

DIVIDER

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

DESCRIPTION

PU-05-229
Ernest Communications, Inc
Local Exchange
Public Convenience & Nece
Filed 3/31/2005 Closed 7/29/2005

05



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**Public Service Commission
Receipt of Payment**

Receipt# 6533

Received 4/12/2006 Check# 30470 for \$172 54
Subject Utility Valuation

Docket # PU-05-229

Ernest Communications, Inc.
5275 Triangle Parkway, Suite
Norcross GA 30092

APPROVED

DATE: 10-18-05
KMF

MOTION

October 18, 2005

Ernest Communications, Inc.
Local Exchange
Public Convenience & Necessity

Case No. PU-05-229

I move the Commission bill Ernest Communications, Inc. for costs incurred to date in Case No. PU-05-229, Ernest Communications, Inc., Local Exchange, Public Convenience & Necessity.



Public Service Commission

State of North Dakota

COMMISSIONERS

Tony Clark, President
Susan E Wefald
Kevin Cramer

Executive Secretary
Illona A Jeffcoat-Sacco

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

October 18, 2005

Carey Roesel
Technologies Management Inc
PO Box 200
Winter Park FL 32789

RE: Case No. PU-05-229
Ernest Communications, Inc.
Local Exchange
Public Convenience & Necessity

Enclosed is a copy of the statement approved at the October 18, 2005 Public Service Commission meeting for the expenses incurred to date in Case No. PU-05-229.

Under N.D.C.C. 49-21-01.7, these expenses are billed through the Valuation Fund and must be paid for by the telecommunications company involved.

Please make your check payable to the *Public Service Commission*.

Sincerely,

Gloria Geiger
Admin Staff Officer
701-328-2401

Enc.

c: Ernest Communications Inc
5275 Triangle Pkwy Ste 150
Norcross GA 30092

Billing Statement

October 18, 2005

Ernest Communications, Inc.
Local Exchange
Public Convenience & Necessity

Case No. PU-05-229

Bill To:

Ernest Communications, Inc. \$172.54

Expenses Incurred to Date:

Advertising Costs \$172.54

Send Payment and a Copy of this Statement To:

Public Service Commission
600 E Boulevard Ave Dept 408
Bismarck ND 58505-0480

Federal Tax ID 45-0309764

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Ernest Communications, Inc.
Local Exchange
Public Convenience and Necessity

Case No. PU-05-229

AFFIDAVIT OF SERVICE BY CERTIFIED AND ORDINARY MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that

she is over the age of 18 years and not a party to this action and, on the **29th day of July, 2005**, 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

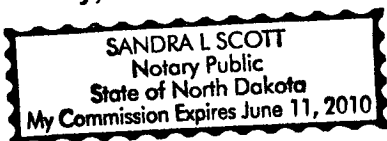
Carey Roesel
Technologies Management Inc
P O Box 200
Winter Park FL 32789
Cert. No. 7004 2510 0004 8815 5378

Sharon Helbling further deposes and says that on the **29th day of July, 2005**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same

Ernest Communications Inc
5275 Triangle Pkwy Ste 150
Norcross GA 30092

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

Subscribed and sworn to before me
this **29th day of July, 2005**



SEAL

A handwritten signature in cursive script, reading "Sharon Helbling", written over a horizontal line.

A handwritten signature in cursive script, reading "Sandra L Scott", written over a horizontal line.
Notary Public



Public Service Commission
State of North Dakota

COMMISSIONERS

Tony Clark, President
Susan E. Wefald
Kevin Cramer

Executive Secretary
Illona A. Jeffcoat-Sacco

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

July 29, 2005

Carey Roesel
Technologies Management Inc
P O Box 200
Winter Park FL 32789-0200

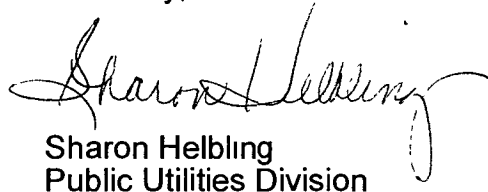
Dear Mr. Roesel

On July 28, 2005, the Commission issued Certificate of Public Convenience and Necessity No. 5259 to Ernest Communications, Inc. to provide local exchange telecommunications services, with facilities, throughout North Dakota, Case No. PU-05-229. The original certificate is enclosed for your files

I have also enclosed a copy of the new law which takes effect August 1, 2005, whereby all non-incumbent telecommunications are required to register on the internet. Therefore, you will have to reregister after August 1. The form is not on the internet yet, but we will be sending a letter to all non-incumbent companies when it is available

If you have any questions, please call me at 701-328-4076.

Sincerely,



Sharon Helbling
Public Utilities Division

sdh

Enclosures

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Ernest Communications, Inc.
Local Exchange
Public Convenience and Necessity**

Case No. PU-05-229

ORDER

July 28, 2005

On March 31, 2005, Ernest Communications, Inc. (Ernest) of Norcross, GA filed an application for a certificate of public convenience and necessity to provide facilities-based competitive local exchange telecommunications services throughout North Dakota

On May 24, 2005 the Commission issued a Notice of Opportunity for Hearing that provided until June 29, 2005 for receiving comments and hearing requests. In accordance with North Dakota Century Code chapter 49-03 1 and North Dakota Administrative Code section 69-09-05-11(3), the Commission's notice identified the following issues to be considered in this matter

- 1 Fitness and ability of the applicant to provide service
- 2 Adequacy of the proposed service
- 3 Technical, financial and managerial ability of the applicant to provide service

On June 10, 2005 the Rural Telephone Company Group (RTCG) filed comments requesting limitations to preserve the rural exemption under 47 U S C section 251(f) RTCG stated it did not oppose the application and was not requesting a hearing

On July 12, 2005, the Public Service Commission's Director of Accounting filed a memorandum indicating that Ernest has the financial ability to provide service

On July 13, 2005, the Commission discussed the issues in this matter with the applicant and Commission staff at an informal hearing

Ernest is incorporated in the State of Georgia Ernest intends to provide basic resold and facilities-based local exchange service to both business and residential customers throughout North Dakota Ernest plans to offer service via an unbundled network element platform or its equivalent and through interconnection agreements with incumbent local exchange carriers Currently, Ernest's main service is to large multi-location enterprise accounts

Ernest was registered in North Dakota to resell local exchange and long distance services on May 3, 2005 in Case No PU-05-228

The Commission finds Ernest is fit, able, and has the technical, financial and managerial ability to provide service

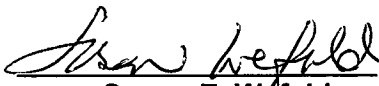
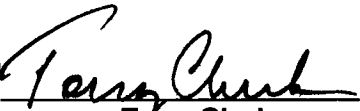
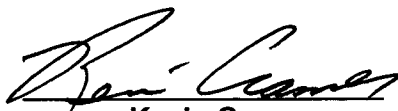
The Commission finds Ernest's proposed service adequate

Exhibit D of the application outlines the managerial qualifications and provides biographical information indicating that Ernest has the technical and managerial ability to provide service

Order

The Commission Orders the application of Ernest Communications, Inc. for a certificate of public convenience and necessity to provide facilities-based competitive local exchange services throughout North Dakota is GRANTED.

PUBLIC SERVICE COMMISSION

 _____ Susan E. Wefald Commissioner	 _____ Tony Clark President	 _____ Kevin Cramer Commissioner
---	---	---

Public Service Commission
STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 5259


This is to certify that public convenience and necessity require, and permission is granted for Ernest Communications, Inc., a telecommunications public utility, to provide statewide local exchange telecommunications services, with facilities, in North Dakota.

This certificate is issued in Case No. PU-05-229 and is conditioned upon Ernest Communications, Inc. securing the franchise or other authority of the proper municipal or other authority for the exercise of these rights and privileges.

Bismarck, North Dakota, July 28, 2005.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

North Dakota Public Service Commission
INFORMAL HEARING
July 13, 2005

Ernest Communications, Inc.
Local Exchange/Interexchange
Public Convenience and Necessity

Case No. PU-05-229
Filed: 3/31/05

Summary of Proposal: Ernest Communications, Inc (Ernest) of Norcross, GA has filed an application for certificates of public convenience and necessity to provide competitive local exchange and interexchange services throughout North Dakota.

Procedural History: On May 24, 2005, the Commission issued a Notice of Opportunity for Hearing that provided until June 29, 2005 for receiving comments or hearing requests. One response was received on May 9, 2005 from the Rural Telephone Company Group requesting limitations to preserve the rural exemption under 47 U.S.C 251 (f). Ernest filed an Affidavit of Paul Masters, President of Ernest Communications, Inc. on June 8, 2005 in support of its application.

Discussion: Ernest is incorporated in the State of Georgia. Ernest intends to provide basic resold and facilities-based local exchange service to both residential and business customers throughout North Dakota. Ernest plans to offer service via an unbundled network element platform (UNE-P) or its equivalent and through interconnection agreements with incumbent local exchange carriers.

Ernest was registered in North Dakota to resell local exchange and long distance services on May 3, 2005 in Case No. PU-05-228.

As stated in its application, Ernest possesses managerial qualification to operate in North Dakota. Exhibit D of the application outlines the managerial qualifications and provides biographical information indicating that Ernest has the technical and managerial ability to provide service.

A limited staff financial review, see staff memo dated July 12, 2005, indicated that Ernest has the financial ability to provide service.

Recommendation: I recommend approval.

Prepared by: Annette Bendish

Scott, Sandi L.

From: Helbling, Sharon D
Sent: Tuesday, July 12, 2005 10:02 AM
To: 'croesel@tminc.com'
Cc: Scott, Sandi L
Subject: PSC Staff Financial Memorandum, Case No. PU-05-229

Attachments: 15.doc

Carey,

Attached is the PSC staff's required financial memo regarding Ernest Communications' ability to provide telecommunications services in North Dakota.

This case is on the commission's Informal Agenda tomorrow at 1:30. If you wish to participate in this informal hearing, please give us the phone number of the person who will be participating because we will have to call you. You can give the number to me or to Annette Bendish.

Thank you.

Sharon Helbling
Administrative Assistant
Public Utilities Division



15.doc (32 KB)



Public Service Commission
State of North Dakota

RECEIVED

JUL 12 2005

NORTH DAKOTA
PUBLIC SERVICE
COMMISSION
EXECUTIVE SECRETARY

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

Memorandum

COMMISSIONERS

Tony Clark, President
Susan E Wefald
Kevin Cramer

Executive Secretary
Illona A. Jeffcoat-Sacco

To: Illona Jeffcoat-Sacco, Executive Secretary
From: Mike Diller, Director of Accounting
Date: July 12, 2005
Re: Ernest Communications, Inc.
Local Exchange PC&N
Case No. PU-05-229

The following is written to provide the commission with a very limited review of the applicant's financial ability to provide service.

Staff reviewed the financial information filed by the applicant for the period ending December 31, 2003, noting stockholder equity of \$1 million.

Based on its review, staff concludes that the applicant has access to sufficient capital to provide service in North Dakota.

Staff sees no reason to deny this application and will provide this document to the applicant.

CONFIDENTIAL

December 31, 2003

Ernest Communications, Inc
5275 Triangle Pkwy
Suite 150
Norcross, GA 30092

14

PU-05-229

Pages 5

Request for trade secret withdrawn/financial
info filed in case
by Ernest Communications, Inc by
05/11/2005C Comm Legal Ilona Jerry Annette Mike

Ernest Communications, Inc
5275 Triangle Pkwy
Suite 150
Norcross, GA 30092

December 31, 2003

Balance Sheet

CONFIDENTIAL

ASSETS

CURRENT ASSETS

102 - Cash In Bank - Peachtree Bank	605,040 66
103 - Cash In Bank - Prime Acct	729,907 48
104 - Cash In Bank - MMA	263,179 55
106 - Accounts Receivables	654,283 38
107 - Certificate in Bank	50,000 00
109 - Employee Advances	500 00

TOTAL CURRENT ASSETS 2,302,911 07

FIXED ASSETS

142 - Leasehold Improvements	151,491 06
144 - Software	6,735 24
146 - Fixtures & Equipment	153,694 12
148 - Transportation Equipment	4,417 07
149 - Accumulated Depreciation	(115 028 00)

TOTAL FIXED ASSETS 201,309 49

OTHER ASSETS

163 - Loans To Officers	259,513 90
182 - Business Development Costs	78,410 04
183 - Security Deposits	12,347 00
184 - Loans to Ernest Group	110,717 05
189 - Accumulated Amortization	(77,773 88)

TOTAL OTHER ASSETS 353 214 11

TOTAL ASSETS 2,857 434 67

LIABILITIES AND STOCKHOLDERS' EQUITY

CURRENT LIABILITIES

205 - Accounts Payable	908,443 00
232 - Federal Payroll Taxes	621 204 88
233 - State Payroll Tax	199 387 75
235 - Accrued Unemployment Taxes	3,266 54
236 - Sales Tax Payable	151,433 51
237 - Accrued Pension	3 395 02

TOTAL CURRENT LIABILITIES 1,887,630 70

Ernest Communications, Inc
5275 Triangle Pkwy
Suite 150
Norcross, GA 30092

December 31, 2003

Balance Sheet

CONFIDENTIAL

LONG-TERM LIABILITIES

TOTAL LIABILITIES

1,887,630 70

EQUITY

283 - Retained Earnings

3,298,023 23

286 - Accumulated Adjustments

-5,770,475 17

Net Profit (Loss)

3,472 255 91

TOTAL EQUITY

999,803 97

TOTAL LIABILITIES AND EQUITY

2,887,434 67

Ernest Communications, Inc
 5275 Triangle Pkwy
 Suite 150
 Norcross, GA 30092

CONFIDENTIAL

December 31, 2003

Operating Statement

	Current Month	12 Months Year to Date	Percentages Period	YTD
SALES				
301 - Sales Revenue	1,637,283 65	20,485,719 58	67 83	76 32
302 - Access Sales	776,652 19	6,375,016 25	32 18	23 75
311 - Returns & Allowances	(137 76)	(19,121 23)	(0 01)	(0 07)
TOTAL SALES	2,413,798 08	26,841,614 60	100 00	100 00
COST OF SERVICE				
401 - Telephone Services Purchased	1,507,549 99	16,717,245 12	62 46	62 28
405 - Commissions	44,419 23	479,279 53	1 84	1 79
TOTAL COST OF SERVICE	1,551,969 22	17,196,524 65	64 30	64 07
GROSS PROFIT	861,828 86	9,645,089 95	35 70	35 93
OPERATING EXPENSES				
509 - Outside Services	65,815 16	351,487 19	2 73	1 31
510 - Operating Supplies	44 81	14,639 20	0 00	0 05
512 - Freight and Postage	892 94	9,003 99	0 04	0 03
515 - Gross Wages	136,954 79	1,753,005 79	5 67	6 53
516 - Officer Salaries	802,415 76	983,101 23	33 24	3 66
519 - Pension Plan	4,188 35	17,137 95	0 17	0 06
520 - Rent	23,097 15	323,470 19	0 96	1 21
526 - Utilities	0 00	9,796 05	0 00	0 04
529 - Telephone	1,877 95	28,790 25	0 08	0 11
530 - Repairs & Maintenance	5,632 50	41,992 84	0 23	0 16
533 - Show Expenses	4,000 00	42,194 10	0 17	0 16
534 - Advertising & Promotion	4,658 95	227,527 63	0 19	0 85
535 - Insurance	10,716 82	144,459 18	0 44	0 54
538 - Meals & Entertainment	15,179 04	232,381 24	0 63	0 87
539 - Travel	16,097 85	240,788 54	0 67	0 90
540 - Property Taxes	0 00	2,585 46	0 00	0 01
541 - Other Taxes	78 932 97	924 903 28	3 27	3 45
542 - F I C A Tax	22 605 32	152,099 88	0 94	0 57
543 - Unemployment Taxes	858 69	23,150 34	0 04	0 09
548 - Permits & Licenses	0 00	70 00	0 00	0 00
549 - Penalties	0 00	3,182 42	0 00	0 01
550 - Interest	244 51	23 566 49	0 01	0 09
552 - Vehicle Expense	878 57	16,501 18	0 04	0 06
564 - Legal & Accounting	2 671 -5	263,130 15	0 11	0 98
566 - Office Expense	5 446 04	26 013 84	0 23	0 10
570 - Education & Training	0 00	4,955 00	0 00	0 02

Ernest Communications, Inc
 5275 Triangle Pkwy
 Suite 150
 Norcross, GA 30092

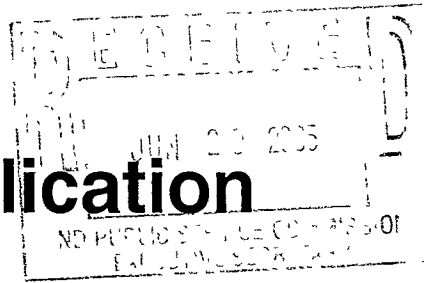
CONFIDENTIAL

December 31, 2003

Operating Statement

	Current Month	12 Months Year to Date	Percentages	
			Period	YTD
574 - Amortization	1,250 00	15,000 00	0 05	0 06
575 - Depreciation	3,000 00	36,000 00	0 12	0 13
580 - Dues & Subscriptions	1,550 00	17,234 21	0 06	0 06
585 - Bank Charges	153 15	1,834 80	0 01	0 01
586 - Credit Card Fees	3,203 51	52,715 63	0 13	0 20
590 - Contributions	14,000 00	203,695 00	0 58	0 76
TOTAL OPERATING EXPENSES	<u>1,226,366 38</u>	<u>6,186,455 05</u>	<u>50 81</u>	<u>23 05</u>
OTHER INCOME				
901 - Interest Income	2,017 38	16,625 01	0 08	0 06
TOTAL OTHER INCOME	<u>2,017 38</u>	<u>16,625 01</u>	<u>0 08</u>	<u>0 06</u>
OTHER EXPENSE				
955 - Federal Income Taxes	0 00	3,004 00	0 12	0 01
TOTAL OTHER EXPENSE	<u>0 00</u>	<u>3,004 00</u>	<u>0 12</u>	<u>0 01</u>
NET INCOME (LOSS)	<u>(382 520 14)</u>	<u>3 472 255 91</u>	<u>(15 02)</u>	<u>12 94</u>

Affidavit of Publication



Colleen Park, being duly sworn, state as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of:
PSC, Ernest Communications, 1 time(s)
as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

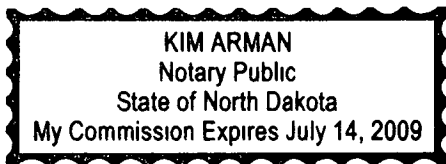
Signed: Colleen Park

State of ND

County of Burleigh

Subscribed and sworn to before me this 27 day of June 20 05.

Kim Fitzgerald now known as
Kim Arman - formerly





North Dakota Newspaper Association

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

INVOICE

JUN 28 2005
ADVERTISING SERVICE DIVISION
CONFIDENTIAL

Order **20603-05061PP0**

Invoice # **56952**

June 28, 2005

Attn: ILLONAA. JEFFCOAT-SACCO
PUBLIC SERVICE COMMISSION
600 E. BOULEVARD AVE.
STATE CAPITOL
BISMARCK, ND 58505

Voice 701-328-4076

Advertiser **Public Utilities Division**

P O # **PU-05-229 & 300**

Amount Due

\$345.07

Amount Paid

Please detach and return this portion with your payment

Public Utilities Division Invoice # 20603-05061PP0-56952 PO# PU-05-229 & 300

Ad Size	Rate Type	Rate	Total	Discount (%)	Caption	Page	Run Date
DAILY							
Bismarck Tribune (Bismarck ND)							
55 00	SPR2	0 63	34 65	0 00	Ernest Comm & SBC		06/01/05
Devils Lake Daily Journal (Devils Lake ND)							
55 00	SPR2	0 63	34 65	0 00	Ernest Comm & SBC		06/01/05
Dickinson Press (Dickinson ND)							
59 00	SPR2	0 57	33 63	0 00	Ernest Comm & SBC		06/01/05
Fargo, The Forum (Fargo ND)							
52 00	SPR2	0 71	36 92	0 00	Ernest Comm & SBC		06/06/05
Grand Forks Herald (Grand Forks ND)							
50 00	SPR2	0 69	34 50	0 00	Ernest Comm & SBC		06/02/05
Jamestown Sun (Jamestown ND)							
60 00	SPR2	0 54	32 40	0 00	Ernest Comm & SBC		06/01/05
Minot Daily News (Minot ND)							
62 00	SPR2	0 54	33 48	0 00	Ernest Comm & SBC		06/01/05
Valley City Times-Record (Valley City ND)							
55 00	SPR2	0 61	33 55	0 00	Ernest Comm & SBC		06/01/05
Wahpeton Daily News (Wahpeton ND)							
74 00	SPR2	0 51	37 74	0 00	Ernest Comm & SBC		06/01/05
Williston Herald (Williston ND)							
55 00	SPR2	0 61	33 55	0 00	Ernest Comm & SBC		06/01/05

Gross Advertising	345 07	Total Misc	0 00	Amount Paid	0 00
Agency Discount		Tax	0 00	Adjustments	0 00
Other Discount	0 00	Total Billed	345 07	Payment Date	
Service Charge	0 00	Unbilled	0 00	Balance Due	345 07

13 **PU-05-229**

Pages 1

Affidavit of Publication

by North Dakota Advertising Service Inc
06/29/2005C Comm Legal Illona Jerry, Annette Mike

8 **PU-05-300**

Pages 1

Affidavit of Publication

by North Dakota Advertising Service, Inc
06/29/2005 CC Comm Legal Illona, Annette, Mike

DONALD A NEGAARD
JAMES E NOSTDAHL
CAROL K LARSON
DAVID J HOGUE
REED A SODERSTROM
BRENT M OLSON
DEBRA L HOFFARTH
SCOTT M KNUDSVIG
ERIKA L SLEGER
RYAN D SANDBERG

PH
LAW OFFICES OF
PRINGLE & HERIGSTAD, P.C.

2525 ELK DRIVE
POST OFFICE BOX 1000
MINOT, NORTH DAKOTA 58702
(701) 852-0381
FAX (701) 857-1361
E-mail pringle@srt.com

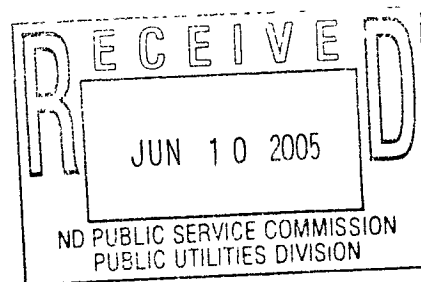
OF COUNSEL
HERBERT L MESCHKE

RETIRED
THOMAS A WENTZ
MARK F PURDY
JAN M SEBBY

KENNETH G PRINGLE
(1914-1983)
ROGER O HERIGSTAD
(1919-2003)

June 9, 2005

Ms Illona Jeffcoat-Sacco
Executive Secretary
PUBLIC SERVICE COMMISSION
600 East Boulevard Avenue
Bismarck, ND 58505-0480



SBC LONG DISTANCE, LLC
LOCAL EXCHANGE
PUBLIC CONVENIENCE AND NECESSITY
CASE NO. PU-05-300

ERNEST COMMUNICATIONS, INC.
LOCAL EXCHANGE
PUBLIC CONVENIENCE AND NECESSITY
CASE NO. PU-05-229

Enclosed herewith for filing in the above matter are an original and seven copies of the Comments of the Rural Telephone Company Group on the Applications for Certificate of Public Convenience and Necessity of Ernest Communications, Inc , Case No PU-05-229, and SBC Long Distance, LLC, Case No PU-05-300

A handwritten signature in black ink, appearing to be "Don Negaard".

Don Negaard

jt

Enclosures

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Ernest Communications, Inc.
Local Exchange
Public Convenience and Necessity

Case No. PU-05-229

**COMMENTS OF THE RURAL TELEPHONE COMPANY GROUP ("RTCG")
ON THE APPLICATION FOR CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY
OF ERNEST COMMUNICATIONS, INC. ("Ernest")**

The Rural Telephone Company Group (RTCG) is a group of telecommunications carriers, each of which is an "incumbent local exchange carrier" and a "rural telephone company" under the federal Telecommunications Act of 1996 (the Act) and each has legal interests in this case under the Act

The RTCG includes

BEK Communications Cooperative
Consolidated Telcom
Dakota Central Telecommunications Cooperative and Dakota Central Telecom I
Dickey Rural Telephone Cooperative, Dickey Rural Communications, Inc , and
Dickey Rural Access, Inc
Griggs County Telephone Company and Moore & Liberty Telephone Company
Inter-Community Telephone Company, L L C
Midstate Telephone Company and Midstate Communications, Inc
Nemont Telephone Company and Missouri Valley Communications, Inc
North Dakota Telephone Company
Northwest Communications Cooperative
Polar Communications Mutual Aid Corporation and Polar Telecommunications, Inc
Red River Rural Telephone Association and Red River Telecom, Inc.
Reservation Telephone Cooperative
SRT Communications, Inc
United Telephone Mutual Aid Corporation and Turtle Mountain Communications
West River Telecommunications Cooperative

The RTCG does not oppose issuance of certificates to Ernest for exchanges currently served by Qwest. For RTCG exchanges, the RTCG offers the following comments

In PSC Case No PU-453-96-83, AT&T applied for and was granted a Certificate of Public Convenience and Necessity to provide local telecommunications service throughout the state of North Dakota, subject to limitations in the Commission's Order

"8 Public convenience and necessity requires the granting of a statewide certificate to AT&T to provide local service. However, the Commission's determination of the public interest with regard to the service territories of rural telephone companies is subject to any future proceedings under §251(f)(1) or (2) of the Act

9 Granting AT&T's application for a statewide certificate is not a ruling that affects the rights of specific rural telephone company pursuant to 47 U S C §251(f) "

In PSC Case No PU-987-96-390, Sprint applied for and was granted a Certificate of Public Convenience and Necessity to provide local telecommunications service throughout the state of North Dakota, subject to limitations based on the precedent established in the AT&T case

"One issue which has been addressed in other Certificate of Public Convenience and Necessity cases was raised by the intervener, NDATC. This issue concerns rural telephone companies and what effect the grant of a certificate would have on them. NDATC identified its interest in this proceeding, and the interests of its members, as a concern that the grant of a certificate of public convenience and necessity not defeat the rural protections provided by the Telecommunications Act of 1996

The Commission agrees with NDATC that the question is important and must be addressed. This issue will apply to all certificate requests affecting any service area of any rural telephone company in North Dakota. It is the opinion of the Commission that in all such cases, any determination of public interest is subject to future proceedings regarding rural protections or exemptions.

In the instant case the Commission will adhere to the precedent established in the AT&T certificate case, Docket No PU-453-96-83, on this issue. In AT&T, the Commission held that its determination of the public interest with regard to the service territories of rural telephone companies is subject to any future proceedings under Section 251(f)(1) or (2) of the Telecommunications Act of 1996 (47 U S C §251(f)(1) or (2)). The Commission also held that granting the certificate on a statewide basis is not a ruling that affects the rights of specific rural telephone companies under 47 U S C §251(f). Both Sprint and NDATC agree that the qualifications

expressed in the AT&T case appropriately apply to Sprint's request for a statewide certificate of public convenience and necessity. The inclusion of these conditions satisfies NDATEC's concerns, and is not objectionable to Sprint "


The AT&T precedent has been cited at least one time following the Sprint case, in Case No PU-1693-97-269, where a statewide certificate was granted to Eclipse Communications Corp (a subsidiary of Western Wireless Corporation), subject to the rights of rural telephone companies under 47 U.S.C. 251(f)

In reliance on the precedent established by the Commission in the AT&T, Sprint, and Eclipse/Western Wireless cases, the RTCG does not request intervention and does not request a hearing on the pending application. The RTCG does request that any order issued to grant the pending application (if it is construed to apply to exchanges not now served by Qwest) should include limitations substantially the same as those in the AT&T, Sprint, and Eclipse/Western Wireless cases, to preserve the "rural safeguard" rights of rural telephone companies under 47 U.S.C. 251(f).

By the comments contained herein, none of the above-named companies shall be deemed to have waived its rights to claim that Ernest Communications is prohibited from competing with the RTCG or their subsidiaries

Dated at Minot, North Dakota, this 9th day of June, 2005

PRINGLE & HERIGSTAD, P C



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June 7, 2005
Via Overnight Delivery

Ms Illona Jeffcoat Sacco, Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480



RE Affidavit for Application of Ernest Communications, Inc. for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Telecommunications Services Within the State of North Dakota

Dear Ms. Sacco:

Enclosed for filing are the original and six (6) copies of an affidavit for the Application of Ernest Communications, Inc. for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Telecommunications Services Within the State of North Dakota. The affidavit is being provided as supplemental material to the application at the request of Annette Bendish of ND Staff.

Please acknowledge receipt of this filing by date-stamping the extra copy of this cover letter and returning it to me in the self-addressed, stamped envelope provided for this purpose. Questions regarding this filing may be directed to me at (407) 740-3006 or at croesel@tminc.com. Thank you for your assistance in this matter.

Sincerely,

Carey Roesel
Consultant to
Ernest Communications, Inc.

CR/gs
Enclosure

cc: Suzanne Walters, Ernest
file: Ernest - ND Local
tms: NDI0500b

AFFIDAVIT

I, Paul Masters, of lawful age, being duly sworn under oath depose and says as follows

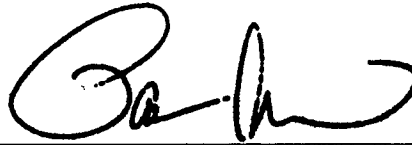
I am the President of Ernest Communications, Inc., a Georgia Corporation, which is seeking a Certificate of Public Convenience and Necessity to provide local exchange services in the State of North Dakota

I, as an authorized agent, and on behalf of Ernest Communications, Inc , attest that the Application by Ernest Communications, Inc. for a Certificate of Public Convenience and Necessity for Local Exchange Service is true in substance and in fact, except as to those matters stated upon information and belief, and as to those, I believe same to be true

This Application demonstrates

- a) that Ernest Communications, Inc. possesses the technical, financial and managerial resources to provide local exchange service in North Dakota,
- b) the proposed services of Ernest Communications, Inc. are adequate and in fact provide an alternative service mix to consumers and
- c) Ernest Communications, Inc is fit and able to provide service in North Dakota as successfully as it is so doing in its existing service area of thirty (30) states

Respectfully submitted on behalf of,
Ernest Communications, Inc.

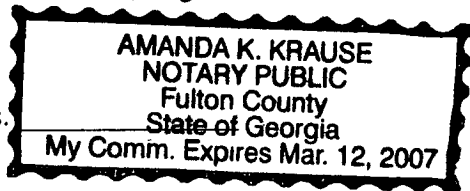


Paul Masters
President
Ernest Communications, Inc

Subscribed and sworn to before me this 6th day of June, 2005.

Amanda K. Krause
Notary Public

My commission expires.



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Ernest Communications, Inc.
Local Exchange
Public Convenience and Necessity

Case No. PU-05-229

SBC Long Distance, LLC
Local Exchange
Public Convenience and Necessity

Case No. PU-05-300

AFFIDAVIT OF SERVICE BY CERTIFIED AND ORDINARY MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **25th day of May, 2005**, 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:

Notice of Opportunity for Hearing

The envelope was addressed as follows:

Carey Roesel
Technologies Management Inc
P O Box 200
Winter Park FL 32789
Cert. No. 7003 2260 0001 3516 8880

Eric Fishman
Holland & Knight LLP
2099 Pennsylvania Ave NW Ste 100
Washington D C 20006
Cert No. 7003 2260 0001 3516 8897

Sharon Helbling further deposes and says that on the **25th day of May, 2005**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same

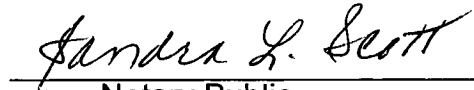
Ernest Communications Inc
5275 Triangle Pkwy Ste 150
Norcross GA 30092

Norman W Descoteaux
SBC Long Distance LLC
5850 W Las Positas Blvd
Pleasanton CA 94588

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

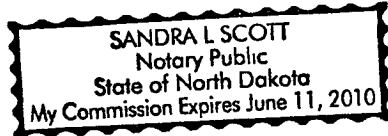
Subscribed and sworn to before me
this **25th day of May, 2005**





Notary Public

SEAL



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Ernest Communications, Inc.
Local Exchange
Public Convenience and Necessity

Case No. PU-05-229

SBC Long Distance, LLC
Local Exchange
Public Convenience and Necessity

Case No. PU-05-300

AFFIDAVIT OF SERVICE BY ORDINARY MAIL OR E-MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that.

she is over the age of 18 years and not a party to this action and, on the **25th day of May, 2005**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, and e-mailed, each containing a photocopy of:

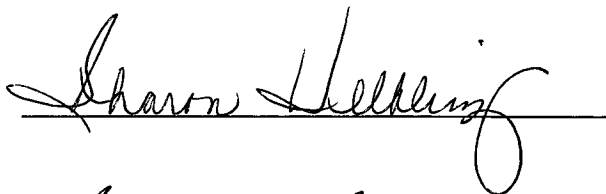
Notice of Opportunity for Hearing

The envelopes were addressed as follows:

See Attached List

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

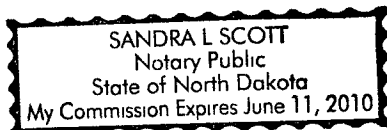
Subscribed and sworn to before me
this **25th day of May, 2005**





Notary Public

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Cedar Rapids IA 52406-3177

Minnesota Independent Equal Access Co.
10300 6th Ave N
Plymouth MN 55441

Jim Arbury
National Multi Housing Council
1850 M St NW Ste 540
Washington DC 20036

New Edge Network Inc
3000 Columbia House Blvd Ste 106
Vancouver WA 98661

Carmine Russo
North Dakota Big Sky Telecom
374 Ansin Blvd
Hallandale FL 33009

NOW Communications Inc
711 S Tejon St Ste 201
Colorado Springs CO 80903

Jeff Walker
Preferred Carrier Services Inc
14681 Midway Rd Ste 105
Dallas TX 75001

Premiere Network Services Inc
1510 N Hampton Rd Ste 120
DeSoto TX 75115

Scott Lee
Protel Advantage Inc
1308 Medora Rd
St. Paul MN 55118-1734

QuantumShift Communications Inc
88 Rowland Way Ste 200
Novato CA 94945-5000

Kristin L Smith
Qwest Corporation
1005 17th St Ste 200
Denver CO 80202

Dean Polkow
RCC Network Inc
PO Box 2000
Alexandria MN 56308-2000

Kimberly Nielson
RTC-1
Legal & External Affairs
7277 164th Ave NE
Redmond WA 98052

Arthur H Paquette
SNET America Inc
310 Orange St
North Haven CT 06510-1719

Tel Tech Inc
1300 W 57th St Ste G204
Sioux Falls SD 57108-2885

William Staycoff
Telcom Billing Services Inc
2989 Brookdale Dr
Brooklyn Park MN 55444

Telera Communications Inc
910 E Hamilton Ave Ste 200
Campbell CA 95008

Kathleen Kerr-Lawrence
Primus Telecommunications Inc
1700 Old Meadow Rd 3rd Fl
McLean VA 22102

Public Communications Services Inc
11859 Wilshire Blvd Ste 600
Los Angeles CA 90025

Qwest Corporation
1005 17th St Ste 200
Denver CO 80202

Melissa Thompson
Qwest Corporation
1005 17th St Ste 200
Denver CO 80202

Reliant Communications Inc
801 International Pkwy 5th Fl
Lake Mary FL 32746

ServiSense.com Inc
60 GLP O Box 689acier Dr #3000
Westwood MA 02090-0689

Harris Saele
T P C Inc
PO Box 180
Devils Lake ND 58301-0180

Jack Medaris
Telco Partners Inc
P O Box 807
Conshohocken PA 19428-0807

Al Bosch
Tele-Beep Company
PO Box 7072
Bismarck ND 58502-7072

Jonathan Marashlian
The Helein Law Group P C
8180 Greensboro Dr Ste 700
McLean VA 22102

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

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

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

VCI Company
3875 Steilacoom Blvd #A
Lakewood WA 98498

Doris Cooper
West River Long Distance Co.
101 W Main PO Box 467
Hazen ND 58545-0467

Carolyn Fodor
Winstar Communications
520 Broad St
Newark NJ 07102

XO Communications Services Inc
11111 Sunset Hills Rd
Reston VA 20190

Trans National Comm Internat'l Inc
2 Charlesgate West
Boston MA 02215

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

Val-Ed Joint Venture LLP/702
702 Main Ave
Moorhead MN 56560

David Arney
Verizon Communications
750 SH121 Bypass Ste 100
Louisville TX 75067

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

WTC Competitive Services Inc
P O Box 270
Park River ND 58270-0270

Helbling, Sharon D.

From: Helbling, Sharon D
Sent: Wednesday, May 25, 2005 7:32 AM
To: ndna
Subject: Several Notices attached

Colleen Park
North Dakota Newspaper Association

Colleen,

Would you please have the attached Notice of Hearing (Case No. PU-05-28), and the attached Notices of Opportunity for Hearing (Case Nos. PU-05-229, PU-05-300, and PU-05-272) published as legal publications in the next issue of the ten daily North Dakota newspapers.

Please send the bill to the Public Service Commission along with a tear sheet for billing purposes.

If you have any questions, let me know.

Thank you.

Sharon Helbling
Public Utilities Division



5-24-05 5-24-05 5-24-05
of Opportuof Hearingof Opportu

APPROVED

DATE: 5-24-05
KMF

MOTION

May 24, 2005

**Ernest Communications, Inc.
Local Exchange
Public Convenience and Necessity**

Case No. PU-05-229

**SBC Long Distance, LLC
Local Exchange
Public Convenience and Necessity**

Case No. PU-05-300

I move the Commission issue a Notice of Opportunity for Hearing in the captioned applications for certificates of public convenience and necessity to provide telecommunication services in North Dakota

AB/sdh

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Ernest Communications, Inc.
Local Exchange
Public Convenience and Necessity

Case No. PU-05-229

SBC Long Distance, LLC
Local Exchange
Public Convenience and Necessity

Case No. PU-05-300

NOTICE OF OPPORTUNITY FOR HEARING

May 24, 2005

On March 31, 2005, Ernest Communications, Inc of Norcross, GA filed an application for a certificate of public convenience and necessity to provide facilities-based competitive local exchange telecommunications services throughout North Dakota

On May 19, 2005, SBC Long Distance LLC, d/b/a SBC Long Distance, of Pleasanton, CA filed an application for a certificate of public convenience and necessity to provide facilities based competitive local exchange telecommunications services throughout North Dakota

The issues to be considered in these matters are

- 1 Fitness and ability of the applicant to provide service
- 2 Adequacy of the proposed service
- 3 Technical, financial and managerial ability of the applicant to provide service

Those interested are invited to comment on the application in writing Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing Comments and requests for hearings must be received by **June 29, 2005** If deemed appropriate, the Commission can determine the matter without a hearing

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400, or Relay North Dakota 1-800-366-6888 TTY If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify Illona Jeffcoat-Sacco, Executive Secretary

PUBLIC SERVICE COMMISSION



Susan E. Wefald
Commissioner



Tony Clark
President



Kevin Cramer
Commissioner



210 N Park Ave
Winter Park, FL
32789

P O Drawer 200
Winter Park, FL
32790-0200

Tel 407-740-8575
Fax 407-740-0613
tmi@tminc.com

May 10, 2005
Via Overnight Delivery

Mr Jon Mielke, Executive Secretary
North Dakota Public Service Commission
600 E Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

RE Withdrawal of Application for Trade Secret Protection for the Application of Ernest Communications, Inc. for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Telecommunications Services Within the State of North Dakota

Dear Mr Mielke:

Enclosed for filing are the original and six (6) copies of this letter to withdraw the Application for Trade Secret Protection This application was filed concurrently with the Application of Ernest Communications, Inc. for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Telecommunications Services Within the State of North Dakota on March 30, 2005

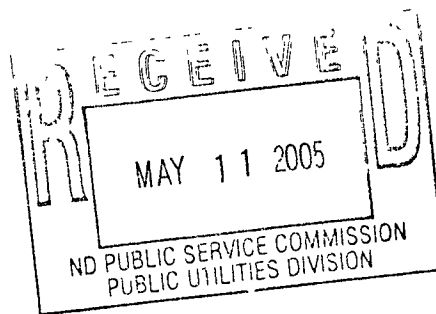
Please acknowledge receipt of this filing by date-stamping the extra copy of this cover letter and returning it to me in the self-addressed, stamped envelope provided for this purpose Questions regarding this filing may be directed to me at (407) 740-8575 or at croesel@tminc.com Thank you for your assistance in this matter

Sincerely,

Carey Roesel
Consultant to
Ernest Communications, Inc

CR/gs
Enclosure

cc: Suzanne Walters, Ernest
file Ernest - ND Local
tms. ND10500a



DONALD A NEGAARD
JAMES E NOSTDAHL
CAROL K LARSON
DAVID J HOGUE
REED A SODERSTROM
BRENT M OLSON
DEBRA L HOFFARTH
SCOTT M KNUDSVIG
ERIKA L SLEGER
RYAN D SANDBERG



LAW OFFICES OF
PRINGLE & HERIGSTAD, P.C.

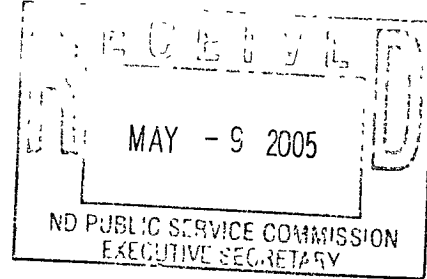
2525 ELK DRIVE
POST OFFICE BOX 1000
MINOT, NORTH DAKOTA 58702
(701) 852-0381
FAX (701) 857-1361
E-mail pringle@srt.com

OF COUNSEL
HERBERT L MESCHKE

RETIRED
THOMAS A WENTZ
MARK F PURDY
JAN M SEBBY

KENNETH G PRINGLE
(1914-1983)
ROGER O HERIGSTAD
(1919-2003)

May 6, 2005



Ms Illona Jeffcoat-Sacco
Executive Secretary
PUBLIC SERVICE COMMISSION
600 East Boulevard Avenue
Bismarck, ND 58505-0480

**ERNEST COMMUNICATIONS, INC.
LOCAL/INTEREXCHANGE PUBLIC CONVENIENCE AND NECESSITY
CASE NO. PU-05-229**

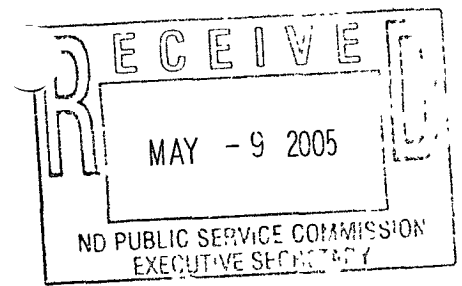
Enclosed herewith for filing in the above matter are an original and seven copies of the Comments of the Rural Telephone Company Group on the Application for Certificate of Public Convenience and Necessity of Ernest Communications, Inc , Case No PU-05-229

Don Negaard

jt

Enclosures

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION



**In the Matter of the Application of
Ernest Communications, Inc.
To Provide Resold and Facilities-based
Local Exchange Service Throughout the
State of North Dakota**

Case No. PU-05-229

**COMMENTS OF THE RURAL TELEPHONE COMPANY GROUP ("RTCG")
ON THE APPLICATION FOR CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY
TO PROVIDE RESOLD AND FACILITIES-BASED
LOCAL TELECOMMUNICATIONS SERVICES
OF ERNEST COMMUNICATIONS, INC. ("Ernest")**

The Rural Telephone Company Group (RTCG) is a group of telecommunications carriers, each of which is an "incumbent local exchange carrier" and a "rural telephone company" under the federal Telecommunications Act of 1996 (the Act) and each has legal interests in this case under the Act

The RTCG includes

BEK Communications Cooperative
Consolidated Telcom
Dakota Central Telecommunications Cooperative and Dakota Central Telecom I
Dickey Rural Telephone Cooperative, Dickey Rural Communications, Inc , and
Dickey Rural Access, Inc
Griggs County Telephone Company and Moore & Liberty Telephone Company
Inter-Community Telephone Company, L L C
Midstate Telephone Company and Midstate Communications, Inc
Nemont Telephone Company and Missouri Valley Communications, Inc
North Dakota Telephone Company
Northwest Communications Cooperative
Polar Communications Mutual Aid Corporation and Polar Telecommunications, Inc
Red River Rural Telephone Association and Red River Telecom, Inc
Reservation Telephone Cooperative
SRT Communications, Inc
United Telephone Mutual Aid Corporation and Turtle Mountain Communications
West River Telecommunications Cooperative

The application from Ernest is somewhat ambiguous as to what areas Ernest intends to serve. Initially, Ernest says it is applying "to provide telecommunications service

in the state of North Dakota ” In Article VI of the application, Ernest states it intends to “offer basic local exchange and custom calling features, interexchange toll services, including toll free services, to business and residential customers” utilizing UNE-Ps and resale products purchased

The RTCG does not oppose issuance of certificates to Ernest if it is strictly limited to exchanges currently served by Qwest To the extent it might be construed otherwise, the RTCG offers the following comments

In PSC Case No PU-453-96-83, AT&T applied for and was granted a Certificate of Public Convenience and Necessity to provide local telecommunications service throughout the state of North Dakota, subject to limitations in the Commission’s Order

“8 Public convenience and necessity requires the granting of a statewide certificate to AT&T to provide local service However, the Commission’s determination of the public interest with regard to the service territories of rural telephone companies is subject to any future proceedings under §251(f)(1) or (2) of the Act

9 Granting AT&T’s application for a statewide certificate is not a ruling that affects the rights of specific rural telephone company pursuant to 447 U S C §251(f) ”

In PSC Case No PU-987-96-390, Sprint applied for and was granted a Certificate of Public Convenience and Necessity to provide local telecommunications service throughout the state of North Dakota, subject to limitations based on the precedent established in the AT&T case

“One issue which has been addressed in other Certificate of Public Convenience and Necessity cases was raised by the intervener, NDATEC This issue concerns rural telephone companies and what effect the grant of a certificate would have on them NDATEC identified its interest in this proceeding, and the interests of its members, as a concern that the grant of a certificate of public convenience and necessity not defeat the rural protections provided by the Telecommunications Act of 1996

The Commission agrees with NDATEC that the question is important and must be addressed This issue will apply to all certificate requests affecting any service area of any rural telephone company in North Dakota It is the opinion of the Commission that in all such cases, any determination of public interest is subject to future proceedings regarding rural protections or exemptions

In the instant case the Commission will adhere to the precedent established in the AT&T certificate case, Docket No PU-453-96-83, on this issue. In AT&T, the Commission held that its determination of the public interest with regard to the service territories of rural telephone companies is subject to any future proceedings under Section 251(f)(1) or (2) of the Telecommunications Act of 1996 (47 U S C §251(f)(1) or (2)). The Commission also held that granting the certificate on a statewide basis is not a ruling that affects the rights of specific rural telephone companies under 47 U S C §251(f). Both Sprint and NDATC agree that the qualifications expressed in the AT&T case appropriately apply to Sprint's request for a statewide certificate of public convenience and necessity. The inclusion of these conditions satisfies NDATC's concerns, and is not objectionable to Sprint."


The AT&T precedent has been cited at least one time following the Sprint case, in Case No PU-1693-97-269, where a statewide certificate was granted to Eclipse Communications Corp (a subsidiary of Western Wireless Corporation), subject to the rights of rural telephone companies under 47 U S C 251(f).

In reliance on the precedent established by the Commission in the AT&T, Sprint, and Eclipse/Western Wireless cases, the RTCG does not request intervention and does not request a hearing on the pending application. The RTCG does request that any order issued to grant the pending application (if it is construed to apply to exchanges not now served by Qwest) should include limitations substantially the same as those in the AT&T, Sprint, and Eclipse/Western Wireless cases, to preserve the "rural safeguard" rights of rural telephone companies under 47 U S C 251(f).

By the comments contained herein, none of the above-named companies shall be deemed to have waived its rights to claim that Ernest Communications is prohibited from competing with the RTCG or their subsidiaries.

Dated at Minot, North Dakota, this 6th day of May, 2005

PRINGLE & HERIGSTAD, P C



By Don Negaard, ND Bar ID #03598
Attorneys for RTCG
2525 Elk Drive
P O Box 1000
Minot, ND 58702-1000
(701) 852-3081

Helbling, Sharon D.

From: Carey Roesel [croesel@tminc.com]
Sent: Wednesday, April 13, 2005 1:54 PM
To: Helbling, Sharon D
Subject: RE Ernest Communications, Inc. application

Funny you should ask at this moment. I was just looking at my note that said to "CALL ND!"

They want to go ahead and proceed as usual

-----Original Message-----

From: Helbling, Sharon D. [mailto:shelbling@state.nd.us]
Sent: Wednesday, April 13, 2005 2:44 PM
To: croesel@tminc.com
Subject: Ernest Communications, Inc. application

Carey,

On March 31st I e-mailed you informing you of a new bill before our legislature which would significantly change the registration process for telecommunications companies and asked if you wanted to wait or process it now. The bill has been passed and will take effect August 1, 2005.

Since I haven't heard from you, I'm wondering if you want me to process the application or send it back.

Sharon

Helbling, Sharon D.

From: Helbling, Sharon D
Sent: Wednesday, April 13, 2005 1 44 PM
To: 'croesel@tminc.com'
Subject: Ernest Communications, Inc application

Carey,

On March 31st I e-mailed you informing you of a new bill before our legislature which would significantly change the registration process for telecommunications companies and asked if you wanted to wait or process it now. The bill has been passed and will take effect August 1, 2005

Since I haven't heard from you, I'm wondering if you want me to process the application or send it back.

Sharon

Helbling, Sharon D.

From: Helbling, Sharon D
Sent: Thursday, March 31, 2005 11 45 AM
To: 'croesel@tminc.com'
Subject: Applications for Ernest Communications, Inc

Hi Carey,

We received the applications today for local/interexchange PC&N and local and long distance resale

Before we process these applications I want to bring your attention to a bill that is pending before the current legislative session which, if passed, will simplify the application process for telecommunications companies in North Dakota. The law would become effective August 1, 2005. After that, non-incumbent telecommunications companies would simply register on a form on the commission's website. There will be no notices and the commission will no longer require paper copies of applications or issue certificates, nor would we require corporate papers.

We have not docketed your applications because we wanted you to be aware of this information before doing so. The time frame for processing the switchless resale application is 30 days or less. The time frame for processing the PC&N application is 60-90 days because the current law requires that we issue a Notice of Opportunity for Hearing. The earliest we could issue a notice on this is April 20. After the notice period is up, it would go on an Informal Meeting Agenda, possibly June 8, then on the commission's regular meeting agenda for June 29 for approval.

We anticipate having the website registration process on line by September 1 or sooner. If Ernest Communications is not in a hurry to start providing services in North Dakota, it may wish to wait for the simplified process. If Ernest chooses to wait, I will return the applications. If it wishes to proceed, please let me know as soon as possible.

Thank you.

Sharon Helbling
Public Utilities Division



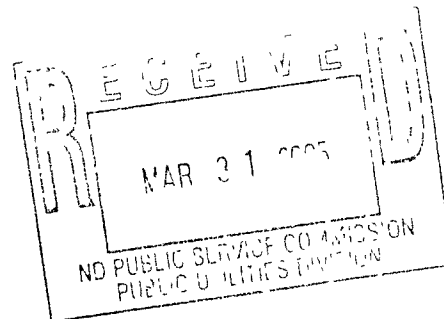
210 N Park Ave
Winter Park, FL
32789

P.O. Drawer 200
Winter Park, FL
32790-0200

Tel 407-740-8575
Fax 407-740-0613
tmi@tminc.com

March 30, 2005
Via Overnight Delivery

Mr Jon Mielke, Executive Secretary
North Dakota Public Service Commission
600 E Boulevard Ave , Dept 408
Bismarck, ND 58505-0480



RE: Application of Ernest Communications, Inc for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Telecommunications Services Within the State of North Dakota

Dear Mr. Mielke:

Enclosed for filing are the original and six (6) copies of the application of Ernest Communications, Inc for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Telecommunications Services Within the State of North Dakota

In addition, an Application For Trade Secret Protection is filed concurrently with this application. The financial statements of Ernest are considered as proprietary and confidential by the Company and are submitted under separate Seal as part of this filing. Please handle in accordance with your established procedures for confidential material.

Please acknowledge receipt of this filing by date-stamping the extra copy of this cover letter and returning it to me in the self-addressed, stamped envelope provided for this purpose. Questions regarding this filing may be directed to me at (407) 740-8575 or at croesel@tminc.com. Thank you for your assistance in this matter.

Sincerely,

Carey Roesel
Consultant to
Ernest Communications, Inc.

CR/gs
Enclosure

cc Suzanne Walters, Ernest
file Ernest - ND Local
tms ND10500

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

In the Matter of the Application of)
Ernest Communications, Inc.) Case No _____
To Provide Resold and Facilities-based Local)
Exchange Service Throughout)
The State of North Dakota)

**APPLICATION FOR CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO PROVIDE
RESOLD AND FACILITIES-BASED LOCAL TELECOMMUNICATIONS SERVICES**

Application is hereby made to Public Service Commission of the State of North Dakota (the "Commission") by Ernest Communications, Inc ("Applicant" or "Ernest") for a Certificate of Public Convenience and Necessity to provide telecommunications service in the State of North Dakota, pursuant to NDCC Sections 49-03 01 et seq and 69-02-04 of the Commission's Rules of Practice and Procedure Ernest proposes to offer facility-based and resold local telecommunications services throughout the state

In support of its Application, Ernest submits the following

1. Introduction

Ernest is requesting authority to provide basic resold and facilities-based local exchange service to both residential and business customers throughout North Dakota in all exchanges which are not exempt from competition. Ernest plans to offer service via an unbundled network element platform (UNE-P) or its equivalent through interconnection agreements with incumbent local exchange carriers (ILECs). Should its Application be granted, Ernest plans to commence offering service immediately upon the establishment of the appropriate and necessary arrangements with the incumbent ILECs

II. Description of the Applicant

- (a) Ernest Communications, Inc. is incorporated in the State of Georgia. The main address of the corporation is:

Ernest Communications, Inc
5275 Triangle Parkway, Suite 150
Norcross, Georgia 30092
Telephone: 770 / 242-9069
Facsimile: 770 / 448-4115
Toll Free: 800/ 456-8353

- (b) All correspondence, notices, inquiries and other communications regarding this Application should be addressed to

Carey Roesel
Technologies Management, Inc
P.O. Box 200
Winter Park, Florida 32789
Telephone: 407-740-8575
Facsimile: 407-740-0613

- (c) The Applicant is a Georgia corporation, authorized by the North Dakota Secretary of State to transact business in the State of North Dakota.
- (d) Ernest currently provides service in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Missouri, Mississippi, North Carolina, New Jersey, New Mexico, Nevada, New York, Oklahoma, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington

III. Exhibits

In support of this Application, the following exhibits are attached hereto

- Exhibit A - Certificate of Incorporation
- Exhibit B - Certificate of Authority to Transact Business in the State of North Dakota,
- Exhibit C - Financial Statements
- Exhibit D - Profiles of Senior Management Key Personnel
- Exhibit E - Service Area Map
- Exhibit F - Carriers Offering Similar Services
- Exhibit G - Dialing Parity Plan

IV. Financial, Technical and Managerial Qualifications

Ernest possesses the managerial, technical and financial ability to provide local telecommunications service in the State of North Dakota. Ernest has strong financial resources to enable the company to successfully provide local telecommunications service in the State of North Dakota. Ernest is in the process of obtaining approval to provide local service to customers nationwide.

IV.A. Financial Qualifications

- (a) By utilizing its current customer service, operations, management, and technical workforce and infrastructure supporting its facilities-based local exchange and interexchange operations, Ernest is financially and otherwise capable and qualified to offer and maintain all of its tariffed services in its territories served through via its own and/or through the underlying carrier's facilities
- (b) The costs of North Dakota operations will consist of leasing UNE-P or its equivalent and additional administrative and sales overhead. The incremental administrative and sales costs are not projected to be significant for the company. No new funds or capital will be required to expand the company's services in North Dakota.
- (c) Ernest provides its audited financial statements as proof of its financial stability to provide the required services within the State of North Dakota. Such financials are filed separately under seal as confidential. See Exhibit C.

IV.B. Managerial Qualifications

- (a) Ernest possesses managerial qualifications to operate a Competitive Local Exchange Carrier within the State of North Dakota. Biographical summaries of the managerial experience of Ernest and its parent company are found in Exhibit D.

IV.C. Technical Qualifications

(a) Ernest's services will satisfy the minimum standards established by the Commission. The Company will file and maintain tariffs in the same manner and form as required of incumbent local exchange telecommunications companies with which Ernest seeks to compete.

(b) Ernest Communications, Inc , has been providing local exchange service and intrastate long distance service in many jurisdictions for several years. The Company's offerings in these jurisdictions have met with great market success and have yielded no significant technical issues. The Company offers local exchange service via UNE-P (Unbundled Network Element Platform) or its equivalent and resale and relies on the technical expertise of the Incumbent Local Exchange Carrier for much of the technical information. The Company has worked successfully with ILECs on operational and technical issues and does not anticipate technical issues as it expands into other states.

Based on the company's experience and proven track record, Ernest is certainly technically qualified to provide local exchange service in North Dakota.

V. Customer Service

Ernest understands the importance of effective customer service for local service consumers. Ernest has a toll free customer service telephone number that is available with live operator response 24 hours per day, 7 days per week. Ernest's toll free telephone number for customer inquiries, complaints and repair is 1-800-456-8353. In addition, customers may contact the company in writing at the headquarters address

The contact for resolution of customer complaints with the Commission is

Paul Masters
President
Ernest Communications, Inc.
5275 Triangle Parkway, Suite 150
Norcross, Georgia 30092
Telephone: 770/ 242-9069
Toll Free: 800/ 456-8353

VI. Service Description

Ernest Communications, Inc. offers basic local exchange and custom calling features, interexchange toll services, including toll free services, to business and residential customers. Local exchange service is provided via UNE-P or its equivalent and resale. Toll services are provided via the Company's underlying long distance carrier.

VII. Public Interest Standard

Grant of Ernest's Application to provide facilities-based local exchange services is in the public interest and serves the public convenience and necessity. In enacting the Federal Telecommunications Act of 1996, the United States Congress determined that it is in the public interest to promote competition in the provision of telecommunications services, including local exchange services. Experience with competition in other telecommunications markets, such as long distance, competitive access, and customer premises equipment, demonstrates the benefits that competition can bring to consumers. Consumers are enjoying increased services, lower prices, higher quality, and greater reliability. This is true not only with respect to the service offerings of the new entrants, but also as a result of the response of incumbent monopoly providers to the introduction of competition.

Ernest's proposed services will provide multiple public benefits by increasing the competitive choices available to users in North Dakota. Enhanced competition in telecommunications services likely will further stimulate economic development in North Dakota. In addition, increased competition will create incentives for all carriers to offer lower prices, more innovative services, and more responsive customer service.

VIII. Conclusion

This Application demonstrates that Ernest possesses the technical, financial and managerial resources to provide local exchange service in North Dakota

Wherefore, Ernest respectfully requests that the Commission:

1. grant Ernest authority to operate as a provider of basic local exchange telecommunications services in the State of North Dakota,
2. grant the waivers requested in this Application; and
3. grant such other relief as it deems necessary and appropriate.

Respectfully submitted,

Ernest Communications, Inc.



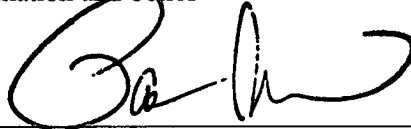
Paul Masters
President
Ernest Communications, Inc.
5275 Triangle Parkway, Suite 150
Norcross, Georgia 30092

VERIFICATION

STATE OF GEORGIA


COUNTY OF Gwinnett

Paul Masters, being first duly sworn, deposes and says: That he is the President of Ernest Communications, Inc., the Applicant in the foregoing Application, that he has read the foregoing Application, knows the contents thereof and is authorized to verify the accuracy of same; and that the statements contained in the Application are true to his best knowledge, information and belief

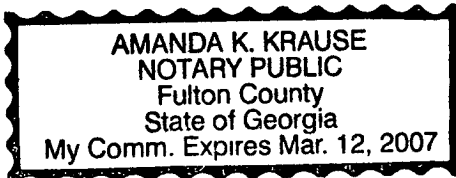


Paul Masters
President
Ernest Communications, Inc
5275 Triangle Parkway, Suite 150
Norcross, Georgia 30092

Subscribed and sworn to before me this 21 day of March 2005.


Notary Public

My commission expires: _____



ERNEST COMMUNICATIONS, INC.

Exhibit A

Certificate of Incorporation

ARTICLES OF INCORPORATION
OF ERNEST COMMUNICATIONS, INC

I

The name of the Corporation is Ernest Communications Inc

II

The Corporation shall have authority to issue Two Million (2 000 000) shares of common stock ("Common Stock") Each share of Common Stock shall be identical in all respects and for all purposes and entitled to one vote in all proceedings in which action may or is required to be taken by shareholders of the Corporation, participate equally in all dividends payable with respect to Common Stock, as, if, and when declared by the Board of Directors of the Corporation, and share ratably in all distributions of assets of the Corporation in the event of any voluntary or involuntary liquidation, or winding up of the affairs of the Corporation or any other distribution of assets, rights, or property

III.

The initial registered office of the Corporation shall be at 3475 Lenox Rd NE, Suite 990, Atlanta, GA 30326, in Fulton County The initial registered agent of the Corporation at such address shall be Gerardo M Balboni, II

IV.

The name and address of the incorporator is

Erick H Rock
Balboni Law Group LLC
3475 Lenox Road, NE
Suite 990
Atlanta, GA 30326

V.

The mailing address of the initial principal office of the Corporation is

Ernest Communications Inc
c/o Erick H Rock
Balboni Law Group LLC
3475 Lenox Road, NE
Suite 990
Atlanta GA 30326

VI

No director shall have any personal liability to the Corporation or to its shareholders for monetary damages for breach of duty of care or other duty as a director by reason of any act or omission

occurring subsequent to the date when this provision becomes effective except that this provision shall not eliminate or limit the liability of a director for (a) any appropriation, in violation of his duties, of any business opportunity of the Corporation, (b) acts or omissions which involve intentional misconduct or a knowing violation of law, (c) liabilities of a director imposed by Section 14-2-832 of the Georgia Business Corporation Code, or (d) any transaction from which the director derived an improper personal benefit

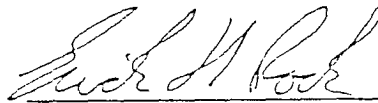
VII

Any action required by law or by the Bylaws of the Corporation to be taken at a meeting of the shareholders of the Corporation and any action which may be taken at a meeting of the shareholders, may be taken without a meeting if a written consent, setting forth the action so taken, shall be signed by persons entitled to vote at a meeting those shares having sufficient voting power to cast not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all shares entitled to vote were present and voted. Notice of such action without a meeting by less than unanimous written consent shall be given within ten (10) days of the taking of such action to those shareholders of record on the date when the written consent is first executed and whose shares were not represented on the written consent

VIII.

The Corporation shall have the power, acting through its Board of Directors, to make distributions of its assets to its shareholders out of its capital surplus and to repurchase its shares out of its unreserved and unrestricted capital surplus available therefor

11th IN WITNESS WHEREOF, the undersigned has executed these Articles of Incorporation this day of May, 1998



Erick H. Rock, Incorporator

SECRETARY OF STATE
MAY 11 4 01 PM '98

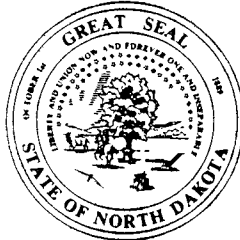
ERNEST COMMUNICATIONS, INC.

Exhibit B

Certificate of Authority to Transact Business in the State of North Dakota

State of North Dakota

SECRETARY OF STATE



CERTIFICATE OF GOOD STANDING OF

ERNEST COMMUNICATIONS, INC

The undersigned, as Secretary of State of the State of North Dakota, hereby certifies that ERNEST COMMUNICATIONS, INC. , a Georgia corporation, authorized to transact business in the State of North Dakota on September 14, 2004, and according to the records of this office as of this date, has paid all fees due this office as required by North Dakota statutes governing foreign corporations.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing to

ERNEST COMMUNICATIONS, INC.

Issued: February 24, 2005

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State



**CERTIFICATE OF AUTHORITY
FOREIGN CORPORATION
APPLICATION**
SECRETARY OF STATE
SFN 13100A (13100 + 7974) (7-99)

RECEIVED

SEP 13 2004

SEC. OF STATE

FOR OFFICE USE ONLY

ID #	20,149,700
WO #	161561
Filed	9-14-04 By JS

SEE REVERSE SIDE FOR FEES, FILING AND MAILING INSTRUCTIONS

- 1 A The application **MUST** be accompanied by **ALL** of the following
- Filing fee of \$125 if a Foreign Business or Professional Corporation
 - Filing fee of \$40 if a Foreign Nonprofit Corporation
 - Signed Consent of Registered Agent and fee of \$10
 - Current, **ORIGINAL CERTIFICATE OF GOOD STANDING OR CERTIFICATE OF EXISTENCE** verifying corporate existence certified by the incorporating officer of the state or country of incorporation
- B The following **MAY** be required
- Certification of professional license from the North Dakota licensing board for the profession
 - Signed consent to use of name and fee of \$10
 - Trade Name Registration and fee of \$25

TYPE OR PRINT LEGIBLY For reference, see North Dakota Century Code, Section 10-19 1-135 or 10-33-125

2 Type of corporation applying for Certificate of Authority (check one)

Foreign Business Foreign Professional Foreign Nonprofit

3 A Name of corporation EXACTLY as it appears on Certificate of Good Standing from state of origin

ERNEST COMMUNICATIONS, INC.

B Federal ID #

58-2395113

C If the corporation chooses to use a name other than its corporate name, that name is a trade name and must be registered with the North Dakota Secretary of State (SEE INSTRUCTION 3 C) If applicable, provide the trade name below and complete the Trade Name Registration form if the selected trade name is not already registered in North Dakota

- D If the corporation has been notified by the North Dakota Secretary of State that its corporate name is the same as, or deceptively similar to a name already registered, this application for Certificate of Authority must be accompanied by one of the following (check one)
- Consent to use of name from the conflicting name holder(s)
- An application for registration of a trade name for use in transacting business in North Dakota The trade name adopted is

Certified copy of a final decree of a court of competent jurisdiction establishing prior right of this corporation to use of the name in North Dakota

4 Complete mailing address of principal executive office which may not only be a post office box (Street/RR, and PO Box if applicable, city, state, zip + 4) **5275 Triangle Parkway, Suite 150, Norcross, GA 30092**

5 A STATE or country where incorporated	B EXACT date incorporated (Month, day, AND year)	C Duration of corporation	D Telephone #
Georgia	May 11, 1998	<input checked="" type="checkbox"/> Perpetual <input type="checkbox"/> Other (Specify)	
			E Toll-free telephone #

6 A Name of required registered agent in NORTH DAKOTA (SEE INSTRUCTION 6 A)

National Registered Agents, Inc.

B Federal ID/social security # of registered agent

13-3837683

C Address of registered agent in NORTH DAKOTA which may not only be a post office box number (Street/RR, and PO Box if applicable, city, state, zip + 4) **220 North Fourth Street, Bismarck, ND 58501**

7 Nature of business or activities the corporation intends to conduct in the State of North Dakota

To provide local and long distance telecommunications services to business, residential and coin telephone customers throughout each state.

8 OFFICE	Check box if officer also serves as director	OFFICERS AND DIRECTORS OF THE CORPORATION		COMPLETE MAILING ADDRESS			
		NAME	Street/RR	PO Box	City	State	Zip + 4
PRESIDENT	<input checked="" type="checkbox"/>	Paul Masters	5275 Triangle Parkway, Suite 150, Norcross, GA 30092				
VICE PRESIDENT	<input checked="" type="checkbox"/>	Joseph Ernest	5275 Triangle Parkway, Suite 150, Norcross, GA 30092				
SECRETARY	<input type="checkbox"/>						
TREASURER	<input type="checkbox"/>						
DIRECTOR							

9 The undersigned, a person authorized by the corporation to sign this application, knows the contents thereof, and believes the statements made to be true

July 27, 2004
Date

770-242-9069
Daytime telephone #

10 Name of person to contact about this application



**REGISTERED AGENT
CONSENT TO SERVE**
SECRETARY OF STATE
SFN 13100A (7974 + 13100) (7-99)

RECEIVED

SEP 13 2004

SEC. OF STATE

FOR OFFICE USE ONLY

ID #	20,149,700
File #	—
WO #	161861
Filed	9-14-04
By	NS

SEE REVERSE SIDE FOR FILING AND MAILING INSTRUCTIONS

1. FILING FEE: \$10.00

TYPE OR PRINT LEGIBLY

2 Name of the organization for which the registered agent is to serve (corporation, limited liability company, limited liability partnership, limited partnership, limited liability limited partnership or real estate investment trust)

ERNEST COMMUNICATIONS, INC.

3 Name of the registered agent

National Registered Agents, Inc.

4 Registered agent is (Check one)

- An individual North Dakota resident
- A corporation
- A limited liability company
- A limited liability partnership

5 Federal ID # or social security # of registered agent

13-3837683

6 An individual appointed as registered agent must sign a consent to serve in that capacity. When a corporation, a limited liability company, or limited liability partnership is named as registered agent, an officer or someone authorized by the organization may sign on behalf of the corporation, limited liability company, or limited liability partnership.

"The undersigned, as the newly appointed registered agent, agrees to act as the registered agent for this organization until a change, or resignation, is submitted to the Secretary of State under the provisions of North Dakota law."

Rozanna Clerkini
Original signature of registered agent

9/3/04
Date

ERNEST COMMUNICATIONS, INC.

Exhibit C

Financial Statements

Ernest Communications, Inc. presents its most current audited financials. As such, these financials are presented under seal as confidential.

ERNEST COMMUNICATIONS, INC.

Exhibit D

Profiles of Senior Management Key Personnel

ERNEST COMMUNICATIONS, INC.

MANAGEMENT PROFILES

Joseph Ernest

Chairman and CEO, Ernest Communications Inc.

Mr Ernest founded Ernest Group in 1984 and is the co-founder of Ernest Communications, Inc. (ECI) where he currently serves as Chairman and Chief Executive Officer. Joe is responsible for overseeing the strategic direction of ECI and the Ernest Group family of companies. Joe is responsible for the engineering, patenting and developing of many of the public communications products and services still in use today. Joe has served on dozens of boards, panels and industry steering committees throughout his 20-year telecommunications career.

Prior to Ernest Telecom, Joe was owner of a successful commercial and residential real estate brokerage firm for ten years. Joe holds a Bachelor of Arts degree from University of Southern Mississippi.

Paul Masters

President, Ernest Communications Inc.

Paul Masters is a telecommunications industry veteran and an experienced executive at Ernest Group. As the co-founder and President of Ernest Communications, Inc. (ECI), Paul oversees all day-to-day operations at ECI. After holding various senior sales and management positions within the Ernest Group family of companies, Paul is responsible for shifting ECI's focus from being the nation's largest manufacturer of public telecommunications instruments to becoming the nation's largest competitive local telephone service provider to the PSP industry, among other customer channels. Paul has been a leading industry advocate and driving force behind opening the Regional Bell Operating Company markets to local competition and a primary architect of developing many of the Unbundled Network Element Platform (UNE-P) products available to the industry today.

Paul holds a Bachelor of Science in Business Administration from Shorter College, and a Master of Business Administration from Emory University. In addition, Paul is a sought-after industry speaker as well as serving on various Boards and Panels within the telecommunications industry.

Jay Morris

Senior Vice President, Ernest Communications Inc.

Jay Morris is a 20-year telecommunications industry veteran who joined Ernest Communications, Inc. (ECI) in 2002. Jay oversees all of ECI's sales and marketing efforts and reports to the President of the company. Jay began his telecommunications career during telecommunications divestiture in the early eighties beginning first as a Major Account and National Account Manager at MCI. Jay went on to become one of MCI's leading senior product development executives and was an architect of many of MCI's early business and consumer product development efforts, which included corporate account billing solutions, Prism, Friends and Family, Vnet, and Partner Marketing Affinity Programs. Jay has built his telecommunications career around developing solutions and programs to serve large telecom clients and partner's needs. Prior to joining ECI, Jay held various senior management and board positions with ATC, Campuslink Communications and LightSource Telecom.

Jay holds a Bachelor of Science degree from Kings City College. Jay has resided on dozens of various telecommunications industry steering committees and boards as well as volunteering his time as a board member of various non-profit organizations throughout his 20-year telecom career.

ERNEST COMMUNICATIONS, INC.

Exhibit E

Proposed Service Area Map

Ernest intends to offer service throughout the State of North Dakota. The company initially will offer service in territories currently served by Qwest Corporation.

ERNEST COMMUNICATIONS, INC.

Exhibit F

Carriers Offering Similar Services

To the best of Applicant's knowledge and information, the list of other public utilities providing similar service in the State of North Dakota coincides with the list of competitive local exchange carriers (CLECs) which are registered with the North Dakota Public Service Commission, plus incumbent local exchange carriers serving the state (eg. Qwest Corporation). A list of CLECs registered with the Commission is provided in this exhibit.

ERNEST COMMUNICATIONS, INC.

Exhibit G

Dialing Parity Plan

Ernest Communications, Inc.
IntraLATA Presubscription Implementation Plan
Dialing Parity Plan

I. PURPOSE

The purpose of this Dialing Parity Plan ("Plan") is to permit customers to route intraLATA calls automatically, without the use of access codes, to an interexchange carrier ("IXC") of the customer's choice. The IXC chosen by customers must establish itself as an access customer under any applicable tariff that Ernest Communications, Inc ("Company") will file prior to launching service in North Dakota. This Plan applies to services which may be made available at a future date using the Company's access facilities. If the Company provides local dial tone service(s) by reselling facilities obtained from Incumbent Local Exchange Carrier(s) ("ILECs"), (a) the Company will implement dialing parity wherever it is made available by the ILEC from whom the Company purchases local dial tone service for resale, and (b) elements of this Plan pertaining to exchange access service orders will not apply.

II. IMPLEMENTATION

The Company will notify affected intraLATA IXCs approximately sixty to ninety days prior to the date that the Company expects to begin providing local service in North Dakota and advise that a Presubscription Information Package will be provided upon request. The Presubscription Information Package will explain how exchange access service(s) can be obtained and will include the following:

- End Office names(s)
- End Office Location Common Language Location Identification ("CLLI")
- Equipment type
- NPA/NXX(s)
- LATA
- Implementation Date

Carriers will have the options of offering intraLATA service only or intraLATA and interLATA service and participating in all market area or in a specific market area in North Dakota.

Ernest Communications, Inc.
IntraLATA Presubscription Implementation Plan
Dialing Parity Plan

III. CARRIER SELECTION

When the Company offers facilities-based local dial tone service(s), it will implement a full 2-PIC carrier selection methodology. As stated in Paragraph I above, if the Company provides local dial tone services by reselling facilities obtained from ILECs, it will rely on the ILECs facilities to provide the full 2-PIC capability. With the full 2-PIC methodology, customers will be able to presubscribe to the same or different participating telecommunications carrier(s) for intra and interLATA toll calls. IntraLATA presubscription will be provided on all eligible residence and business lines.¹

Prior to offering local dial tone services, the Company will establish processes to provide customers with an opportunity to choose their intra and interLATA toll carrier(s). Company contact representatives who communicate with the public, accept orders, and serve in customer service capacities will be trained to explain to customers the availability of 2-PIC equal access, and assist in implementing their initial PIC choice or in changing their PIC for intraLATA and interLATA toll calls. The Company will process intraLATA PIC selections in the same manner and in the same time intervals that apply to interLATA PICs.

¹ An example of a customer who would not be eligible for intraLATA presubscription is someone who has a Feature Group A access line.

Ernest Communications, Inc.
IntraLATA Presubscription Implementation Plan
Dialing Parity Plan

IV. A CUSTOMER SELECTING A PIC

When local dial tone services are offered by the Company, customers contacting the Company and requesting local dial tone service will be informed of the opportunity to choose both an intraLATA and interLATA PIC. If requested by customers, the Company will provide a list of IXCs, including the Company, that are access customers and are maintaining a relationship with the Company pursuant to the provisions of the Company access service(s) tariff. The list of participating intraLATA IXCs will be presented to customers in a competitively neutral manner, and IXCs will be identified to customers in random order. The Company contact representatives will not comment on customers' choices of their intraLATA toll carrier.

Company customer contact representatives will process customer initiated request(s) to have the Company established as their intraLATA PIC selection. Customers selecting an intraLATA toll carrier other than the Company will be provided with the selected carrier's toll-free number (if provided to the Company by the carrier).

If new line customers, including customers adding lines (with a separate number), do not select a participating carrier, they will be assigned a "No PIC." Customers who cannot decide upon an intraLATA carrier at the time of order, will have 30 days following placement of their service order to select an intraLATA carrier without charge. In the interim, they will be assigned a No PIC designation. After the 30-day period, the Company will assess a PIC change charge. Customers assigned a NO PIC designation will be required to dial an access code to reach an intraLATA toll carrier's network.

The Company contact representatives will not discuss alternative carrier rates or services and will not provide customers with Carrier Identification Codes or access code dialing instructions.

Ernest Communications, Inc.
IntraLATA Presubscription Implementation Plan
Dialing Parity Plan

V. EXISTING CUSTOMERS

The Company does not have existing customers affected by dialing parity issues

VI. CUSTOMERS CHANGING AN INTRALATA PIC

When local dial tone line services are offered by the Company, customers may contact the Company to change either their inter or intraLATA IXC. The Company customer contact representatives will process customer initiated request(s) to have the Company established as their intraLATA PIC selection. Customers selecting intraLATA toll carriers other than the Company will be provided with the selected carriers toll-free number (if provided to the Company by the carrier).

A PIC change charge will be incurred and billed to a Company customer for each eligible line where an intraLATA PIC change is made. The Company anticipates it will offer IXCs the option of having the intraLATA PIC charge billed to the IXC or the customer.

Company contact representatives will not attempt to dissuade customers from changing their intraLATA PIC and will not discuss alternative carrier rates or services. The Company will not provide customers with Carrier Identification Codes or access code dialing instructions.

VI. PIC "FREEZES"

PIC freezes may be provided at any time upon customers' requests. The Company will accept the use of three-way calls among the customer, the Company and an IXC to remove intraLATA PIC freezes. The Company will still follow the verification procedures for PIC changes (e.g., independent third party verification, written letter of agency, electronic authorization) as provided for by the Federal Communications Commission and North Dakota Commission rules. The Company understands that carrier-to-carrier penalties for unauthorized intraLATA toll charges may not be imposed.

Ernest Communications, Inc.
IntraLATA Presubscription Implementation Plan
Dialing Parity Plan

VII. CARRIER OBLIGATIONS

IntraLATA carriers that desire to become Company access customers shall notify the Company via letter or telephone call of their desire to obtain exchange access service information or shall obtain and complete an Access Service Request(s) ("ASRs") form and provide the completed form to the Company and to the owner of the Access Tandem. The Company will send each requesting carrier an information package describing the Company's service, processes and applicable tariffs. Once the Company receives and processes a carrier's ASR, the carrier will be added to the list of participating carriers and, as stated above in Part IV of this Plan, will be identified at random to customers who desire to establish intra and/or interLATA PIC(s). The Company will provide information regarding switches available for Exchange Access Services to IXCs by identifying the switches in NECA Tariff FCC No. 4. In addition, as stated above in Part II of this Plan, the Company will include a list of available switches in its information package provided to each IXC in response to an inquiry.

To be a presubscribed intraLATA toll carrier, a carrier must have a Feature Group D (FGD) or Feature Group D-like trunk. The FGD or FGD-like trunk(s) must be in place or ordered between the carrier's point-of-presence and the incumbent Local Exchange Company Access Tandem(s). Carriers must determine what facilities they need to handle the intraLATA toll traffic and order the necessary facilities.

All originating intraLATA traffic will initially be routed via the incumbent Local Exchange Company ("LEC") Access Tandem(s). Direct trunks between Company switches and carrier location(s) may be provisioned where traffic volumes warrant.

Ernest Communications, Inc.
IntraLATA Presubscription Implementation Plan
Dialing Parity Plan

VII. CARRIER OBLIGATIONS (Cont'd.)

The Company will route all originating intraLATA traffic to the designated carrier and will only block traffic at the request of the end user customer and/or in compliance with regulatory requirements. Requests from carriers to block traffic or remove customers from their network will not be honored. Calls that cannot be completed to a carrier will be routed to an announcement.

Carriers will be required to submit PIC changes using the Customer Account Record Exchange ("CARE") format via paper medium. The Company will provide carriers with PIC order confirmation and reject information not using the CARE format. Upon request, specific details regarding CARE will be provided to participating carriers.

For customers who change their local service provider from the incumbent LEC to the Company and retain their incumbent LEC telephone number(s), the Company, as part of the CARE PIC process, will provide the selected intraLATA carrier with both the retained (incumbent LEC) telephone number and the Company telephone number.

**Ernest Communications, Inc.
 IntraLATA Presubscription Implementation Plan
 Dialing Parity Plan**

VIII. CALL ELIGIBILITY AND DIALING PLAN

The Company will offer intraLATA presubscription on all calls that are designated as intraLATA toll calls and that originate from Company provided local dial tone lines in North Dakota

Local dial tone line customers of the Company will have calls routed according to the following plan

If a Company dials:	The Call is Handled by/Routed to:
911	PSAP on originating line number
411/555-1212	Company Directory Assistance Operator
0	Company Operator
0+ intraexchange number	IntraLATA Toll Provider
1+ 7 or 10 digits	IntraLATA Toll Provider
0+ 7 or 10 digits interexchange number	InterLATA Toll Provider
10XXX or 101XXXX+ 0-	XXX/XXXX Carrier
10XXX or 101XXXX +0+7 or 10 digits	XXX/XXXX Carrier
10XXX or 101XXXX + 7 or 10 digits	XXX/XXXX Carrier

Company customers originating calls to a carrier Operator by dialing 00- will be routed to the PIC on that customer's line. Customers originating calls to a carrier Operator by dialing an access code (e.g., 10XXX/101XXXX + 0-), will be routed to the XXX/XXXX carrier. In both cases, the carrier's switch is responsible for routing this call to the carrier's Operator or to an announcement.

IX. ADDITIONAL ELEMENTS OF THE PLAN

Under the Plan

If a Company customer denies requesting a change in intraLATA toll providers as submitted by an intraLATA IXC, and the intraLATA IXC is unable to produce a Letter of Agency signed by the customer, the PIC will be changed per the customer's request and appropriate penalties will be pursued against the offending carrier as authorized by law.

Commission authorization as a certificated intraLATA toll provider is required for a carrier to be placed on an alphabetical list of carriers that are willing to accept intraLATA toll traffic within a particular geographical area in North Dakota.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Application of **Ernest Communications, Inc.**)
Requesting Trade Secret Protection in the Matter)
of Submission of Confidential Financial)
Statements)

) Case No _____

APPLICATION REQUESTING TRADE SECRET PROTECTION

Ernest Communications, Inc. ("Ernest") respectfully requests the North Dakota Public Service Commission, pursuant to Chapter 69-02-09 of the North Dakota Administrative Code, to issue a protective order limiting the disclosure of trade secret information for use in the submission of the above captioned Financial Statements filed herein by Ernest.

The traded secret information has been appropriately marked and is submitted in a sealed envelope marked confidential and proprietary with this filing.

1. General Description of the Nature of the Information sought to be Protected.

The information sought to be protected is

A Confidential Exhibit C, financial statements as required in the company's Application to Provide Resold and Facilities-based Local Exchange Service throughout the State of North Dakota

2. An Explanation of Why the Information Derives Independent Economic Value, Actual or Potential, From Not Being Generally Known to Other Persons.

Ernest Communications, Inc is not publicly traded For this reason, Ernest considers these financial statements to be proprietary and highly confidential, particularly in a competitive telecommunications marketplace and its public disclosure would place Ernest at a competitive disadvantage.

3. An Explanation of Why the Information is Not Readily Available by Proper Means to Other Parties.

The information at issue is proprietary to Ernest and is available only to those employees and representatives of Ernest who have a need to know the information outside the company except pursuant to the terms of strict agreements or orders to maintain the confidentiality of the information

4. The General Description of the Persons or Entities That Would Obtain Economic Value from Disclosure or Use of The Information.

Competitors or potential competitors of Ernest would obtain economic value from disclosure or use of the information

5. Specific Description of Known Competitors or Competitor's Goods and Services that are Pertinent to the Information.

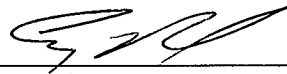
Competitors and potential competitors of Ernest in North Dakota include: Qwest, AT&T, MCI WorldCom, Sprint Corporation, and any other provider of telecommunications services in North Dakota or any of the other states in which Ernest operates

6. Description of the Efforts Used to Maintain the Secrecy of the Information.

The information at issue is proprietary to Ernest and is available only to those employees and representatives of Ernest who have a need to know the information outside the company except pursuant to the terms of strict agreements or orders to maintain the confidentiality of the information

Dated this 30th day of March, 2005

Respectfully Submitted



Carey Roesel
Consultant to
Ernest Communications, Inc.

04-05-229

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 	<p>A Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>[Signature]</i></p>	
<p>1 Article Addressed to:</p> <p><i>Carey Roesel</i> <i>Techniques Management Inc</i> <i>PO Box 200</i> <i>Winter Park FL 32789-0200</i></p>	<p>B Received by (Printed Name)</p> <p><i>KETH RICE</i></p>	<p>C Date of Delivery</p> <p><i>5/1/05</i></p>
	<p>D Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>if YES, enter delivery address below</p>	
<p>2 Article Number (Transfer from service label)</p> <p><u>7004 2510 0004 8815 5378</u></p>	<p>3 Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C O D</p>	
	<p>4 Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>PS Form 3811, August 2001 Domestic Return Receipt 2ACPRI-03-Z-0985</p>		

04-05-229

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 	<p>A Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>[Signature]</i></p>	
<p>1 Article Addressed to:</p> <p><i>Carey Roesel</i> <i>Techniques Management Inc</i> <i>PO Box 200</i> <i>Winter Park FL 32789</i></p>	<p>B Received by (Printed Name)</p> <p><i>KETH RICE</i></p>	<p>C Date of Delivery</p> <p><i>5-31</i></p>
	<p>D Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>if YES, enter delivery address below</p>	
<p>2 Article Number (Transfer from service label)</p> <p><u>7003 2260 0001 3516 8880</u></p>	<p>3 Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C O D</p>	
	<p>4 Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>		