

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Midcontinent Communications  
Designated Eligible Carrier  
Application**

**Case No. PU-05-272**

**ORDER**

**July 28, 2005**

On May 4, 2005, Midcontinent Communications (Midcontinent) of Sioux Falls, South Dakota filed an application to request designation as an Eligible Telecommunications Carrier (ETC) for receiving federal universal service funding within the Qwest service area. Midcontinent proposes to provide universal services using its own facilities and resale and unbundled products purchased from the incumbent local exchange provider with facilities.

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. The Commission received a Request to Appear from the Rural Telephone Group on June 10, 2005.

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. Qualification of the applicant under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service funding.
2. What ETC universal service support area should be designated.
3. Whether the Commission should order additional requirements for ETC designation recommended in the FCC's Report and Order released March 17, 2005 in FCC Docket No. 96-45.

On June 22, 2005 Midcontinent filed an affidavit of W. Tom Simmons in support of the application for Midcontinent for designation as an ETC. Midcontinent submitted Supplemental Information in Support of Application on July 12, 2005 addressing the additional requirements for ETC designation suggested in the FCC's Report and Order released March 17, 2005.

On July 13, 2005, the Commission discussed the issues in this matter with the applicant and Commission staff at an informal hearing. The Commission can determine the matter without a hearing.

To be designated as an eligible telecommunications carrier, a carrier must: (1) offer the services that are supported by federal universal service support mechanisms, and offer the services designated by the FCC for such federal support mechanisms for schools, libraries, and health care providers; and (2) advertise the availability of such services and the charges therefore using media of general distribution.

For telecommunications customers, the services designated by the FCC for support by universal service support mechanisms include voice grade access to the public switched network, local usage, dual tone multi-frequency signaling or its functional equivalent, single-party service or its functional equivalent, access to emergency services, access to operator services, access to interexchange service, access to directory assistance and toll limitation for qualifying low-income consumers.

For schools and libraries, the services designated by the FCC for support by universal support mechanisms include all items listed on the Eligible Services List of the Schools and Libraries Support Mechanism of the Universal Service Administrative Company dated October 5, 2004. For health care providers, the services supported by universal service support mechanisms include any telecommunications service that is used primarily for the provision of health care.

Midcontinent affirms that it will offer all services that are supported by the federal universal support mechanisms and will advertise the availability of and charges for those services using media of general distribution throughout the Qwest service area.

Midcontinent affirms that its Lifeline and Link Up offerings will meet the requirements established by the FCC.

The Commission finds Midcontinent is qualified under Section 214(e) of the Communications Act of 1934 as amended by the Telecommunications Act of 1996, for designation as an ETC eligible to receive federal universal service.

The Commission finds the Supplemental Information in Support of Application filed on July 12, 2005 sufficiently addresses the additional requirements for ETC designation recommended in the FCC's Report and Order released March 17, 2005 in CC Docket No. 96-45 and no further requirements need to be ordered at this time.

### **Order**

The Commission Orders:

Midcontinent's application for designated eligible carrier status is granted and Midcontinent is designated as an eligible telecommunications carrier in the Qwest exchange area.

### **PUBLIC SERVICE COMMISSION**

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**Susan E. Wefald  
Commissioner**

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**Tony Clark  
President**

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**Kevin Cramer  
Commissioner**