOTA TIERED PRICING FROM \$0.50 TO \$0.20 PER MIN 0400	\$0.00	0	999999	\$0.00
RBM	SR11	CORPORATE 50 STATES \$11.99 ACCESS \$.12 ANYTIME 0403	\$11.99	0	0	\$0.12
RBM	SRD1	SINGLE RATE 150	\$35.00	0	150	\$0.40
RBM	SRD2	SINGLE RATE 400	\$55.00	0	400	\$0.35
RBM	SRD3	SINGLE RATE 600	\$75.00	0	600	\$0.35
RBM	SRD4	SINGLE RATE 900	\$100.00	0	900	\$0.25
RBM	SRD5	SINGLE RATE 1500	\$150.00	0	1500	\$0.25
RBM	SRD6	SINGLE RATE 2000	\$200.00	0	2000	\$0.20
RBM	SRG4	SR REGIONAL 150	\$30.00	0	150	\$0.35
RBM	SRG5	SR REGIONAL 300	\$40.00	0	300	\$0.30
RBM	SRG6	SR REGIONAL 400	\$50.00	0	400	\$0.30
RBM	SU150	SINGLERATE 150	\$35.00	0	150	\$0.40

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RBM	SU15K	SINGLERATE 1500	\$150.00	0	1500	\$0.25
RBM	SU2K	SINGLERATE 2000	\$200.00	0	2000	\$0.20
RBM	SU400	SINGLERATE 400	\$55.00	0	400	\$0.35
RBM	SU600	SINGLERATE 600	\$75.00	0	600	\$0.35
RBM	SU900	SINGLERATE 900	\$100.00	0	900	\$0.25
RBM	SU900	SINGLERATE 900	\$100.00	0	900	\$0.25
RBM	TB4H	TOTAL BUSINESS CONNECTION 400 ANYTIME \$39.99 ACCESS 0403	\$39.99	0	400	\$0.45
RBM	TBCP8	PUSH TO TALK UNL TOTAL BUSINESS CONNECTION 800 ANYTIME \$79.99 ACCESS 0803	\$79.99	0	800	\$0.40
RBM	VEP1P	VERIZON WIRELESS EMPLOYEE PLAN 1 - PRIMARY	\$5.00	200	0	\$0.10
RBM	VEP2P	VERIZON WIRELESS EMPLOYEE PLAN 2 - PRIMARY	\$12.50	500	0	\$0.10
RBM	VEP2S	VERIZON WIRELESS EMPLOYEE PLAN 2 - SECONDARY/THIRD	\$15.00	0	500	\$0.10
RBM	VEP3P	VERIZON WIRELESS EMPLOYEE PLAN 3 - PRIMARY	\$25.00	1000	0	\$0.10
RBM	VEP3S	VERIZON WIRELESS EMPLOYEE PLAN 3 - SECONDARY/THIRD	\$35.00	0	1000	\$0.10
RBM	VN052	VERIZON WIRELESS NET 52_15_50	\$52.00	0	0	\$0.15
RBM	VZDS1	VERIZON WIRELESS COMPANY DEMO - NATIONAL	\$0.00	0	999999	\$0.00
RBM	VZRL1	VERIZON WIRELESS EMPLOYEE RETAIL 1000	\$0.00	0	1000	\$0.25
RBM	WF010	CORP NAT 10.99_0_10	\$10.99	0	0	\$0.10
RBM	WSUNL	PDA/SMARTPHONE UNLIMITED PLAN \$49.99 0403	\$49.99	0	0	\$0.25
RBM	WW11	EXTRA SHARE 440	\$40.00	0	440	\$0.25
RBM	WW11S	EXTRA SHARE 1340	\$50.00	0	1340	\$0.25
RBM	WW22	EXTRA SHARE 660	\$60.00	0	660	\$0.23
RBM	WW33	EXTRA SHARE 880	\$80.00	0	880	\$0.20
RBM	WW44	EXTRA SHARE 1100	\$100.00	0	1100	\$0.17
RBM	WWXX	EXTRA SHAREPLAN	\$18.00	0	5	\$0.25

**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-386-03-598 Pages: 3

32 PU-897-03-599 Pages: 3

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

03/31/2004

CC: Comm Legal Illona Pat.

31 PU-1225-03-600 Pages: 3

31 PU-338-03-601 Pages: 3

31 ✓ PU-494-03-602 Pages: 3

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

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

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TDD 800-366-6888  
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Phone 701-328-2400

March 31, 2004

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  
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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-494-03-602

Pages: 2

Affidavit of Service

by Public Service Commission

02/26/2004

CC: Comm Legal Iliona Pat .

The envelopes were addressed as follows:

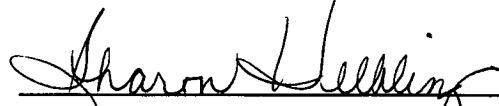
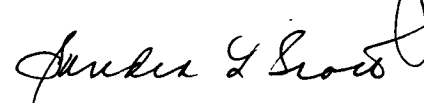
Diana Stevens  
Northwest Dakota Cellular of North Dakota  
Limited Partnership  
1 Verizon Place  
Mail Code – GA1A2FRP  
Alpharetta GA 30004  
**Cert. No. 7002 2410 0003 4911 4691**

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**

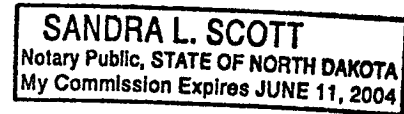
Thomas D Kelsch  
P O Box 1266  
Mandan ND 58554-1266  
**Cert. No. 7002 2410 0003 4911 4714**

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  
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**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**

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

DATE: 2-25-04  
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  
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Designated Eligible Carrier  
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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-494-03-602

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**

<b>Study Area Name</b>	<b>Included Local Exchange Companies</b>
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**

<b>Study Area Name</b>	<b>Included Local Exchange Companies</b>
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**

<b>Study Area Name</b>	<b>Included Local Exchange Companies</b>
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**

<b>Study Area Name</b>	<b>Included Local Exchange Companies</b>
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**

<b>Applicant name</b>	<b>Study area(s) requested for designation not requiring redefinition under 47 C.F.R. § 54.207(c)</b>
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**

<b>Applicant name</b>	<b>Requested redefined study areas under 47 C.F.R. § 54.207(c)</b>
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 &amp; 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**

<b>Applicant name</b>	<b>Requested designated service areas within study areas requiring redefinition under 47 C.F.R. § 54.207(c)</b>
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.<sup>1</sup>

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.<sup>2</sup> 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.<sup>3</sup> 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

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<sup>1</sup> *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*)

<sup>2</sup> *Id.* ¶ 42

<sup>3</sup> *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.<sup>4</sup> 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

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<sup>4</sup> 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.

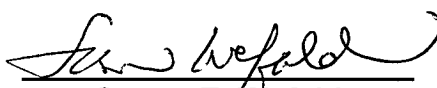
5. North Dakota 5 – Kidder Limited Partnership is designated an eligible telecommunications carrier for the purpose of receiving federal universal service support in the service area requested as follows: (a) is designated in those study areas not requiring redefinition and, (b) in those study areas 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**



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**Susan E. Wefald  
Commissioner**



---

**Tony Clark  
President**

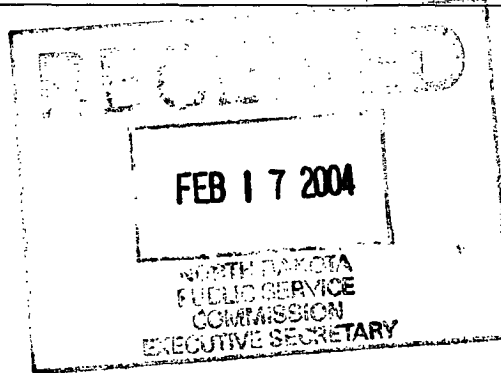


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**Kevin Cramer  
Commissioner**

# BRIGGS AND MORGAN

PROFESSIONAL ASSOCIATION



WRITER'S DIRECT DIAL

(651) 808-6561

WRITER'S E-MAIL

mayotte@briggs.com

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").

27 PU-494-03-602

Pages: 4

**BRIGGS AND MORGAN**

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. Binek  
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

**BRIGGS AND MORGAN**

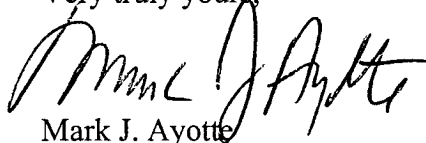
William W. Binek  
February 13, 2004  
Page 4

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



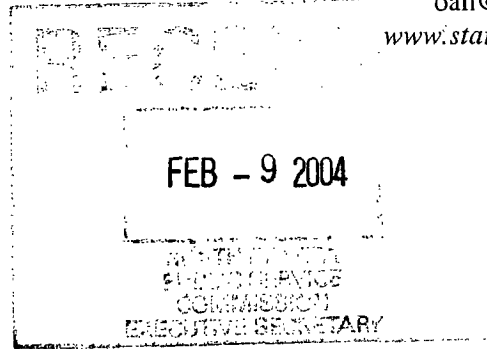
**OFFICE OF ADMINISTRATIVE HEARINGS**

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

Allen C. Hoberg  
DIRECTOR

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oah@state.nd.us  
www.state.nd.us/oah

February 6, 2004



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 Ilona Pat

# BRIGGS AND MORGAN

PROFESSIONAL ASSOCIATION

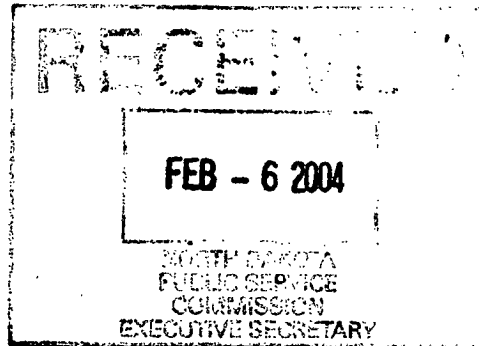
WRITER'S DIRECT DIAL

(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 – 12<sup>th</sup> Floor  
600 East Boulevard Avenue – Dept. 408  
Bismarck, ND 58505-0480

**Re: In the Matter of Bismarck MSA Limited Partnership d/b/a Verizon  
Wireless Petition for Designation as an Eligible Telecommunications  
Carrier  
Case No. PU-494-03-602**

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-494-03-602

Pages: 2

Cover letter re filings

by Bismarck MSA Limited Partnership

02/06/2004

CC: Comm Legal Ilona Pat ALJ

**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 prominent initial "M".

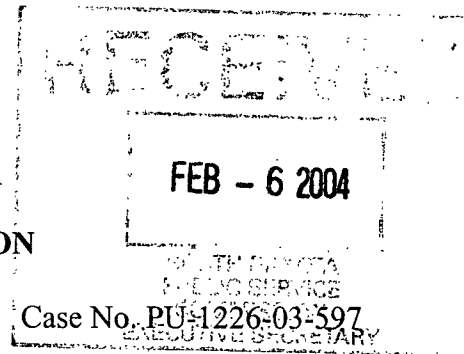
Mark J. Ayotte

MJA/sjc

Enclosures

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

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**



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 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

**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 

Mark J. Ayotte

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

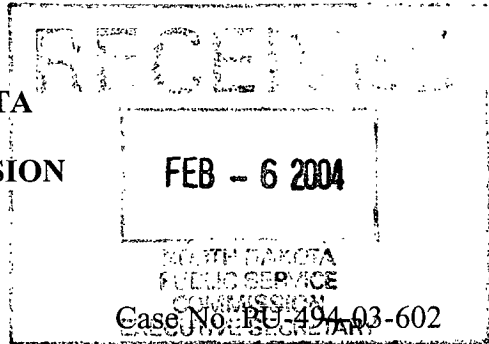
Don Negaard

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 4, 2004

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION



In the Matter of Bismarck MSA 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 Bismarck MSA 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 Bismarck Metropolitan Statistical Area ("Bismarck MSA").

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 Bismarck MSA with the wire center boundaries of each local exchange carrier.

2. Verizon Wireless currently serves areas in Bismarck MSA also served by Qwest and two rural telephone companies, namely, BEK Communications Cooperative ("BEK Communications") and West River Telecommunications Cooperative ("West River Telecom").

3. The respective study areas of BEK Communications and West River Telecom do not correspond with Verizon Wireless' CMRS licensed area or existing signal coverage area in Bismarck MSA. 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).

4. 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.

5. 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 4, 2004

## EXHIBIT A

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

1. Qwest Corporation – Exchanges
  - Mandan
  - Bismarck

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

1. BEK Communications Cooperative – All wire centers or partial wire centers located within the geographic boundaries of Bismarck MSA
2. West River Telecommunications Cooperative – All wire centers or partial wire centers located within the geographic boundaries of Bismarck MSA



**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](http://www.psc.state.nd.us)  
e-mail: [ndpsc@psc.state.nd.us](mailto:ndpsc@psc.state.nd.us)  
TDD 800-366-6888  
Fax 701-328-2410  
Phone 701-328-2400

January 14, 2004

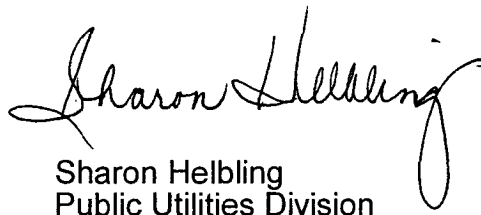
Don Negaard  
Pringle & Herigstad  
P O Box 1000  
Minot ND 58702-1000

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**

**MOTION**

DATE: 1-14-04  
KME

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

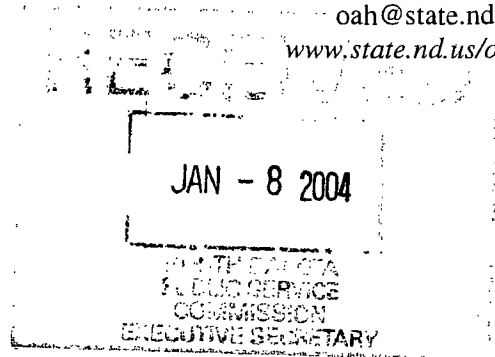
Bismarck, North Dakota 58501-1882

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](http://www.psc.state.nd.us)  
e-mail: [ndpsc@psc.state.nd.us](mailto: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-494-03-602

Pages: 1

Letter to parties re Court Reporter

by Public Service Commission

01/05/2004

CC: Comm Legal Iliona 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 9<sup>th</sup> 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, 12<sup>th</sup> 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

/sls  
Enclosure

C: Mark J. Ayotte  
Don Negaard

18 PU-494-03-602

Pages: 2

Request for ALJ

by Public Service Commission

01/05/2003

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

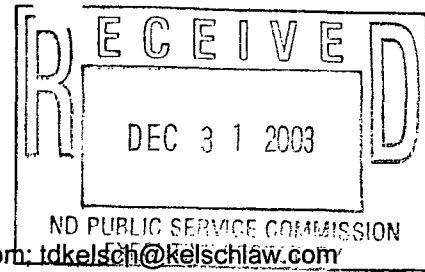
Additional Comments  
 Hearing will be tape recorded and court reporter may be present.

(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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17 PU-494-03-602

Pages: 5

E-mail re VZW ETC Matters

by Bismarck MSA Limited Partnership

01/05/2004

CC: Comm Legal Illona Pat.

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This email has been scanned for all viruses by the MessageLabs SkyScan service.  
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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)

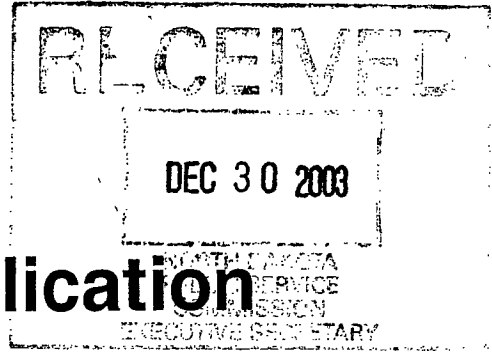
- **Joint-Board Factors:** 47 U.S.C. § 214(e)(5) and 47 C.F.R. § 54.207(b) require the FCC and State commission to each give full consideration to the prior recommendations of the Federal-State Joint Board on Universal Service (“Joint Board”) and provide a rationale for defining the rural telephone company’s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

*Factors that must be considered by thePSC*

- 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.

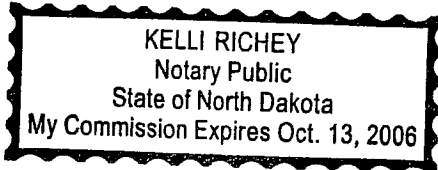
Signed: Colleen Park

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.

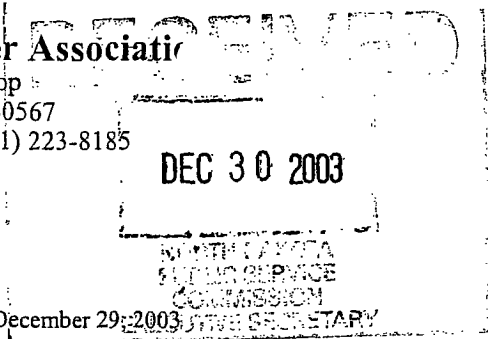
12/30/2003

CC: Comm Legal Illona Pat.



North Dakota Newspaper Association

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



INVOICE

Order 18521-03125PP1

Invoice # 29714

December 29, 2003

Advertiser: Public Service Commission

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

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

Ad Size	Rate Type	Rate	Total	Discount (%)	Caption	Page	Run Date
<b>Bismarck Tribune (Bismarck ND)</b>							
84.00	SPR2	0.64	53.76	0.00	Northwest - Bis MSA		12/26/03
<b>Devils Lake Daily Journal (Devils Lake ND)</b>							
88.00	SPR2	0.63	55.44	0.00	Northwest - Bis MSA		12/26/03
<b>Dickinson Press (Dickinson ND)</b>							
91.00	SPR2	0.57	51.87	0.00	Northwest - Bis MSA		12/27/03
<b>Fargo, The Forum (Fargo ND)</b>							
73.00	SPR2	0.71	51.83	0.00	Northwest - Bis MSA		12/29/03
<b>Grand Forks Herald (Grand Forks ND)</b>							
79.00	SPR2	0.69	54.51	0.00	Northwest - Bis MSA		12/23/03
<b>Jamestown Sun (Jamestown ND)</b>							
93.00	SPR2	0.54	50.22	0.00	Northwest - Bis MSA		12/26/03
<b>Minot Daily News (Minot ND)</b>							
138.00	SPR2	0.54	74.52	0.00	Northwest - Bis MSA		12/26/03
<b>Valley City Times-Record (Valley City ND)</b>							
88.00	SPR2	0.61	53.68	0.00	Northwest - Bis MSA		12/26/03
<b>Wahpeton Daily News (Wahpeton ND)</b>							
104.00	SPR2	0.51	53.04	0.00	Northwest - Bis MSA		12/26/03
<b>Williston Herald (Williston ND)</b>							
87.00	SPR2	0.61	53.07	0.00	Northwest - Bis MSA		12/26/03

Gross Advertising	551.94	Total Misc	0.00	Amount Paid	0.00
Agency Discount		Tax	0.00	Adjustments	0.00
Other Discount	0.00	Total Billed	551.94	Payment Date	
Service Charge	0.00	Unbilled	0.00	Balance Due	551.94

- 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.

Affidavit of Publication

by North Dakota Advertising Service, Inc.

12/30/2003

CC: Comm Legal Ilona Pat .

12/30/2003

CC: Comm Legal Ilona Pat .



LAW OFFICES OF

**PRINGLE & HERIGSTAD, P.C.**

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

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

OF COUNSEL  
HERBERT L. MESCHKE

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

ROGER O. HERIGSTAD  
(1919-2003)

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  
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 **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-494-03-602**

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**

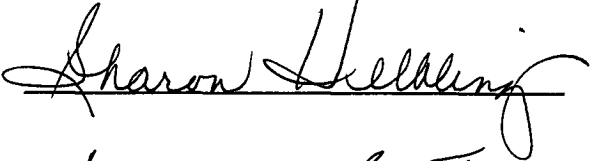
Mark J Ayotte  
Briggs and Morgan PA  
2200 First National Bank Bldg  
332 Minnesota St  
St Paul MN 55101

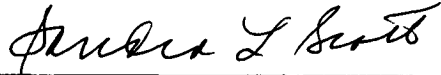
**Cert. No. 7003 1680 0004 9646 3610**

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:

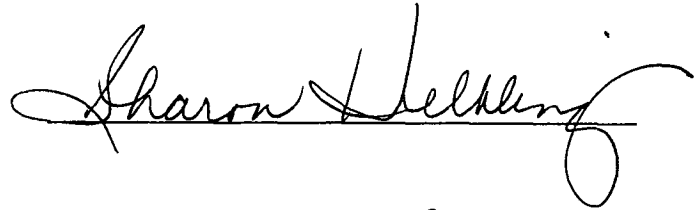
she is over the age of 18 years and not a party to this action and, on the **19th day of December, 2003**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, and/or e-mailed a copy of:

**Notice of Hearing**

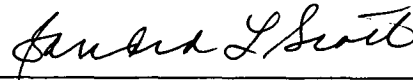
To:

**See Attached List**

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

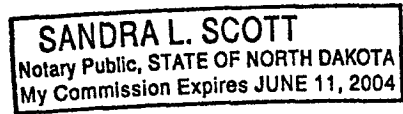


Subscribed and sworn to before me  
this **19th day of December, 2003**.



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McLean VA 22102

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

Touch America Inc  
40 E Bdwy  
Butte MT 59701

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

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

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

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

Kenneth Carlson  
United Telephone Mut Aid Corp  
Langdon ND 58249

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

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

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

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

VarTec Telecom Inc  
1600 Viceroy Dr  
Dallas TX 75235

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

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

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

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

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

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

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

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

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

WTC Competitive Services Inc  
P O Box 129  
Wolverton MN 56594

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

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

**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-494-03-602 Pages: 1

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

12/18/2003

CC: Corinn Legal Monna Pat .

12/18/2003

**MOTION**

**December 18, 2003**

**APPROVED**

DATE: 12-18-03  
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 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 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, 12<sup>th</sup> 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. Wefald Commissioner	 _____ Tony Clark President	 _____ Kevin Cramer Commissioner
---	--	--

**America's Choice<sup>SM</sup>  
Family SharePlan<sup>®</sup>**

Sign up now and get:

**UNLIMITED**  
Family Calling

— AND —

**UNLIMITED**  
Night & Weekend Shared Airtime Minutes

Rate 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:**

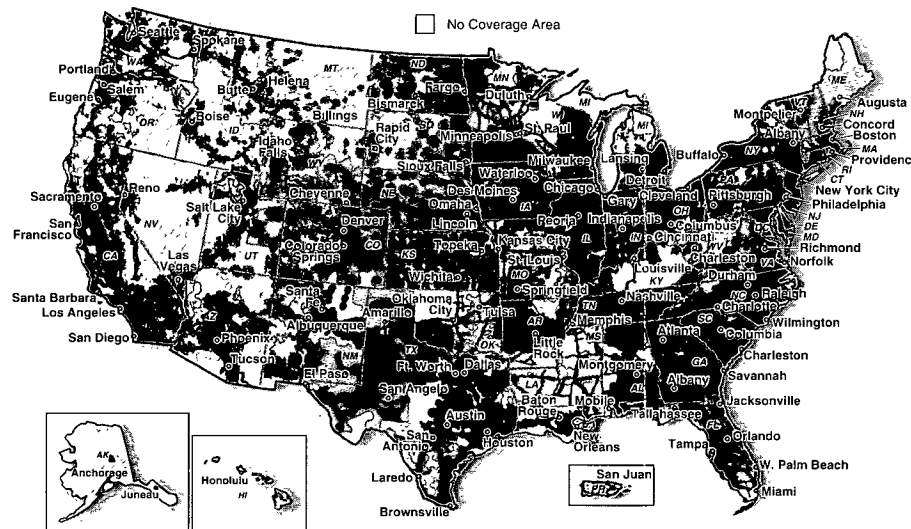
- UNLIMITED Night & Weekend Minutes
- 1000 National Mobile to Mobile Minutes for calls to or from any of our 32.5 million Verizon Wireless customers, within the National Mobile to Mobile Rate and Coverage Area.
- Bonus Monthly Home Airtime Allowance Minutes on calling plans \$59.99 or more (varies by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

Limited Time Promotional Offers.

America's Choice <sup>SM</sup> Calling Plans								Family SharePlan <sup>®</sup>
			Great Value					
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	45c	40c	40c	35c	25c	25c	20c	45c for additional line(s)
• Domestic long distance is included from your America's Choice Home Airtime Rate and Coverage Area (airtime charges apply). • Domestic roaming is 69c per minute (includes domestic long distance charges).								
<b>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.</b> 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. <b>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.</b> 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. <b>Night hours: 9:01 PM – 5:59 AM Monday – Friday. Weekend hours: 12:00 AM Saturday – 11:59 PM Sunday.</b>								

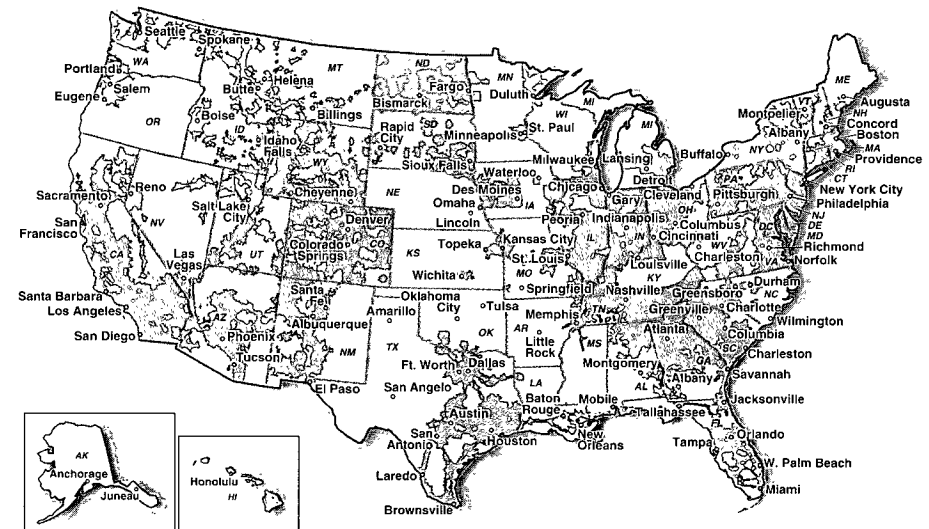
**America's Choice<sup>SM</sup>  
Home Airtime Rate and Coverage Area**

- America's Choice<sup>SM</sup> All-Digital Home Airtime Rate and Coverage Area
- America's Choice<sup>SM</sup> Home Airtime Rate and Coverage Area
- Roaming Rate and Coverage Area
- No Coverage Area



**National Enhanced Services Rate and Coverage Area**

- National Enhanced Services Rate and Coverage Area
- National Mobile to Mobile Rate and Coverage Area
- National Enhanced Services and National Mobile to Mobile Not Available



**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 Choice<sup>SM</sup> 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.

### 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<sup>SM†A5</sup>

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

### Mobile Web<sup>†A4</sup>

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<sup>†A4</sup>

*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<sup>†A</sup>

Replacement coverage for defective phones.

### Wireless Phone Protection<sup>†A</sup>

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

### Total Equipment Coverage<sup>†A</sup>

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

### Roadside Assistance<sup>†A</sup>

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<sup>†A1</sup>

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<sup>†A1</sup>

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

### TXT Messaging<sup>†A</sup>

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

### Picture Messaging<sup>SM†A4</sup>

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

### 411 Connect<sup>SM†A2</sup>

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

### Caller ID<sup>†</sup>

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

### Call Waiting<sup>†3</sup>

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

### 3-Way Calling<sup>†3</sup>

Talk with two people at the same time.

### Call Forwarding<sup>†3</sup>

Forward your calls to another number.

### No Answer/Busy Transfer<sup>†3</sup>

Transfer unanswered or busy calls to another number.

10 ss technology. Get a free phone  
no years on plans of at least \$34.99  
w two-year agreement required.

10 PU-494-03-802 E-mail Updates  
est promotions, products and news  
ss, 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  
bled.  
ed, 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/  
f you send the call to wireline telephones.

10 ce fees apply.

### ational Mobile to Mobile

10 mobile minutes are depleted, calling plan rates  
obile requires that Caller ID be present on each  
t, national mobile to mobile will apply to outgoing  
o mobile minutes do not apply to calls received  
nt. 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 Bismarck/MSA Limited Partnership  
12/16/2003

CC: Comm Legal Illinois Pat:

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

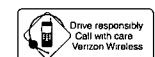


CON70257

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verizonwireless.com



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Verizon Wireless  
America's Choice<sup>SM</sup>  
Calling Plans

**UNLIMITED**  
Family Calling

AND  
**UNLIMITED**

Night & Weekend Shared Airtime Minutes  
with the America's Choice<sup>SM</sup> Family SharePlan<sup>®</sup>



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

**verizon**wireless  
We never stop working for you.™

Local DigitalChoice®

When you do your calling close to home.

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)
<ul style="list-style-type: none"> <li>• Domestic long distance is included from your Home Airtime Rate and Coverage Area (airtime charges apply).</li> <li>• Domestic roaming is 69¢ per minute (includes domestic long distance charges).</li> </ul>						
<p><b>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.</b> 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. <b>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.</b> 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. <b>Night hours: 9:01 PM–5:59 AM Monday–Friday. Weekend hours: 12:00 AM Saturday–11:59 PM Sunday.</b></p>						

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](http://vzw-e-values.com).

Update Your Phone's Software

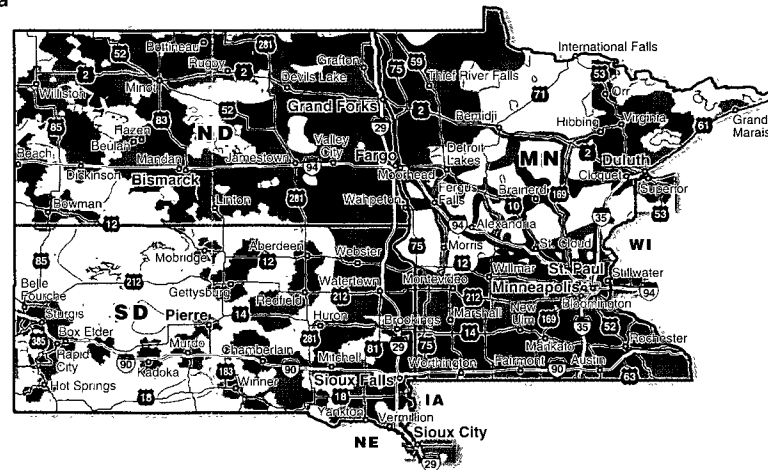
Update your phone's software every three months. To update, simply press \*228 SEND (toll- and airtime-free) and press 2 while on the Verizon Wireless digital network. The call, which usually takes less than a minute, will disconnect automatically once completed.

Roaming Indicator

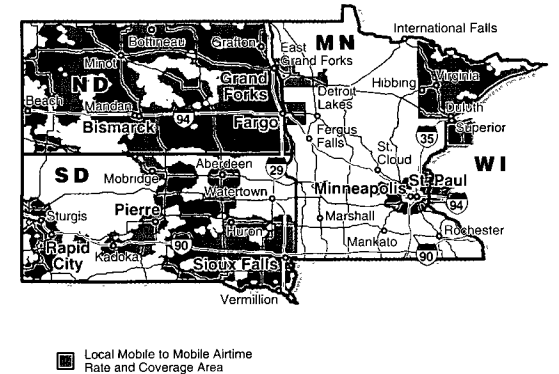
When your phone's roaming indicator is not displayed or the banner displays "Verizon Wireless," your home airtime rates apply. When the digital indicator is also on, digital features and services are available. When the roaming indicator is flashing or the banner displays "Extended Network," your home 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 DigitalChoice®  
Home Airtime Rate and Coverage Area

- Local DigitalChoice® All-Digital Home Airtime Rate and Coverage Area
- Local DigitalChoice® Home Airtime Rate and Coverage Area
- Roaming Rate and Coverage Area
- No Coverage Area



Local Mobile to Mobile 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.

## 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<sup>†</sup>

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<sup>SM†A5</sup>

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

### Mobile Web<sup>†A4</sup>

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<sup>†A4</sup>

*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<sup>†A</sup>

Replacement coverage for defective phones.

### Wireless Phone Protection<sup>†A</sup>

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

### Total Equipment Coverage<sup>†A</sup>

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

### Roadside Assistance<sup>†A</sup>

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<sup>†A1</sup>

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<sup>†A1</sup>

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

### TXT Messaging<sup>†A</sup>

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

### Picture Messaging<sup>SM†A4</sup>

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

### 411 Connect<sup>SM†A2</sup>

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

### Caller ID<sup>†</sup>

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

### Call Waiting<sup>†3</sup>

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

### 3-Way Calling<sup>†3</sup>

Talk with two people at the same time.

### Call Forwarding<sup>†3</sup>

Forward your calls to another number.

### No Answer/Busy Transfer<sup>†3</sup>

Transfer unanswered or busy calls to another number.

### New Every Two<sup>SM†A1†</sup>

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.

△ 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.

## 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 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



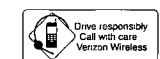
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STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

DEC 17 2003

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 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.

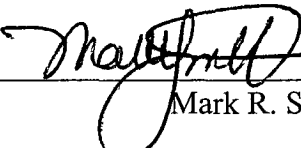
16. Verizon Wireless provides the supported services, satisfies all applicable requirements subject to the redefinition of the service area requirements for certain rural telephone companies, and can and will meet the obligations of an ETC. For rural customers, Verizon Wireless' designation will bring 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.

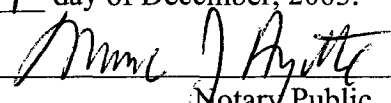
18. Accordingly, Verizon Wireless respectfully requests unconditional ETC designation for those exchanges served by Qwest Corporation, as well as for those rural telephone company study areas that Verizon Wireless wholly serves, as identified on each **Exhibit A** to each Application. Verizon Wireless' 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).

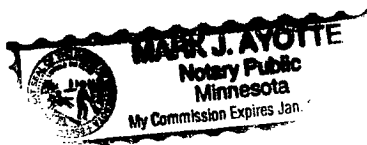
19. I hereby certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

This concludes my affidavit.

  
\_\_\_\_\_  
Mark R. Smith

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

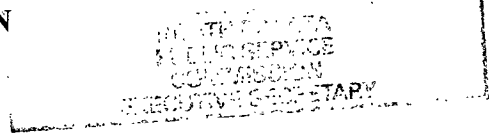
  
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Notary Public



STATE OF NORTH DAKOTA

DEC 17 2003

PUBLIC SERVICE COMMISSION



In the Matter of Bismarck MSA Limited )
Partnership d/b/a Verizon Wireless )
Petition for Designation as an )
Eligible Telecommunications Carrier )

Case No. PU 494-03-602

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 Bismarck MSA 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 Qwest and two rural telephone companies, namely, BEK Communications Cooperative ("BEK Communications") and West River Telecommunications Cooperative ("West River Telecom").

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. The respective study areas of BEK Communications and West River Telecom do not correspond with Verizon Wireless' licensed service 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 federal ETC requirements. To the extent that Verizon Wireless' service area does not cover the entirety of a company's wire centers, the Commission must further redefine the requirement to the partial wire center level.

9. 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).

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. Accordingly, redefining the service area requirement for areas served by BEK Communications and West River Telecom 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.

20. 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 BEK Communications and West River Telecom 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.

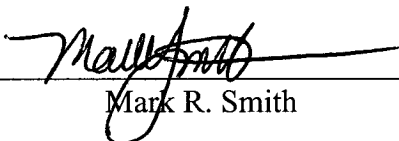
21. Verizon Wireless provides the supported services, satisfies all applicable requirements subject to the redefinition of the service area requirement, and can and will meet

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 Qwest exchanges and conditionally designating Verizon Wireless as an ETC in the service areas of the rural telephone companies listed in **Exhibit A**.

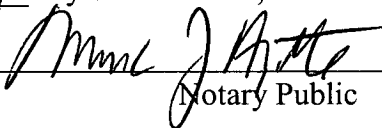
22. In order to effectuate the Commission's designation of Verizon Wireless as an ETC in the service areas of the rural telephone companies listed on **Exhibit A**, the Commission must redefine the service area requirement for areas served by those rural telephone companies to the individual wire center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

23. 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. Qwest Corporation – Exchanges
  - Mandan
  - Bismarck

### **II. Areas for Which Verizon Wireless Seeks Conditional ETC Designation**

1. BEK Communications Cooperative – Redefined Study Area Wire Centers
  - Wilton
  - Tuttle
  - McKenzie
  - Sterling
  - Kintyre
  - All other wire centers or partial wire centers located within the Bismarck MSA, except Regan and Wing
2. West River Telecommunications Cooperative – Redefined Study Area Wire Centers
  - Hebron
  - Glen Ullin
  - New Salem
  - Flasher
  - St. Anthony
  - Center
  - Washburn
  - McCluskey
  - Goodrich
  - All other wire centers or partial wire centers located within the Bismarck MSA

**EXHIBIT B**



# Bismarck MSA

## Bismarck Wire Center by Company Name

- BEK COMMUNICATIONS COOPERATIVE (5)
- QWEST CORPORATION (2)
- WEST RIVER TELECOMMUNICATIONS COOPERATIVE - ND (9)



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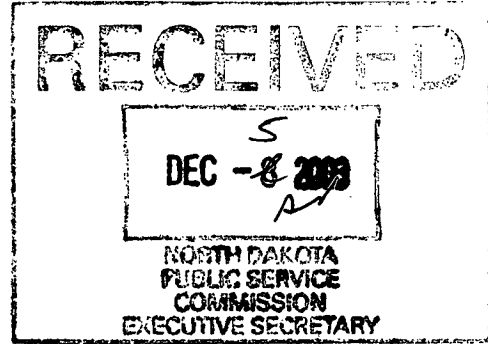
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ROGER O. HERIGSTAD  
(1919-2003)

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.



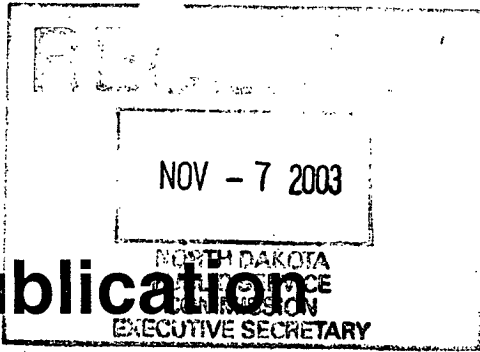
Don Negaard

jt

Enclosure

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

<b>Polar Comm. Mutual Aid Corp.</b> <b>Polar Telecommunications, Inc.</b> David L. Dunning, Manager 110 4th Street East, P.O. Box 270 Park River, ND 58270	701-284-7221 Fax 701-284-7277
<b>Reservation Telephone Coop.</b> Royce Aslakson, Manager P.O. Box 68 Parshall, ND 58770-0068	701-862-3115 Fax 701-862-3008
<b>Turtle Mountain Communications</b> <b>United Telephone Mutual Aid Corp.</b> 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.

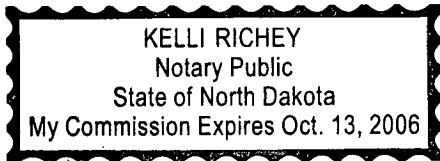
Signed: Colleen Park

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-1225-03-500	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 Mon Pat



# North Dakota Newspaper Association

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

NOV - 7 2003

## 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
<b>DAILY</b>							
<b>Bismarck Tribune (Bismarck ND)</b>							
100.00	SPR2	0.64	64.00	0.00	Northwest - Bis MSA		10/29/03
<b>Devils Lake Daily Journal (Devils Lake ND)</b>							
103.00	SPR2	0.63	64.89	0.00	Northwest - Bis MSA		10/29/03
<b>Dickinson Press (Dickinson ND)</b>							
108.00	SPR2	0.57	61.56	0.00	Northwest - Bis MSA		10/29/03
<b>Fargo, The Forum (Fargo ND)</b>							
86.00	SPR2	0.71	61.06	0.00	Northwest - Bis MSA		11/03/03
<b>Grand Forks Herald (Grand Forks ND)</b>							
89.00	SPR2	0.69	61.41	0.00	Northwest - Bis MSA		10/30/03
<b>Jamestown Sun (Jamestown ND)</b>							
111.00	SPR2	0.54	59.94	0.00	Northwest - Bis MSA		10/29/03
<b>Minot Daily News (Minot ND)</b>							
156.00	SPR2	0.54	84.24	0.00	Northwest - Bis MSA		10/29/03
<b>Valley City Times-Record (Valley City ND)</b>							
104.00	SPR2	0.61	63.44	0.00	Northwest - Bis MSA		10/29/03
<b>Wahpeton Daily News (Wahpeton ND)</b>							
116.00	SPR2	0.51	59.16	0.00	Northwest - Bis MSA		10/29/03
<b>Williston Herald (Williston ND)</b>							
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

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

Affidavit of Publication

Affidavit of Publication

by North Dakota Advertising Service, Inc.

by North Dakota Advertising Service, Inc.

State Of North Dakota  
Public Service Commission  
Case No.

Notice Of Opportunity For Hearing  
And Notice of Informal Hearing  
October 22, 2003

Bismarck	10-29
Devils Lake	10-29
Dickinson	10-29
Fargo	11-13
Grand Forks	11-30
Jamestown	10-29
Minot	10-29
Valley City	10-29
Wahpeton	10-29
Williston	10-29

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-494-03-602	Pages: 17
	Affidavit of Service	
	by Public Service Commission	
	10/23/2003	CC: Comm Legal Illona 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**

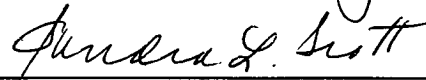
Thomas D Kelsch  
P O Box 1266  
Mandan ND 58554-1266  
**Cert. No. 7001 2410 0003 4913 4057**

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.**

SEAL





Notary Public

**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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Ann Faught  
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Absaraka ND 58002

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BridgeBand Communications Inc  
P O Box 423  
Livingston MT 59041

C12 Inc  
200 Galleria Pkwy Ste 1200  
Atlanta GA 30339

Cellco Partnership  
2775 Mitchell Dr MS7-1  
Walnut Creek CA 94598

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

CommNet Cellular Inc  
8350 E Crescent Pkwy Ste 400  
Englewood CO 80111

David Ococello  
Commnet Wireless Inc  
16 W 127 83rd St  
Burr Ridge IL 60521

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

Computer Integrated Communications Inc  
8502 Bells Mill Rd  
Potomac MD 20854-4071

Consolidated Communications Networks  
Inc  
507 S Main  
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

Keith Larson  
Dakota Central Tele Coop  
PO Box 299  
Carrington ND 58421-0299

Keith Larson  
Dakota Central Telecom I  
PO Box 299  
Carrington ND 58421-0299

Daktel Communications LLC  
P O Box 299  
Carrington ND 58421-0299

Dave Dircks  
DCN LLC  
P O Box 180  
Devils Lake ND 58301-0180

Definitive Computer Services  
P O Box 826  
Dickinson ND 58601-0826

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

Dickey Rural Services Inc  
P O Box 69  
Ellendale ND 58436

DIECA Communications Inc  
3420 Central Expy  
Santa Clara CA 95051-0703

Digital Telecommunications Inc  
111 Riverfront Ste 305  
Winona MN 55987

DSLnet Communications LLC  
545 Long Wharf Dr  
New Haven CT 06511

Easton Telecom Services Inc  
3046 Brecksville Rd #A  
Richfield OH 44286-9399

Regulatory Dept  
Essential.com Inc  
5 Bragdon Ln Ste 200  
Kennebunk ME 04043

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

Lawrence Freedman  
Fleischman & Walsh  
1400 16th ST NW  
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  
2201 W Bdwy Ste 1  
Council Bluffs IA 51501-3605

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

Julia Waysdorf  
ICG Telecom Group Inc  
161 Inverness Dr W  
Englewood CO 80112

Ken Hanks  
International Telcom Ltd  
417 2nd Ave W  
Seattle WA 98119

David A. Huberman  
Intrado Communications Inc  
1601 Dry Creek Dr  
Longmont CO 80503-6493

Evercom Systems Inc  
8201 Tristar Dr  
Irving TX 75063-2824

Dave Waters  
Fairpoint Communications Solutions  
521 E Morehead St Ste 250  
Charlotte NC 28202-2695

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

GLOBCOM INCORPORATED  
2100 Sanders Rd Ste 150  
Northbrook IL 60062

Group Long Distance Inc  
9500 Toledo Way  
Irvine CA 92618-1806

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

HTC Services Inc  
P O Box 55  
Halstad MN 56548

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

Intrado Communications Inc  
1601 Dry Creek Dr  
Longmont CO 80503-6493

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

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

James Valley Coop Telephone Co  
235 E 1st Ave  
Groton SD 57445

Joseph B McNeal  
P O Box 15509  
Boise ID 83715

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

KMAV AM/FM RADIO  
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 Scheukenberg  
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 Medario  
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.**

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**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**

**4** **PU-494-03-602** Pages: 1

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

10/23/2003

10/23/2003

CC: Comm Legal Ilona Pat.

**APPLICANT**

DATE: 10-22-03

KMF

**MOTION**

**October 22, 2003**

**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, 12<sup>th</sup> 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.

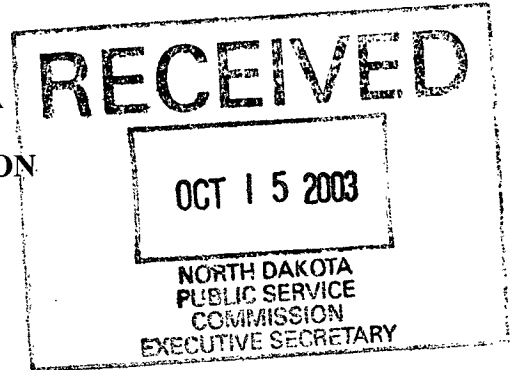
#### PUBLIC SERVICE COMMISSION

  
Susan E. Wefald  
Commissioner

  
Tony Clark  
President

  
Kevin Cramer  
Commissioner

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION



In the Matter of Bismarck MSA 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. Bismarck MSA 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 those exchanges served by Qwest Corporation as set forth on Exhibit A. Verizon Wireless' request for ETC designation in areas served by a rural telephone company, however, 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

10/15/2003  
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10/15/2003

entirety of a rural telephone company's wire centers, 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:

Bismarck MSA 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 the Bismarck Metropolitan Statistical Area ("Bismarck MSA") and currently serves customers in Burleigh County and Morton County. 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. Bismarck MSA 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, 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 Qwest and two rural telephone companies, namely, BEK Communications Cooperative ("BEK Communications") and West River Telecommunications Cooperative ("West River Telecom").

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. The respective study areas of BEK Communications and West River Telecom 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 centers, the Commission must further redefine each such partial area as a separate service area.

15. 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.

16. Verizon Wireless seeks unconditional ETC designation in all Qwest exchanges within Verizon Wireless' service area, and conditional ETC designation in the wire centers of BEK Communications and West River Telecom identified on Exhibit A. Attached as Exhibit B is a map comparing 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**

17. 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 BEK Communications and West River Telecom will serve the public interest.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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**

25. Verizon Wireless' request for ETC designation in the rural telephone company service areas is subject to the Commission's action to redefine the service areas of the rural telephone companies listed on Exhibit A. 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**

26. 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, 12 FCC Rcd. 87, ¶ 172 (rel. Nov. 8, 1996) ("*Joint Board Recommendations*").

27. 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.

28. 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.

29. 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.

30. Verizon Wireless requests that the Commission redefine the service areas of the rural telephone companies listed on Exhibit A 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. Accordingly, the Commission should act to redefine the service areas of BEK Communications and West River Telecom 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**

36. The redefinition of the BEK Communications and West River Telecom 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 the BEK Communications and West River Telecom 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 the BEK Communications and West River Telecom 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.

37. 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.

38. 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.*

39. The redefinition of the BEK Communications and West River Telecom 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 the BEK Communications and West River Telecom 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 BEK Communications and West River Telecom 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.

40. 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**

41. 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. For rural customers, Verizon Wireless' designation will bring new technology, lower rates, and better service, and so is clearly in the public interest.

42. 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 Qwest exchanges 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,

BRIGGS AND MORGAN, P.A.

By  \_\_\_\_\_

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*Counsel for Bismarck MSA Limited Partnership  
d/b/a Verizon Wireless*

## **EXHIBIT A**

### **I. Areas for Which Verizon Wireless Seeks Unconditional ETC Designation**

1. Qwest Corporation – Exchanges
  - Mandan
  - Bismarck

### **II. Areas for Which Verizon Wireless Seeks Conditional ETC Designation**

1. BEK Communications Cooperative – Redefined Study Area Wire Centers
  - Wilton
  - Tuttle
  - McKenzie
  - Sterling
  - Kintyre
  - All other wire centers or partial wire centers located within the Bismarck MSA, except Regan and Wing
2. West River Telecommunications Cooperative – Redefined Study Area Wire Centers
  - Hebron
  - Glen Ullin
  - New Salem
  - Flasher
  - St. Anthony
  - Center
  - Washburn
  - McCluskey
  - Goodrich
  - All other wire centers or partial wire centers located within the Bismarck MSA

**EXHIBIT B**

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

In the Matter of Bismarck MSA Limited )  
Partnership d/b/a Verizon Wireless )  
Petition for Designation as an )  
Eligible Telecommunications Carrier ) Case No. \_\_\_\_\_  
)  
)

**CERTIFICATION OF MARK R. SMITH**

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

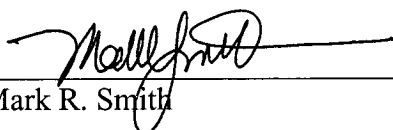
1. I serve as Director – Financial Reporting and Partnership Relations for Bismarck MSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") and each of its affiliates.

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

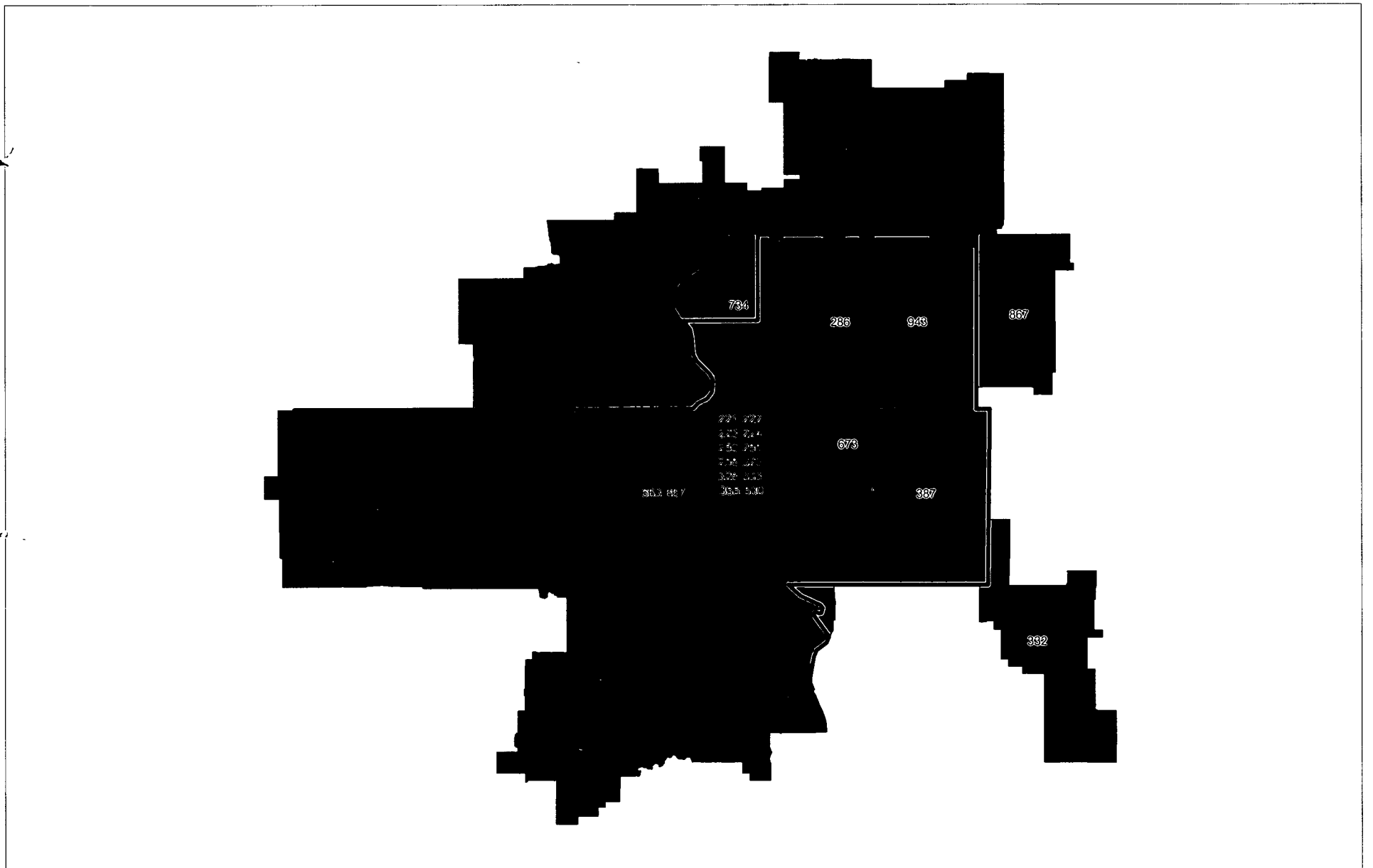
  
\_\_\_\_\_  
Mark R. Smith

# Bismarck MSA

## Bismarck Wire Center by Company Name

■ BEK COMMUNICATIONS COOPERATIVE	(5)
■ QWEST CORPORATION	(2)
■ WEST RIVER TELECOMMUNICATIONS COOPERATIVE - ND	(9)

# Bismarck MSA



PN-03-597; 598; 599; 600; 601; 602

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name)	C. Date of Delivery
1. Article Addressed to: <i>Diana Stevens</i> <i>Northwest Dakota Cellular N.D.</i> <i>1 Verizon Place</i> <i>Mail Code - GAIA2FRP</i> <i>Alpharetta Ga 30004</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	7002 2410 0003 4913 4033	
	PS Form 3811, August 2001 Domestic Return Receipt 2ACPRI-03-Z-0985	

PN-03-597; 598; 599; 600; 601; 602

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name)	C. Date of Delivery
1. Article Addressed to: <i>Mark J Ayotte</i> <i>Briggs &amp; Morgan PA</i> <i>2200 1st Natl Bank Bldg</i> <i>332 Minnesota St</i> <i>St Paul Mn 55101</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	7002 2410 0003 4913 4040	
	PS Form 3811, August 2001 Domestic Return Receipt 2ACPRI-03-Z-0985	

PK-03-597-602

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <input checked="" type="checkbox"/> <i>J. Brown</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name) <i>J. Brown</i>	C. Date of Delivery  
1. Article Addressed to: <i>Mark J Ayotte            Briggs and Morgan PA            2208 1st Natl Bldg            332 Minnesota St            St Paul Mn 55101</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	7002 2410 0003 4911 4707	
PS Form 3811, August 2001	Domestic Return Receipt	102595-02-M-1540

PK-03-597-602

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <input checked="" type="checkbox"/> <i>J. Reiner</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name) <i>J. Reiner</i>	C. Date of Delivery <i>2-27-04</i>
1. Article Addressed to: <i>Thomas D Keloch            PO Box 1266            Mandan ND 58554-1266</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	7002 2410 0003 4911 4714	
PS Form 3811, August 2001	Domestic Return Receipt	102595-02-M-1540