

DIVIDER

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

--

DESCRIPTION

PU-05-272

Midcontinent Communications
Designated Eligible Carrier
Application
Filed 5/4/2005

Closed 7/29/2005

05



Public Service Commission
Receipt of Payment

Receipt# 6404

Received 11/1/2005 Check# 34655 for \$315 10
Subject Utility Valuation

Docket # PU-05-272

Pearce & Durick
314 E Thayer Ave PO Box 400
Bismarck ND 58501

APPROVED

DATE: 10-18-05
KMF

MOTION

October 18, 2005

Midcontinent Communications
Designated Eligible Carrier
Application

Case No. PU-05-272

I move the Commission bill Midcontinent Communications for costs incurred to date in Case No. PU-05-272, Midcontinent Communications, Designated Eligible Carrier, Application



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

Patrick W Durick
Pearce & Durick
PO Box 400
Bismarck ND 58502-0400

RE: Case No. PU-05-272
Midcontinent Communications
Designated Eligible Carrier
Application

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-05-272.

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: Mary Lohnes
Midcontinent Communications
410 S Phillips Ave
Sioux Falls SD 57104-6824

Billing Statement

October 18, 2005

Midcontinent Communications
Designated Eligible Carrier
Application

Case No. PU-05-272

Bill To:

Midcontinent Communications\$315.10

Expenses Incurred to Date:

Advertising Costs\$315.10

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

Midcontinent Communications
Designated Eligible Carrier
Application

Case No. PU-05-272

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:

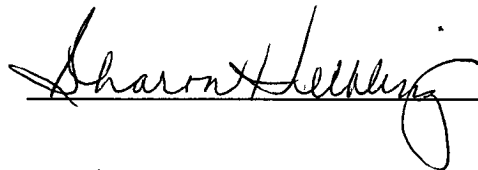
Patrick W Durick
Pearce & Durick
314 E Thayer Ave
Bismarck ND 58502-0400
Cert. No. 7004 2510 0004 8815 5200

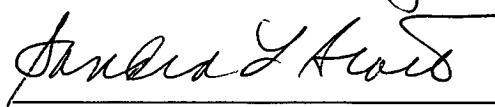
Sharon Helbling further deposes and says that on the **29th day of July, 2005**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same

Mary Lohnes
Midcontinent Communications
410 S Phillips Ave
Sioux Falls SD 57104-6824

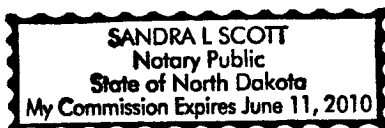
Each address shown is the respective addressee's last reasonably ascertainable post office address.

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





Notary Public



SEAL

APPROVED
DATE: 7-28-05
AS

MOTION

July 28, 2005

**Midcontinent Communications
Designated Eligible Carrier
Application**

Case No. PU-05-272

I move the Commission adopt the Order in the application of Midcontinent Communications for designation as an Eligible Telecommunications Carrier for receiving federal universal service support.

AB/sdh

**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

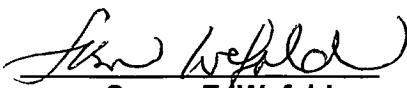
The Commission finds the Supplemental Information in Support of Application filed on July 12, 2005 sufficiently addresses the additional requirements for ETC designation recommended in the FCC's Report and Order released March 17, 2005 in CC Docket No. 96-45 and no further requirements need to be ordered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


Susan E. Wefald
Commissioner


Tony Clark
President


Kevin Cramer
Commissioner

North Dakota Public Service Commission
INFORMAL HEARING
July 13, 2005

**Midcontinent Communications
Designated Eligible Carrier
Application**

Case No. PU-05-272

Filed: 5/4/05

Summary of Proposal: Midcontinent Communications (Midcontinent) of Sioux Falls, SD has filed an application for designation as an Eligible Telecommunications Carrier in each of the Qwest exchange areas.

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. The Commission received a Request to Appear from the Rural Telephone Group on June 10, 2005. Midcontinent filed an Affidavit in support of its application on June 22, 2005.

Discussion: Midcontinent is a general partnership organized under the laws of the State of South Dakota. Midcontinent has filed a Fictitious Name Certificate with the Secretary of State of North Dakota.

Midcontinent was registered in North Dakota to resell interexchange and local services on March 9, 2005 in Case No. PU-04-545 and was issued a Certificate of Public Convenience and Necessity to provide facilities based local and interexchange service on January 26, 2005 in Case No. PU-04-546.

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. The FCC's universal service rules can be viewed on the web at http://www.access.gpo.gov/nara/cfr/waisidx_04/47cfr54_04.html

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 including Link Up under title 54, Code of Federal Regulations, part 411 and Lifeline under title 54, Code of Federal Regulations, part 405.

For schools and libraries, the service designated by the FCC for support by universal support mechanisms include all items listed on the most recent annual Eligible Services List of the Schools and Libraries Support Mechanism of the Universal Service Administrative Company dated October 5, 2004. http://www.sl.universalservice.org/data/pdf/EligibleServicesList_102704.pdf

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 seeks no waivers of eligible carrier requirements. Midcontinent asserts that it meets the requirements for designation as an eligible carrier because it is in the public interest and offers all services that are supported by federal universal support mechanisms, offers the services designated by the Federal Communications Commission for such federal support mechanisms for schools, libraries, and health care providers using resale and unbundled products purchased from the incumbent local exchange provider with facilities, as well as Midcontinent's own facilities, and will advertise the availability of such services and the changes using media of general distribution in each of its service areas as provided under Section 254(c) of the 1996 Act and 47 C.F.R. §§54.101 and 54.401.

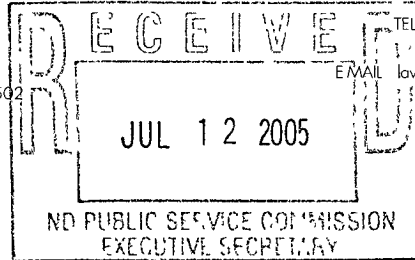
Recommendation: I recommend approval provided that Midcontinent addresses the additional ETC requirements from the FCC Report and Order issued March 17, 2005.

Prepared by: Annette Bendish



WILLIAM P PEARCE
 PATRICK W DURICK
 B TIMOTHY DURICK
 GARY R THUNE
 DAVID E REICH
 JEROME C KETTLESON
 LARRY L BOSCHEE •
 LAWRENCE BENDER, PC •
 JONATHAN P SANSTEAD
 BONNIE L CHRISTNER •

ATTORNEYS AT LAW
 314 EAST THAYER AVENUE
 P.O. BOX 400
 BISMARCK, NORTH DAKOTA 58502



TELEPHONE (701) 223 2890
 FAX (701) 223 7865
 EMAIL law.office@pearce-durick.com

July 12, 2005

Hand Delivered

North Dakota Public Service Commission
 600 East Boulevard Ave., Dept 408
 Bismarck, North Dakota 58505

Attention: Sharon Helbling

RE: Midcontinent Communications
 Application for Designation as Eligible Carrier

Dear Ms. Helbling:

Enclosed is the original and seven copies of SUPPLEMENTAL INFORMATION IN SUPPORT OF Application FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER. This document is also being forward via email.

Should you have any questions concerning this filing, please contact me.

Sincerely,

PEARCE & DURICK

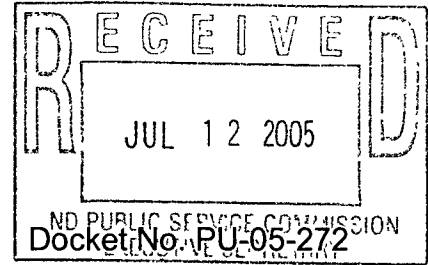

 PATRICK W DURICK

PWD/jf

Enclosures.

cc w/enc: Ms. Mary Lohnes

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA



In the Matter of the Application of)
Midcontinent Communications, a South)
Dakota Partnership, for designation as an)
eligible carrier.)

**SUPPLEMENTAL INFORMATION IN SUPPORT OF APPLICATION FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Paragraph 3 of The Commission's NOTICE OF OPPORTUNITY FOR HEARING in this matter refers to the additional requirements for ETC designation suggested in the FCC's Report and Order released on March 17, 2005 in FCC Docket 96-45. The additional requirements have been codified in 47 C.F.R. §54.202. Although these requirements are only mandatory for applications for ETC designation before the F.C.C. the above cited report encourages, ". . . states that exercise jurisdiction over ETC designations pursuant to section 214(e)(2) of the Act, to adopt these requirements when deciding whether a common carrier should be designated as an ETC."

The purpose of this filing is to provide additional information to the Commission to permit the Commission to determine that Midcontinent complies with the new requirements. In North Dakota Midcontinent is providing telecommunications services utilizing a combination of owned facilities, facilities leased from Qwest and resold services. Because of this mixture of modes of delivery, Midcontinent's representations are in part dependent upon Qwest's compliance with the new requirements. In addition, requirements pertaining to wireless carriers or carriers that request reimbursement from the federal high cost fund are not applicable to Midcontinent. Midcontinent is not requesting funds from the federal high cost program.

In accordance with 47 C.F.R. §54.202, Midcontinent submits the following additional information for the Commission's consideration in this proceeding:

1. 47 C.F.R. §54.202(a)(1) - Commitment to Provide Service Throughout its Proposed Designated Service Area to All Customers Making a Reasonable Request for Service.

Midcontinent Company hereby represents that it will provide service on a timely basis to requesting customers within its service area.

2. 47 CFR §54 202(a)(2) - Ability to Remain Functional in Emergency Situations.

Midcontinent's ability to remain functional in emergency situations is dependent upon Qwest's ability to do so for those resold and leased lines. To the extent that Qwest can demonstrate that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting

Pages 3

10 PU-05-272

Supplemental Information in Support of
Application
by Midcontinent Communications by Patrick Dunck Alto
07/12/2005
CC Comm Legal Iliona Annette

from emergency situations, Midcontinent is able to do so as well. Midcontinent's ability to remain functional on our own facilities includes battery operated customer premise equipment, standby plant power and standby facility power consisting of batteries backed up with a generator. Primary network paths are diverse. Primary network elements are redundant and constantly monitored for health by a network operations center prepared to dispatch on-call local technicians as needed for urgent and emergency situations.

3. 47 CFR §54.202(a)(3) - Demonstration of Satisfaction of Applicable Consumer Protection and Service Quality Standards.

Midcontinent hereby represents that it will satisfy all applicable consumer protection and service quality standards.

4. 47 CFR §54.202(a)(4) 7- Offering of Local Usage Plan Comparable to ILEC's.

Midcontinent's local usage service is comparable to that offered by Qwest Corporation. Midcontinent, like Qwest, offers unlimited residential local calling service at a flat monthly rate.

5. 47 CFR. §54.202(a)(5) - Certification re: Possible Future Equal Access Provision Requirement.

Midcontinent acknowledges that the North Dakota Public Service Commission may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the applicable service area.

6. 47 CFR §54.202 (c) - Public Interest Determination

In determining whether the approval of Midcontinent's Application is in the public interest, the Commission may want to consider the following facts:

Midcontinent provides service to an underserved or, in some cases, unserved population at affordable rates.

Midcontinent provides a basic local exchange service plan comparable to that offered by Qwest, the incumbent LEC in North Dakota.

Midcontinent provides customers with access to selected custom calling services at affordable rates.

Approval of Midcontinent's application will provide low-income customers in North Dakota with a choice of carriers and service rather than limiting such customers to service provided by Qwest.

Approval of Midcontinent's application will prevent low-income customers without telephone service from having recourse only to expensive, prepaid local exchange service.

Approval of Midcontinent's application will facilitate publicity of and education about the availability of Universal Service to low-income consumers, thereby increasing access to basic local service and furthering the Federal Communications Commission's goals for Universal Service.

7. In order to maintain its ETC designation Midcontinent will submit to the Commission on an annual basis any information requested by the Commission. Midcontinent understands that the requirements of 47 CFR §54.202 may be used by the Commission as a guideline for determining such annual reporting requirements.

Dated this *12* day of July, 2005.

Respectfully Submitted,

MIDCONTINENT COMMUNICATIONS

By: 

PATRICK W. DURICK *ND #03141*

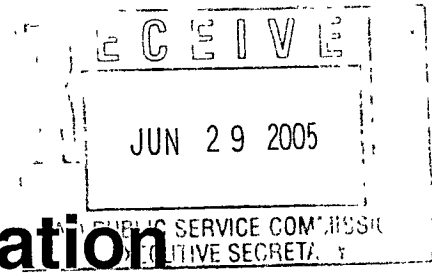
PEARCE & DURICK

314 E. Thayer Avenue

P. O. Box 400

Bismarck, ND 58502-0400

(701) 223-2890



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, Midcontinent 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.

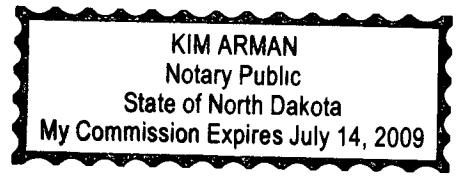
Signed: Colleen Park

State of ND

County of Burleigh

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

Kim Ahrendsen - 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

JUN 28 2005
PUBLIC SERVICE COMMISSION
REGULATORY SERVICES

INVOICE

Order **20605-05061PP2** Invoice # **56954**

June 28, 2005

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

Advertiser **Public Utilities Division**

P O # **PU-05-272**

Amount Due **\$315.10**

Amount Paid

Voice 701-328-4076

Please detach and return this portion with your payment

Public Utilities Division Invoice # 20605-05061PP2-56954 PO# PU-05-272

Ad Size	Rate Type	Rate	Total	Discount (%)	Caption	Page	Run Date
DAILY							
Bismarck Tribune (Bismarck ND)							
50 00	SPR2	0 63	31 50	0 00	Midcontinent Comm		06/01/05
Devils Lake Daily Journal (Devils Lake ND)							
50 00	SPR2	0 63	31 50	0 00	Midcontinent Comm		06/01/05
Dickinson Press (Dickinson ND)							
54 00	SPR2	0 57	30 78	0 00	Midcontinent Comm		06/01/05
Fargo, The Forum (Fargo ND)							
46 00	SPR2	0 71	32 66	0 00	Midcontinent Comm		06/06/05
Grand Forks Herald (Grand Forks ND)							
47 00	SPR2	0 69	32 43	0 00	Midcontinent Comm		06/02/05
Jamestown Sun (Jamestown ND)							
54 00	SPR2	0 54	29 16	0 00	Midcontinent Comm		06/01/05
Minot Daily News (Minot ND)							
57 00	SPR2	0 54	30 78	0 00	Midcontinent Comm		06/01/05
Valley City Times-Record (Valley City ND)							
51 00	SPR2	0 61	31 11	0 00	Midcontinent Comm		06/01/05
Wahpeton Daily News (Wahpeton ND)							
68 00	SPR2	0 51	34 68	0 00	Midcontinent Comm		06/01/05
Williston Herald (Williston ND)							
50 00	SPR2	0 61	30 50	0 00	Midcontinent Comm		06/01/05

Gross Advertising	315.10	Total Misc	0 00	Amount Paid	0 00
Agency Discount		Tax	0 00	Adjustments	0 00
Other Discount	0 00	Total Billed	315 10	Payment Date	
Service Charge	0 00	Unbilled	0 00	Balance Due	315.10

State Of North Dakota.
Public Service Commission
Notice Of Opportunity For Hearing
Case no: PU - 05 - 272
May 24, 2005

Bismarck	6-1
Devils Lake	6-1
Dickinson	6-1
Fargo	6-6
Grand Forks	6-2
Jamestown	6-1
Minot	6-1
Valley City	6-1
Wahpeton	6-1
Williston	6-1



WILLIAM P. PEARCE
 PATRICK W. DURICK
 B. TIMOTHY DURICK
 GARY R. THUNE
 DAVID E. REICH
 JEROME C. KETTLESON
 LARRY L. BOSCHEE •
 LAWRENCE BENDER, PC •
 JONATHAN P. SANSTEAD
 BONNIE L. CHRISTNER •

ATTORNEYS AT LAW
 314 EAST THAYER AVENUE
 P.O. BOX 400
 BISMARCK, NORTH DAKOTA 58502

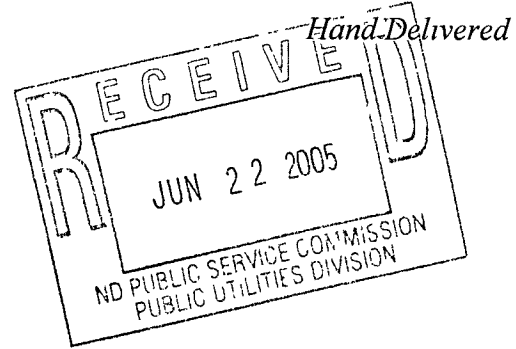
TELEPHONE (701) 223 2890
 FAX (701) 223 7865
 E-MAIL law.office@pearce-durick.com

June 22, 2005

North Dakota Public Service Commission
 600 East Boulevard Ave., Dept 408
 Bismarck, North Dakota 58505

Attention: Sharon Helbling

RE: Midcontinent Communications
 Application for Designation as Eligible Carrier



Dear Ms. Helbling:

Enclosed is the original and seven copies of an Affidavit in support of the Application of Midcontinent Communications for Designation as Eligible Carrier. This affidavit is also being forward via email.

Should you have any questions concerning this filing, please contact me.

Sincerely,

PEARCE & DURICK

Patrick W. Durick
 PATRICK W. DURICK

PWD/dlb

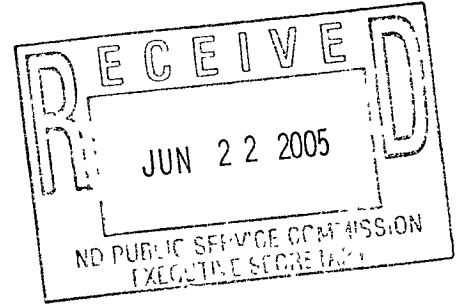
Enclosure.

cc w/enc: Ms. Mary Lohnes

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

Docket No. PU-05-272

In the Matter of the Application of)
Midcontinent Communications, a South)
Dakota Partnership, for designation as an)
eligible carrier.)



AFFIDAVIT

STATE OF SOUTH DAKOTA)
)SS:
COUNTY OF MINNEHAHA)

W. TOM SIMMONS being first duly sworn upon oath, deposes and states as follows:

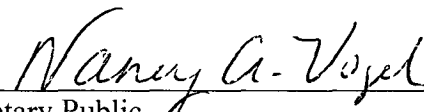
1. Applicant was issued a Certificate of Public Convenience and Necessity dated January 26, 2005 to provide state wide facilities based local exchange services. Presently, Applicant is providing local exchange telecommunications service to customers in the QWEST service area utilizing resale and unbundled products purchased from the incumbent local exchange provider with facilities, as well as Midcontinent's own facilities.
2. Applicant's complete name is Midcontinent Communications, a South Dakota Partnership. Applicant's headquarters is located at 410 South Phillips Ave., Sioux Falls, SD 57104-6824.
3. Applicant is a general partnership organized under the laws of the State of South Dakota. Applicant has filed a Fictitious Name Certificate with the Secretary of State of North Dakota and a copy of that Certificate is on file with the Commission.
4. Applicant is authorized to do business in the State of North Dakota and is in good standing. A copy of Applicant's Certificate of Authority to Transact Business in North Dakota is on file with the Commission.
5. Applicant seeks a designation as an eligible carrier in the Qwest service area.
6. Applicant meets the requirements for designation as an eligible carrier because it is in the public interest and Applicant offers all services that are supported by federal universal service support mechanisms, offers the services designated by the Federal Communications Commission for such federal support mechanisms for schools, libraries, and health care providers using resale and unbundled products purchased from the

incumbent local exchange provider with facilities, as well as Midcontinent's own facilities, and will advertise the availability of all such services, including but not limited to Link Up and Lifeline, and the charges therefore using media of general distribution in each of the Applicant's service areas, all as provided under ' 254(c) of the 1996 Act and 47 C F R " 54.101 and 54.401.

7 Applicant seeks no waivers of eligible carrier requirements.


W TOM SIMMONS

Subscribed and sworn to before me this 2 day of June, 2005


Notary Public

My commission expires

**My Commission Expires
January 24, 2010**

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

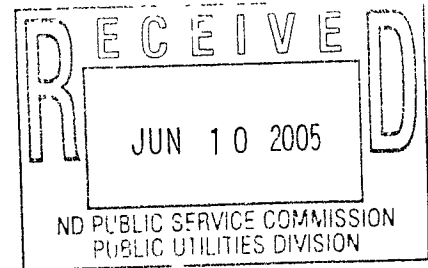
OF COUNSEL
HERBERT L MESCHKE

RETIRED
THOMAS A WENTZ
MARK F PURDY
JAN M SEBBY

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

June 9, 2005

Illona A Jeffcoat-Sacco, Executive Secretary
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480



**MIDCONTINENT COMMUNICATIONS
DESIGNATED ELIGIBLE CARRIER APPLICATION
CASE NO. PU-05-272**

Our office wishes to appear in the above matters on behalf of the following companies

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, LLC
Midstate Telephone Company and Midstate Communications, Inc
Missouri Valley Communications, Inc , and Nemont Telephone Cooperative, 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
Turtle Mountain Communications and United Telephone Mutual Aid Corporation
West River Telecommunications Cooperative

Pursuant to Commission Rule 69-02-02-04(1), the name of each company and its telephone number and contact person are attached hereto

Ilona A Jeffcoat-Sacco, Executive Secretary
Page 2
June 9, 2005

On behalf of these companies, we wish to respond to the Commission's Notice of Opportunity for Hearing dated May 24, 2005 We wish to advise the Commission as follows

1 ISSUE 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

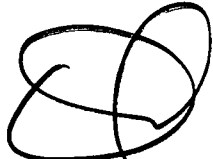
RESPONSE These companies make no comment about designation in Qwest service areas

2 ISSUE What ETC universal service support area should be designated.

RESPONSE These companies make no comment about designation in Qwest service areas

3 ISSUE 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

RESPONSE The RTCG believes the Commission has this authority under North Dakota Century Code section 49-21-07(12)



Don Negaard

jt

Enclosure

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Midcontinent Communications
Designated Eligible Carrier
Application

Case No. PU-05-272

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

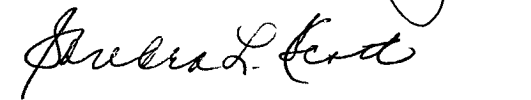
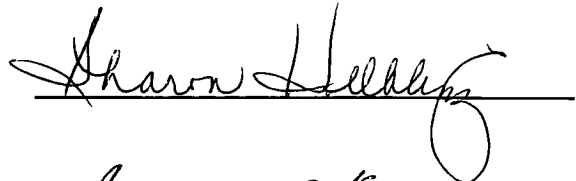
Patrick W Durick
Pearce & Durick
314 E Thayer Ave
Bismarck ND 58502-0400
Cert. No. 7003 2260 0001 3516 8903

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

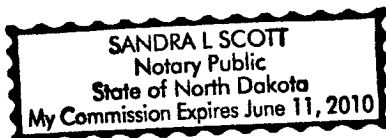
Mary Lohnes
Midcontinent Communications
410 S Phillips Ave
Sioux Falls SD 57104-6824

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

Midcontinent Communications
Designated Eligible Carrier
Application

Case No. PU-05-272

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:

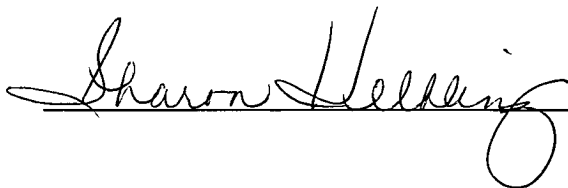
Notice of Opportunity for Hearing


The envelopes were addressed as follows.

See Attached List

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

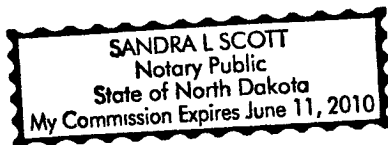
Subscribed and sworn to before me
this **25th day of May, 2005**.





Notary Public

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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 Armev
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

MOTION

May 24, 2005

APPROVED

DATE: 5-24-05
KMF

**Midcontinent Communications
Designated Eligible Carrier
Application**

Case No. PU-05-272

I move the Commission issue a Notice of Opportunity for Hearing in the application of Midcontinent Communications for designation as an Eligible Telecommunications Carrier for receiving federal universal service support
AB/sdh

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Midcontinent Communications
Designated Eligible Carrier
Application

Case No. PU-05-272

NOTICE OF OPPORTUNITY FOR HEARING

May 24, 2005

On May 4, 2005, Midcontinent Communications, a South Dakota Partnership, filed a Petition for Designation as an Eligible Telecommunications Carrier (ETC) for receiving federal universal service support in the Qwest service area in North Dakota.

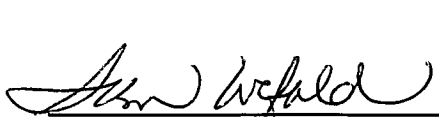
The issues to be considered in these matters are:


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.

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 A. Jeffcoat-Sacco, Executive Secretary

PUBLIC SERVICE COMMISSION


Susan E. Wefald
Commissioner


Tony Clark
President


Kevin Cramer
Commissioner



WILLIAM P. PEARCE
 PATRICK W. DURICK
 B. TIMOTHY DURICK
 GARY R. THUNE
 DAVID E. REICH
 JEROME C. KETTLESON
 LARRY L. BOSCHEE •
 LAWRENCE BENDER, PC •
 JONATHAN P. SANSTEAD
 BONNIE L. CHRISTNER •

ATTORNEYS AT LAW
 314 EAST THAYER AVENUE
 P.O. BOX 400
 BISMARCK, NORTH DAKOTA 58502

TELEPHONE (701) 223 2890
 FAX (701) 223 7865
 E-MAIL law.office@pearce-durick.com

May 4, 2005

Public Service Commission
 Capitol
 600 East Boulevard Avenue
 Bismarck, North Dakota 58505

Attention: Sharon Helbling

RE: Midcontinent Communications
 Application for Designation as Eligible Carrier

Dear Ms. Helbling:

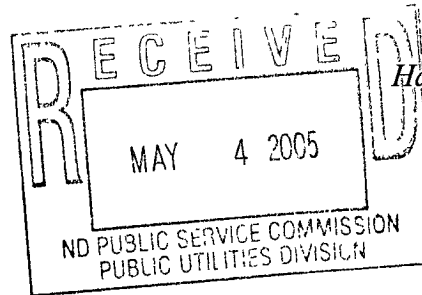
Enclosed is the original and seven copies of Application of Midcontinent Communications for Designation as Eligible Carrier. This application is also being forward via email.

Should you have any questions concerning this filing, please contact me.

Sincerely,

PEARCE & DURICK

PATRICK W. DURICK



Hand Delivered

PWD/jf

Enclosure.
 cc w/enc: Ms. Mary Lohnes

(701) 223-7865 (Facsimile)

II. FACTS

1. Applicant's complete name is Midcontinent Communications, a South Dakota Partnership. Applicant's headquarters is located at 410 South Phillips Ave., Sioux Falls, SD 57104-6824.

2. Applicant is a general partnership organized under the laws of the State of South Dakota. Applicant has filed a Fictitious Name Certificate with the Secretary of State of North Dakota and a copy of that Certificate is on file with the Commission

3. Applicant is authorized to do business in the State of North Dakota and is in good standing. A copy of Applicant's Certificate of Authority to Transact Business in North Dakota is on file with the Commission.

4. Applicant seeks a designation as an eligible carrier in the Qwest service area.

5. Applicant meets the requirements for designation as an eligible carrier because it is in the public interest and Applicant offers all services that are supported by federal universal service support mechanisms, offers the services designated by the Federal Communications Commission for such federal support mechanisms for schools, libraries, and health care providers using resale and unbundled products purchased from the incumbent local exchange provider with facilities, as well as Midcontinent's own facilities, and will advertise the availability of such services and the charges therefore using media of general distribution in each of the Applicant's service areas, all as provided under § 254(c) of the 1996 Act and 47 C.F.R. §§ 54.101 and 54.401.

6. Applicant seeks no waivers of eligible carrier requirements.

WHEREFORE, Midcontinent Communications respectfully requests that the Commission designate Midcontinent Communications as an eligible telecommunications carrier to receive universal service support under § 214 and § 254 of the 1996 Act, and under N.D.C.C. § 49-21-01.7(12).

Dated this 4 day of May, 2005.

Respectfully Submitted,

MIDCONTINENT COMMUNICATIONS

By: 

PATRICK W. DURICK ND #03141

PEARCE & DURICK

314 E. Thayer Avenue

P. O. Box 400

Bismarck, ND 58502-0400

(701) 223-2890

PH-05-272

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><i>x Belinda Auer</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>Belinda Auer</i></p> <p>C. Date of Delivery</p> <p><i>8-1-05</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>1 Article Addressed to</p> <p><i>Patrick Durick</i> <i>Pearce & Durick</i> <i>314 E Shaver Ave</i> <i>Bismarck ND 58502-0400</i></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>2 Article Number (Transfer from service label)</p>	<p>4 Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>7004 2510 0004 8815 5200</p>	

PH-05-272

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><i>x Pamela Killoran</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>Pamela Killoran</i></p> <p>C. Date of Delivery</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>1. Article Addressed to</p> <p><i>Patrick W Durick</i> <i>Pearce & Durick</i> <i>314 E Shaver Ave</i> <i>Bismarck ND 58502-0400</i></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>2. Article Number (Transfer from service label)</p>	<p>4 Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>7003 2260 0001 3516 8903</p>	