

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
USF Use Certification 47CFR54.314 (2005)
Compliance

Case No. PU-04-378

ORDER

September 22, 2004

Section 254(e) of the Telecommunications Act of 1996 (Act) requires telecommunications carriers to use universal service support "only for the provision, maintenance, and upgrading of facilities and services for which support is intended." On May 23, 2001, the Federal Communications Commission (FCC) released its Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 96-45, and Report and Order in CC Docket No. 00-256 (Fourteenth R&O). The Fourteenth R&O requires that each state public utility regulatory authority file an annual certification with the FCC to ensure that rural telecommunications carriers receiving federal funds under the program use the support only as provided in Section 254(e) of the Act. State certification must be filed no later than October 1 of each year in order for certified telecommunications carriers to receive support for the following year, 47 C.F.R. § 54.314(d).

On August 28, 2002, the NDPSC issued an order in Case No. PU-439-02-441 indicating that any telecommunications carrier providing local exchange service in North Dakota that desires to have NDPSC certification to the FCC under 47 C.F.R. §§54.313 or 54.314 shall file an affidavit with the NDPSC by September 14 of each year, as described in the order, certifying that federal support they receive is used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended as required by Section 254(e). The NDPSC further ordered that affidavits filed with the NDPSC will be the basis for the NDPSC's certification to the FCC.

Affidavits regarding use of federal universal service support for the year 2005 were filed with the NDPSC by the companies listed in the ordering clause below.

Under North Dakota law, the NDPSC has limited jurisdiction over rural telecommunications carriers. The FCC in its order recognized that some states have only limited regulatory oversight to ensure that federal universal support is reflected in intrastate rates and concluded that such states may nonetheless certify to the FCC that carriers in the state had accounted to the state commission for receipt of federal support, and that the support will be used as required under Section 254(e). (See Fourteenth R&O at ¶ 188). The FCC also recognized that some carriers may not be subject to the jurisdiction of a state regulatory authority, and in those instances carriers

can certify directly to the FCC by means of a sworn affidavit executed by a corporate officer attesting to the use of the support only for purposes permitted under the Act. (See Fourteenth R&O at ¶ 189).

Based on the foregoing, the NDPSC issues the following:

Order

The NDPSC orders:

1. The NDPSC certifies that the following Eligible Telecommunications Carriers providing local exchange service in North Dakota have accounted to the NDPSC by affidavit that all federal support they receive is used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended as required by Section 254(e), or that they will only use the support they receive during the four quarters of 2005 (and all quarters thereafter) for the provision, maintenance, and upgrading of facilities and services for which the support is intended under and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.101 throughout each respective company's study area:

LIST OF COMPANIES

Absaraka Co-operative Telephone Company, Inc.	North Central RSA 2 of North Dakota Limited Partnership
BEK Communications Cooperative	North Dakota RSA 3 of North Dakota Limited Partnership
Badlands Cellular of North Dakota Limited Partnership	North Dakota 5 – Kidder Limited Partnership
Bismarck MSA Limited Partnership	North Dakota Network Co.
Citizens Telecommunications Company of Minnesota, Inc.	North Dakota Telephone Company
Consolidated Telcom	Northwest Communications Cooperative, a Cooperative Association
Dakota Central Telecom I	Northwest Dakota Cellular of North Dakota Limited Partnership
Dakota Central Telecommunications Cooperative	Polar Communications Mutual Aid Corporation
Dickey Rural Access, Inc.	Polar Telecom, Inc.
Dickey Rural Communications Inc.	Polar Telecommunications, Inc.
Dickey Rural Telephone Cooperative	RC Communications, Inc.
Griggs County Telephone Company	Red River Rural Telephone Association
Inter-Community Telephone Company, LLC	Red River Telecom, Inc.
James Valley Cooperative Telephone Company	Reservation Telephone Cooperative
Loretel Systems, Inc.	Roberts County Telephone Cooperative Association
Mid-Rivers Telephone Cooperative Inc.	SRT Communications, Inc.
Midstate Communications Inc	Turtle Mountain Communications
Midstate Telephone Company	United Telephone Mutual Aid Corporation
Missouri Valley Communications, Inc.	Venture Communications, Inc.
Moore & Liberty Telephone Company	

Nemont Telephone Cooperative Inc
Noonan Farmers Telephone Company


Western Wireless Corporation
West River Cooperative Telephone Company
West River Telecommunications Cooperative

2. The NDPSC certification is based upon the affidavits filed by the foregoing named Eligible Telecommunications Carriers.
3. A copy of each of the filed affidavits is attached to this order.

PUBLIC SERVICE COMMISSION



Susan E. Wefald
Commissioner



Tony Clark
President



Kevin Cramer
Commissioner