

**BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA**

BEK Communications Cooperative, )  
 Consolidated Telcom, Dakota Central )  
 Telecommunications Cooperative, Dickey )  
 Rural Telephone Cooperative, Griggs )  
 County Telephone Company, Inter-Community )  
 Telephone Company, LLC, Missouri Valley )  
 Communications, Inc., Moore and Liberty )  
 Telephone Company, Nemont Telephone )  
 Cooperative, Inc., North Dakota Telephone )  
 Company, Northwest Communications )  
 Cooperative, Polar Communications Mutual )  
 Aid Corporation, and Reservation Telephone )  
 Cooperative, )

Complainants, )

vs. )

SmartNET, Inc., d/b/a CallSmart, )

Respondent. )

Case No. PU-2967-03-666

**AFFIDAVIT**

STATE OF MINNESOTA )  
 ) ss.  
 COUNTY OF DAKOTA )

Jim Howard, being first duly sworn, does state under oath as follows:

1. I am a telecommunications consultant with John Staurulakis, Inc. (here JSI), based in Eagan, Minnesota.
2. I have done consulting work with a group called the Rural Telephone Company Group (herein RTCG), the group named as Complainants in this matter, and I have been so employed for a number of years.

3. In the 1980s and 1990s, I worked with the RTCG in developing cost studies and preparation of access rates to be used by the RTCG for charges to interexchange carriers for intrastate telephone calls in North Dakota.

4. In 1985, the North Dakota Public Service Commission (herein the Commission) in Case Nos. 10,694 and 10,699 issued its Findings of Fact, Conclusions of Law and Order for Judgment. A copy is on file with the Commission. In that Order, the Commission ordered that the RTCG could "mirror" US West access tariffs. To the best of my information and belief, the RTCG companies did this by mirroring the US West Access Tariffs for intrastate interLATA and intraLATA and also developed an Access Adjustment Rate (AAR) for intraLATA use.

5. For properties acquired from US West, a stipulated rate of 6.7 cents per minute for intraLATA access rates resulted from these acquisitions. They continued to charge the same interLATA rates for these acquisitions. These access charges were the compensation to be paid by a North Dakota interexchange carrier, a carrier delivering telephone calls from one exchange to another exchange in the state of North Dakota.

6. In 1999, again on behalf of the RTCG, JSI filed prices for intraLATA access service tariffs for the RTCG companies that were parties to Case No. PU-1540-99-222. This effort was conducted by JSI along with Olsen Thielen & Co., Ltd., and GV&W, Inc. A copy of the transmittal letter of September 23, 1999, of Olsen Thielen & Co., Ltd., detailing the switched access services of local transport, end office, and carrier common line for intraLATA is attached and incorporated herein by reference. A copy of JSI letters transmitting the rates to the Commission for JSI's specific clients is also attached and

incorporated herein by reference for the clients, including Consolidated Telephone Cooperative and Consolidated Telcom, Inc. This, in effect, for switched access replaced the mirroring of the US West intraLATA rates and the use of the AAR for switched access service for these companies that made these filings. The terms of the switched access tariff itself are contained in the letter from Olsen Thielen & Co., Ltd.

7. The batch of letters shows, for example, that Consolidated Telephone Cooperative and its successor, Consolidated Telcom (herein Consolidated Telcom), at that time, adopted an originating access charge of \$.098512 per minute for interexchange intraLATA calls originated on its network to an interexchange carrier to be completed to another exchange in the same LATA in North Dakota. The amount owed to Consolidated Telephone Cooperative or Consolidated Telcom to terminate an intraLATA call would also be the same amount. The rate for an interLATA call originating in Consolidated Telcom's service area would be the same as a call which originates in another exchange outside the LATA and terminates in Consolidated Telcom's service area.

8. A call from Dickinson, North Dakota, to Bismarck, North Dakota, is an intraLATA interexchange call and an interexchange carrier would owe Consolidated Telcom the sum specified in paragraph 7 for the access to Consolidated Telcom's facility for origination of this interexchange call. A call to or from Fargo, North Dakota, to Dickinson, North Dakota, likewise would be subject to the interLATA switched access rates.

9. The records to establish the appropriate switched access rates for intrastate calls to be used to determine the liability for these calls are all on file with the Commission.

Dated at Eagan, Minnesota, this 23rd day of August, 2005.

*Jim Howard*  
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Jim Howard

Subscribed and sworn to before me this 23rd day of August, 2005.

*Karen C. Bookler*  
\_\_\_\_\_  
Notary Public  
For the State of Minnesota  
My commission expires: 1-31-06

