

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**WWC Holding Co., Inc.**  
**Designated Eligible Carrier**  
**Application**

**Case No. PU-2077-03-636**

**ORDER**

**February 12, 2004**

**Preliminary Statement**

On October 15, 2003, an application for designation as an Eligible Telecommunications Carrier (ETC) was filed by: WWC Holding Co., Inc., d/b/a CellularOne (Western Wireless). WWC Holding Co., Inc. is the operating entity doing business as CellularOne and is a wholly owned subsidiary of Western Wireless Corporation.

Western Wireless seeks ETC designation for purposes of qualifying to receive federal universal service support in the study areas of Absaraka Co-operative Telephone Company, Inc., Citizens Telecom, Griggs County Telephone Co., Inter-Community Telephone Company, L.L.C., Midstate Telephone Company, Moore and Liberty Telephone Company, Nemont Telephone Cooperative, Inc., Noonan Farmers Telephone Company, Polar Telecommunications, Inc., Red River Rural Telephone Association-ND, Red River Telecom, Inc., Wolverton Telephone Company-ND and York Telephone Company. The companies listed are classified as rural telephone companies.

On November 20, 2003 the Commission issued a Notice of Opportunity for Hearing and Notice of Informal Hearing providing that comments or requests for hearing be filed by January 8, 2004 and scheduling an informal hearing for January 14, 2004. No comments or requests for hearing were received. The informal hearing was held as scheduled. 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 January 14, 2004 Western Wireless filed an affidavit of James H. Blundell, Director of External Affairs for Western Wireless, in support of the application.

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by Public Service Commission

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CC: Comm Legal PUD (3)

On January 20, 2004 Western Wireless filed a letter responding to questions raised at the January 14, 2004 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 affidavit of James Blundell states that

- 1) Western Wireless is a common carrier currently providing commercial mobile radio service (CMRS) throughout the State of North Dakota including mobile telephony, data/facsimile, 911, voice mail, and other features and services.
- 2) Western Wireless currently offers and is able to provide, throughout the areas in which it is seeking ETC designation, the required telecommunications services that are supported by universal service funding.
- 3) Western Wireless advertises the federally supported universal services throughout its requested designated service area through several different media including newspaper, television, radio, and billboard advertising.
- 4) Western Wireless will advertise the availability of and charges for its universal service offerings through media of general distribution, in accordance with 47 C.F.R. § 54.201(d)(2).

- 5) Western Wireless's requested designated service areas are equivalent to the rural telephone company's study area, in accordance with 47 U.S.C. § 214(e)(5).
- 6) Granting ETC designation to Western Wireless as requested will provide rural consumers with a choice of providers for their telecommunications needs regarding pricing, services, service features, service quality, customer service, and service availability.
- 7) Granting ETC designation to Western Wireless as requested will lead to further deployment of Western Wireless's cellular network.
- 8) Granting ETC designation to Western Wireless as requested will provide competition that will incent incumbent local exchange companies to invest in new technologies and additional infrastructure to the benefit of consumers.

Western Wireless has indicated that its compliance tariff for its universal service offering previously submitted in Case No. PU-1564-98-248 will apply throughout the requested designated service areas in this proceeding. We acknowledge the tariff submitted in Case No. PU-1564-98-248 for application in this proceeding.

Western Wireless agrees 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.

Western Wireless agrees 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).

The Act 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.<sup>1</sup>

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>Local Exchange Company service areas included in study area</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.

<sup>1</sup> 47 U.S.C. § 214(e)(5)

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>Local Exchange Company service areas included in study area</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>Local Exchange Company service areas included in study area</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>Local Exchange Company service areas included in study area</b>
Mid-Rivers Telephone Cooperative, Inc.	Mid-Rivers Telephone Cooperative, Inc.

On December 15, 1999 the Commission granted Western Wireless ETC designation with a designated service area that included all exchanges in the service area of U S WEST Communications, Inc. (now known as Qwest Corporation), including the Alexander, Fairmount, Gwinner, Lisbon, Pembina, Watford City, Williston, and Wyndmere exchanges subsequently sold to Citizens Telecommunications Company of North Dakota (Case No. PU-1564-98-428).

On October 31, 2000 Citizens Telecommunications Company of North Dakota (Citizens ND) received Certificates of Public Convenience and Necessity to provide local exchange telecommunications services in the exchanges of Alexander, Fairmount, Gwinner, Lisbon, Pembina, Watford City, Williston, and Wyndmere, formerly served by U S WEST. Western Wireless continued to have ETC designation in those exchanges under the Commission's December 15, 1999 Findings of Fact, Conclusions of Law and Order, Case No. PU-1564-98-428.

On October 3, 2001, Case No. PU-1564-98-428, the Commission granted Western Wireless ETC designation with a designated service area that included the study areas of:

BEK Communications Cooperative  
Consolidated Telcom  
Dakota Central Telecommunications Cooperative  
Dickey Rural Telephone Cooperative  
North Dakota Telephone Company  
Northwest Communications Cooperative  
Polar Communications Mutual Aid Corporation  
Reservation Telephone Cooperative  
SRT Communications, Inc.  
United Telephone Mutual Aid Corporation, and  
West River Telecommunications Cooperative

On November 1, 2002 Polar Telecommunications, Inc. received a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services in the Pembina exchange, formerly served by Citizens ND. Western Wireless continues to have ETC designation in the Pembina exchange under the Commission's October 3, 2001 Order on Remand, Case No. PU-1564-98-428. Polar also provides local exchange telecommunications services to the Adams, Edmore, Fordville, Gilby, and Lakota exchanges in North Dakota.

On November 1, 2002 Dickey Rural Access, Inc. received Certificates of Public Convenience and Necessity to provide local exchange telecommunications services in the exchanges of Gwinner and Lisbon formerly served by Citizens ND. Western Wireless continued to have ETC designation in those exchanges under the Commission's October 3, 2001 Order on Remand, Case No. PU-1564-98-428. Dickey Rural Access, Inc. provides no other exchanges with local exchange telecommunications services in North Dakota.

On November 1, 2002 Red River Telecom, Inc. received Certificates of Public Convenience and Necessity to provide local exchange telecommunications services in the Fairmount and Wyndmere exchanges formerly served by Citizens ND. Western Wireless continued to have ETC designation in the Fairmount and Wyndmere exchanges under the Commission's October 3, 2001 Order on Remand, Case No. PU-1564-98-428. Red River Telecom, Inc. also provides local exchange telecommunications services to the Hankinson and Lidgerwood exchanges in North Dakota.

On April 1, 2003 Reservation Telephone Cooperative (Reservation) received Certificates of Public Convenience and Necessity to provide local exchange telecommunications services in the Alexander and Watford City exchanges formerly served by Citizens ND. Western Wireless continued to have ETC designation in the Alexander and Watford City exchanges under the Commission's October 3, 2001 Order on Remand, Case No. PU-1564-98-428. Also, Western Wireless continued to have ETC designation in all other exchanges in North Dakota where Reservation Telephone Cooperative provides local exchange services under the Commission's October 3, 2001 Order on Remand.

On April 1, 2003 Missouri Valley Communications, Inc. received a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services in the Williston exchange formerly served by Citizens ND. Western Wireless continued to have ETC designation in the Williston exchange under the Commission's October 3, 2001 Order on Remand, Case No. PU-1564-98-428. Missouri Valley provides no other exchanges with local exchange telecommunications services in North Dakota.

In this proceeding, Western Wireless is requesting a designated service area that includes the study areas of:

Absaraka Cooperative Telephone Co., Inc.  
Citizens Telecommunications Company of MN  
Griggs County Telephone Company  
Inter-Community Telephone Company L.L.C.  
Midstate Communications Inc.,  
Midstate Telephone Company  
Moore & Liberty Telephone Company  
Nemont Telephone Cooperative, Inc.  
Noonan Farmers Telephone Company  
Polar Telecommunications, Inc.

Red River Rural Telephone Association  
Wolverton Telephone Company

Inter-Community Telephone Co. II, L.L.C., listed as a requested designated service area in the Western Wireless application, merged into Inter-Community Telephone Company, L.L.C. effective April 3, 2002. York Telephone Co., listed as a requested designated service area in the Western Wireless application, changed its name to Midstate Communications Inc. effective May 1996. Red River Telecom, Inc., listed as a requested designated service area in the Western Wireless application, is part of the Red River Rural Telephone Association study area.

Western Wireless has not requested that its designated service area include the Halstad Telephone Co, James Valley Cooperative Telephone Company, Loretel Systems, Inc., Mid-Rivers Telephone Cooperative, Inc., Roberts County Telephone Cooperative Association, Venture Communications Cooperative, or West River Cooperative Telephone Company study areas.

Based on the evidence in this proceeding, Western Wireless 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 that Western Wireless be designated as an ETC in the requested designated service areas.

### **Order**

The Commission orders:


1. WWC Holding Co., Inc. d/b/a CellularOne (Western Wireless) is designated an eligible telecommunications carrier for the purpose of receiving federal universal service support. The designated service area in this proceeding consists of the following study areas:

Absaraka Cooperative Telephone Co., Inc.  
Citizens Telecommunications Company of MN  
Griggs County Telephone Company  
Inter-Community Telephone Company L.L.C.  
Midstate Communications Inc.  
Midstate Telephone Company  
Moore & Liberty Telephone Company  
Nemont Telephone Cooperative, Inc.  
Noonan Farmers Telephone Company  
Polar Telecommunications, Inc.  
Red River Rural Telephone Association  
Wolverton Telephone Company

2. Western Wireless Corporation shall file quarterly reports to the Commission describing the status of its wireless E-911 implementation in North Dakota.

**PUBLIC SERVICE COMMISSION**

  
Susan E. Wefald  
Commissioner

  
Tony Clark  
President

  
Kevin Cramer  
Commissioner