

# DIVIDER

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

## DESCRIPTION

**PU-04-562**  
**Public Service Commission**  
**USF Use Certification 47CFR54.314(2004)**  
**Compliance** 04  
**Filed 10/26/2004**      **Closed 11/4/2004**

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Public Service Commission  
USF Use Certification 47CFR54.314 (2004)  
Compliance

Case No. PU-04-562

AFFIDAVIT OF SERVICE BY CERTIFIED 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 **4th day of November, 2004**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of

**Order**

The envelope was addressed as follows

Mark J Ayotte  
Briggs and Morgan  
332 Minnesota St  
St Paul MN 55101  
**Cert. No. 7003 2260 0001 3517 1293**

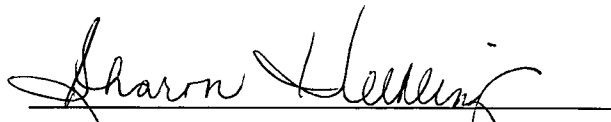
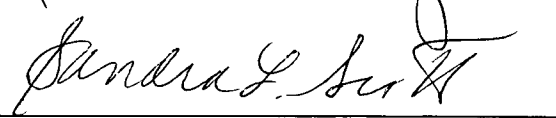
**Sharon Helbling** further deposes and says that on the **4th day of November, 2003**, she deposited in the United States Mail, Bismarck, North Dakota, **2** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same

Diana Stevens  
1 Verizon Place  
Alpharetta GA 30004-8511

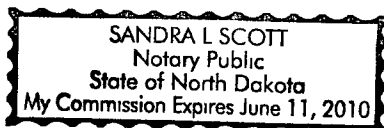
Thomas D Kelsch  
P O Box 1266  
Mandan ND 58554-7266

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

Subscribed and sworn to before me  
this **4th day of November, 2004**

  
  
Notary Public

SEAL



5 PU-04-562

Pages 2

Affidavits of Service

by Public Service Commission

11/04/2004 CC Comm Legal Ilona Pat Annette

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

**Public Service Commission**  
**USF Use Certification 47CFR54.34 (2004)**  
**Compliance**

**Case No. PU-04-562**

**AFFIDAVIT OF SERVICE BY FEDERAL EXPRESS**

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 **4th day of November, 2004**, she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes by FEDERAL EXPRESS, fully prepaid, securely sealed and each containing a photocopy of:

**Order & Affidavits**

The envelopes were addressed as follows

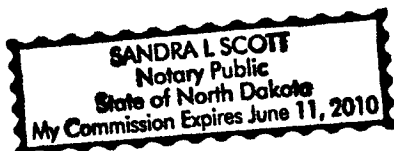
Marlene H Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St SW Rm TW – A306  
Washington D C 20554

Irene Flannery  
Vice President High Cost & Low Income  
Division  
Universal Service Administrative Company  
2120 L St NW Ste 200  
Washington D C 20036

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

Subscribed and sworn to before me  
this **4th day of November, 2004**.

SEAL



*Sharon Helbling*  
\_\_\_\_\_

*Sandra L Scott*  
\_\_\_\_\_

Notary Public



**Public Service Commission**  
State of North Dakota

COMMISSIONERS

Tony Clark, President  
Susan E Wefald  
Kevin Cramer

Executive Secretary  
Ilona A Jeffcoat-Sacco

November 4, 2004

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

Marlene H Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St SW Room TW – A306  
Washington D C 20554

Irene M Flannery  
Vice President High Cost & Low Income Division  
Universal Service Administrative Company  
2000 L St NW Ste 200  
Washington D C 20036

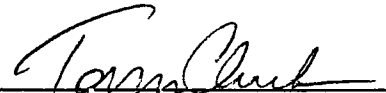
RE: Certification of High Cost Support for Rural Carriers Under 47 C.F.R Sections  
54.314 CC Docket No 96-45

Dear Ms. Dortch and Ms. Flannery:

Attached is a copy of the November 3, 2004 Order of the North Dakota Public Service Commission and the affidavits from 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, and Bismarck MSA Limited Partnership accounting to the North Dakota Public Service Commission by affidavit that all federal support they received in second, third and fourth quarters of 2004 will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with section 254 (e) of the Communications Act of 1934, as amended.

**PUBLIC SERVICE COMMISSION**

  
Susan E. Wefald  
Commissioner

  
Tony Clark  
President

  
Kevin Cramer  
Commissioner

**MOTION**

**APPROVED**

DATE: 11-3-04  
KMF

**November 3, 2004**

**Public Service Commission  
USF Use Certification 47CFR54.314 (2004)  
Compliance**

**Case No. PU-04-562**

I move the Commission adopt the Order regarding 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, and Bismarck MSA Limited Partnership's universal service certification for rural eligible telecommunications carriers, Case No. PU-04-562.

PJF/sdh

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

**Public Service Commission**  
**USF Use Certification 47CFR54.314 (2004)**  
**Compliance**

**Case No. PU-04-562**

**ORDER**

**November 3, 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, 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 second through fourth quarters of the year 2004 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

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 second through fourth quarters of 2004 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:

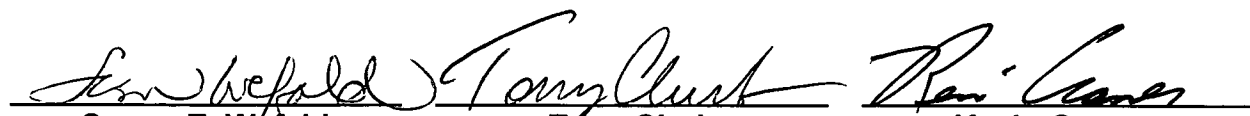
#### LIST OF COMPANIES

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

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**                      **Tony Clark**                      **Kevin Cramer**  
**Commissioner**                      **President**                      **Commissioner**

# BRIGGS AND MORGAN

PROFESSIONAL ASSOCIATION

WRITERS DIRECT DIAL

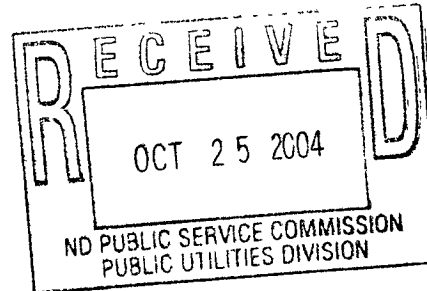
(651) 808-6561

WRITERS E-MAIL

mayotte@briggs.com

October 22, 2004

North Dakota Public Service Commission  
Illona Jeffcoat-Sacco  
Executive Secretary  
600 East Boulevard  
Department 408  
Bismarck, ND 58505-0480



**Re: High Cost Certification of Northwest Dakota Cellular of North Dakota Limited Partnership, Case No. PU-1226-03-597; North Central RSA 2 of North Dakota Limited Partnership, Case No. PU-386-03-598; North Dakota RSA No. 3 Limited Partnership, Case No. PU-897-03-599; Badlands Cellular of North Dakota Limited Partnership, Case No. PU-1225-03-600; North Dakota 5 - Kidder Limited Partnership, Case No. PU-338-03-601; and Bismarck MSA Limited Partnership, Case No. PU-494-03-602**

Dear Ms. Jeffcoat-Sacco:

By Order dated February 25, 2004, the North Dakota Public Service Commission ("NDPSC") designated 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, and Bismarck MSA Limited Partnership (collectively, "Partnerships") as eligible telecommunications carriers ("ETCs") in the State of North Dakota subject to the Partnerships' filing of informational tariffs for their universal service and Lifeline service offerings. The Partnerships satisfied this requirement by filing informational tariffs with the NDPSC on May 24, 2004.

Accordingly, the Partnerships commenced service as competitive ETCs within their designated service areas in the State of North Dakota and may receive universal service funding for their provision of the supported services effective May 24, 2004. To enable the Partnerships to receive universal service support in calendar year 2005, NDPSC certified that the Partnerships will utilize the support they receives in the State of North Dakota only for the provision, maintenance, and upgrading of facilities and services for which the support is intended consistent with Section 254(e) of the Telecommunications Act of 1996. (See 47 C.F.R. §§ 54.313(a) & 54.314(a)).

**BRIGGS AND MORGAN**

North Dakota Public Service Commission

**October 22, 2004**

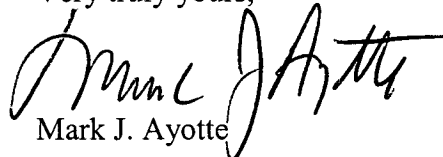
Page 2

To enable the Partnerships to receive high-cost universal service support from May 24, 2004 – the date the Partnerships' ETC designations became effective – through December 31, 2004, however, NDPSC must separately certify the Partnerships' use of such support. FCC Rules 54.313(c) and 54.314(c) each provide for such supplemental certifications for carriers that are not subject to a State's annual certification. In this case, the Partnerships were not subject to NDPSC's annual certification for 2004 support. Consistent with FCC Rules 54.313(d)(3)(i) and 54.314(d)(2), carriers eligible to receive universal service support during the second through fourth quarters of 2004 were certified by NDPSC on or before January 1, 2004 — or nearly 5 months before the Partnerships were eligible to operate as ETCs in the State of North Dakota.

The Partnerships, therefore, respectfully request that NDPSC now supplement its annual certification by separately certifying the Partnerships' use of support for the second through fourth quarters of 2004, and transmitting a letter to the FCC and USAC in the form attached hereto (See Attachment 1). In support of this request, please find enclosed herewith six company affidavits certifying the Partnerships' use of the high-cost universal service support they will receive in the State of North Dakota in 2004 (Attachments 2-7).

Thank you for your prompt attention to this matter.

Very truly yours,



Mark J. Ayotte

MJA/lzd

Enclosures

cc: Patrick Fahn - NDPSC  
Thomas D. Kelsch, Esq.  
Mark R. Smith  
Diana Stevens

# **Attachment 1**

October 2004

Irene Flannery  
Vice President – High Cost  
& Low Income Division  
Universal Service Administrative Company  
2120 L Street, N.W.  
Suite 600  
Washington, D.C. 20037

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 – 12th Street, S.W  
Washington, D.C. 20554

Irene Flannery  
Vice President – High Cost  
& Low Income Division  
Universal Service Administrative Company  
444 Hoes Lane  
RRC 4A1060  
Piscataway, NJ 08854

**Re: CC Docket 96-45, Federal-State Joint Board on Universal Service Certification of Northwest Dakota Cellular of North Dakota Limited Partnership, Case No. PU-1226-03-597; North Central RSA 2 of North Dakota Limited Partnership, Case No. PU-386-03-598; North Dakota RSA No. 3 Limited Partnership, Case No. PU-897-03-599; Badlands Cellular of North Dakota Limited Partnership, Case No. PU-1225-03-600; North Dakota 5 – Kidder Limited Partnership, Case No. PU-338-03-601; and Bismarck MSA Limited Partnership, Case No. PU-494-03-602. (47 C.F.R. §§ 54.313 & 54.314)**

Ms. Dortch and Ms. Flannery:

By Order dated February 25, 2004, the North Dakota Public Service Commission ("NDPSC") designated 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; and Bismarck MSA Limited Partnership (collectively, "Partnerships") as eligible telecommunications carriers ("ETCs") in the State of North Dakota subject to the Partnerships' filing of tariffs for their universal service, Lifeline, and Link-Up offerings. The Partnerships satisfied this requirement by filing informational tariffs with the NDPSC on May 24, 2004. NDPSC's Order designating the Partnerships as ETCs is enclosed herewith as **Exhibit A**.

Accordingly, this letter is NDPSC's certification to the Federal Communications Commission ("FCC") and Universal Service Administrative Company ("USAC") that all federal high-cost fund ("HCF") support provided to the Partnerships in North Dakota will be used only for its intended purpose. This certification is to ensure HCF support to the Partnerships for the second through fourth quarters of 2004.

The FCC has not specified a mechanism by which such certification is to be accomplished. However, NDPSC has previously utilized the instant process of sworn affidavits from eligible carriers. NDPSC has received affidavits from the Partnerships certifying that all federal high cost universal service support received by the Partnerships will be used pursuant to Section 254(e) of the Communications Act. Copies of the Partnerships' certifications are enclosed herewith as **Exhibit B**.

Relying on these sworn affidavits, NDPSC hereby certifies that all federal high cost universal service support received by the Partnerships will be used only for the provision, maintenance and upgrading of facilities and services for which the support is intended. This certification applies only for support provided in calendar year 2004.

If you have any questions or concerns regarding this certification, please contact me at your convenience.

By the Commission

---

---

Secretary to the Commission

Enclosures

cc: Records

Thomas D. Kelsch, Esq. for the Partnerships

Mark J. Ayotte, Esq.

# **Attachment 2**

**BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION IN CASE NO. PU-1226-03-597**

**AND BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45**

**AFFIDAVIT OF  
NORTHWEST DAKOTA CELLULAR OF NORTH DAKOTA LIMITED PARTNERSHIP  
REGARDING CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT**

Mark R. Smith, being first duly sworn on oath, does hereby declare and state upon affiant's own personal knowledge as follows:

1. Affiant serves as the Director – Financial Reporting and Partnership Relations for Northwest Dakota Cellular of North Dakota Limited Partnership ("Company").

2. The Company is an eligible telecommunications carrier ("ETC") within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 ("Act"), and the Company is eligible to receive federal high-cost universal service support ("Support") pursuant to Section 254(e) of the Act.

3. Affiant is personally familiar with the Support to be received by the Company and how the Company will use the Support.

4. On February 25, 2004, the North Dakota Public Service Commission ("NDPSC") issued an order designating the Company as an ETC 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. *Northwest Dakota Cellular of North Dakota Limited Partnership Designated Eligible Carrier Application*, Order, Case No. PU-1226-03-597 (Feb. 25, 2004) ("Order"). In compliance with the Commission's Order, the Company filed its informational tariff with the Commission on May 24, 2004. The Company then commenced providing services as an ETC within the service areas identified in Table 5 of the Order.

5. The Company seeks to qualify for receipt of Support from May 24, 2004, through December 31, 2004. For the Company to qualify for Support under FCC Rules 54.313 and 54.314, the NDPSC must file an annual certification with the FCC and the Universal Service Administrative Company ("USAC"), stating that all Support will be used by the Company only for the provision, maintenance, and upgrading of facilities and services for which the Support is intended. 47 C.F.R. §§ 54.313(a) & 54.314(a).

6. To receive Support for the second quarter of 2004, the period in which the Company's ETC designation became effective, the NDPSC would have had to certify the Company's use of Support with the FCC by January 1, 2004, nearly five months prior to the date the Company was eligible to operate as an ETC. Because the Company's ETC designation was

not effective until May 24, 2004, the NDPSC could not have certified the Company's use of Support within the filing deadlines set forth in FCC Rules 54.313(d) and 54.314(d).

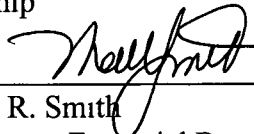
7. Pursuant to FCC Rules 54.313(c) and 54.314(c), the NDPSC "may file a supplemental certification for carriers not subject to the State's annual certification." 47 C.F.R. §§ 54.313(c) and 54.314(c). As of the January 1, 2004, certification deadline, the Company's ETC designation was not effective and, therefore, the Company was not subject to the State's annual certification. Accordingly, NDPSC is authorized by FCC Rules 54.313(c) and 54.314(c) to supplement its earlier certification to certify the Company's use of Support to the FCC effective May 24, 2004.

8. The Company is filing this affidavit in compliance with the FCC's order dated May 23, 2001, in Docket No. 96-45 (FCC 01-157), as codified in 47 C.F.R. §§ 54.313 and 54.314, which require the above certification to the FCC. The Company is also filing this affidavit in compliance with the Orders of the NDPSC dated August 28, 2001, in Case No. PU-439-01-460, and dated August 28, 2002, in Case No. PU-439-02-441, setting forth the procedures and standards for the Commission's certification of the use of federal universal service support. This affidavit is filed to facilitate the Company's receipt of federal Support from the effective date of the ETC designation, May 24, 2004, through December 31, 2004.

9. The Company hereby certifies that it will only use the Support that the Company receives from May 24, 2004, through December 31, 2004, for the provision, maintenance, and upgrading of facilities and services for which the Support is intended pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will use the Support to provide the following services, as described in 47 C.F.R. § 54.101(a)(1)-(a)(9), throughout the Company's designated service areas: (a) voice-grade access to the public switched telephone network; (b) local usage; (c) dual-tone multi-frequency signaling or its functional equivalent; (d) single-party service or its functional equivalent; (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

Dated this 14 day of October, 2004

Northwest Dakota Cellular of North Dakota Limited Partnership

By   
Mark R. Smith  
Director – Financial Reporting and Partnership Relations

State of New Jersey )  
 ) ss.  
County of Somerset )

On this 15<sup>th</sup> day of October 2004, before me, a Notary Public in and for said County and State, personally appeared Mark R. Smith, known to me to be the Director – Financial Reporting and Partnership Relations for Northwest Dakota Cellular of North Dakota Limited Partnership, the company that is described in and that executed the within instrument, and acknowledged to me that such corporation executed the same.

Evelyn Leba  
Notary Public  
My Commission Expires 10/30/07

1695520v1

**NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES OCT. 30, 2007**

# **Attachment 3**

**BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION IN CASE NO. PU-386-03-598**

**AND BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45**

**AFFIDAVIT OF  
NORTH CENTRAL RSA 2 OF NORTH DAKOTA LIMITED PARTNERSHIP  
REGARDING CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT**

Mark R. Smith, being first duly sworn on oath, does hereby declare and state upon affiant's own personal knowledge as follows:

1. Affiant serves as the Director – Financial Reporting and Partnership Relations for North Central RSA 2 of North Dakota Limited Partnership ("Company").

2. The Company is an eligible telecommunications carrier ("ETC") within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 ("Act"), and the Company is eligible to receive federal high-cost universal service support ("Support") pursuant to Section 254(e) of the Act.

3. Affiant is personally familiar with the Support to be received by the Company and how the Company will use the Support.

4. On February 25, 2004, the North Dakota Public Service Commission ("NDPSC") issued an order designating the Company as an ETC 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. *North Central RSA 2 of North Dakota Limited Partnership Designated Eligible Carrier Application*, Order, Case No. PU-386-03-598 (Feb. 25, 2004) ("*Order*"). In compliance with the Commission's *Order*, the Company filed its informational tariff with the Commission on May 24, 2004. The Company then commenced providing services as an ETC within the service areas identified in Table 5 of the *Order*.

5. The Company seeks to qualify for receipt of Support from May 24, 2004, through December 31, 2004. For the Company to qualify for Support under FCC Rules 54.313 and 54.414, the NDPSC must file an annual certification with the FCC and the Universal Service Administrative Company ("USAC"), stating that all Support will be used by the Company only for the provision, maintenance, and upgrading of facilities and services for which the Support is intended. 47 C.F.R. §§ 54.313(a) & 54.314(a).

6. To receive Support for the second quarter of 2004, the period in which the Company's ETC designation became effective, the NDPSC would have had to certify the Company's use of Support with the FCC by January 1, 2004, nearly five months prior to the date the Company was eligible to operate as an ETC. Because the Company's ETC designation was

not effective until May 24, 2004, the NDPSC could not have certified the Company's use of Support within the filing deadlines set forth in FCC Rules 54.313(d) and 54.314(d).


7. Pursuant to FCC Rules 54.313(c) and 54.314(c), the NDPSC "may file a supplemental certification for carriers not subject to the State's annual certification." 47 C.F.R. §§ 54.313(c) and 54.314(c). As of the January 1, 2004, certification deadline, the Company's ETC designation was not effective and, therefore, the Company was not subject to the State's annual certification. Accordingly, NDPSC is authorized by FCC Rules 54.313(c) and 54.314(c) to supplement its earlier certification to certify the Company's use of Support to the FCC effective May 24, 2004.

8. The Company is filing this affidavit in compliance with the FCC's order dated May 23, 2001, in Docket No. 96-45 (FCC 01-157), as codified in 47 C.F.R. §§ 54.313 and 54.314, which require the above certification to the FCC. The Company is also filing this affidavit in compliance with the Orders of the NDPSC dated August 28, 2001, in Case No. PU-439-01-460, and dated August 28, 2002, in Case No. PU-439-02-441, setting forth the procedures and standards for the Commission's certification of the use of federal universal service support. This affidavit is filed to facilitate the Company's receipt of federal Support from the effective date of the ETC designation, May 24, 2004, through December 31, 2004.

9. The Company hereby certifies that it will only use the Support that the Company receives from May 24, 2004, through December 31, 2004, for the provision, maintenance, and upgrading of facilities and services for which the Support is intended pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will use the Support to provide the following services, as described in 47 C.F.R. § 54.101(a)(1)-(a)(9), throughout the Company's designated service areas: (a) voice-grade access to the public switched telephone network; (b) local usage; (c) dual-tone multi-frequency signaling or its functional equivalent; (d) single-party service or its functional equivalent; (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

Dated this 14 day of October, 2004

North Central RSA 2 of North Dakota Limited  
Partnership

By   
Mark R. Smith  
Director – Financial Reporting and Partnership  
Relations

State of New Jersey )  
 ) ss.  
County of Somerset )

On this 15<sup>th</sup> day of October 2004, before me, a Notary Public in and for said County and State, personally appeared Mark R. Smith, known to me to be the Director – Financial Reporting and Partnership Relations for North Central RSA 2 of North Dakota Limited Partnership, the company that is described in and that executed the within instrument, and acknowledged to me that such corporation executed the same.

Evelyn Leba  
Notary Public  
My Commission Expires 10/30/07

1697380v1

Evelyn Leba  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES OCT 30 2007

# **Attachment 4**

**BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION IN CASE NO. PU-897-03-599**

**AND BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45**

**AFFIDAVIT OF  
NORTH DAKOTA RSA NO. 3 LIMITED PARTNERSHIP  
REGARDING CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT**

Mark R. Smith, being first duly sworn on oath, does hereby declare and state upon affiant's own personal knowledge as follows:

1. Affiant serves as the Director – Financial Reporting and Partnership Relations for North Dakota RSA No. 3 Limited Partnership ("Company").

2. The Company is an eligible telecommunications carrier ("ETC") within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 ("Act"), and the Company is eligible to receive federal high-cost universal service support ("Support") pursuant to Section 254(e) of the Act.

3. Affiant is personally familiar with the Support to be received by the Company and how the Company will use the Support.

4. On February 25, 2004, the North Dakota Public Service Commission ("NDPSC") issued an order designating the Company as an ETC 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. *North Dakota RSA No. 3 Limited Partnership Designated Eligible Carrier Application*, Order, Case No. PU-897-03-599 (Feb. 25, 2004) ("Order"). In compliance with the Commission's *Order*, the Company filed its informational tariff with the Commission on May 24, 2004. The Company then commenced providing services as an ETC within the service areas identified in Table 5 of the *Order*.

5. The Company seeks to qualify for receipt of Support from May 24, 2004, through December 31, 2004. For the Company to qualify for Support under FCC Rules 54.313 and 54.414, the NDPSC must file an annual certification with the FCC and the Universal Service Administrative Company ("USAC"), stating that all Support will be used by the Company only for the provision, maintenance, and upgrading of facilities and services for which the Support is intended. 47 C.F.R. §§ 54.313(a) & 54.314(a).

6. To receive Support for the second quarter of 2004, the period in which the Company's ETC designation became effective, the NDPSC would have had to certify the Company's use of Support with the FCC by January 1, 2004, nearly five months prior to the date the Company was eligible to operate as an ETC. Because the Company's ETC designation was

not effective until May 24, 2004, the NDPSC could not have certified the Company's use of Support within the filing deadlines set forth in FCC Rules 54.313(d) and 54.314(d).


7. Pursuant to FCC Rules 54.313(c) and 54.314(c), the NDPSC "may file a supplemental certification for carriers not subject to the State's annual certification." 47 C.F.R. §§ 54.313(c) and 54.314(c). As of the January 1, 2004, certification deadline, the Company's ETC designation was not effective and, therefore, the Company was not subject to the State's annual certification. Accordingly, NDPSC is authorized by FCC Rules 54.313(c) and 54.314(c) to supplement its earlier certification to certify the Company's use of Support to the FCC effective May 24, 2004.

8. The Company is filing this affidavit in compliance with the FCC's order dated May 23, 2001, in Docket No. 96-45 (FCC 01-157), as codified in 47 C.F.R. §§ 54.313 and 54.314, which require the above certification to the FCC. The Company is also filing this affidavit in compliance with the Orders of the NDPSC dated August 28, 2001, in Case No. PU-439-01-460, and dated August 28, 2002, in Case No. PU-439-02-441, setting forth the procedures and standards for the Commission's certification of the use of federal universal service support. This affidavit is filed to facilitate the Company's receipt of federal Support from the effective date of the ETC designation, May 24, 2004, through December 31, 2004.

9. The Company hereby certifies that it will only use the Support that the Company receives from May 24, 2004, through December 31, 2004, for the provision, maintenance, and upgrading of facilities and services for which the Support is intended pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will use the Support to provide the following services, as described in 47 C.F.R. § 54.101(a)(1)-(a)(9), throughout the Company's designated service areas: (a) voice-grade access to the public switched telephone network; (b) local usage; (c) dual-tone multi-frequency signaling or its functional equivalent; (d) single-party service or its functional equivalent; (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

Dated this 14 day of October, 2004

North Dakota RSA No. 3 Limited Partnership

By   
Mark R. Smith  
Director – Financial Reporting and Partnership  
Relations

State of New Jersey )  
 ) ss.  
County of Somerset )

On this 15<sup>th</sup> day of October 2004, before me, a Notary Public in and for said County and State, personally appeared Mark R. Smith, known to me to be the Director – Financial Reporting and Partnership Relations for North Dakota RSA No. 3 Limited Partnership, the company that is described in and that executed the within instrument, and acknowledged to me that such corporation executed the same.

Evelyn Leba  
Notary Public  
My Commission Expires 10/30/07

1697384v1

Evelyn Leba  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES OCT. 30, 2007

# **Attachment 5**

**BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION IN CASE NO. PU-1225-03-600**

**AND BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45**

**AFFIDAVIT OF  
BADLANDS CELLULAR OF NORTH DAKOTA LIMITED PARTNERSHIP  
REGARDING CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT**

Mark R. Smith, being first duly sworn on oath, does hereby declare and state upon affiant's own personal knowledge as follows:

1. Affiant serves as the Director – Financial Reporting and Partnership Relations for Badlands Cellular of North Dakota Limited Partnership ("Company").

2. The Company is an eligible telecommunications carrier ("ETC") within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 ("Act"), and the Company is eligible to receive federal high-cost universal service support ("Support") pursuant to Section 254(e) of the Act.

3. Affiant is personally familiar with the Support to be received by the Company and how the Company will use the Support.

4. On February 25, 2004, the North Dakota Public Service Commission ("NDPSC") issued an order designating the Company as an ETC 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. *Badlands Cellular of North Dakota Limited Partnership Designated Eligible Carrier Application*, Order, Case No. PU-1225-03-600 (Feb. 25, 2004) ("Order"). In compliance with the Commission's Order, the Company filed its informational tariff with the Commission on May 24, 2004. The Company then commenced providing services as an ETC within the service areas identified in Table 5 of the Order.

5. The Company seeks to qualify for receipt of Support from May 24, 2004, through December 31, 2004. For the Company to qualify for Support under FCC Rules 54.313 and 54.414, the NDPSC must file an annual certification with the FCC and the Universal Service Administrative Company ("USAC"), stating that all Support will be used by the Company only for the provision, maintenance, and upgrading of facilities and services for which the Support is intended. 47 C.F.R. §§ 54.313(a) & 54.314(a).

6. To receive Support for the second quarter of 2004, the period in which the Company's ETC designation became effective, the NDPSC would have had to certify the Company's use of Support with the FCC by January 1, 2004, nearly five months prior to the date the Company was eligible to operate as an ETC. Because the Company's ETC designation was

not effective until May 24, 2004, the NDPSC could not have certified the Company's use of Support within the filing deadlines set forth in FCC Rules 54.313(d) and 54.314(d).

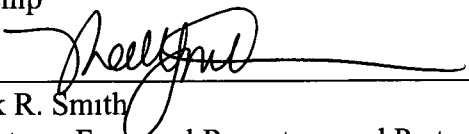
7. Pursuant to FCC Rules 54.313(c) and 54.314(c), the NDPSC "may file a supplemental certification for carriers not subject to the State's annual certification." 47 C.F.R. §§ 54.313(c) and 54.314(c). As of the January 1, 2004, certification deadline, the Company's ETC designation was not effective and, therefore, the Company was not subject to the State's annual certification. Accordingly, NDPSC is authorized by FCC Rules 54.313(c) and 54.314(c) to supplement its earlier certification to certify the Company's use of Support to the FCC effective May 24, 2004.

8 The Company is filing this affidavit in compliance with the FCC's order dated May 23, 2001, in Docket No. 96-45 (FCC 01-157), as codified in 47 C.F.R. §§ 54.313 and 54.314, which require the above certification to the FCC. The Company is also filing this affidavit in compliance with the Orders of the NDPSC dated August 28, 2001, in Case No. PU-439-01-460, and dated August 28, 2002, in Case No. PU-439-02-441, setting forth the procedures and standards for the Commission's certification of the use of federal universal service support. This affidavit is filed to facilitate the Company's receipt of federal Support from the effective date of the ETC designation, May 24, 2004, through December 31, 2004.

9. The Company hereby certifies that it will only use the Support that the Company receives from May 24, 2004, through December 31, 2004, for the provision, maintenance, and upgrading of facilities and services for which the Support is intended pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will use the Support to provide the following services, as described in 47 C.F.R. § 54.101(a)(1)-(a)(9), throughout the Company's designated service areas: (a) voice-grade access to the public switched telephone network; (b) local usage; (c) dual-tone multi-frequency signaling or its functional equivalent; (d) single-party service or its functional equivalent; (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

Dated this 14 day of October, 2004

Badlands Cellular of North Dakota Limited  
Partnership

By   
Mark R. Smith  
Director – Financial Reporting and Partnership  
Relations

State of New Jersey )  
 ) ss.  
County of Somerset )

On this 15<sup>th</sup> day of October 2004, before me, a Notary Public in and for said County and State, personally appeared Mark R. Smith, known to me to be the Director – Financial Reporting and Partnership Relations for Badlands Cellular of North Dakota Limited Partnership, the company that is described in and that executed the within instrument, and acknowledged to me that such corporation executed the same.

Evelyn Leba  
Notary Public  
My Commission Expires 10/30/07

1697385v1

Evelyn Leba  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES OCT. 30, 2007

# **Attachment 6**

**BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION IN CASE NO. PU-338-03-601**

**AND BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45**

**AFFIDAVIT OF  
NORTH DAKOTA 5 – KIDDER LIMITED PARTNERSHIP  
REGARDING CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT**

Mark R. Smith, being first duly sworn on oath, does hereby declare and state upon affiant's own personal knowledge as follows:

1. Affiant serves as the Director – Financial Reporting and Partnership Relations for North Dakota 5 – Kidder Limited Partnership ("Company").

2. The Company is an eligible telecommunications carrier ("ETC") within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 ("Act"), and the Company is eligible to receive federal high-cost universal service support ("Support") pursuant to Section 254(e) of the Act.

3. Affiant is personally familiar with the Support to be received by the Company and how the Company will use the Support.

4. On February 25, 2004, the North Dakota Public Service Commission ("NDPSC") issued an order designating the Company as an ETC 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. *North Dakota 5 – Kidder Limited Partnership Designated Eligible Carrier Application*, Order, Case No. PU-338-03-601 (Feb. 25, 2004) ("Order"). In compliance with the Commission's *Order*, the Company filed its informational tariff with the Commission on May 24, 2004. The Company then commenced providing services as an ETC within the service areas identified in Table 5 of the *Order*.

5. The Company seeks to qualify for receipt of Support from May 24, 2004, through December 31, 2004. For the Company to qualify for Support under FCC Rules 54.313 and 54.414, the NDPSC must file an annual certification with the FCC and the Universal Service Administrative Company ("USAC"), stating that all Support will be used by the Company only for the provision, maintenance, and upgrading of facilities and services for which the Support is intended. 47 C.F.R. §§ 54.313(a) & 54.314(a).

6. To receive Support for the second quarter of 2004, the period in which the Company's ETC designation became effective, the NDPSC would have had to certify the Company's use of Support with the FCC by January 1, 2004, nearly five months prior to the date the Company was eligible to operate as an ETC. Because the Company's ETC designation was

not effective until May 24, 2004, the NDPSC could not have certified the Company's use of Support within the filing deadlines set forth in FCC Rules 54.313(d) and 54.314(d).

7. Pursuant to FCC Rules 54.313(c) and 54.314(c), the NDPSC "may file a supplemental certification for carriers not subject to the State's annual certification." 47 C.F.R. §§ 54.313(c) and 54.314(c). As of the January 1, 2004, certification deadline, the Company's ETC designation was not effective and, therefore, the Company was not subject to the State's annual certification. Accordingly, NDPSC is authorized by FCC Rules 54.313(c) and 54.314(c) to supplement its earlier certification to certify the Company's use of Support to the FCC effective May 24, 2004.

8. The Company is filing this affidavit in compliance with the FCC's order dated May 23, 2001, in Docket No. 96-45 (FCC 01-157), as codified in 47 C.F.R. §§ 54.313 and 54.314, which require the above certification to the FCC. The Company is also filing this affidavit in compliance with the Orders of the NDPSC dated August 28, 2001, in Case No. PU-439-01-460, and dated August 28, 2002, in Case No. PU-439-02-441, setting forth the procedures and standards for the Commission's certification of the use of federal universal service support. This affidavit is filed to facilitate the Company's receipt of federal Support from the effective date of the ETC designation, May 24, 2004, through December 31, 2004.

9. The Company hereby certifies that it will only use the Support that the Company receives from May 24, 2004, through December 31, 2004, for the provision, maintenance, and upgrading of facilities and services for which the Support is intended pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will use the Support to provide the following services, as described in 47 C.F.R. § 54.101(a)(1)-(a)(9), throughout the Company's designated service areas: (a) voice-grade access to the public switched telephone network; (b) local usage; (c) dual-tone multi-frequency signaling or its functional equivalent; (d) single-party service or its functional equivalent; (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

Dated this 14 day of October, 2004

North Dakota 5 – Kidder Limited Partnership

By \_\_\_\_\_

Mark R. Smith

Director – Financial Reporting and Partnership  
Relations

State of New Jersey )  
 ) ss.  
County of Somerset )

On this 15<sup>th</sup> day of October 2004, before me, a Notary Public in and for said County and State, personally appeared Mark R. Smith, known to me to be the Director – Financial Reporting and Partnership Relations for North Dakota 5 – Kidder Limited Partnership, the company that is described in and that executed the within instrument, and acknowledged to me that such corporation executed the same.

Evelyn Leba

Notary Public

My Commission Expires 10/30/07

1697388v1

Evelyn Leba  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES OCT. 30, 2007

# **Attachment 7**

**BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION IN CASE NO. PU-494-03-602**

**AND BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45**

**AFFIDAVIT OF  
BISMARCK MSA LIMITED PARTNERSHIP  
REGARDING CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT**

Mark R. Smith, being first duly sworn on oath, does hereby declare and state upon affiant's own personal knowledge as follows:

1. Affiant serves as the Director – Financial Reporting and Partnership Relations for Bismarck MSA Limited Partnership ("Company").

2. The Company is an eligible telecommunications carrier ("ETC") within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 ("Act"), and the Company is eligible to receive federal high-cost universal service support ("Support") pursuant to Section 254(e) of the Act.

3. Affiant is personally familiar with the Support to be received by the Company and how the Company will use the Support.

4. On February 25, 2004, the North Dakota Public Service Commission ("NDPSC") issued an order designating the Company as an ETC 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. *Bismarck MSA Limited Partnership Designated Eligible Carrier Application*, Order, Case No. PU-494-03-602 (Feb. 25, 2004) ("Order"). In compliance with the Commission's *Order*, the Company filed its informational tariff with the Commission on May 24, 2004. The Company then commenced providing services as an ETC within the service areas identified in Table 5 of the *Order*.

5. The Company seeks to qualify for receipt of Support from May 24, 2004, through December 31, 2004. For the Company to qualify for Support under FCC Rules 54.313 and 54.414, the NDPSC must file an annual certification with the FCC and the Universal Service Administrative Company ("USAC"), stating that all Support will be used by the Company only for the provision, maintenance, and upgrading of facilities and services for which the Support is intended. 47 C.F.R. §§ 54.313(a) & 54.314(a).

6. To receive Support for the second quarter of 2004, the period in which the Company's ETC designation became effective, the NDPSC would have had to certify the Company's use of Support with the FCC by January 1, 2004, nearly five months prior to the date the Company was eligible to operate as an ETC. Because the Company's ETC designation was

not effective until May 24, 2004, the NDPSC could not have certified the Company's use of Support within the filing deadlines set forth in FCC Rules 54.313(d) and 54.314(d).

7. Pursuant to FCC Rules 54.313(c) and 54.314(c), the NDPSC "may file a supplemental certification for carriers not subject to the State's annual certification." 47 C.F.R. §§ 54.313(c) and 54.314(c). As of the January 1, 2004, certification deadline, the Company's ETC designation was not effective and, therefore, the Company was not subject to the State's annual certification. Accordingly, NDPSC is authorized by FCC Rules 54.313(c) and 54.314(c) to supplement its earlier certification to certify the Company's use of Support to the FCC effective May 24, 2004.

8. The Company is filing this affidavit in compliance with the FCC's order dated May 23, 2001, in Docket No. 96-45 (FCC 01-157), as codified in 47 C.F.R. §§ 54.313 and 54.314, which require the above certification to the FCC. The Company is also filing this affidavit in compliance with the Orders of the NDPSC dated August 28, 2001, in Case No. PU-439-01-460, and dated August 28, 2002, in Case No. PU-439-02-441, setting forth the procedures and standards for the Commission's certification of the use of federal universal service support. This affidavit is filed to facilitate the Company's receipt of federal Support from the effective date of the ETC designation, May 24, 2004, through December 31, 2004.

9. The Company hereby certifies that it will only use the Support that the Company receives from May 24, 2004, through December 31, 2004, for the provision, maintenance, and upgrading of facilities and services for which the Support is intended pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will use the Support to provide the following services, as described in 47 C.F.R. § 54.101(a)(1)-(a)(9), throughout the Company's designated service areas: (a) voice-grade access to the public switched telephone network; (b) local usage; (c) dual-tone multi-frequency signaling or its functional equivalent, (d) single-party service or its functional equivalent; (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

Dated this 14 day of October, 2004

Bismarck MSA Limited Partnership

By 

Mark R. Smith

Director – Financial Reporting and Partnership  
Relations

State of New Jersey )  
 ) ss.  
County of Somerset )

On this 15<sup>th</sup> day of October 2004, before me, a Notary Public in and for said County and State, personally appeared Mark R. Smith, known to me to be the Director – Financial Reporting and Partnership Relations for Bismarck MSA Limited Partnership, the company that is described in and that executed the within instrument, and acknowledged to me that such corporation executed the same.

Evelyn Leba  
Notary Public  
My Commission Expires 10/30/07

1697390v1

Evelyn Leba  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES OCT. 30, 2007

# **Exhibit A**

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

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

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

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

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

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

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

**ORDER**

**February 25, 2004**

**Preliminary Statement**

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

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

---

<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

---

<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**

---

**Susan E. Wefald  
Commissioner**

---

**Tony Clark  
President**

---

**Kevin Cramer  
Commissioner**

# **Exhibit B**

**BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION IN CASE NO. PU-1226-03-597**

**AND BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45**

**AFFIDAVIT OF  
NORTHWEST DAKOTA CELLULAR OF NORTH DAKOTA LIMITED PARTNERSHIP  
REGARDING CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT**

Mark R. Smith, being first duly sworn on oath, does hereby declare and state upon affiant's own personal knowledge as follows:

1. Affiant serves as the Director – Financial Reporting and Partnership Relations for Northwest Dakota Cellular of North Dakota Limited Partnership ("Company").

2. The Company is an eligible telecommunications carrier ("ETC") within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 ("Act"), and the Company is eligible to receive federal high-cost universal service support ("Support") pursuant to Section 254(e) of the Act.

3. Affiant is personally familiar with the Support to be received by the Company and how the Company will use the Support.

4. On February 25, 2004, the North Dakota Public Service Commission ("NDPSC") issued an order designating the Company as an ETC 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. *Northwest Dakota Cellular of North Dakota Limited Partnership Designated Eligible Carrier Application*, Order, Case No. PU-1226-03-597 (Feb. 25, 2004) ("*Order*"). In compliance with the Commission's *Order*, the Company filed its informational tariff with the Commission on May 24, 2004. The Company then commenced providing services as an ETC within the service areas identified in Table 5 of the *Order*.

5. The Company seeks to qualify for receipt of Support from May 24, 2004, through December 31, 2004. For the Company to qualify for Support under FCC Rules 54.313 and 54.314, the NDPSC must file an annual certification with the FCC and the Universal Service Administrative Company ("USAC"), stating that all Support will be used by the Company only for the provision, maintenance, and upgrading of facilities and services for which the Support is intended. 47 C.F.R. §§ 54.313(a) & 54.314(a).

6. To receive Support for the second quarter of 2004, the period in which the Company's ETC designation became effective, the NDPSC would have had to certify the Company's use of Support with the FCC by January 1, 2004, nearly five months prior to the date the Company was eligible to operate as an ETC. Because the Company's ETC designation was

not effective until May 24, 2004, the NDPSC could not have certified the Company's use of Support within the filing deadlines set forth in FCC Rules 54.313(d) and 54.314(d).


7. Pursuant to FCC Rules 54.313(c) and 54.314(c), the NDPSC "may file a supplemental certification for carriers not subject to the State's annual certification." 47 C.F.R. §§ 54.313(c) and 54.314(c) As of the January 1, 2004, certification deadline, the Company's ETC designation was not effective and, therefore, the Company was not subject to the State's annual certification. Accordingly, NDPSC is authorized by FCC Rules 54.313(c) and 54.314(c) to supplement its earlier certification to certify the Company's use of Support to the FCC effective May 24, 2004.

8. The Company is filing this affidavit in compliance with the FCC's order dated May 23, 2001, in Docket No. 96-45 (FCC 01-157), as codified in 47 C.F.R. §§ 54.313 and 54.314, which require the above certification to the FCC. The Company is also filing this affidavit in compliance with the Orders of the NDPSC dated August 28, 2001, in Case No. PU-439-01-460, and dated August 28, 2002, in Case No. PU-439-02-441, setting forth the procedures and standards for the Commission's certification of the use of federal universal service support. This affidavit is filed to facilitate the Company's receipt of federal Support from the effective date of the ETC designation, May 24, 2004, through December 31, 2004.

9. The Company hereby certifies that it will only use the Support that the Company receives from May 24, 2004, through December 31, 2004, for the provision, maintenance, and upgrading of facilities and services for which the Support is intended pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will use the Support to provide the following services, as described in 47 C.F.R. § 54.101(a)(1)-(a)(9), throughout the Company's designated service areas: (a) voice-grade access to the public switched telephone network; (b) local usage; (c) dual-tone multi-frequency signaling or its functional equivalent; (d) single-party service or its functional equivalent; (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

Dated this 14 day of October, 2004

Northwest Dakota Cellular of North Dakota Limited Partnership

By   
Mark R. Smith  
Director – Financial Reporting and Partnership Relations

State of New Jersey )  
 ) ss.  
County of Somerset )

On this 15<sup>th</sup> day of October 2004, before me, a Notary Public in and for said County and State, personally appeared Mark R. Smith, known to me to be the Director – Financial Reporting and Partnership Relations for Northwest Dakota Cellular of North Dakota Limited Partnership, the company that is described in and that executed the within instrument, and acknowledged to me that such corporation executed the same.

Evelyn Leba  
Notary Public  
My Commission Expires 10/30/07

1695520v1

**NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES OCT. 30, 2007**

**BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION IN CASE NO. PU-386-03-598**

**AND BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45**

**AFFIDAVIT OF  
NORTH CENTRAL RSA 2 OF NORTH DAKOTA LIMITED PARTNERSHIP  
REGARDING CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT**

Mark R. Smith, being first duly sworn on oath, does hereby declare and state upon affiant's own personal knowledge as follows:

1. Affiant serves as the Director – Financial Reporting and Partnership Relations for North Central RSA 2 of North Dakota Limited Partnership ("Company").

2. The Company is an eligible telecommunications carrier ("ETC") within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 ("Act"), and the Company is eligible to receive federal high-cost universal service support ("Support") pursuant to Section 254(e) of the Act.

3. Affiant is personally familiar with the Support to be received by the Company and how the Company will use the Support.

4. On February 25, 2004, the North Dakota Public Service Commission ("NDPSC") issued an order designating the Company as an ETC 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. *North Central RSA 2 of North Dakota Limited Partnership Designated Eligible Carrier Application*, Order, Case No. PU-386-03-598 (Feb. 25, 2004) ("*Order*"). In compliance with the Commission's *Order*, the Company filed its informational tariff with the Commission on May 24, 2004. The Company then commenced providing services as an ETC within the service areas identified in Table 5 of the *Order*.

5. The Company seeks to qualify for receipt of Support from May 24, 2004, through December 31, 2004. For the Company to qualify for Support under FCC Rules 54.313 and 54.414, the NDPSC must file an annual certification with the FCC and the Universal Service Administrative Company ("USAC"), stating that all Support will be used by the Company only for the provision, maintenance, and upgrading of facilities and services for which the Support is intended. 47 C.F.R. §§ 54.313(a) & 54.314(a).

6. To receive Support for the second quarter of 2004, the period in which the Company's ETC designation became effective, the NDPSC would have had to certify the Company's use of Support with the FCC by January 1, 2004, nearly five months prior to the date the Company was eligible to operate as an ETC. Because the Company's ETC designation was

not effective until May 24, 2004, the NDPSC could not have certified the Company's use of Support within the filing deadlines set forth in FCC Rules 54.313(d) and 54.314(d).


7. Pursuant to FCC Rules 54.313(c) and 54.314(c), the NDPSC "may file a supplemental certification for carriers not subject to the State's annual certification." 47 C.F.R. §§ 54.313(c) and 54.314(c). As of the January 1, 2004, certification deadline, the Company's ETC designation was not effective and, therefore, the Company was not subject to the State's annual certification. Accordingly, NDPSC is authorized by FCC Rules 54.313(c) and 54.314(c) to supplement its earlier certification to certify the Company's use of Support to the FCC effective May 24, 2004.

8. The Company is filing this affidavit in compliance with the FCC's order dated May 23, 2001, in Docket No. 96-45 (FCC 01-157), as codified in 47 C.F.R. §§ 54.313 and 54.314, which require the above certification to the FCC. The Company is also filing this affidavit in compliance with the Orders of the NDPSC dated August 28, 2001, in Case No. PU-439-01-460, and dated August 28, 2002, in Case No. PU-439-02-441, setting forth the procedures and standards for the Commission's certification of the use of federal universal service support. This affidavit is filed to facilitate the Company's receipt of federal Support from the effective date of the ETC designation, May 24, 2004, through December 31, 2004.

9. The Company hereby certifies that it will only use the Support that the Company receives from May 24, 2004, through December 31, 2004, for the provision, maintenance, and upgrading of facilities and services for which the Support is intended pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will use the Support to provide the following services, as described in 47 C.F.R. § 54.101(a)(1)-(a)(9), throughout the Company's designated service areas: (a) voice-grade access to the public switched telephone network; (b) local usage; (c) dual-tone multi-frequency signaling or its functional equivalent; (d) single-party service or its functional equivalent; (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

Dated this 14 day of October, 2004

North Central RSA 2 of North Dakota Limited  
Partnership

By   
Mark R. Smith  
Director – Financial Reporting and Partnership  
Relations

State of New Jersey )  
 ) ss.  
County of Somerset )

On this 15<sup>th</sup> day of October 2004, before me, a Notary Public in and for said County and State, personally appeared Mark R. Smith, known to me to be the Director – Financial Reporting and Partnership Relations for North Central RSA 2 of North Dakota Limited Partnership, the company that is described in and that executed the within instrument, and acknowledged to me that such corporation executed the same.

Evelyn Leba  
Notary Public  
My Commission Expires 10/30/07

1697380v1

Evelyn Leba  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES OCT 30 2007

**BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION IN CASE NO. PU-897-03-599**

**AND BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45**

**AFFIDAVIT OF  
NORTH DAKOTA RSA NO. 3 LIMITED PARTNERSHIP  
REGARDING CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT**

Mark R. Smith, being first duly sworn on oath, does hereby declare and state upon affiant's own personal knowledge as follows:

1. Affiant serves as the Director – Financial Reporting and Partnership Relations for North Dakota RSA No. 3 Limited Partnership ("Company").

2. The Company is an eligible telecommunications carrier ("ETC") within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 ("Act"), and the Company is eligible to receive federal high-cost universal service support ("Support") pursuant to Section 254(e) of the Act.

3. Affiant is personally familiar with the Support to be received by the Company and how the Company will use the Support.

4. On February 25, 2004, the North Dakota Public Service Commission ("NDPSC") issued an order designating the Company as an ETC 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. *North Dakota RSA No. 3 Limited Partnership Designated Eligible Carrier Application*, Order, Case No. PU-897-03-599 (Feb. 25, 2004) ("Order"). In compliance with the Commission's *Order*, the Company filed its informational tariff with the Commission on May 24, 2004. The Company then commenced providing services as an ETC within the service areas identified in Table 5 of the *Order*.

5. The Company seeks to qualify for receipt of Support from May 24, 2004, through December 31, 2004. For the Company to qualify for Support under FCC Rules 54.313 and 54.414, the NDPSC must file an annual certification with the FCC and the Universal Service Administrative Company ("USAC"), stating that all Support will be used by the Company only for the provision, maintenance, and upgrading of facilities and services for which the Support is intended. 47 C.F.R. §§ 54.313(a) & 54.314(a).

6. To receive Support for the second quarter of 2004, the period in which the Company's ETC designation became effective, the NDPSC would have had to certify the Company's use of Support with the FCC by January 1, 2004, nearly five months prior to the date the Company was eligible to operate as an ETC. Because the Company's ETC designation was

not effective until May 24, 2004, the NDPSC could not have certified the Company's use of Support within the filing deadlines set forth in FCC Rules 54.313(d) and 54.314(d).

7. Pursuant to FCC Rules 54.313(c) and 54.314(c), the NDPSC "may file a supplemental certification for carriers not subject to the State's annual certification." 47 C.F.R. §§ 54.313(c) and 54.314(c). As of the January 1, 2004, certification deadline, the Company's ETC designation was not effective and, therefore, the Company was not subject to the State's annual certification. Accordingly, NDPSC is authorized by FCC Rules 54.313(c) and 54.314(c) to supplement its earlier certification to certify the Company's use of Support to the FCC effective May 24, 2004.

8. The Company is filing this affidavit in compliance with the FCC's order dated May 23, 2001, in Docket No. 96-45 (FCC 01-157), as codified in 47 C.F.R. §§ 54.313 and 54.314, which require the above certification to the FCC. The Company is also filing this affidavit in compliance with the Orders of the NDPSC dated August 28, 2001, in Case No. PU-439-01-460, and dated August 28, 2002, in Case No. PU-439-02-441, setting forth the procedures and standards for the Commission's certification of the use of federal universal service support. This affidavit is filed to facilitate the Company's receipt of federal Support from the effective date of the ETC designation, May 24, 2004, through December 31, 2004.

9. The Company hereby certifies that it will only use the Support that the Company receives from May 24, 2004, through December 31, 2004, for the provision, maintenance, and upgrading of facilities and services for which the Support is intended pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will use the Support to provide the following services, as described in 47 C.F.R. § 54.101(a)(1)-(a)(9), throughout the Company's designated service areas: (a) voice-grade access to the public switched telephone network; (b) local usage; (c) dual-tone multi-frequency signaling or its functional equivalent; (d) single-party service or its functional equivalent; (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

Dated this 14 day of October, 2004

North Dakota RSA No. 3 Limited Partnership

By 

Mark R. Smith

Director – Financial Reporting and Partnership  
Relations

State of New Jersey )  
 ) ss.  
County of Somerset )

On this 15<sup>th</sup> day of October 2004, before me, a Notary Public in and for said County and State, personally appeared Mark R. Smith, known to me to be the Director – Financial Reporting and Partnership Relations for North Dakota RSA No. 3 Limited Partnership, the company that is described in and that executed the within instrument, and acknowledged to me that such corporation executed the same.

Evelyn Leba  
Notary Public  
My Commission Expires 10/30/07

1697384v1

Evelyn Leba  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES OCT. 30, 2007

**BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION IN CASE NO. PU-1225-03-600**

**AND BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45**

**AFFIDAVIT OF  
BADLANDS CELLULAR OF NORTH DAKOTA LIMITED PARTNERSHIP  
REGARDING CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT**

Mark R. Smith, being first duly sworn on oath, does hereby declare and state upon affiant's own personal knowledge as follows:

1. Affiant serves as the Director – Financial Reporting and Partnership Relations for Badlands Cellular of North Dakota Limited Partnership ("Company").

2. The Company is an eligible telecommunications carrier ("ETC") within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 ("Act"), and the Company is eligible to receive federal high-cost universal service support ("Support") pursuant to Section 254(e) of the Act.

3. Affiant is personally familiar with the Support to be received by the Company and how the Company will use the Support.

4. On February 25, 2004, the North Dakota Public Service Commission ("NDPSC") issued an order designating the Company as an ETC 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. *Badlands Cellular of North Dakota Limited Partnership Designated Eligible Carrier Application*, Order, Case No. PU-1225-03-600 (Feb. 25, 2004) ("*Order*"). In compliance with the Commission's *Order*, the Company filed its informational tariff with the Commission on May 24, 2004. The Company then commenced providing services as an ETC within the service areas identified in Table 5 of the *Order*.

5. The Company seeks to qualify for receipt of Support from May 24, 2004, through December 31, 2004. For the Company to qualify for Support under FCC Rules 54.313 and 54.414, the NDPSC must file an annual certification with the FCC and the Universal Service Administrative Company ("USAC"), stating that all Support will be used by the Company only for the provision, maintenance, and upgrading of facilities and services for which the Support is intended. 47 C.F.R. §§ 54.313(a) & 54.314(a).

6. To receive Support for the second quarter of 2004, the period in which the Company's ETC designation became effective, the NDPSC would have had to certify the Company's use of Support with the FCC by January 1, 2004, nearly five months prior to the date the Company was eligible to operate as an ETC. Because the Company's ETC designation was

not effective until May 24, 2004, the NDPSC could not have certified the Company's use of Support within the filing deadlines set forth in FCC Rules 54.313(d) and 54.314(d).

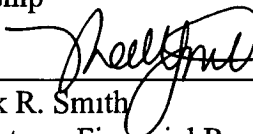
7. Pursuant to FCC Rules 54.313(c) and 54.314(c), the NDPSC "may file a supplemental certification for carriers not subject to the State's annual certification." 47 C.F.R. §§ 54.313(c) and 54.314(c). As of the January 1, 2004, certification deadline, the Company's ETC designation was not effective and, therefore, the Company was not subject to the State's annual certification. Accordingly, NDPSC is authorized by FCC Rules 54.313(c) and 54.314(c) to supplement its earlier certification to certify the Company's use of Support to the FCC effective May 24, 2004.

8. The Company is filing this affidavit in compliance with the FCC's order dated May 23, 2001, in Docket No. 96-45 (FCC 01-157), as codified in 47 C.F.R. §§ 54.313 and 54.314, which require the above certification to the FCC. The Company is also filing this affidavit in compliance with the Orders of the NDPSC dated August 28, 2001, in Case No. PU-439-01-460, and dated August 28, 2002, in Case No. PU-439-02-441, setting forth the procedures and standards for the Commission's certification of the use of federal universal service support. This affidavit is filed to facilitate the Company's receipt of federal Support from the effective date of the ETC designation, May 24, 2004, through December 31, 2004.

9. The Company hereby certifies that it will only use the Support that the Company receives from May 24, 2004, through December 31, 2004, for the provision, maintenance, and upgrading of facilities and services for which the Support is intended pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will use the Support to provide the following services, as described in 47 C.F.R. § 54.101(a)(1)-(a)(9), throughout the Company's designated service areas: (a) voice-grade access to the public switched telephone network; (b) local usage; (c) dual-tone multi-frequency signaling or its functional equivalent; (d) single-party service or its functional equivalent; (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

Dated this 14 day of October, 2004

Badlands Cellular of North Dakota Limited  
Partnership

By   
Mark R. Smith  
Director – Financial Reporting and Partnership  
Relations

State of New Jersey )  
 ) ss.  
County of Somerset )

On this 15<sup>th</sup> day of October 2004, before me, a Notary Public in and for said County and State, personally appeared Mark R. Smith, known to me to be the Director – Financial Reporting and Partnership Relations for Badlands Cellular of North Dakota Limited Partnership, the company that is described in and that executed the within instrument, and acknowledged to me that such corporation executed the same.

Evelyn Leba  
Notary Public  
My Commission Expires 10/30/07

1697385v1

Evelyn Leba  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES OCT. 30, 2007

**BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION IN CASE NO. PU-338-03-601**

**AND BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45**

**AFFIDAVIT OF  
NORTH DAKOTA 5 – KIDDER LIMITED PARTNERSHIP  
REGARDING CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT**

Mark R. Smith, being first duly sworn on oath, does hereby declare and state upon affiant's own personal knowledge as follows:

1. Affiant serves as the Director – Financial Reporting and Partnership Relations for North Dakota 5 – Kidder Limited Partnership ("Company").

2. The Company is an eligible telecommunications carrier ("ETC") within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 ("Act"), and the Company is eligible to receive federal high-cost universal service support ("Support") pursuant to Section 254(e) of the Act.

3. Affiant is personally familiar with the Support to be received by the Company and how the Company will use the Support.

4. On February 25, 2004, the North Dakota Public Service Commission ("NDPSC") issued an order designating the Company as an ETC 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. *North Dakota 5 – Kidder Limited Partnership Designated Eligible Carrier Application*, Order, Case No. PU-338-03-601 (Feb. 25, 2004) ("Order"). In compliance with the Commission's *Order*, the Company filed its informational tariff with the Commission on May 24, 2004. The Company then commenced providing services as an ETC within the service areas identified in Table 5 of the *Order*.

5. The Company seeks to qualify for receipt of Support from May 24, 2004, through December 31, 2004. For the Company to qualify for Support under FCC Rules 54.313 and 54.414, the NDPSC must file an annual certification with the FCC and the Universal Service Administrative Company ("USAC"), stating that all Support will be used by the Company only for the provision, maintenance, and upgrading of facilities and services for which the Support is intended. 47 C.F.R. §§ 54.313(a) & 54.314(a).

6. To receive Support for the second quarter of 2004, the period in which the Company's ETC designation became effective, the NDPSC would have had to certify the Company's use of Support with the FCC by January 1, 2004, nearly five months prior to the date the Company was eligible to operate as an ETC. Because the Company's ETC designation was

not effective until May 24, 2004, the NDPSC could not have certified the Company's use of Support within the filing deadlines set forth in FCC Rules 54.313(d) and 54.314(d).

7. Pursuant to FCC Rules 54.313(c) and 54.314(c), the NDPSC "may file a supplemental certification for carriers not subject to the State's annual certification." 47 C.F.R. §§ 54.313(c) and 54.314(c). As of the January 1, 2004, certification deadline, the Company's ETC designation was not effective and, therefore, the Company was not subject to the State's annual certification. Accordingly, NDPSC is authorized by FCC Rules 54.313(c) and 54.314(c) to supplement its earlier certification to certify the Company's use of Support to the FCC effective May 24, 2004.

8. The Company is filing this affidavit in compliance with the FCC's order dated May 23, 2001, in Docket No. 96-45 (FCC 01-157), as codified in 47 C.F.R. §§ 54.313 and 54.314, which require the above certification to the FCC. The Company is also filing this affidavit in compliance with the Orders of the NDPSC dated August 28, 2001, in Case No. PU-439-01-460, and dated August 28, 2002, in Case No. PU-439-02-441, setting forth the procedures and standards for the Commission's certification of the use of federal universal service support. This affidavit is filed to facilitate the Company's receipt of federal Support from the effective date of the ETC designation, May 24, 2004, through December 31, 2004.

9. The Company hereby certifies that it will only use the Support that the Company receives from May 24, 2004, through December 31, 2004, for the provision, maintenance, and upgrading of facilities and services for which the Support is intended pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will use the Support to provide the following services, as described in 47 C.F.R. § 54.101(a)(1)-(a)(9), throughout the Company's designated service areas: (a) voice-grade access to the public switched telephone network; (b) local usage; (c) dual-tone multi-frequency signaling or its functional equivalent; (d) single-party service or its functional equivalent; (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

Dated this 14 day of October, 2004

North Dakota 5 – Kidder Limited Partnership

By \_\_\_\_\_

Mark R. Smith

Director – Financial Reporting and Partnership Relations

State of New Jersey )  
 ) ss.  
County of Somerset )

On this 15<sup>th</sup> day of October 2004, before me, a Notary Public in and for said County and State, personally appeared Mark R. Smith, known to me to be the Director – Financial Reporting and Partnership Relations for North Dakota 5 – Kidder Limited Partnership, the company that is described in and that executed the within instrument, and acknowledged to me that such corporation executed the same.

Evelyn Leba  
Notary Public  
My Commission Expires 10/30/07

1697388v1

Evelyn Leba  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES OCT. 30, 2007

**BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION IN CASE NO. PU-494-03-602**

**AND BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45**

**AFFIDAVIT OF  
BISMARCK MSA LIMITED PARTNERSHIP  
REGARDING CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT**

Mark R. Smith, being first duly sworn on oath, does hereby declare and state upon affiant's own personal knowledge as follows:

1. Affiant serves as the Director – Financial Reporting and Partnership Relations for Bismarck MSA Limited Partnership ("Company").

2. The Company is an eligible telecommunications carrier ("ETC") within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 ("Act"), and the Company is eligible to receive federal high-cost universal service support ("Support") pursuant to Section 254(e) of the Act.

3. Affiant is personally familiar with the Support to be received by the Company and how the Company will use the Support.

4. On February 25, 2004, the North Dakota Public Service Commission ("NDPSC") issued an order designating the Company as an ETC 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. *Bismarck MSA Limited Partnership Designated Eligible Carrier Application*, Order, Case No. PU-494-03-602 (Feb. 25, 2004) ("Order"). In compliance with the Commission's Order, the Company filed its informational tariff with the Commission on May 24, 2004. The Company then commenced providing services as an ETC within the service areas identified in Table 5 of the Order.

5. The Company seeks to qualify for receipt of Support from May 24, 2004, through December 31, 2004. For the Company to qualify for Support under FCC Rules 54.313 and 54.414, the NDPSC must file an annual certification with the FCC and the Universal Service Administrative Company ("USAC"), stating that all Support will be used by the Company only for the provision, maintenance, and upgrading of facilities and services for which the Support is intended. 47 C.F.R. §§ 54.313(a) & 54.314(a).

6. To receive Support for the second quarter of 2004, the period in which the Company's ETC designation became effective, the NDPSC would have had to certify the Company's use of Support with the FCC by January 1, 2004, nearly five months prior to the date the Company was eligible to operate as an ETC. Because the Company's ETC designation was

not effective until May 24, 2004, the NDPSC could not have certified the Company's use of Support within the filing deadlines set forth in FCC Rules 54.313(d) and 54.314(d).


7. Pursuant to FCC Rules 54.313(c) and 54.314(c), the NDPSC "may file a supplemental certification for carriers not subject to the State's annual certification." 47 C.F.R. §§ 54.313(c) and 54.314(c). As of the January 1, 2004, certification deadline, the Company's ETC designation was not effective and, therefore, the Company was not subject to the State's annual certification. Accordingly, NDPSC is authorized by FCC Rules 54.313(c) and 54.314(c) to supplement its earlier certification to certify the Company's use of Support to the FCC effective May 24, 2004.

8. The Company is filing this affidavit in compliance with the FCC's order dated May 23, 2001, in Docket No. 96-45 (FCC 01-157), as codified in 47 C.F.R. §§ 54.313 and 54.314, which require the above certification to the FCC. The Company is also filing this affidavit in compliance with the Orders of the NDPSC dated August 28, 2001, in Case No. PU-439-01-460, and dated August 28, 2002, in Case No. PU-439-02-441, setting forth the procedures and standards for the Commission's certification of the use of federal universal service support. This affidavit is filed to facilitate the Company's receipt of federal Support from the effective date of the ETC designation, May 24, 2004, through December 31, 2004.

9. The Company hereby certifies that it will only use the Support that the Company receives from May 24, 2004, through December 31, 2004, for the provision, maintenance, and upgrading of facilities and services for which the Support is intended pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will use the Support to provide the following services, as described in 47 C.F.R. § 54.101(a)(1)-(a)(9), throughout the Company's designated service areas: (a) voice-grade access to the public switched telephone network; (b) local usage; (c) dual-tone multi-frequency signaling or its functional equivalent; (d) single-party service or its functional equivalent; (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

Dated this 14 day of October, 2004

Bismarck MSA Limited Partnership

By   
Mark R. Smith  
Director – Financial Reporting and Partnership  
Relations

State of New Jersey )  
 ) ss.  
County of Somerset )

On this 15<sup>th</sup> day of October 2004, before me, a Notary Public in and for said County and State, personally appeared Mark R. Smith, known to me to be the Director – Financial Reporting and Partnership Relations for Bismarck MSA Limited Partnership, the company that is described in and that executed the within instrument, and acknowledged to me that such corporation executed the same.

Evelyn Leba

Notary Public

My Commission Expires 10/30/07

1697390v1

Evelyn Leba  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES OCT. 30, 2007

PH-04-562

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3 Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

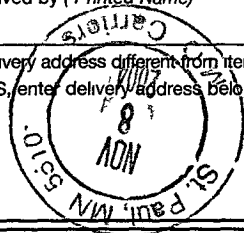
1 Article Addressed to  
 Mark J Ayotte  
 Bruce and Morgan  
 332 Minnesota St  
 St Paul Mn 55101

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 Agent  
 Addressee  
 X *Dary R. Weller*

B Received by (Printed Name) C Date of Delivery

D Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below  No



3 Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4 Restricted Delivery? (Extra Fee)  Yes

2 Article Number (Transfer from service label) 7003 2260 0001 3517 1293