

DIVIDER

STATE OF NORTH DAKOTA

□ INFORMATION TECHNOLOGY DEPARTMENT

SFN 2053 (4-2002)

PU-05-653

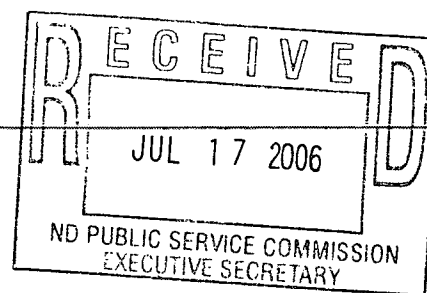
**North Dakota Network Co.
Designated Eligible Carrier
Application**

Filed 12/14/2005

Closed 3/23/2006

05

Scott, Sandi L.



From: Fahn, Patrick J.
Sent: Monday, July 17, 2006 9:54 AM
To: -Grp-PSC Commissioners; -Grp-PSC Legal
Subject: FW: Case No. PU-05-653

I received the call from Alex Mennard confirming that the FCC did not take act on the Expanded ETC petition filed by North Dakota Network Co. and the study area redefinition is approved.

Sandi, Please docket this in PU-05-653.

Patrick J. Fahn
 Chief Engineer, Public Utilities Division
 600 East Boulevard
 Bismarck ND 58505-0480
 701-328-4077
 701-328-2410 (fax)
 pfahn@state.nd.us

From: Julie Lizotte [mailto:julieel@srttel.com]
Sent: Monday, July 17, 2006 9:31 AM
To: Jeffcoat-Sacco, Illona; Helbling, Sharon D.; Scott, Sandi L.; Fahn, Patrick J.
Cc: Julie Lizotte
Subject: Case No. PU-05-653

To All:

I received a call today from an Alex Mennard from the FCC stating that the FCC did not act on the Expanded ETC Petition filed by North Dakota Network Co. Since the FCC did not take action, the Petition has been approved as of July 13, 2006.

Alex Menard did say he was going to call the ND PSC today to give them notice of the approval and I gave him Illona's phone number.

Thank you,
 Julie Lizotte
 North Dakota Network Co.
 701.858.5233
julieel@srttel.com

17 PU-05-653

Pages: 1

Notification that the FCC did not take action on
 NDNC's Ex[amded ETC Petition
 by Federal Communications Commission (FCC)

07/17/2006 C: Comm Legal Illona, Jerry, Annette ...

7/17/2006



Public Service Commission
Receipt of Payment

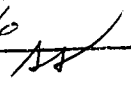
Receipt# 6580

Received: 6/7/2006 Check# 74207 for \$489.85
Subject: Utility Valuation

Docket # PU-05-653

SRT Communications, Inc.
3615 N Broadway P O Box 2027
Minot ND 58702-2027

16 **PU-05-653** Pages: 1
Receipt# 6,580 \$489.85
by SRT Communications, Inc.
06/07/2006

APPROVED
DATE: 5-24-06 

MOTION

May 24, 2006

North Dakota Network Co.
Designated Eligible Carrier
Application

Case No. PU-05-653

I move the Commission bill North Dakota Network Co. for costs incurred to date in Case No. PU-05-653, North Dakota Network Co., 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

May 24, 2006

Steve Lysne
North Dakota Network Co
PO Box 2027
Minot ND 58702-2027

RE: Case No. PU-05-653
North Dakota Network Co.
Designated Eligible Carrier
Application

Enclosed is a copy of the statement approved at the May 24, 2006 Public Service Commission meeting for the expenses incurred to date in Case No. PU-05-653.

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.

Billing Statement

May 24, 2006

North Dakota Network Co.
Designated Eligible Carrier
Application

Case No. PU-05-653

Bill To:

North Dakota Network Co.\$489.85

Expenses Incurred to Date:

Advertising Costs 489.85

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

North Dakota Network Co.
Designated Eligible Carrier
Application

Case No. PU-05-653

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **23rd day of March, 2006**, she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Order

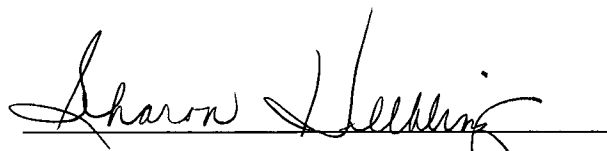
The envelopes were addressed as follows:

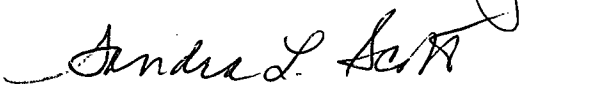
Julie Lizotte
North Dakota Network Co
P O Box 2027
Minot ND 58702-2027
Cert. No. 7004 2510 0004 8815 2865

Steve Lysne
North Dakota Network Co
P O Box 2027
Minot ND 58702-2027
Cert. No. 7004 2510 0004 8815 2872

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

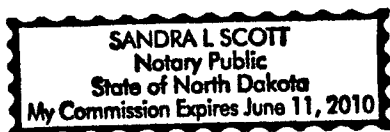
Subscribed and sworn to before me
this **23rd day of March, 2006**.





Notary Public

SEAL



APPROVED

DATE: 3-22-06
KMF

MOTION

March 22, 2006

**North Dakota Network Co.
Designated Eligible Carrier
Application**

Case No. PU-05-653

I move the Commission adopt the Order in North Dakota Network Co.'s application for designation as an eligible telecommunications carrier for receiving federal universal service support in North Dakota, Case No. PU-05-653.

PJF/sdh

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**North Dakota Network Co.
Designated Eligible Carrier
Application**

Case No. PU-05-653

ORDER

March 22, 2006

On December 15, 2005, North Dakota Network Co. (NDNC) filed an application for designation as an Eligible Telecommunications Carrier (ETC) for purposes of receiving federal universal service financial support for providing universal telecommunications services. NDNC requests the ETC designation in a service area that corresponds to the area NDNC is licensed by the Federal Communications Commission (FCC) for provision of wireless personal communications services (PCS). NDNet proposes to provide universal services using a combination of its own PCS facilities and resale of other carriers' services. In support of the application was an affidavit of Steven D. Lysne, General Manager of NDNC.

On December 30, 2005, the Commission issued a Notice of Opportunity for Hearing and Notice of Informal Hearing. The notice scheduled an informal hearing for February 22, 2006 and provided until February 15, 2006 for receiving written comments and hearing requests. No response was received. The notice stated that the Commission could determine the matter without a hearing. The notice identified the following issues:

1. The qualification of the applicant under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service funding.
2. The ETC universal service support area to be designated for the applicant.

On February 22, 2006 the Commission discussed these matters with the applicant and Commission staff during an informal hearing. NDNC provided a copy of its tariff setting forth the rates, terms and conditions of its universal service and other service offerings including lifeline and link-up.

On March 3, 2006 NDNC filed a second affidavit of Steven D. Lysne in support of the application.

On March 20, 2006 NDNC filed a third affidavit of Steven D. Lysne in support of the application.

ETC Designation

The Telecommunications Act of 1996 (Act) provides for financial support to a common carrier that (1) offers the services established by the FCC to be supported by Federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services; (2) advertises the universal services, advertises the availability of such services, and advertises the charges for such services, using media of general distribution; and (3) is designated as an ETC. An ETC must use that financial support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

To be designated as an ETC, the carrier must (1) under Code of Federal Regulations (CFR) Part 47 Subpart B, offer to telecommunications customers each of the services and functionalities designated for Universal service support; (2) under CFR Part 47 § 54.405, make available Lifeline service to qualifying low-income consumers; (3) under CFR Part 47 § 54.411, make available Link Up service to qualifying low-income consumers; 4) under CFR Part 47 Subpart F, provide services supported by universal service support mechanisms to eligible schools and libraries; and (5) under CFR Part 47 Subpart G, provide services supported by universal service support mechanisms to eligible health care providers.

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.

In the December 14, 2005 affidavit of Steven D. Lysne, NDNC affirms that it will offer, to telecommunications customers, all services supported by the federal universal service support mechanisms using a combination of its own facilities and resale of another carrier's services. NDNC's universal service calling plan will include 2000 minutes of use of local service monthly. The local usage is anytime minutes, without time of day or day of week limits. A wireless company is subject to the requirements of FCC rules under CFR Part 20 that require deployment of 911 service. Access to operator services is activated by dialing the digit 0 (zero). In the case of wireless carriers, the FCC has not included 1+ equal access as a requirement for ETC designation; therefore NDNC's service provides customers the ability to access interexchange carriers of choice by dialing other carriers' access codes. Access to directory assistance is provided by dialing 1-NPA-555-1212. NDNC affirms that it will provide Link Up service and Lifeline service. NDNC's Lifeline service will provide a \$8.25 monthly reduction in charges for universal service. NDNC affirms its Lifeline and Link Up services will meet the requirements established by the FCC.

In the March 20, 2006 affidavit of Steven D. Lysne affirms that NDNC is in compliance with all phases of the FCC E911 requirements for wireless carriers and that

NDNC will remain compliant in their serving area expansions. Therefore, NDNC has no ongoing FCC requirement for filing or updating E911 reports.

For schools and libraries, the services designated by the FCC for support by universal service support mechanisms include all telecommunications services, internal connections including installation and maintenance, basic conduit access to the Internet including information services that consist of the transmission of information as a common carrier, the transmission of information as part of a gateway to an information service when that transmission does not involve the generation or alteration of the content of information, and electronic mail services.

For health care providers, the services supported by universal service support mechanisms include any telecommunications service of a bandwidth up to and including 1.544 Mbps.

In the December 14, 2005 affidavit of Steven D. Lysne, NDNC affirms that it intends to offer supported services to schools, libraries and health care providers. The affidavit also affirms that NDNC will advertise the availability of the supported services, and the charges for those services, using media of general distribution throughout the area(s) requested for designation.

In the March 3, 2006 affidavit of Steven D. Lysne, NDNC affirms that it will comply with the proposed new eligibility criteria in Case No PU-05-575, if adopted by the Commission

Both federal law and state law provide authority for the Commission to designate a common carrier as an ETC.

We find that it is the intent of NDNC to offer the services established by the FCC, and supported by Federal universal service support mechanisms, either using its own facilities or a combination of its own facilities and resale of another carrier's services. An applicant for ETC status is not required to be providing the required universal services to 100% of a service area before receiving designation as an ETC. Facilities to serve customers are required at some reasonable time after the customer agrees to the terms and conditions of the service provided.

We find that it is the intent of NDNC to advertise the universal services, advertise the availability of such services, and advertise the charges for such services, using media of general distribution.

Service Area Designation

The Commission must establish a geographic area (service area) for the purpose of determining universal service obligations and support mechanisms for the designated ETC. 47 U.S.C. § 214(e)(5) defines service area:

- (5) **SERVICE AREA DEFINED--** The term "service area" means a geographic area established by a State commission for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

NDNC is licensed by the FCC to provide commercial mobile radio services in Basic Trading Area 299 (BTA 299), the Minot BTA. BTA 299 includes Bottineau, Burke, Divide, McHenry, McLean, Mountrail, Pierce, Renville, Rolette, Ward, and Wells Counties in North Dakota. The incumbent local exchange companies serving these counties are rural telephone companies and include Dakota Central Telecommunications Cooperative, Midstate Telephone Company, North Dakota Telephone Company, Northwest Communications Cooperative, Reservation Telephone Cooperative, SRT Communications, Inc., Turtle Mountain Communications, and West River Telecommunications,

To be designated as an ETC, an applicant is required to provide universal service throughout rural "study areas", which are defined to be the same as rural service areas.

For purposes of federal universal service funding, the study areas established by the FCC and listed by the Universal Service Administrative Company for the incumbent local exchange companies serving in the counties listed include:

Study Area Name	Local Exchange Companies in the Study Area
Dakota Central Telecommunications Cooperative	Dakota Central Telecommunications Cooperative Dakota Central Telecom I, Inc.
Midstate Telephone Company	Midstate Telephone Company
Nemont Telephone Cooperative, Inc.	Nemont Telephone Cooperative, Inc. Missouri Valley Communications, Inc.
North Dakota Telephone Company	North Dakota Telephone Company
Northwest Communications Cooperative	Northwest Communications Cooperative, a Cooperative Association
Reservation Telephone Cooperative	Reservation Telephone Cooperative
SRT Communications, Inc.	SRT Communications, Inc.
United Telephone Mutual Aid Corporation	United Telephone Mutual Aid Corporation Turtle Mountain Communications, Inc.
West River Telecommunications Cooperative	West River Telecommunications Cooperative

On July 31, 2003, in Case No. PU-2048-03-235, the Commission designated NDNC as an ETC for the same study area/universal service support area served by SRT Communications, Inc. NDNC now requests to expand its ETC designation throughout its FCC licensed service area, BTA 299, with the exception of Divide County.

NDNC partitioned out the PCS “F Block” for Divide County to Nemont Communications, Inc.

Since the boundaries of BTA 299, do not correspond with the study area/universal service support area boundaries of the incumbent local exchange companies, it is necessary to redefine, under CFR Part 47 § 54.207(c), the ETC service area that will be designated for NDNC. NDNC requests that its service area include the following wire centers:

Study Area Name	Wire Centers Included in NDNC Service Area
Dakota Central Telecom Cooperative	Bowdon, Sykeston
Midstate Telephone Company	Portal, Stanley
North Dakota Telephone Company	Balta, Drake, Fessenden, Harvey, Rugby, Velva
Northwest Communications Cooperative	Bowbells, Columbus, Flaxton, Lignite, Powers Lake
Reservation Telephone Company	Douglas, Emmet, Garrison, Kenmare, Makoti, Max, New Town, Norma, Parshall, Plaza, Roseglen, Ross, Ryder, Spencer
United Telephone Mutual Aid Corporation	Bottineau, Dunseith, Kramer, Rolla, Rolette, Souris, Willow City
West River Telecommunications	Mercer, Riverdale, Turtle Lake, Underwood, Washburn

NDNC’s requested service area would not include the following wire centers:

Study Area Name	Wire Centers NOT INCLUDED in NDNC Service Area
Dakota Central Telecom Cooperative	Edmunds, Carrington, Courtney, Grace City, Gackle, Medina, Streeter, Windsor, Woodworth, Ypsilanti
Midstate Telephone Company	Medora
Nemont Telephone Cooperative, Inc.	Ambrose, Fortuna, East Westby, Williston
North Dakota Telephone Company	Cando, Crary, Devils Lake, Esmond, Fort Totten, Hampden, Knox, Leeds, Maddock, McVile, Minnewaukan, New Rockford, Oberon, Pekin, Penn, Sheyenne, Starkweather, Tolna, Warwick, Webster
Northwest Communications Cooperative	Alamo, Crosby, Epping, Grenora, Marmon, McGregor, Noonan, Ray, Round Prairie, Tioga, Wildrose
Reservation Telephone Company	Alexander, Arnegard, Keene, Mandaree, Squaw Gap, Watford City
United Telephone Mutual Aid Corporation	Bisbee, Langdon, Milton, Munich, Rock Lake, Sarles, Wales, Walhalla
West River Telecommunications	Beulah, Carson, Center, Elgin, Flasher, Fort Yates, Glen Ullin, Golden Valley, Goodrich, Hazen, Hebron, McLaughlin, McClusky, New Salem, Pick City, St. Anthony, Selfridge, Stanton, Zap

Factors for Consideration in Redefinition of Study Areas

The Act and the FCC’s regulations authorize the FCC and the Commission to act in concert to develop an alternative service area standard for areas served by rural telephone companies in accordance with CFR Part 47 § 54.207(c)-(d). In defining a

service area other than a study area, we are required to take into account three factors: (1) minimizing cream skimming; (2) recognizing that the 1996 Act places rural telephone companies on a different competitive footing from other LECs; and (3) recognizing the administrative burden of requiring rural telephone companies to calculate costs at something other than a study area level.¹

The first factor is the risk that a competitor would selectively target service only to the low cost areas of a rural incumbent LEC's study area. During the informal hearing, NDNC and the Commission discussed that the risk of cream skimming is small because incumbent rural telephone companies can now use a process known as "disaggregation," which allows these companies to target their per-line support to better reflect the actual costs of serving different portions of their study areas.

NDNC's request to expand ETC status to serve more rural communities within its licensed BTA area, and NDNC's commitment to provide universal service throughout the proposed designated service area, minimizes concerns regarding cream skimming.

We find no evidence in this proceeding of rural cream skimming effects in redefining the service area requirement as requested by NDNC.

The second factor to consider is the regulatory status enjoyed by rural telephone companies under the Act. NDNC contends in its application that redefinition will not compromise or impair the unique treatment of rural companies under section 251(f) of the Act. The rural companies will retain the statutory exemptions from interconnection, unbundling and resale requirements under Section 251(c).

In the *Virginia Cellular ETC Order* the FCC determined that (1) the high-cost universal service mechanisms support all lines served by ETCs in rural areas; (2) receipt of high-cost support by Virginia Cellular will not affect the total amount of high-cost support that the incumbent rural telephone company receives; (3) to the extent that Virginia Cellular or any future competitive ETC captures incumbent rural telephone company lines, provides new lines to currently unserved customers, or provides second lines to existing wireline subscribers, it will have no impact on the amount of universal service support available to the incumbent rural telephone companies for those lines they continue to serve; and (4) redefining the service areas of the affected rural telephone companies will not change the amount of universal service support that is available to these incumbents.²

Based on the evidence in our proceeding concerning the factors similar to those considered by the FCC in the *Virginia Cellular ETC Order*, we conclude that there is little likelihood of harm to the rural companies because of impacts to universal service

¹ *In the Matter of Federal-State Joint Board on Universal Service; Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45, Memorandum Opinion and Order, FCC 03-338, adopted December 31, 2003, released January 22, 2004 (***Virginia Cellular ETC Order***)

² *Id.* ¶ 43

mechanism support. No evidence in this proceeding regarding the regulatory status enjoyed by rural telephone companies under the Act leads us to conclude that NDNC's request for redefined study area requirements should not be granted.

The third factor to consider is whether any administrative burdens might result from the redefinition of the service area requirement. NDNC contends in its application that there are no administrative costs to consider because any federal universal service support available to a competitive ETC in areas served by one of the rural companies would be determined based on the per-line support available to the rural company itself under CFR Part 47 § 54.307(a). The redefinition requested by NDNC does not modify the existing rules applicable to rural telephone companies for calculating costs on a study area basis. No evidence in this proceeding regarding administrative burdens for rural telephone companies leads us to conclude that NDNC's request for redefined study area requirements should be denied.

State Statute Considerations

North Dakota Century Code § 49-21-01.8 provides that “[a] telecommunications company may not be an eligible telecommunications carrier unless the company offers all services supported by federal universal service mechanisms throughout the study area.”

North Dakota Century Code § 49-21-01.7 relating to powers of the Commission, specifically grants the Commission the power to:

12. Designate telecommunications companies as eligible telecommunications carriers to receive universal support under sections 214 and 254 of the federal act.
13. Designate geographic service areas for the purpose of determining universal service obligations and support mechanisms under the federal act.

In Case No. PU-1226-03-597 the Commission determined that under these sections, an ETC is required to offer all services supported by federal universal service mechanisms throughout the applicable area in which it has been granted ETC status.

The Commission's action to redefine the service area requirement as requested by NDNC is necessary to facilitate the granting of the federal ETC in the areas of the rural telephone companies' service areas that fall within NDNC's FCC licensed CMRS coverage area.

Public Interest

In areas served by a rural telephone company, the Commission must find that ETC designation is in the public interest.

NDNC is a wholly-owned subsidiary of SRT Communications, Inc. and has been registered in North Dakota as a provider of PCS, as a reseller of local exchange services since October 2002, and as a reseller of interexchange services since March 1999. NDNC currently serves more than 10,000 subscribers in North Dakota under the trade name SRT Wireless.

In Case No. PU-2048-03-235 the Commission found NDNC's initial ETC designation in the public interest because it would facilitate competition not only between landline and wireless service, but also among wireless services throughout the SRT Communications universal service support area for which NDNC was designated. The Commission finds that expanding NDNC's ETC designation as requested is in the public interest because it will facilitate such competition throughout the rest of NDNC's licensed BTA.

NDNC contends in its application that the use of USF to provide universal services and extend wireless networks in rural ND benefits the public interest by ensuring these networks will be available to deliver services to ND consumers. Increased competition can be expected to lead to better service and provision of new innovated services. NDNC will provide the benefits of mobility, larger local calling areas, and where requested by the PSAP, GPS location assistance for customers dialing 911.

The Commission agrees and finds that designation of NDNC as an ETC in portions of the areas served by rural telephone companies corresponding to its FCC licensed BTA is in the public interest because it will enable NDNC to bring new services, new technologies and a choice of universal service providers to customers of North Dakota's rural telephone companies.

Conclusion

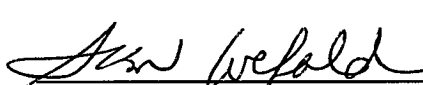


Based on the evidence in this proceeding, NDNC is qualified under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service funding and it is in the public interest NDNC be designated as an ETC in the requested designated service area.

Order

The Commission orders:

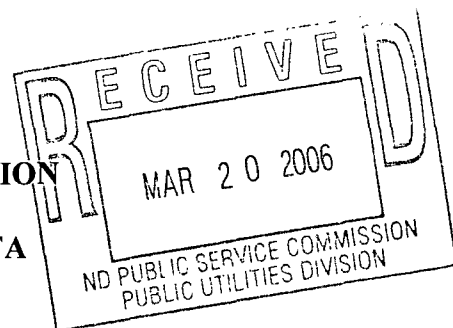
1. North Dakota Network Co. is designated an eligible telecommunications carrier for the purpose of receiving federal universal service support in the service area requested conditioned upon FCC approval of the requested redefined study area requirements under CFR Part 47 § 54.207(c).

PUBLIC SERVICE COMMISSION

		
Susan E. Wefald Commissioner	Tony Clark President	Kevin Cramer Commissioner

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA



**North Dakota Network Co.
Designated Eligible Carrier
Application**

Case No. PU-05-653

AFFIDAVIT

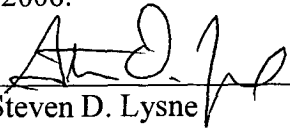
Steven D. Lysne affirms the following statements, under oath, in support of the Application of North Dakota Network Co. ("NDNC") for expansion of designation as an eligible telecommunications carrier ("ETC"), under section 214 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996:

1. NDNC's Application for Expansion of Designation as an Eligible Telecommunications Carrier and Petition for Redefinition of Service Areas of Rural Telephone Companies does not pertain to the area of Divide County. Exhibit A and Exhibit C of the Application does not include Divide County. NDNC agreed to partition out the Divide County portion of the PCS "F Block" which is within BTA 299, to Nemont Communications, Inc. An FCC Form 603, FCC Wireless Telecommunications Bureau Application for Assignments of Authorization and Transfers of Control, was submitted to the FCC on November 10, 2004, File Number 0001928647. Assignment of Authorization took place on June 3, 2005. Attached to this Affidavit is a copy of the FCC Form 603 and a copy of the Public Notice issued by the FCC dated June 8, 2005 which will confirm that the PCS license for Divide County has been assigned to Nemont Communications, Inc. NDNC does hold the PCS "D Block" license in Divide County, but NDNC is not requesting ETC status or redefinition in that area.

2. NDNC has met the FCC's requirements of E911 Phase I and Phase II. Phase I requires carriers, upon valid request by a local Public Safety Answering Point ("PSAP"), to report the telephone number of a wireless 911 caller and the location of the antenna that received the call. Phase II requires wireless carriers to provide far more precise location information, within 50 to 300 meters in most cases. Phase I and Phase II are the only two requirements of the FCC. On July 31, 2003, the North Dakota Public Service Commission ("PSC") designated NDNC as an Eligible Telecommunications Carrier, Case No. PU-2048-03-235. In the Order, the PSC ordered that NDNC file a copy of its August 1, 2003 report to the FCC describing the status of its wireless E911 implementation. The PSC also ordered that NDNC also file annual updates to that report and shall make a final report when all phases of E911 implementation have been completed. The FCC required all Tier III cellular, PCS and "covered SMR" carriers to submit an Interim Report by August 1, 2003, detailing their efforts to comply with the E911 Phase I and Phase II requirements. On November 24, 2004, a copy of the August 1, 2003 filing that was submitted to the FCC was filed with the North Dakota Public Service Commission. After that filing date, Tier III carriers did not have any ongoing requirement for filing or updating their E911 Phase II Interim Reports. On December 2, 2005 a "final notification" letter was submitted to the ND Public Service Commission stating that NDNC is Phase I and Phase II compliant effective October 25, 2005. Attached to this Affidavit are copies of the letters which were sent to the North Dakota Public Service Commission and a copy of the E911 Interim Report that was filed with the FCC on July 28, 2003.

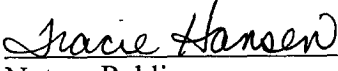
3. NDNC will remain Phase I and Phase II compliant in their serving area expansions. In all 911 calling situations, NDNC will continue send the required Phase II data to the appropriate PSAP. In the event that that particular PSAP cannot accept Phase II data, they will only receive Phase I information. This does not impact NDNC being E911 Phase I and Phase II compliant. This only relates to whether, or not, that particular PSAP in that county has implemented Phase II.

Dated this 16th day of March 2006.

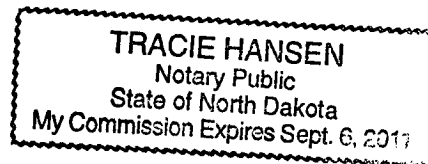


Steven D. Lysne
General Manager, NDNC

Subscribed and sworn to before me this 16th day of March 2006.



Tracie Hansen
Notary Public



FCC 603	FCC Wireless Telecommunications Bureau Application for Assignments of Authorization and Transfers of Control	Approved by OMB 3060 - 0800 See instructions for public burden estimate Submitted 11/10/2004 at 04:48PM File Number: 0001928647
<div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">RECEIPT</div>		

1) Application Purpose: Assignment of Authorization	
2a) If this request is for an Amendment or Withdrawal, enter the File Number of the pending application currently on file with the FCC.	File Number:
2b) File numbers of related pending applications currently on file with the FCC:	

Type of Transaction

3a) Is this a <i>pro forma</i> assignment of authorization or transfer of control? No
3b) If the answer to Item 3a is 'Yes', is this a notification of a <i>pro forma</i> transaction being filed under the Commission's forbearance procedures for telecommunications licenses?
4) For assignment of authorization only, is this a partition and/or disaggregation? Yes
5a) Does this filing request a waiver of the Commission rules? If 'Yes', attach an exhibit providing the rule numbers and explaining circumstances. No
5b) If a feeable waiver request is attached, multiply the number of stations (call signs) times the number of rule sections and enter the result.
6) Are attachments being filed with this application? Yes
7a) Does the transaction that is the subject of this application also involve transfer or assignment of other wireless licenses held by the assignor/transferor or affiliates of the assignor/transferor (e.g., parents, subsidiaries, or commonly controlled entities) that are not included on this form and for which Commission approval is required? No
7b) Does the transaction that is the subject of this application also involve transfer or assignment of non-wireless licenses that are not included on this form and for which Commission approval is required? No

Transaction Information

8) How will assignment of authorization or transfer of control be accomplished? Sale or other assignment or transfer of stock if required by applicable rule, attach as an exhibit a statement on how control is to be assigned or transferred, along with copies of any pertinent contracts, agreements, instruments, certified copies of Court Orders, etc.
9) The assignment of authorization or transfer of control of license is: Voluntary

Licensee/Assignor Information

10) FCC Registration Number (FRN): 0001566561			
11) First Name (if individual):	MI:	Last Name:	Suffix:
12) Entity Name (if not an individual): North Dakota Network Co.			
13) Attention To: John Reiser			
14) P.O. Box: 2027	And / Or	15) Street Address: 3615 North Broadway	
16) City: Minot	17) State: ND	18) Zip Code: 58702-2027	
19) Telephone Number: (701)852-1151		20) FAX Number: (701)858-1414	
21) E-Mail Address:			

22) Race, Ethnicity, Gender of Assignor/Licensee (Optional)

Race:	American Indian or Alaska Native:	Asian:	Black or African-American:	Native Hawaiian or Other Pacific Islander:	White:
Ethnicity:	Hispanic or Latino:	Not Hispanic or Latino:			
Gender:	Female:	Male:			

Transferor Information (for transfers of control only)

23) FCC Registration Number (FRN):			
24) First Name (if individual):	MI:	Last Name:	Suffix:
25) Entity Name (if not an individual):			
26) P.O. Box:	And / Or	27) Street Address:	
28) City:	29) State:	30) Zip Code:	
31) Telephone Number:	32) FAX Number:		
33) E-Mail Address:			

Name of Transferor Contact Representative (if other than Transferor) (for transfers of control only)

34) First Name:	MI:	Last Name:	Suffix:
35) Company Name:			
36) P.O. Box:	And / Or	37) Street Address:	
38) City:	39) State:	40) Zip Code:	
41) Telephone Number:	42) FAX Number:		
43) E-Mail Address:			

Assignee/Transferee Information

44) The Assignee is a(n): Corporation			
45) FCC Registration Number (FRN): 0001637412			
46) First Name (if individual):	MI:	Last Name:	Suffix:
47) Entity Name (if other than individual): Nemont Communications, Inc.			
48) Name of Real Party in Interest:			49) TIN:
50) Attention To: Tim Dupic			
51) P.O. Box: 600	And / Or	52) Street Address: Highway 13 South	
53) City: Scobey	54) State: MT	55) Zip Code: 59263-0600	
56) Telephone Number: (406)783-5654	57) FAX Number: (406)783-5283		
58) E-Mail Address:			

Name of Assignee/Transferee Contact Representative (if other than Assignee/Transferee)

59) First Name: Harold	MI:	Last Name: Mordkofsky	Suffix:
60) Company Name: Blooston, Mordkofsky, Dickens, Duffy & Prendergast			
61) P.O. Box:	And / Or	62) Street Address: 2120 L Street, N.W.	
63) City: Washington	64) State: DC	65) Zip Code: 20037	
66) Telephone Number: (202)828-5520	67) FAX Number: (202)828-5568		
68) E-Mail Address:			

Alien Ownership Questions

69) Is the Assignee or Transferee a foreign government or the representative of any foreign government?	No
70) Is the Assignee or Transferee an alien or the representative of an alien?	No
71) Is the Assignee or Transferee a corporation organized under the laws of any foreign government?	No
72) Is the Assignee or Transferee a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	No
73) Is the Assignee or Transferee directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? If 'Yes', attach exhibit explaining nature and extent of alien or foreign ownership or control.	No

Basic Qualification Questions

--	--

74) Has the Assignee or Transferee or any party to this application had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, construction permit denied by the Commission? If 'Yes', attach exhibit explaining circumstances.	No
75) Has the Assignee or Transferee or any party to this application, or any party directly or indirectly controlling the Assignee or Transferee, or any party to this application ever been convicted of a felony by any state or federal court? If 'Yes', attach exhibit explaining circumstances.	No
76) Has any court finally adjudged the Assignee or Transferee, or any party directly or indirectly controlling the Assignee or Transferee guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition? If 'Yes', attach exhibit explaining circumstances.	No
77) Is the Assignee or Transferee, or any party directly or indirectly controlling the Assignee or Transferee currently a party in any pending matter referred to in the preceding two items? If 'Yes', attach exhibit explaining circumstances.	No

78) Race, Ethnicity, Gender of Assignee/Transferee (Optional)

Race:	American Indian or Alaska Native:	Asian:	Black or African-American:	Native Hawaiian or Other Pacific Islander:	White:
Ethnicity:	Hispanic or Latino:	Not Hispanic or Latino:			
Gender:	Female:	Male:			

Fee Status

79) Is the applicant exempt from FCC application fees? No
80) Is the applicant exempt from FCC regulatory fees? Yes

Assignor/Transferor Certification Statements

1) The Assignor or Transferor certifies either (1) that the authorization will not be assigned or that control of the license will not be transferred until the consent of the Federal Communications Commission has been given, or (2) that prior Commission consent is not required because the transaction is subject to streamlined notification procedures for <i>pro forma</i> assignments and transfers by telecommunications carriers. See <i>Memorandum Opinion and Order</i> , 13 FCC Rcd. 6293(1998).			
2) The Assignor or Transferor certifies that all statements made in this application and in the exhibits, attachments, or in documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.			
Typed or Printed Name of Party Authorized to Sign			
81) First Name: John	MI: A	Last Name: Reiser	Suffix:
82) Title: Chief Operations Officer			
Signature: John A Reiser		83) Date: 11/10/04	

Assignee/Transferee Certification Statements

1) The Assignee or Transferee certifies either (1) that the authorization will not be assigned or that control of the license will not be transferred until the consent of the Federal Communications Commission has been given, or (2) that prior Commission consent is not required because the transaction is subject to streamlined notification procedures for <i>pro forma</i> assignments and transfers by telecommunications carriers. See <i>Memorandum Opinion and Order</i> , 13 FCC Rcd. 6293 (1998).
2) The Assignee or Transferee waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
3) The Assignee or Transferee certifies that grant of this application would not cause the Assignee or Transferee to be in violation of any pertinent cross-ownership, attribution, or spectrum cap rule.* *If the applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
4) The Assignee or Transferee agrees to assume all obligations and abide by all conditions imposed on the Assignor or Transferor under the subject authorization(s), unless the Federal Communications Commission pursuant to a request made herein otherwise allows, except for liability for any act done by, or any right accrued by, or any suit or proceeding had or commenced against the Assignor or Transferor prior to this assignment.
5) The Assignee or Transferee certifies that all statements made in this application and in the exhibits, attachments, or in documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
6) The Assignee or Transferee certifies that neither it nor any other party to the application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1998, 21 U.S.C § 862, because of a conviction for possession or distribution of a controlled substance. See Section 1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.
7) The applicant certifies that it either (1) has an updated Form 602 on file with the Commission, (2) is filing an updated Form 602 simultaneously with this application, or (3) is not required to file Form 602 under the Commission's rules.

Typed or Printed Name of Party Authorized to Sign

84) First Name: Tim	MI:	Last Name: Dupic	Suffix:
85) Title: Chief Executive Officer			
Signature: Tim Dupic		86) Date: 11/10/04	
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).			

Authorizations To Be Assigned or Transferred

87) Call Sign	88) Radio Service	89) Location Number	90) Path Number (Microwave only)	91) Frequency Number	92) Lower or Center Frequency (MHz)	93) Upper Frequency (MHz)	94) Constructed Yes / No	95) Assignment Indicator
KNLH234	CW							

FCC Form 603 Schedule A	Schedule for Assignments of Authorization and Transfers of Control in Auctioned Services	Approved by OMB 3060 - 0800 See instructions for public burden estimate
------------------------------------	---	--

Assignments of Authorization

1) Assignee Eligibility for Installment Payments (for assignments of authorization only)

Is the Assignee claiming the same category or a smaller category of eligibility for installment payments as the Assignor (as determined by the applicable rules governing the licenses issued to the Assignor)?
If 'Yes', is the Assignee applying for installment payments?

2) Gross Revenues and Total Assets Information (if required) (for assignments of authorization only)

Refer to applicable auction rules for method to determine required gross revenues and total assets information

Year 1 Gross Revenues (current)	Year 2 Gross Revenues	Year 3 Gross Revenues	Total Assets:
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3) Certification Statements

For Assignees Claiming Eligibility as an Entrepreneur Under the General Rule

Assignee certifies that they are eligible to obtain the licenses for which they apply.
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For Assignees Claiming Eligibility as a Publicly Traded Corporation

Assignee certifies that they are eligible to obtain the licenses for which they apply and that they comply with the definition of a Publicly Traded Corporation, as set out in the applicable FCC rules.
--

For Assignees Claiming Eligibility Using a Control Group Structure

Assignee certifies that they are eligible to obtain the licenses for which they apply.
Assignee certifies that the applicant's sole control group member is a pre-existing entity, if applicable.

For Assignees Claiming Eligibility as a Very Small Business, Very Small Business Consortium, Small Business, or as a Small Business Consortium

Assignee certifies that they are eligible to obtain the licenses for which they apply.
Assignee certifies that the applicant's sole control group member is a pre-existing entity, if applicable.

For Assignees Claiming Eligibility as a Rural Telephone Company

Assignee certifies that they meet the definition of a Rural Telephone Company as set out in the applicable FCC rules, and must disclose all parties to agreement(s) to partition licenses won in this auction. See applicable FCC rules.
--

Transfers of Control

4) Licensee Eligibility (for transfers of control only)

As a result of transfer of control, must the licensee now claim a larger or higher category of eligibility than was originally declared?
If 'Yes', the new category of eligibility of the licensee is:

Certification Statement for Transferees

Transferee certifies that the answers provided in Item 4 are true and correct.
--

<p>FCC Form 603 Schedule B</p>	<p>Partition and Disaggregation Schedule</p>	<p>Approved by OMB 3060 - 0800 See instructions for public burden estimate</p>
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1) Partitioner/Disaggregator Call Sign: KNLH234

Geographic Area Partitioned

2) Defined Area to be Partitioned	3) Undefined Area to be Partitioned (Complete undefined geographic area attachment)	4) Population of Partitioned Area
Divide,ND	Schedule C # Attached:	2283

5) Spectrum Disaggregated (in MHz)

Spectrum Disaggregated	
Lower Frequency	Upper Frequency

6) Coverage Requirements - Partitioning

(No) Option 1	Partitioner and Partitionee each certify that they will be subject to the same coverage requirements for their respective partitioned areas.
(Yes) Option 2	Partitioner certifies that the 5 year coverage requirements have been or will be met and that the 10 year coverage requirements must be met for the entire license area. Partitionee certifies that only the substantial service requirement for renewal expectancy for the partitioned area must be met by the end of the 10 year license term.

7) Coverage Requirements - Disaggregation

(No) Option 1	Disaggregator and Disaggragatee each certify that the Disaggregator will maintain responsibility for meeting the applicable coverage requirements for the entire license area.
(No) Option 2	Disaggregator and Disaggragatee each certify that the Disaggragatee will maintain responsibility for meeting the applicable coverage requirements for the entire license area.
(No) Option 3	Disaggregator and Disaggragatee each certify that they will share responsibility for meeting the applicable coverage requirements for the entire license area.

Attachment List

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Attachment Type	Date	Description	Contents
Other	11/09/04	Exhibit 1: Description of Transaction & Public Interest	0179741505763105251963324.pdf

Description of Transaction and Public Interest Statement

North Dakota Network Co. (“NDNC”) and Nemont Communications, Inc. (“NCI”) (collectively, the “Parties”) seek Commission consent to assign from NDNC to NCI a partitioned portion of NDNC’s F-Block Broadband PCS license for the Minot, North Dakota BTA (station KNLH234, BTA299). The area to be partitioned consists of Divide County, North Dakota. NCI does not currently hold any other CMRS spectrum in the Minot BTA. Since Commission approval of the proposed assignment will serve the public interest and is otherwise permitted under the Commission’s Rules, the Parties respectfully request that this application be afforded streamlined treatment.¹

As background, NCI is a subsidiary of rural telephone companies.² NCI presently provides broadband PCS in the adjoining Billings, Montana BTA. Given its history as a telecommunications service provider in the region, NCI is well-qualified and well-positioned to provide broadband PCS in the subject area.

The transaction herein proposed will serve the public interest. Favorable action on the requested license partition will allow NCI to provide wireless communications services in Divide County, North Dakota as a natural adjunct to its existing services in the Billings BTA. Grant of the instant application will also facilitate the benefits of competition in rural areas, consistent with the Commission’s stated objective of expediting the provision of advanced technologies in rural areas.³

There are no regulatory impediments to this transaction. Specifically, the license for station KNLH234 was acquired through competitive bidding in Auction No. 11 more than five years ago and the Commission has been paid in full.⁴ In addition, the construction requirement of Section 24.203(b) of the Commission’s Rules has previously been met for station KNLH234 and a notification to that effect was timely filed with the Commission on April 29, 2002.⁵ Moreover, no environmental issues are raised by the

¹ 47 C.F.R. § 1.948(j)(1).

² Additional information concerning NCI’s ownership may be found in its Form 602 Wireless Ownership Disclosure Information.

³ See *In the Matter of Implementation of Section 309(j) of the Communications Act, Competitive Bidding*, PP Docket No. 93-253, *Fifth Report and Order*, 9 FCC Rcd 5532, ¶¶ 149-153 (1994).

⁴ Accordingly, Section 1.2111 of the Commission’s Rules, regarding unjust enrichment, does not apply to the proposed license partition.

⁵ Accordingly, there is no further construction requirement applicable to the service area to be partitioned.

Exhibit 1
FCC Form 603
Page 2 of 2

instant assignment.⁶ Finally, no party to this application is subject to a denial of federal benefits due to a conviction for possession or distribution of a controlled substance, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.⁷

For the reasons set forth above, the Parties respectfully submit that Commission approval of the requested assignment of license on a streamlined basis is warranted and will serve the public interest.

⁶ Pursuant to Section 1.923(e) of the Commission's Rules, this application is categorically exempt from environmental processing under Sections 1.1306 and 1.1307 of the Commission's Rules because a license partition, as herein proposed, is not environmentally sensitive.

⁷ 21 U.S.C. § 862.



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th Street, S.W., TW-A325
Washington, DC 20554

News Media Information (202) 418-0500
Fax-On-Demand (202) 418-2830
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

Report Number: 2174

Date of Report: 06/08/2005

Wireless Telecommunications Bureau
Assignment of License Authorization Applications, Transfer of Control of Licensee Applications,
De Facto Transfer Lease Applications and Spectrum Manager Lease Notifications
Action

This Public Notice contains a listing of applications that have been acted upon by the Commission.

Purpose	File Number	Parties	Action Date	Action
AM	0001653396	Licensee: Alpine - Michigan F, LLC, Debtor-In-Possession Transferor: Broz, Robert F Transferee: Calcutt, William B	06/03/2005	M

Transfer of Control

Call Sign or Lead Call Sign: KNLG353

Radio Service Code(s)

CW

AM	0001653424	Licensee: Alpine - Hyannis F, LLC, Debtor-In-Possession Transferor: Broz, Robert F Transferee: Calcutt, William B	06/03/2005	M
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Transfer of Control

Call Sign or Lead Call Sign: KNLG356

Radio Service Code(s)

CW

Purpose	File Number	Parties	Action Date	Action
AA	0001919786	Assignor: Alpine Express, Inc Assignee: AEX, Inc.	06/02/2005	D

Full Assignment

Call Sign or Lead Call Sign: WNYG488

Radio Service Code(s)

IG

✓AA	0001928259	Assignor: North Dakota Network Co. Assignee: Nemont Communications, Inc.	06/03/2005	M
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Full Assignment

Call Sign or Lead Call Sign: KNLH236

Radio Service Code(s)

CW

✓AA	0001928647	Assignor: North Dakota Network Co. Assignee: Nemont Communications, Inc.	06/03/2005	M
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Partitioning and/or Disaggregation

Call Sign or Lead Call Sign: KNLH234

Radio Service Code(s)

CW

TC	0001978620	Licensee: Urban Comm-North Carolina, Inc. Transferor: Urban Comm-Mid Atlantic, Inc. Transferee: Urban Communicators PCS Limited Partnership	06/03/2005	C
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Transfer of Control

Call Sign or Lead Call Sign: KNLH712

Radio Service Code(s)

CW

PO Box 2027 • Minot, ND 58702
701-858-1200 • 1-800-737-9130

November 24, 2004

Patrick J. Fahn
North Dakota Public Service
Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Fahn,

Case No. PU-2048-03-235

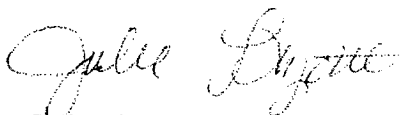
On July 31, 2003, the North Dakota Public Service Commission ("PSC") designated North Dakota Network Company ("NDNet") as an Eligible Telecommunications Carrier.

In the Order, the PSC ordered that NDNet file a copy of its August 1, 2003 report to the FCC describing the status of its wireless E911 implementation. The PSC also ordered that NDNet also file annual updates to that report and shall make a final report when all phases of E911 implementation have been completed.

Please find enclosed a copy of NDNet's August 1, 2003 E911 Interim Report which was filed with the FCC. To fulfill our annual update to the PSC, in October, 2004, NDNet received a request from North Dakota Association of Counties to implement E911, Phase II. NDNet is currently working on this implementation with Intrado, and expect a completion date of mid-2005. As requested, NDNet will submit a final report to the PSC when all phases of E911 implementation have been completed.

Please feel free to contact me at (701) 858-5233 if you have any questions regarding this matter.

Sincerely,



Julie Lizotte
Director of Regulatory Affairs
North Dakota Network Company

Enclosure

PO Box 2027 • Minot, ND 58702
701-858-1200 • 1-800-737-9130

December 2, 2005

Patrick J. Fahn
North Dakota Public Service
Commission
600 E. Boulevard Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Fahn,

Case No. PU-2048-03-235

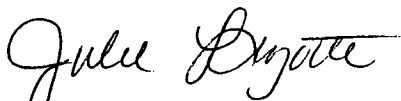
On July 31, 2003, the North Dakota Public Service Commission ("PSC") designated North Dakota Network Co. ("NDNet") as an Eligible Telecommunication Carrier ("ETC").

In the ETC Order, the PSC requested a copy of NDNet's August 1, 2003 E911 Interim Report filed with the FCC. I sent you a letter dated November 24, 2004, enclosing a copy of the August 1, 2003 filing. Also in the Order, the PSC requested that NDNet submit a final report to the PSC when all phases of E911 implementation have been completed.

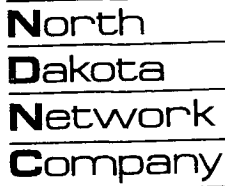
To fulfill the request by the PSC, this letter is notification that on October 25, 2005 NDNet has completed all implementation steps and are now Phase I and Phase II compliant.

If you have any questions regarding this matter, please give me a call at (701) 858-5233.

Sincerely,



Julie Lizotte
Director of Regulatory Affairs
North Dakota Network Co.



PO Box 2027
MINDT ND 58702
701-858-1200
800-737-9130

Via ECFS Electronic Filing

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

Attn: John B. Muleta, Chief, Wireless Telecommunications Bureau
David H. Solomon, Chief, Enforcement Bureau

Re: **North Dakota Network Company**
CC Docket No. 94-102

E-911 INTERIM REPORT

Dear Ms. Dortch:

North Dakota Network Company ("NDNC") is the licensee of Broadband PCS Stations KNLH232 (Market B299 – Minot, ND BTA D-Block), KNLH234 (Market B299 – Minot, ND BTA F-Block) and KNLH236 (Market B476 – Williston, ND BTA F-Block). NDNC operates each of these PCS systems using CDMA infrastructure equipment from Nortel Networks ("Nortel") and the Company has chosen to deploy a handset-based Phase II ALI technology. At this stage, NDNC has not received any PSAP requests. However, NDNC has tentatively decided that its ALI technology vendor will be TeleCommunications Systems, Inc. ("TCS") and that it will be utilizing the TCS Xypoint Location Platform.

In accordance with the *Non-Nationwide Carrier E911 Order* in Docket No. 94-102¹ and the Commission's related Public Notice, DA 03-2113 (*rel.* June 30, 2003), we hereby submit our report on the status of implementation plans for Wireless E911 Phase II Automatic Location Information, as follows:

I. The number of Phase I and Phase II requests from PSAPs (including those the carrier may consider invalid):

The PSAPs serving the areas where NDNC is providing service are the Bottineau County PSAP in Bottineau and Renville Counties, the McLean County PSAP in McLean County, ND State Radio in McHenry County, the Ward County PSAP in Ward County and the Williams County PSAP in Williams

¹ See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Order to Stay* (*rel.* July 26, 2002) ("*Non-Nationwide Carrier E911 Order*") at paras. 34-35. NDNC is listed in Appendix A of the *Non-Nationwide Carrier E911 Order* as one of the carriers that had filed a request for waiver of the Commission's E-911 Rules.

County. As of the date of this Interim Report, NDNC has received no (0) requests for Phase I (cell site/sector location) E-911 service, and no (0) requests for Phase II service from PSAPs in its licensed service area.

II. The carrier's specific technology choice (i.e., network-based or handset-based solution, as well as the type of technology used):

As described above and in various filings with the FCC, NDNC has elected to utilize a handset-based ALI technology. In this regard, NDNC has tentatively decided that its ALI technology vendor will be TCS and that it will be utilizing the TCS Xypoint Location Platform.

III. Status on ordering and/or installing necessary network equipment:

Deployment of full Phase II capability in NDNC broadband PCS network will not require NDNC to purchase any additional network elements or hardware. Instead, the TCS E-911 solution is offered on a service bureau model. The TCS solution takes care of all aspects of deployment switch integration, database management, Geographic Information Services and cost recovery assistance. Once NDNC receives a valid PSAP request for Phase II service, TCS has assured us that it would be able to provide these services and coordinate Phase II deployment to the requesting PSAP within six months.

Because none of the PSAPs in NDNC's operating territory are Phase II capable, NDNC cannot completely test the software and hardware that the Company has already installed in its network to confirm that it functions properly. We have no reason to believe that it does not work, but complete testing cannot occur until a PSAP in our area has upgraded its system.

IV. If the carrier is pursuing a handset-based solution, the Report must also include information on whether ALI-capable handsets are now available, and whether the carrier has obtained ALI-capable handsets or has agreements in place to obtain these handsets:

NDNC is currently selling seven (7) different handset models in its retail stores. Four of the seven are ALI-capable.


V. The estimated date on which Phase II service will first be available in the carrier's network:

The estimated date on which Phase II service will first be available in NDNC's network is dependent on our receipt of a valid PSAP request for Phase II service. Upon receipt of a valid PSAP request, TCS has assured us that it would be able to provide these services and coordinate Phase II deployment to the requesting PSAP within six months.

VI. Information on whether the carrier is on schedule to meet the ultimate implementation date of December 31, 2005:

Assuming NDNC receives a valid PSAP request for Phase II service before this time, we are on schedule to meet the ultimate E-911 Phase II implementation date of December 31, 2005.

Respectfully submitted,
North Dakota Network Company

By 

Dated: July 28, 2003

cc: via e-mail to E911compliancereports@fcc.gov

Please refer all inquiries and correspondence to:

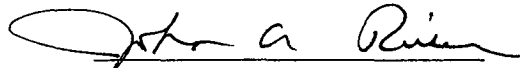
John A. Prendergast
Blooston, Mordkofsky, Dickens, Duffy & Prendergast
2120 L Street, NW Suite 300
Washington, DC 20037
Tel: (202) 659-0830
Fax: (202) 828-5568
e-mail: jap@bloostonlaw.com

AFFIDAVIT OF JOHN A. REISER

I, John A. Reiser, do hereby declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

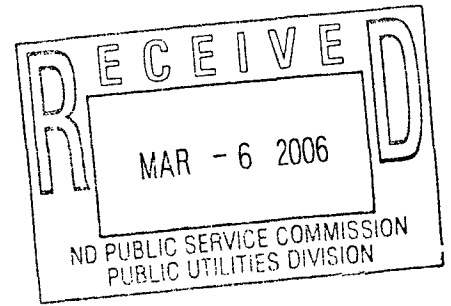
1. I am Chief Operations Officer for North Dakota Network Company ("NDNC") and its parent company, SRT Communications, Inc. In this capacity, I am familiar with NDNC's E-911 deployment efforts.
2. I have read the foregoing E-911 Interim Report for NDNC and to the best of my knowledge, information, or belief, all of the information contained in the report is truthful and accurate.

Dated this 28 day of July, 2003



John A. Reiser
Chief Operations Officer
SRT Communications, Inc.
North Dakota Network Company

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**



**North Dakota Network Co.
Designated Eligible Carrier
Application**

Case No. PU-05-653

AFFIDAVIT

Steven D. Lysne affirms the following statement, under oath, in support of the Application of North Dakota Network Co. ("NDNC") for expansion of designation as an eligible telecommunications carrier ("ETC"), under section 214 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996:

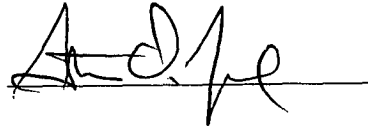
1. During an informal hearing to consider NDNC's application on February 22, 2006, Commission members requested the record be supplemented. One request for supplementation related to whether NDNC would agree to comply with any new rules that may be adopted with regard to eligibility criteria for an ETC. I am familiar with the proposed new eligibility criteria and affirm NDNC will comply with the proposed new eligibility criteria if they are adopted by the North Dakota Public Service Commission.

2, The Commission also expressed supplementation of the record with regard to NDNC's intent to develop and deploy facilities throughout BTA 299. On September 28, 2005, NDNC's Board of Directors, acting on the recommendation of NDNC management, authorized a five year buildout plan that details the future development of facilities throughout BTA 299. NDNC, and its parent company, SRT Communications, Inc. are committed to developing facilities throughout BTA 299. NDNC agrees to submit

a redacted portion of this five year buildout plan upon request by the North Dakota Public Service Commission.

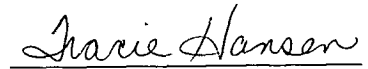
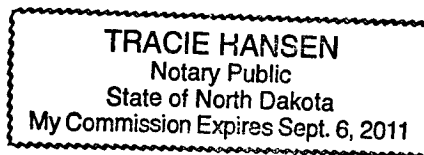
Dated this 3rd day of March 2006.

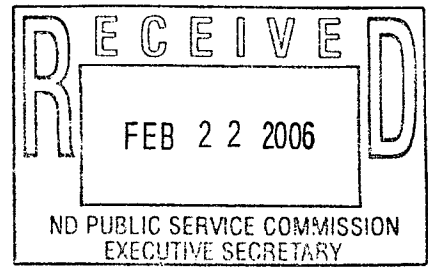
Steven D. Lysne



General Manager, NDNC

Subscribed and sworn to before me this 3rd day of March 2006.


Notary Public



**NORTH DAKOTA NETWORK CO.
(SRT Wireless)**

**PERSONAL COMMUNICATIONS
SERVICE TARIFF**

9

PU-05-653

Pages: 13

Personal Communications Service Tariff

by North Dakota Network Co. by

02/22/2006 C: Comm Legal Ilona, Jerry, Annette

**NORTH DAKOTA NETWORK CO.
PERSONAL COMMUNICATIONS SERVICE TARIFF**

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WIRELESS PCS LOCAL SERVICE

A. **General**

1. Wireless PCS Local Service is a personal communications service (“PCS Calling” or “PCS Service”) that includes all the requirement related to Federal Universal Service support mechanisms, and includes services to schools and libraries and health care providers as designated for support by the Federal Communications Commission.
2. PCS Service is provided under a Commercial Mobile Radio Service (CMRS) license issued to North Dakota Network (the Company) by the Federal Communications Commission.
3. PCS Service does not include a PCS telephone instrument; the subscriber is responsible to provide an instrument compatible with the service and the licensed band of radio spectrum. The Company will have compatible telephone instruments available for purchase by subscribers.
4. The calling area includes approximately 7200 square miles and is illustrated on the map, Attachment A.
5. The Company will offer all services that are supported by the Federal Universal Service support mechanisms, and will advertise the availability of any charges for those services using media of general distribution throughout the service area.
6. Deposits. Customers applying for service that do not have a satisfactory credit rating, or existing subscribers whose credit rating has become impaired, will be required to make a suitable cash deposit to be held as security for the payment of bills for telephone service. The amount of such deposit shall not, however, exceed the amount of charges for telephone service which it is estimated will accrue for a period of two months. At such time as service or a contract is terminated, the amount of any deposit is credited to the subscriber’s final account or refunded to the subscriber within forty-five (45) days. The deposit may be returned at any time the Company feels that the subscriber has established a satisfactory credit rating. The deposit will earn interest at a rate as determined by the North Dakota Public Service Commission on an annual basis. The interest rate will be determined as of the first business day of each year.

In case of discontinuance of service for nonpayment of amounts payable when due, Company will not restore service until all arrears are paid in full, applicable service connection charges are paid, and a cash deposit as required above is made, or until other satisfactory credit arrangements are made.

WIRELESS PCS LOCAL SERVICE

The fact that a deposit has been made shall in no way relieve the applicant or subscriber from complying with the Company's regulations as to advance payments and the prompt payment of bills on presentation. Likewise, a deposit will not constitute a waiver or modification of the regular practices of the Company providing for the discontinuance of service for nonpayment of any sums due the Company for services rendered. The Company may discontinue service to any subscriber failing to pay current bills without regard to the fact that such subscriber has made a deposit with the Company to secure payment of such bills or has furnished the Company with a guarantee in writing of such bills.

B. Services Included

1. ***Voice Grade Access to the Public Switched Network.*** PCS Service includes a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call, within the frequency range of between approximately 500 Hertz and 4000 Hertz, for a bandwidth of approximately 3500 Hertz.
2. ***Local Usage.*** PCS Service includes 2000 minutes of usage in the local calling area per monthly billing period, subject to a subscriber's choice of a calling plan that provides fewer minutes of usage. Local usage includes:
 - a. Calls placed by a subscriber to another subscriber where calls are originated and terminated through base stations in the local calling area;
 - b. Calls from subscribers originated from base stations in the local calling area to subscribers of other carriers with NXXs associated with the same area;
 - c. Calls to subscribers from subscribers of other carriers where the call is terminated through base stations in the local calling area.
3. ***Dual Tone Multi-Frequency Signaling or its Functional Equivalent.***
4. ***Single-Party Service or its Functional Equivalent.*** PCS Service permits subscribers to have a dedicated message path for the length of a particular transmission.
5. ***Access to Emergency Services.*** PCS Service includes access to 911 and enhanced 911 services to call emergency services through a Public Service Access Point (PSAP) operated by the local government, to the extent the local government has implemented 911 or enhanced 911 systems.

WIRELESS PCS LOCAL SERVICE

6. **Access to Operator Services.** PCS Service includes access to operator services, which is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call.
7. **Access to Interexchange Service.** PCS Service includes access to interexchange service for the purposes of making and receiving toll or interexchange calls. PCS Service also provides subscribers the ability to access interexchange carriers of choice by use of calling cards (credit cards or pre-paid calling cards).

PCS Service includes the availability of "toll blocking" to disable the origination of long distance toll calls from the subscriber's telephone instrument.
8. **Access to Directory Assistance.** PCS Service includes customers' access to directory assistance by dialing 1-NPA-555-1212.

PCS Service does not include categories of calls such as "900" and "976" calls.

PCS Service does not include "roaming" service for the origination or termination of calls through base stations outside of the local calling area. Roaming service is available with additional charges.

C. PCS Service Rates and Usage Plans

Basic:

1. Connection Charge/Activation Fee \$15.00
2. Monthly Service Charge \$19.95
3. Toll Blocking (optional) \$ 2.00
4. Includes 2000 minutes of local usage
5. Minutes of usage in the local calling area exceeding 2000 minutes per monthly billing period will be charged at the rate of \$0.15 per minute. Fractional minutes will be rounded to the next whole minute.
6. PCS Service under the Basic Plan does not include long distance service for the origination of calls to be terminated outside of the local calling area. Long distance service is available at the rate of \$0.15 per minute. Fractional minutes will be rounded to the next whole minute.
7. Includes unlimited mobile to mobile minutes when calls are originated and terminated in the NDNC PCS calling area.

WIRELESS PCS LOCAL SERVICE

Toll Free USA 2000 Plan:

1. Connection Charge/Activation Fee \$15.00
2. Monthly Service Charge \$44.95
3. Includes 2000 minutes of local usage including calling to the 50 states and DC, United States of America
4. Minutes of usage (aggregate of local and long distance) exceeding 2000 minutes per monthly billing period will be charged at the rate of \$0.25 per minute. Fractional minutes will be rounded to the next whole minute.
5. Includes unlimited mobile to mobile minutes when calls are originated and terminated in the NDNC PCS calling area.

Toll Free USA 1000 Plan:

1. Connection Charge/Activation Fee \$15.00
2. Monthly Service Charge \$34.95
3. Includes 1000 minutes of local usage including calling to the 50 states and DC, United States of America
4. Minutes of usage (aggregate of local and long distance) exceeding 1000 minutes per monthly billing period will be charged at the rate of \$0.25 per minute. Fractional minutes will be rounded to the next whole minute.
5. Includes unlimited mobile to mobile minutes when calls are originated and terminated in the NDNC PCS calling area.

Toll Free USA 500 Plan:

1. Connection Charge/Activation Fee \$15.00
2. Monthly Service Charge \$27.95
3. Includes 500 minutes of local usage including calling to the 50 states and DC, United State of America
4. Minutes of usage (aggregate of local and long distance) exceeding 500 minutes per monthly billing period will be charged at the rate of \$0.25 per minute. Fractional minutes will be rounded to the next whole minute.
5. Includes unlimited mobile to mobile minutes when calls are originated and terminated in the NDNC PCS calling area.

“Included minutes of use” under all of the Company’s PCS Service rates and Usage Plans are free of time of day or day of week limitations.

Multi-Phone Plan:

1. Connection Charge/Activation Fee \$15.00
2. Monthly Service Charge \$10.00
3. Does not include any minutes of local usage, but rather shares minutes of use with a primary plan including the Basic Plan or any Toll Free USA Plan.
4. Minutes of Use (aggregate of primary phone and multi-phones) exceeding the minutes included in the primary plan are billed according to the terms of the primary plan.

WIRELESS PCS LOCAL SERVICE

D. **Local Number Portability**

The term "Local Number Portability (LNP)" denotes the ability of an end user of local exchange telecommunications service to retain an existing telephone number without impairment of quality, reliability, or convenience when switching from one local exchange telecommunications carrier to another.

North Dakota Network Company will bill the rate listed below to all end users over a 60- month period.

	<u>Rate</u> <u>Per Line</u>	<u>Effective</u> <u>Date</u>	<u>Termination</u> <u>Date</u>
LNP Basic End User Charge	\$0.13/per line	5/1/2005	5/1/2010

WIRELESS PCS LOCAL SERVICE

E. **Billing, Payment and Delinquencies and Termination**

1. Monthly service charges for service are billed and payable in arrears. Service charges for usage exceeding included minutes of use per billing period are billed in arrears and payable with the payment for monthly service charges. A new subscriber is obliged to pay the activation fee in advance before service commencement.
2. Monthly bills are payable on the 9th of the following month; the due date will be stated on each bill. A new subscriber's first bill will include prorated credits or charges as appropriate to coordinate with monthly billing cycles.
3. State and local sales taxes and other governmentally imposed fees and assessments on telecommunications services required or permitted to be charged to consumers will be added to service charges and separately itemized on monthly bills, and are payable with monthly service charges.
4. As a provider of Commercial Mobile Radio Service under a license issued by the Federal Communications Commission, the Company is not subject to certain North Dakota statutes and Rules of the Public Service Commission that are applicable to other telecommunications carriers. Even though the Company is not legally obligated, as a matter of policy subject to management discretion, the Company will apply the Rules of NDAC 69-09-05-02 regarding discontinuance of service if the subscriber is delinquent in payment for services.
5. A subscriber may terminate service by notice to the Company 30 days before the effective date of termination designated by the subscriber. A terminated subscriber's final bill will include prorated credits or charges as appropriate to coordinate with monthly billing cycles. Any charges related to equipment for early termination of a contractual service are due upon termination.
6. A subscriber is responsible for all charges to the telephone number assigned to the subscriber's telephone instrument. A subscriber whose telephone instrument is lost or stolen remains responsible for all charges until he notifies the Company of the occurrence and requests termination of service.

WIRELESS PCS LOCAL SERVICE

F. **Other Terms and Conditions**

1. PCS Service is a wireless personal communications service (PCS) telecommunications service provided under a Commercial Mobile Radio Service license issued to the Company by the Federal Communications Commission. Service is available to a subscriber's equipment only where it is within the operating range of the Company's facilities or services. Service is subject to limitations inherent in radio communications, including but not limited to transmission limitations of facilities, reception limitations of the subscriber's equipment, network capacity, and atmospheric or topographical conditions.
2. The Company will endeavor to provide and maintain service in accordance with generally accepted standards in the wireless telecommunications industry. The Company makes no express representations or warranties regarding its service and disclaims any implied warranties. The Company will endeavor to avoid interruptions of service and to re-establish service without undue delay where interruptions do occur. If a subscriber's service is interrupted and remains out of service, a pro-rata adjustment will be made to the subscriber's next billing statement. The Company's liability for any occurrences of interrupted or failed services is limited to a pro-rata adjustment for any interruptions of 24 hours or more after being reported to the Company. In no circumstance shall the Company be liable for any incidental or consequential damages claimed by a subscriber to be caused by a breach of duty or fault of the Company.
3. Service is provided for subscribers' use as end-users, not for resale. Subscribers are prohibited from modifying telephone instruments to evade or avoid charges for services or to obtain services not included in his service plan.

LINK UP AND LIFELINE SERVICE

A. General

1. The Federal Communications Commission and the North Dakota Public Service Commission require that an Eligible Telecommunications Carrier must offer Link Up Service and Lifeline Service.
2. Link Up means an assistance program for qualifying low-income consumers, a reduction in the customary charge for commencing telecommunications service for a single telecommunications connection at a consumer's principal place of residence.
3. Lifeline service means a retail local telecommunications offering for which qualifying low-income consumers pay reduced charges. Lifeline service includes all the services designated for PCS service support. Lifeline service also includes toll limitation. "Toll limitation" includes "toll blocking", an arrangement under which a qualified Lifeline consumer of telecommunications service chooses not to purchase long distance "toll" services for calling outside the local calling area.
4. A qualifying low income subscriber is eligible to receive Lifeline and Link Up assistance for NDNC's PCS Basic Service Plan under one of the following Program-Based methods:

Medicaid
Food Stamps
Supplemental Security Income (SSI)
Federal Public Housing Assistance (Section 8)
Low Income Home Energy Assistance
Temporary Assistance for Needy Families (TNAF)
National School Lunch (NSL) – free lunch program

A subscriber can receive certification through the North Dakota Department of Human Services and certify with North Dakota Network Company ("NDNC") by providing a Public Assistance Card and completing an Assistance Application; or they can "self certify" with NDNC by completing an Assistance Application.

5. A qualifying low income subscriber is also eligible to receive Lifeline and Link Up assistance for NDNC's Basic Service Plan by certifying under the Income-Based method.

LINK UP AND LIFELINE SERVICE

The subscriber's household income must be at or below 135% of the Federal Poverty Guidelines. The Universal Service Administration Company (USAC) will be the point of reference to determine the Federal Poverty Guidelines. The subscriber must complete an Assistance Application, provide NDNC income documentation, and certify the number of household members. The income of all household members will be used to determine eligibility.

Acceptable income documentation includes:

Prior year's state, federal, or tribal tax return
Current income statement from an employer
Paycheck stub (must present three consecutive months)
Social security statement of benefits
Veterans administration statement of benefits
Federal or tribal notice letter of participation in General Assistance
Child support, divorce decree (alimony)
Other official document

6. On an annual basis, NDNC will verify a Statically Random Sample (calculation provided by the FCC) of Lifeline subscribers to determine if they continue to meet eligibility. This verification may be performed with the ND Department of Human Services, or may be performed on individual mailings to subscribers who are randomly chosen.
7. NDNC shall publicize the availability of Lifeline and Link Up services in a manner reasonably designed to reach those likely to qualify for the service.
8. NDNC's Lifeline and Link Up service will continue to meet the requirements established by the FCC and the North Dakota Lifeline Plan and Link Up Plan.

LINK UP AND LIFELINE SERVICE

- B. **North Dakota Network's Link Up Service**
Service Connection Charge \$7.50

(The Company's service plans include a \$15.00 activation fee. This customary charge for commencing service is reduced by 50% to qualified low income consumers).

- C. **North Dakota Network's Lifeline Service**
1. Services Included:
 - a. Voice grade access to the public switched network
 - b. 2000 minutes of local usage per monthly billing period (subject to a subscriber's choice of a calling plan that provides fewer minutes of usage)
 - c. Dual tone multi-frequency signaling or its functional equivalent
 - d. Single-party service or its functional equivalent
 - e. Access to emergency services
 - f. Access to operator services
 - g. Access to interexchange service
 - h. Access to directory assistance
 - i. Toll limitation
 2. Reduced Charges to Qualified Low-Income Consumers
 - a. Monthly Charge for Basic \$11.70
(Normal \$19.95 charge minus \$8.25 reduction)

LINK UP AND LIFELINE SERVICE/TRIBAL LANDS

A. Enhanced Lifeline for Eligible Residents of Tribal Lands

1. A resident of Tribal Lands is a consumer living on, or near, a reservation as defined by Section 20.1 (v) of the Bureau of Indian Affairs regulation (25 C.F.R.S 20.1 (v)).
2. Enhanced Lifeline for eligible residents of Tribal Lands provides additional Lifeline support for NDNC's Basic Service Plan above the Lifeline received under the regular Lifeline program described in Section 2, Sheet 1. The amount of the Enhanced Lifeline discount will equal to the discount received under the regular Lifeline program, plus additional credit so that the remaining balance of the PCS Basic Service Plan is \$1.00 per month. The Enhanced Lifeline discount is as follows:
 - a. PCS Basic Service rate: \$19.95
 - Regular Lifeline Discount (\$ 8.25)
 - Enhanced Lifeline Discount (\$10.71)
 - Total Monthly Charge \$ 1.00
3. In order to receive Enhanced Lifeline for residents of Tribal Lands, a consumer must complete and sign an Assistance Application provided by NDNC. This Application will include all of the following:
 - a. A statement that the consumer is certifying the information conveyed in the completed application under penalty of perjury.
 - b. Indication that the consumer is receiving benefits from one of the programs listed in tariff Section 2, Sheet 1, or the customer is at or below 195% of the federal poverty guidelines.
 - c. Indication that the customer lives on Tribal Lands.
 - d. A statement that the consumer agrees to notify NDNC if the consumer ceases to participate in the program or programs.

B. Enhanced Link Up of Eligible Residents of Tribal Lands

1. North Dakota residents of Tribal Lands who are eligible to receive Enhanced Lifeline for residents of Tribal Lands under this tariff, and make the certification required for Enhanced Lifeline, are also eligible to receive Enhanced Link Up service.
2. The Enhanced Link Up benefit will apply towards 100% of the charges assessed for activating PCS Basic Service between \$60.00 and \$130.00.
 - a. NDNC's activation fee is \$15.00; therefore, Enhanced Link Up benefits will not be applicable.

North Dakota Public Service Commission
INFORMAL HEARING
February 22, 2006

North Central Network Company
Designated Eligible Carrier
Application

PU-05-653
Filed: 12/15/05

Summary of Proposal: North Dakota Network Co. (NDNC) has filed an application for designation as an Eligible Telecommunications Carrier (ETC) for receiving federal universal service support for portions of the study areas/universal service support areas served by Midstate Telephone Company, West River Telecommunications, Northwest Communications Cooperative, Reservation Telephone Cooperative, Turtle Mountain Communications, North Dakota Telephone Company and Dakota Central Telecommunications Cooperative.

NDNC conditions its request on the Commission redefining the study areas. NDNC asks the Commission to conditionally designate NDNC as an ETC in those newly redefined study areas subject to FCC approval of the redefinition.

Procedural History: On December 31, 2005, the Commission issued a Notice of Opportunity for Hearing and Notice of Informal Hearing, which provided until February 15th for receiving written comments or hearing requests and scheduled an informal hearing for February 22nd. No response has been received.

Staff Recommendations: NDNC's application is similar to those in Case Nos. PU-03-602, et. al. where the Commission redefined the service area "requirement" for the purposes of Verizon Wireless partners' ETC designations subject to FCC approval of the redefinitions. The Commission did not redefine any incumbent rural telephone company service/study areas for purposes of the rural company's universal service support. It should be clarified at the informal hearing whether NDNC is requesting redefinition only of the service area requirement for purposes of its designation and not for purposes of any incumbent rural telephone company's universal service support. Pat Fahn was lead staff for the previous Verizon cases and I have been working with him on this one. We recommend designating NDNC as requested, subject to FCC approval of a redefined study area. We further recommend the Commission order, as was ordered in the previous Verizon cases, quarterly reports on progress towards wireless E9-11 implementation.

Discussion: On July 31, 2003 in Case No. PU-2048-03-235, the Commission designated NDNC as an ETC for the same study area / universal service support area served by SRT Communications, Inc. NDNC now requests to expand its ETC designation throughout its FCC licensed service area, BTA 299. The request is similar to a previous application where the Commission designated the Verizon Wireless partners subject to the FCC approval of a redefined study area requirement. Under FCC rules, redefinition applications are deemed approved if no action is taken within 90 days.

NDNC is a wholly-owned subsidiary of SRT Communications, Inc. and has been registered in North Dakota as a PCS provider and reseller of local exchange services since October 2002 and as a reseller of interexchange services since March 1999. NDNC currently serves more than 10,000 subscribers in North Dakota under the trade name SRT Wireless. A map illustrating NDNC's current PCS coverage areas is attached as Exhibit B to the application.

Qualification for ETC Designation

To be designated as an ETC, section 214(e) of the federal Telecommunications Act of 1996 requires that a carrier: (1) offer the services that are supported by federal universal 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 service support mechanisms include all telecommunications services, internal connections including installation and maintenance, basic conduit access to the Internet including information services that consist of the transmission of information as a common carrier, the transmission of information as part of a gateway to an information service when that transmission does not involve the generation or alteration of the content of information, and electronic mail services. For health care providers, the services supported by universal service support mechanisms include any telecommunications service of a bandwidth up to and including 1.544 Mbps.

The affidavit of Steven D. Lysne, CEO, affirms that NDNC will offer all services supported by the federal universal service support mechanisms and will advertise the availability of those services and the charges therefore using media of general distribution throughout the areas requested for designation.

Redefinition of Study Area Requirement

The Commission must establish a geographic area (service area) for the purpose of determining universal service obligations and support mechanisms for the designated ETC. 47 U.S.C. § 214(e)(5) defines service area:

- (5) SERVICE AREA DEFINED-- The term "service area" means a geographic area established by a State commission for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such

company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

To be designated as an ETC, an applicant is required to provide universal service throughout rural "study areas", which are defined to be the same as rural service areas. The study areas for which NDNC requests designation do not correspond with NDNC's licensed coverage area. Therefore, in order to designate NDNC as an ETC for its entire coverage area, it is necessary to redefine the service area requirement.

47 C.F.R. §54.207(c) provides:

(c) If a state commission proposes to define a service area served by a rural telephone company to be other than such company's study area, the Commission will consider that proposed definition in accordance with the procedures set forth in this paragraph.

(1) A state commission or other party seeking the Commission's agreement in redefining a service area served by a rural telephone company shall submit a petition to the Commission. The petition shall contain:

(i) The definition proposed by the state commission; and

(ii) The state commission's ruling or other official statement presenting the state commission's reasons for adopting its proposed definition, including an analysis that takes into account the recommendations of any Federal-State Joint Board convened to provide recommendations with respect to the definition of a service area served by a rural telephone company.

(2) The Commission shall issue a Public Notice of any such petition within fourteen (14) days of its receipt.

(3) The Commission may initiate a proceeding to consider the petition within ninety (90) days of the release date of the Public Notice.

(i) If the Commission initiates a proceeding to consider the petition, the proposed definition shall not take effect until both the state commission and the Commission agree upon the definition of a rural service area, in accordance with paragraph (b) of this section and section 214(e)(5) of the Act.

(ii) If the Commission does not act on the petition within ninety (90) days of the release date of the Public Notice, the definition proposed by the state commission will be deemed approved by the Commission and shall take effect in accordance with state procedures.

[62 FR 32948, June 17, 1997, as amended at 67 FR 13226, Mar. 21, 2002]
http://a257.g.akamaitech.net/7/257/2422/12feb20041500/edocket.access.gpo.gov/cfr_2004/octqtr/47cfr54.207.htm

NDNC Requests the following redefinitions from study area level to individual wire center level under 47 CFR 54.207(c):

Study Area	Wire Center
Midstate Telephone Company	Portal

	Stanley
West River Telecommunications	Mercer Riverdale Turtle Lake Underwood Washburn
Northwest Communications Cooperative	Bowbells Columbus Flaxton Lignite Powers Lake
Reservation Telephone Company	Douglas Emmet Garrison Kenmare Makoti Max New Town Norma Parshall Plaza Roseglen Ross Ryder Spencer
Turtle Mountain Communications	Bottineau Dunseith Kramer Rolla Rolette Souris Willow City
North Dakota Telephone Company	Balta Drake Fessenden Harvey Rugby Velva
Dakota Central Telecom Cooperative	Bowdon Sykeston

Joint Board Analysis:

47 C.F.R. §54.207(c)(1)(ii) requires an application to the FCC for redefinition to include a state Commission analysis that takes into account the recommendations of any Federal-State Joint Board convened to provide recommendations with respect to the definition of a service area served by a rural telephone company. In its Universal Service Order, the FCC identified three such factors recommended by the Joint Board: (1) minimizing cream skimming; (2) recognizing that the 1996 Act places rural telephone companies on a different competitive footing from other LECs; and (3) recognizing the administrative burden of requiring rural telephone companies to calculate costs at something other than a study area level.

NDNC contends in its application that there is no risk of cream skimming. NDNC already serves many rural communities in north central North Dakota. Expansion of ETC status would permit NDNC to serve more rural communities within its licensed area. Redefinition will preserve and advance universal service by establishing service areas that are more reflective of the areas actually served.

NDNC contends that redefinition will not compromise or impair the unique treatment of rural companies under section 251(f) of the Act. The rural companies will retain the statutory exemptions from interconnection, unbundling and resale requirements under Section 251(c).

NDNC contends that there are no administrative costs to consider because any federal universal service support available to a competitive ETC in areas served by one of the rural companies would be determined based on the per-line support available to the rural company itself under 47 CFR 54.307(a).

Public Interest

47 USC 214(e)(2) requires a finding that designating an additional ETC serves the public interest. NDNC notes that the Commission found NDNC's initial designation in the public interest because it will facilitate competition not only between landline and wireless service, but also competition among wireless services within the affected study area.

As an ETC, NDNC contends it will be able to provide universal service on a more competitively neutral basis than is the case today. With access to USF, NDNC can offer competitive services to ND consumers on a more even-handed basis.

NDNC contends the use of USF to provide universal services and extend wireless networks in rural ND benefits the public interest by ensuring these networks will be available to deliver services to ND consumers. Increased competition can be expected to lead to better service and provision of new innovated services. NDNC will provide the benefits of mobility, larger local calling areas, and where requested by the PSAP, GPS location assistance for customers dialing 911.

Prepared by: Jerry Lein

Scott, Sandi L.

From: Lein, Jerry R.
Sent: Tuesday, February 21, 2006 10:47 AM
To: Scott, Sandi L.
Subject: FW: Case No. PU-05-653, NDNC ETC Application
Attachments: Exhibit_julie.pdf

Sandi – Did this get filed in the docket? If not, will you please do so? Thanks.

From: Julie Lizotte [mailto:julieel@srttel.com]
Sent: Monday, February 13, 2006 8:53 AM
To: Jeffcoat-Sacco, Illona; Lein, Jerry R.
Cc: dhogue@srt.com; Julie Lizotte; Steve Lysne
Subject: Case No. PU-05-653, NDNC ETC Application

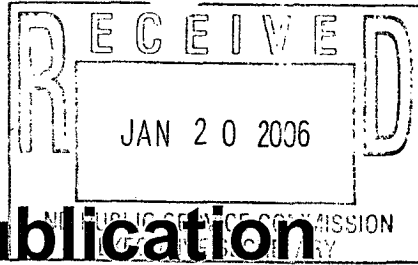
North Dakota Network Co.
Designated Eligible Carrier
Application
Case No. PU-05-653

Attached is a map, per request from Jerry Lein, which specifies the area in which North Dakota Network Co. ("NDNC") requests expansion of ETC designation for the purposes of qualifying to obtain federal universal service support.

You will see that the map is of the entire State of ND, with focus on NDNC's authorized serving area within BTA 299. The superimposed portion of the map includes NDNC's existing ETC designation (SRT Communications, Inc.'s study area), along with the expanded territory in which NDNC requests ETC designation. This expanded territory includes partial study areas of Midstate Telephone, West River Telecom, Northwest Comm Coop, Reservation Tel Coop, Turtle Mountain Comm, North Dakota Tel Co. and Dakota Central Telecom Coop.

Please let me know if you need further information.

Thank you,
Julie Lizotte
Director of Regulatory Affairs
North Dakota Network Co.
SRT Communications, Inc.
P.O. Box 2027
Minot, ND 58702-2027
701.858.5233
julieel@srttel.com



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, ND Network Co. Hearing

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.

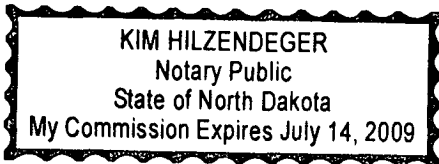
Signed: Colleen Park

State of ND

County of Burleigh

Subscribed and sworn to before me this 18 day of January 20 06.

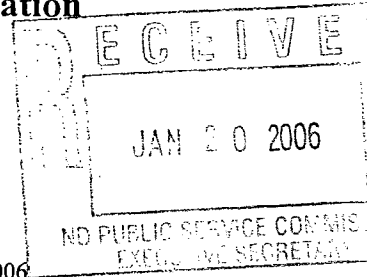
Kim Hilzendeger





North Dakota Newspaper Association

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



INVOICE

Order **21527-06012PP0**

Invoice # **65825**

January 19, 2006

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-05-653**

Amount Due **\$489.85**

Amount Paid

Please detach and return this portion with your payment

Public Utilities Division Invoice # 21527-06012PP0-65825 PO# PU-05-653

Ad Size	Rate Type	Rate	Total	Discount (%)	Caption	Page	Run Date
Bismarck Tribune (Bismarck ND)							
73.00	SPR2	0.68	49.64	0.00	ND Network Co.		01/06/06
Devils Lake Daily Journal (Devils Lake ND)							
80.00	SPR2	0.62	49.60	0.00	ND Network Co.		01/09/06
Dickinson Press (Dickinson ND)							
87.00	SPR2	0.57	49.59	0.00	ND Network Co.		01/08/06
Fargo, The Forum (Fargo ND)							
62.00	SPR2	0.76	47.12	0.00	ND Network Co.		01/09/06
Grand Forks Herald (Grand Forks ND)							
66.00	SPR2	0.71	46.86	0.00	ND Network Co.		01/07/06
Jamestown Sun (Jamestown ND)							
78.00	SPR2	0.58	45.24	0.00	ND Network Co.		01/07/06
Minot Daily News (Minot ND)							
92.00	SPR2	0.54	49.68	0.00	ND Network Co.		01/08/06
Valley City Times-Record (Valley City ND)							
74.00	SPR2	0.64	47.36	0.00	ND Network Co.		01/09/06
Wahpeton Daily News (Wahpeton ND)							
102.00	SPR2	0.49	49.98	0.00	ND Network Co.		01/08/06
Williston Herald (Williston ND)							
83.00	SPR2	0.66	54.78	0.00	ND Network Co.		01/08/06

Gross Advertising	489.85	Total Misc	0.00	Amount Paid	0.00
Agency Discount		Tax	0.00	Adjustments	0.00
Other Discount	0.00	Total Billed	489.85	Payment Date	
Service Charge	0.00	Unbilled	0.00	Balance Due	489.85

6 **PU-05-653**

Pages: 1

Affidavit of Publication

by North Dakota Advertising Service, Inc.
01/23/2006 C: Comm Legal Illona, Jerry, Annette . .

Case No: PU-05-653

Notice of opportunity for hearing and notice of informal hearing

Published in:

1/6 – Bismarck

1/9 – Devils Lake

1/8 – Dickinson

1/9 – Fargo

1/7 – Grand Forks

1/7 – Jamestown

1/8 – Minot

1/10 – Valley City

1/8 – Wahpeton

1/8 – Williston

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

North Dakota Network Co.
Designated Eligible Carrier
Application

Case No. PU-05-653

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **3rd day of January, 2006**, 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 and Notice of Informal Hearing

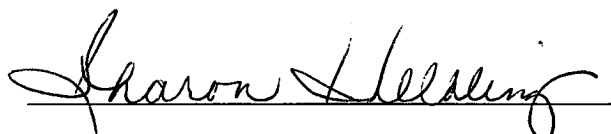
The envelopes were addressed as follows:

Julie Lizotte
North Dakota Network Co
P O Box 2027
Minot ND 58702-2027
Cert. No. 7003 2260 0001 3516 1591

Steve Lysne
North Dakota Network Co
P O Box 2027
Minot ND 58702-2027
Cert. No. 7003 2260 0001 3516 1607

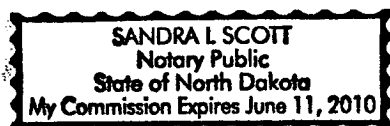
Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **3rd day of January, 2006**.




Notary Public

SEAL



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**North Dakota Network Co.
Designated Eligible Carrier
Application**

Case No. PU-05-653

AFFIDAVIT OF SERVICE BY ORDINARY AND ELECTRONIC 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 **3rd day of January, 2006**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, each containing a photocopy of:

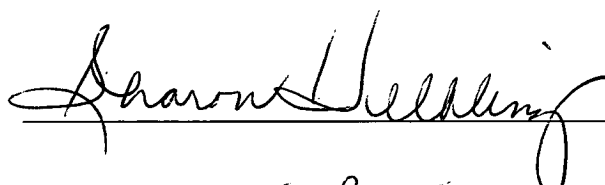
Notice of Opportunity for Hearing and Notice of Informal Hearing


The envelopes were addressed as follows:

See Attached List

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

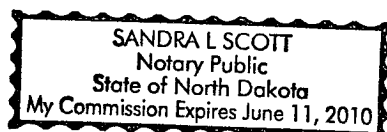
Subscribed and sworn to before me
this **3rd day of January, 2006**.





Notary Public

SEAL



dennis.kelley@reconex.com
Dennis Kelley
1-800-Reconex Inc
2500 Industrial Ave
Hubbard OR 97032

jtmgr@bektel.com
Jerome Tishmack
BEK Communications Cooperative
PO Box 230
Steele ND 58482-0230

consumer_affairs@frontiercorp.com
Scott Bohler
Citizens Telecomm Co of Minnesota
3 High Ridge Park
Stamford CT 06905

ken@consolidatedtelcom.com
Paul Schuetzler
Consolidated Telcom
PO Box 1077
Dickinson ND 58601-1077

keithl@daktel.com
Keith Larson
Dakota Central Tele Coop
PO Box 299
Carrington ND 58421-0299

tschilling@drtel.com
Troy Schilling
Dickey Rural Services Inc
P O Box 69
Ellendale ND 58436

lhankins@covad.com
Lynn Hankins
DIECA Communications Inc
3420 Central Expy
Santa Clara CA 95051-0703

bgipson@vartec.net
Becky Gipson
Excel Telecommunications Inc
2440 Marsh Lane
Carrollton TX 75006

ffarm@wtc-mail.net
Ann Faught
Absaraka Co-op Tele Co
Absaraka ND 58002

aeconomou@mettel.net
Andoni Economou
Business Productivity Solutions Inc
44 Wall St 6th FL
New York NY 10005

sheba.chacko@btna.com
Sheba Chacko
Concert Communications Sales LLC
11440 Commerce Park Dr
Reston VA 20191

paul@consolidatedtelcom.com
Paul Schuetzler
Consolidated Telcom
PO Box 1077
Dickinson ND 58601-1077

tschilling@drtel.com
Troy Schilling
Dickey Rural Communications Inc
PO Box 69
Ellendale ND 58436-0069

tschilling@drtel.com
Troy Schilling
Dickey Rural Telephone Cooperative
PO Box 69
Ellendale ND 58436-0069

chopfing @securustech.net
Curtis Hopfinger
Evercom Systems Inc
14651 Dallas Pkwy Ste 600
Dallas TX 75254-7476

cooperstown@mlgc.com
Ray Brown
Grieggs County Telephone Co
P O Box 506
Cooperstown ND 58425-0506

rlaqua@rrv.net
Ronald Laqua
Halstad Telephone Company
PO Box 55
Halstad MN 56548-0055

bjohnson@ideaone.com
Robert K Johnson
IdeaOne Telecom Group LLC
3239 39th St SW
Fargo ND 58104

jamie@ignus.com
Jamie Kubik
Ignus Inc
855 45th St SW Ste 11
Fargo ND 58103-1036

kander@ictc.com
Keith Anderson
Inter-Community Telephone Company LLC
PO Box 8
Nome ND 58062-0008

loretel@loretel.net
Steven Katka
Loretel Systems Inc
13 E 4th Ave
Ada MN 56510

gerrya@midrivers.com
Gerry Anderson
Mid-Rivers Telephone Coop Inc
PO Box 280
Circle MT 59215-0280

carols@midstatetel.com
Mark Wilhelmi
Midstate Telephone Co
PO Box 400
Stanley ND 58784-0400

sbunn@mlgc.com
Shelie Bunn
Moore & Liberty Telephone Co
Enderlin ND 58027

rlaqua@rrv.net
HTC Services Inc
P O Box 55
Halstad MN 56548

carl.billek@corp.idt.net
Carl Wolf Billek
IDT America Corp
520 Broad St
Newark NJ 07102-3111

gene.curtis@integratelecom.com
Gene Curtis
Integra Telecom of North Dakota Inc
745 45th St SW Ste C
Fargo ND 59103

jamesval@jamesvalley.com
James Valley Coop Telephone Co
P O Box 260
Groton SD 57445

gtaylor@matrixvalue.com
Greg Taylor
Matrix Telecom Inc
300 N Meridian Ste 200-North
Oklahoma City OK 73107

carols@midstatetel.com
Gordon Wilhelmi
Midstate Communications Inc
PO Box 400
Stanley ND 58784-0400

2kathyg@nemontel.net
Kathy Greenwood
Missouri Valley Communications Inc
P O Box 600
Scobey MT 59263-0600

2kathyg@nemontel.net
Kathy Greenwood
Nemont Telephone Cooperative Inc
Scobey MT 59263

abussmann@newaccess.cc
Amy Bussmann
New Access Communications LLC
801 Nicollet Ave Ste 350
Minneapolis MN 55402-2519

prieck@newaccess.cc
Pam Rieck
New Access Communications LLC
801 Nicollet Ave Ste 350
Minneapolis MN 55402-2519

stevedl@srttel.com
Steven Lysne
North Dakota Network Co
P O Box 2027
Minot ND 58702-2027

kathyy@ndtel.com
Dave Dircks
North Dakota Telephone Company
PO Box 180
Devils Lake ND 58301-0180

dwights@nccray.com
Dwight Schmitt
Northwest Communications Coop
PO Box 38
Ray ND 58849-0038

mary.buley@onvoy.com
Mary Buley
Onvoy Inc
300 South Highway 169, Ste 700
Minneapolis MN 55426

ddunning@polarcomm.com
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Polar Commun Mut Aid Corp
PO Box 270
Park River ND 58270-0270

ddunning@polarcomm.com
David Dunning
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PO Box 270
Park River ND 58270-0270

ddunning@polarcomm.com
David Dunning
Polar Telecommunications Inc
PO Box T
Park River ND 58270

donn@srt.com
Don Negaard
Pringle and Heriqstad P C
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Minot ND 58702-1000

jbrown@vcmsolutions.com
Jenna Brown
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San Ramon CA 945830

sschwan@qwest.com
Suzy Schwandt
Qwest Corporation

kblicke@qwest.com
Kent Blickensderfer
Qwest Corporation
220 N 5th St
PO Box 5508
Bismarck ND 58502-5508

smacint@qwest.com
Scott Macintosh
Qwest Corporation
220 N 5th St
PO Box 5508
Bismarck ND 58502-5508

karen.titzer@qwest.com
Karen Titzer
Qwest Corporation
1801 California St Ste 900
Denver CO 80202

pam@tnics.com
Pamela Harrington
RC Communications Inc
PO Box 197
New Effington SD 57255-0197

jeffolson@rrt.net
Jeff Olson
Red River Rural Tele Assoc
PO Box 136
Abercrombie ND 58001-0136

royce@restel.net
Royce Aslakson
Reservation Telephone Cooperative
Parshall ND 58770

mbrestel@ndak.net
Marcia Burckhard
Reservation Telephone Cooperative
Parshall ND 58770

shaneh@restel.net
Shane Hart
Reservation Telephone Cooperative
Parshall ND 58770

pam@tnics.com
Pamela Harrington
Roberts County Telephone Coop Assoc
New Effington SD 57255

kb9534@sbclld.com
Karen Brinkman
SBC Long Distance LLC
5850 W Las Positas Blvd
Pleasanton CA 94558

diane.c.browning@mail.sprint.com
Diane C Browning
Sprint
6450 Sprint Pkwy
MAILSTOP: KSOPHN0212-2A511
Overland Park KS 66251

sueh@srttel.com
Sue Hamilton
SRT Communications Inc
P O Box 2027
Minot ND 58702-2027

julieel@srttel.com
Julie Lizotte
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Minot ND 58702-2027

stevedl@srttel.com
Steve Lysne
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christm@srttel.com
Chris Morsefield
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P O Box 2027
Minot ND 58702-2027

janehp@srttel.com
Jane Petersen
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Minot ND 58702-2027

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John Reiser
SRT Communications Inc
P O Box 2027
Minot ND 58702-2027

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Kim Weydahl
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francie@talk.com
Francie McComb
Talk America Inc
6805 Route 202
New Hope PA 18938

kcarlson@utma.com
Kenneth Carlson
Turtle Mountain Communications
PO Box 729
Langdon ND 58249-0729

jennifer.arnold@tdsmetro.com
Jennifer Arnold
U S Link Inc dba TDS Metrocom
P O Box 327
Pequot Lakes MN 56472-0327

kimm.partridge@ucn.net
Kimm Partridge
UCN Inc
14870 S Pony Express Rd
Bluffdale UT 84065

kcarlson@utma.com
Kenneth Carlson
United Telephone Mut Aid Corp
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Langdon ND 58249-0729

mspead@universalservice.org
Michael Spead
USAC
2120 L St NW Ste 600
Washington DC 20037

kander@ictc.com
Keith Anderson
Valley Communications Inc
P O Box 8
Nome ND 58062

bgipson@vartec.net
Becky Gipson
VarTec Solutions Inc
2440 Marsh Lane
Carrollton TX 75006

bgipson@vartec.net
Becky Gipson
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Carrollton TX 75006

rhoudek@venturecomm.net
Randy Houdek
Venture Communications Inc
PO Box 157
Highmore SD 57345-0157

anthony.gillman@verizon.com
Anthony Gillman
Verizon Select Services Inc
P O Box 110
Tampa FL 33601-0110

westriver@sdplains.com
West River Coop Telephone Co
801 Coleman Ave PO Box 39
Bison SD 57620-0039

mickg@westriv.com
Mick Grosz
West River Telecommunications Cooperativ
PO Box 467
Hazen ND 58545-0467

windfall_resources@sbcglobal.net
Robert K Lock
Windfall Resources Iternational LLC
7144 BN Harlem Ave Ste 323
Chicago IL 60631

paulihland@wtc-mail.net
Paul Ihland
Wolverton Telephone Company
P O Box 270
Park River ND 58270-0270

Diana Stevens
One Verizon Place
Alpharetta GA 30004-8511

Jennifer Sikes
1-800 Reconex
2500 Industrial Ave
Hubbard OR 97032

Patrick Summers
360networks (USA) Inc.
867 Coal Creek Cir Ste 160
Louisville CO 80027-4670

Acceris Communications Corp
9775 Business Park Ave
San Diego CA 92131

Budget Phone, Inc.
6901 W 70th St
Shreveport IL 71129

BullsEye Telecom, Inc.
25900 Greenfield Rd Ste 330
Oak Park MI 48237

Computer Integrated Communications Inc
8502 Bells Mill Rd
Potomac MD 20854-4071

Computer Network Technology Corp
6000 Nathan Ln N
Minneapolis MN 55442

Comtech 21 LLC
1 Barnes Park S
Wallingford CT 06492

Consolidated Communications Corp
P O Box 1408
Dickinson ND 58602-1408

Consolidated Communications Networks
Inc
507 S Main
Dickinson ND 58601

Consolidated Telcom
PO Box 1077
Dickinson ND 58601-1077

Contact Communications
937 W Main St
Riverton WY 82501

Anthony Barrett
Covista Inc
4803 Hwy 58 N
Chatanooga TN 37416

Keith Larson
Dakota Central Telecom I
PO Box 299
Carrington ND 58421-0299

Daktel Communications LLC
P O Box 299
Carrington ND 58421-0299

Dave Dircks
DCN LLC
P O Box 180
Devils Lake ND 58301-0180

DSLnet Communications LLC
545 Long Wharf Dr
New Haven CT 06511

Easton Telecom Services Inc
3046 Brecksville Rd #A
Richfield OH 44286-9399

Ernest Communications Inc
5275 Triangle Pkwy Ste 150
Norcross GA 30092

Chere Heintzmann
Extend America Inc
1101 E Front Ave
Bismarck ND 58504-5654

France Telecom Corporate Solutions LLC
2300 Corporate Park Dr Mailstop SPO60
Herndon VA 20171

GLOBCOM INCORPORATED
2100 Sanders Rd Ste 150
Northbrook IL 60062

Granite Telecommunications LLC
234 Copeland St
Quincy MA 02169

Julia Waysdorf
ICG Telecom Group Inc
161 Inverness Dr W
Englewood CO 80112

David A. Huberman
Intrado Communications Inc
1601 Dry Creek Dr
Longmont CO 80503-6493

Ionex Communications North Inc
2300 Main St Fl 6
Kansas City MO 64108-2415

IPVoice Communications Inc
14860 Montfort Dr Ste 210
Dallas TX 75254

KMC Data LLC
1545 Route 206
Bedminster NJ 07921

KMC Telecom V Inc
1545 Rt 206
Bedminster NJ 07921

Level 3 Communications LLC
1025 Eldorado Blvd
Broomfield CO 80021

Maxcess Inc
P O Box 951419
Lake Mary FL 32795-1419

MCImetro Access Transmission Services
22001 Loudoun County Pkwy
Ashburn VA 20147-6105

McKenzie Consolidated Telecom LLC
P O Box 1408
Dickinson ND 58602-1408

McLeodUSA
P O Box 3177
Cedar Rapids IA 52406-3177

Metropolitan Telecomm of ND Inc
44 Wall St 6th Fl
New York NY 10005

Midcontinent Communications
410 South Phillips Ave
Sioux Falls SD 57104

Minnesota Independent Equal Access Co:
300 S Hwy 169 Ste 700
Minneapolis MN 55426

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

Bob Edgerly
Nextel West Corp
2001 Edmund Halley Dr
Reston VA 20191

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

Brad Van Leur
OrbitCom Inc
1701 N Louise Ave
Sioux Falls SD 57107

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

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

Qwest Corporation
1801 California St Ste 900
Denver CO 80202

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

William Staycoff
Telcom Billing Services Inc
9243 E River Rd NW
Coon Rapids MN 55433-5722

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

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

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

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

VCI Company
3875 Steilacoom Blvd #A
Lakewood WA 98498

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

XO Communications Services Inc
11111 Sunset Hills Rd
Reston VA 20190

Helbling, Sharon D.

From: Helbling, Sharon D.
Sent: Tuesday, January 03, 2006 10:40 AM
To: ndna
Subject: Attached Notice of Opportunity for Hearing and Notice of Informal Hearing, Case No. PU-05-653

Colleen Park
North Dakota Newspaper Association

Colleen:

Please have the attached Notice of Opportunity for Hearing and Notice of Informal Hearing published as a legal publication in the next issue of the ten North Dakota daily newspapers, and run it as a "News Item" only article as well.

Send the bill to the Public Service Commission, along with a tear sheet for billing purposes.

If you have any questions, please let me know.

Thank you.

Sharon Helbling
Public Utilities Division



12-30-05
ce.doc (39

APPROVED

DATE: 12-30-05
KMF

MOTION

December 30, 2005

**North Dakota Network Co.
Designated Eligible Carrier
Application**

Case No. PU-05-653

I move the Commission issue a Notice of Opportunity for Hearing and Notice of Informal Hearing in North Dakota Network Co.'s application for designation as an eligible telecommunications carrier for receiving federal universal service support in North Dakota, Case No. PU-05-653.

JRL/sdh

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

North Dakota Network Co.
Designated Eligible Carrier
Application

Case No. PU-05-653

NOTICE OF OPPORTUNITY FOR HEARING AND
NOTICE OF INFORMAL HEARING

December 30, 2005

On December 15, 2005, North Dakota Network Co. (NDNet), a wholly owned subsidiary of SRT Communications, Inc. filed an application for designation as an Eligible Telecommunications Carrier (ETC) for receiving federal universal service support for portions of the study areas/universal service support areas served by Midstate Telephone Company, West River Telecommunications, Northwest Communications Cooperative, Reservation Telephone Cooperative, Turtle Mountain Communications, North Dakota Telephone Company and Dakota Central Telecommunications Cooperative. NDNet conditions its request on the Commission redefining the study areas. NDNet asks the Commission to conditionally designate NDNet as an ETC in those newly redefined study areas subject to FCC approval of the redefinition. NDNet proposes to provide universal services using a combination of its own wireless personal communications service facilities and resale of other carriers' services.

The issues to be considered are:

1. The qualification of the applicant under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service funding.
2. The ETC universal service support area to be designated for the applicant.

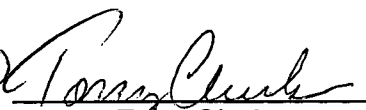
Those interested are invited to comment on the applications in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. Comments and requests for hearings must be received by **February 15, 2006**. If deemed appropriate, the Commission can determine the matter without a hearing.

An **informal hearing** on this matter will be held on **February 22, 2006 at 1:30 p.m. (CST)** in the Commission hearing room, State Capitol, 12th Floor, Bismarck, North Dakota 58505. At the informal hearing NDNet will be given an opportunity to present an overview of its petition and interested persons will be given an opportunity to be heard.

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

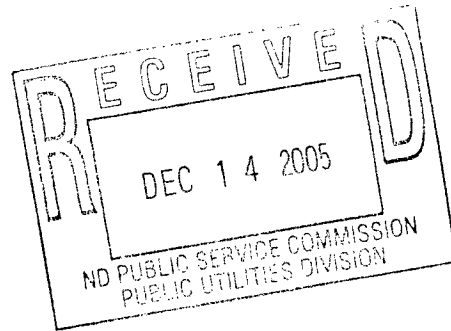

Susan E. Wefald
Commissioner


Tony Clark
President


Kevin Cramer
Commissioner

December 14, 2005

Ms. Illona A. Jeffcoat-Sacco
Executive Secretary
ND Public Service Commission
State Capitol, 12th Floor
600 East Boulevard, Dept 408
Bismarck, ND 58505-0480



Dear Ms. Jeffcoat-Sacco,

Enclosed for filing for approval by the North Dakota Public Service Commission pursuant to and based upon 47 U.S.C. § 214 (e) and N.D. Cent. Code § 49-21.01.7 (12) is an Affidavit and Application for Expansion of Designation as an Eligible Telecommunication Carrier and Petition for Redefinition of Service Areas of Rural Telephone Companies for North Dakota Network Co. ("NDNC"), signed by Mr. Steve Lysne, CEO. I have also enclosed seven (7) copies of each and will also send you an electronic copy.

North Dakota Network Co. is requesting Eligible Telecommunications Carrier ("ETC") designation and redefinition of several North Dakota Local Exchange Companies service areas that are within NDNC's licensed serving area, BTA 299.

Thank you for your help in this matter. Please contact me if you have any questions.

Sincerely,

Julie Lizotte
Director of Regulatory Affairs
North Dakota Network Co.

Enclosure

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

North Dakota Network Co.
Petition for Designation as an
Eligible Telecommunications Carrier

Case No. _____

**APPLICATION FOR EXPANSION OF DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER AND
PETITION FOR REDEFINITION OF SERVICE AREAS OF RURAL TELEPHONE
COMPANIES**

I. Introduction

1. North Dakota Network Co. (“NDNC”) is a North Dakota based telecommunications provider. This Commission previously granted NDNC ETC status for the same study area/universal service support area served by SRT Communications, Inc. by order dated July 31, 2003. See Case No. PU-2048-03-235. NDNC hereby applies to expand the geographical territory in which NDNC is designated as an eligible telecommunications carrier (“ETC”) for purposes of qualifying to obtain federal universal service support. The expanded area, which is within NDNC’s authorized serving area of BTA 299, is defined in Table 1 and illustrated in Exhibit A of this Application. This Application, like NDNC’s initial application in Case No. PU-2048-03-235, is made pursuant to and based upon 47 U.S.C. § 214 (e) and N.D. Cent. Code § 49-21.01.7 (12).

2. Section 214(e) of the federal Telecommunications Act of 1996 (“Act”), the rules and regulations of the Federal Communications Commission (“FCC”), specifically 47 C.F.R. § 54.101(a), and N.D. Cent. Code § 49-21-01.8 establish the mandatory and exclusive criteria for

designation of the federal ETC in North Dakota. This Application affirms and demonstrates that NDNC meets all applicable requirements to be designated an ETC in the expanded territory.

3. As indicated in Table 1, NDNC requests conditional ETC designation under 47 C.F.R. § 54.207(c) for the study area of Midstate Telephone Company (“Midstate”), West River Telecommunications (“West River”), Northwest Communications Cooperative (“Northwest”), Reservation Telephone Cooperative (“Reservation”), Turtle Mountain Communications (“Turtle Mountain”), North Dakota Telephone Company (“North Dakota Tel”), and Dakota Central Telecommunications Cooperative (“Dakota Central”). NDNC’s request is conditioned on the Commission redefining the study area on a wire center basis. NDNC asks the Commission to conditionally designate NDNC as an ETC in those newly redefined study areas, subject to approval of the redefinition by the FCC under 47 C.F.R. § 54.207(c).

4. This request is equivalent to the applications submitted to the Commission on October 15, 2003, by North Central RSA 2 of North Dakota Limited Partnership d/b/a Verizon Wireless Petition for Designation as an ETC, PU-386-03-598; and by Northwest Dakota Cellular d/b/a Verizon Wireless Petition for Designation as an ETC, PU-1226-03-597. The applications requested that the Commission redefine certain study areas in North Central RSA 2 and Northwest Dakota Cellular. On February 25, 2004, the Commission designated North Central RSA 2 and Northwest Dakota Cellular federal ETC status subject to the FCC’s approval of the redefinition decision. A Petition was filed with the FCC on June 2, 2004, and the FCC released a Public Notice on June 17, 2004 soliciting comments from any interested parties. No comments were filed opposing the Petition. Under the FCC rules, the proposed redefinition would be deemed approved and effective within 90 days if the FCC did not act to initiate a proceeding.

The FCC took no action to commence a proceeding, and as a result, the FCC's concurrence to the redefinition action was deemed approved effective September 15, 2004.

II. Identification of NDNC

5. Pursuant to Commission Rule 69-02-02-04(1), NDAC, NDNC states its name, address, telephone number, and designated contact person as follows:

North Dakota Network Co.
3615 North Broadway
PO Box 2027
Minot, ND 58702-2027
Attn: Steve Lysne
Phone #: (701) 858-5246
Fax #: (701) 858-1400

6. NDNC is a "telecommunications carrier" within the meaning of section 153 (44) of the Act, and is a "telecommunications company" within the meaning of N.D. Cent. Code section 49-21-01(19). NDNC is a CMRS common carrier licensed by the FCC to provide wireless personal communications service. NDNC is registered as a personal communications service provider offering services in North Dakota. Certificate No 897, issued by the North Dakota Public Service Commission (NDPSC) in Case No PU-2048-02-511 on October 10, 2002.

NDNC is also registered to resell local exchange telecommunications services and to resell interexchange telecommunications services in North Dakota, Certificate No 896, issued by the NDPSC in Case No PU-2048-02-511 on October 10, 2002, and Certificate No 611, issued by the NDPSC in Case No PU-2048-99-92 on March 17, 1999.

7. NDNC is a wholly owned subsidiary of SRT Communications, Inc. ("SRT"). SRT is a "rural telephone company" within the meaning of section 153(37) of the Act. SRT is designated as an eligible telecommunications carrier for the purpose of receiving federal

universal service support in its study area, by order of the NDPSC in its case No PU-1332-97-439.

8. NDNC currently provides PCS service in Northwest Dakota Cellular, North Dakota Rural Service Area 2 (“North Dakota RSA 2”), and North Dakota 5 - Kidder and currently serves customers in the following North Dakota counties: Renville, Bottineau, Ward, McHenry and McLean. Attached as Exhibit B is a map illustrating NDNC’s current PCS coverage areas.

9. NDNC serves over 10,000 subscribers in North Dakota under the trade name SRT Wireless.

III. NDNC Meets all the Requirements for Designation as an ETC

10. Under 47 U.S.C. § 214(e)(2) and N.D. Cent. Code §§ 49-21-01.7(12), (13), the Commission has the authority to designate NDNC as an ETC in its requested designated areas. The requirements for ETC designation are set forth in 47 U.S.C. § 214(e)(1)-(2), 47 C.F.R. §54.101, and incorporated by reference in N.D. Cent. Code § 49-21-01.8. As set forth more fully below, NDNC: (1) is a common carrier; (2) provides the supported services; and (3) will meet all service and advertising obligations of an ETC. In addition, in areas served by rural telephone companies, NDNC’s designation as an additional ETC serves the public interest.

A. NDNC is a Common Carrier Providing Service Over its Own Facilities

11. The first requirement for ETC designation is that the applicant is a common carrier. 47 U.S.C. § 214(e)(1). This Commission has already concluded NDNC is a common carrier in Case No. PU-2048-03-235. As a personal communications service provider, NDNC is a “common carrier” under federal law. See 47 C.F.R. § 20.9(a)(7).

B. NDNC Offers All Supported Services and Functionalities

12. The second requirement for ETC designation is that the applicant provides the services set forth in 47 C.F.R. § 54.101(a)(1)-(9) throughout the requested designated service areas. 47 U.S.C. § 214(e)(1)(A). NDNC is a facilities-based provider of telecommunications services to customers in North Dakota through its PCS offerings, and will provide all of the supported services specified in 47 C.F.R. § 54.101(a) throughout its designated service areas using its own facilities, or a combination of its own facilities and leased facilities. NDNC currently offers and is able to provide each of the services and functionalities identified by the FCC in 47 C.F.R. § 54.101(a)(1)-(9) as follows:

(a) Voice-grade access to the public switched telephone network. “Voice-grade access” means the ability to make and receive phone calls, within a frequency range of between 300 to 3000 Hertz. 47 C.F.R. § 54.101(a)(1). Through its interconnection arrangements with local telephone companies all North Dakota customers of NDNC are able to make and receive calls on the public switched telephone network within the FCC’s specified frequency range.

(b) Local usage. An ETC must include an amount of local usage minutes free of charge as part of a universal service offering. 47 C.F.R. § 54.101(a)(2). To date, the FCC has not quantified any minimum amount of local usage required to be included in a universal service offering, but has initiated a separate proceeding to address this issue. *See Universal Service Further Notice of Proposed Rulemaking*, FCC 98-278 (Oct. 26, 1998) (“*October 1998 NPRM*”). Moreover, unlimited local usage is not required by any ETC. *In the Matter of Federal-State Joint Board on Universal Service*, CC 96-45, FCC 03-170, Order and Order on Reconsideration

(rel. July 14, 2003) (“*July 2003 Order*”). NDNC already meets this requirement by including local usage in each offering to its customers. In addition, NDNC will comply with any specific local usage requirements adopted by the FCC in the future and required of a federal ETC.

(c) Dual-tone, multi-frequency (“DTMF”) signaling, or its functional equivalent. DTMF is a method of signaling that facilitates the transportation of call set-up and call detail information. 47 C.F.R. §54.101(a)(3). NDNC currently uses out-of-band digital signaling and in-band multi-frequency (“MF”) signaling that is functionally equivalent to DTMF signaling in satisfaction of this requirement.

(d) Single-party service or its functional equivalent. “Single-party service” means that only one party will be served by a subscriber loop or access line, in contrast to a multi-party line. 47 C.F.R. § 54.101(a)(4). The FCC’s regulation further states that a personal communications provider meets the requirement of offering single-party service when it offers a dedicated message path for the length of a user’s particular transmission. *Id.; In the Matter of Federal-State Joint Board on Universal Service*, CC Docket 96-45, Report and Order, FCC 97-157, Paragraph 162 (rel. May 7, 1997) (“*Universal Service Order*”). NDNC meets this requirement of single-party service by providing a dedicated message path for the duration of all customer calls.

(e) Access to emergency services. The ability to reach a public emergency service provider by dialing 911 is a required service in any universal service offering. Enhanced 911, or “E911”, which includes the capability of providing both automatic numbering information (“ANI”) and automatic location information (“ALI”), is only required if a public emergency service provider makes arrangements with the local provider for the delivery of such

information. 47 C.F.R. § 54.101(a)(5). NDNC currently provides E911 Phase II to its customers and is consistent with the FCC's rules and orders and local public safety answering point requests. To date, NDNC has received one request for Phase II E911 service.

(f) Access to operator services. "Access to operator services" means any automatic or live assistance provided to a customer to arrange for the billing or completion, or both, of a telephone call. 47 C.F.R. § 54.101(a)(6). NDNC meets this requirement by providing all of its customers with access to operator services provided by either itself or other entities.

(g) Access to interexchange service. An ETC must offer customers access to interexchange service for purposes of making and receiving interexchange calls. 47 C.F.R. § 54.101(a)(9). Equal access to interexchange service – i.e., the ability of a customer to access a presubscribed long distance carrier by dialing 1+ number – is not required. *July 2003 Order* at paragraphs 14-15. NDNC presently meets this requirement by providing all of its customers with the ability to make and receive interexchange or toll calls.

(h) Access to directory assistance. "Access to directory assistance" means the ability to place a call directly to directory assistance. 47 C.F.R. § 54.101(a)(8). NDNC meets this requirement by providing all of its customers with access to directory assistance by dialing "411" or "555-1212".

(i) Toll limitation for qualifying low-income consumers. An ETC must offer either "toll control" or "toll blocking" services to qualifying Lifeline customers at no charge. The FCC no longer requires an ETC to provide both services as part of the toll limitation service required under 47 C.F.R. § 54.101(a)(9) if the carrier is incapable of providing both. *See Universal Service Fourth Order on Reconsideration*, FCC 97-420 (rel. Dec. 30, 1997). NDNC

currently has 22 Lifeline customers. Once designated as an ETC in the requested wire centers listed in Table 1, NDNC will continue to participate in Lifeline and Link-Up as required, and will provide a toll blocking service in satisfaction of this requirement. NDNC will utilize its existing toll blocking technology to provide the service to its Lifeline and Link-Up customers, at no charge, as part of its service offerings.

C. NDNC will Offer and Advertise the Availability of Supported Services

13. NDNC provides the supported services today within the requested designated areas illustrated on Exhibit A using its existing network facilities. Upon designation, NDNC will offer and provide the supported services within those areas consistent with the obligations of an ETC.

14. The third requirement for ETC designation is that an applicant advertises the availability of the supported services and charges using media of general distribution. 47 U.S.C. § 214(e)(1)(B). NDNC currently offers and advertises its services throughout its requested designated service areas using several different media, including newspaper, television, radio and billboard advertising. Once designated, NDNC will advertise the availability of the supported services and charges therefore using media of general distribution, in accordance with the requirements of 47 C.F.R. § 54.201(d)(2). Additionally, NDNC will comply with all applicable provisions of N.D. Admin. Code § 69-09-05-12.

IV. NDNC will Comply with Service Area Requirements

15. For areas served by a rural telephone company, Section 214(e)(5) of the Act provides that the ETC's designated service area must be that rural telephone company's study area. A rural telephone company's "study area" is generally defined as all of the company's

existing certificated exchange areas in a given state. *Universal Service Order, paragraph 172 n.434.*

16. The respective study areas of Midstate, West River, Northwest, Reservation, Turtle Mountain, North Dakota Tel and Dakota Central do not correspond with NDNC's PCS licensed area or existing signal coverage area. Thus, it is necessary in this proceeding for the Commission to redefine the service area requirement for these companies from the study area to the wire center level, pursuant to 47 C.F.R. § 54.207, to enable NDNC to meet the federal ETC requirements under 47 U.S.C. §214(e).

17. The Act and the FCC's regulations authorize the FCC and the Commission to act in concert to develop an alternative service area for a rural telephone company in accordance with 47 C.F.R. §54.207(c)-(d). The sole requirement in establishing a service area other than the study area is that the FCC and the State commission each give full consideration to the Joint Board's recommendations and explain their rationale for reaching a different conclusion. 47 U.S.C. § 214(e)(5); 47 C.F.R. § 54.207(b); *Universal Service Order, paragraph 187.*

18. NDNC seeks conditional ETC designation in the study areas of Midstate, West River, Northwest, Reservation, Turtle Mountain, North Dakota Tel and Dakota Central. Exhibit A illustrates the expanded area within BTA 299 which is requested in this Application. The map attached as Exhibit B illustrates NDNC's current cellular coverage areas in which ETC has previously been granted by the Commission, with the exception of the Bottineau and Velva exchanges. Exhibit C illustrates NDNC's complete authorized serving area within BTA 299 in which NDNC is seeking ETC designation.

V. Designation of NDNC as an ETC in the State of North Dakota Serves the Public Interest

19. For areas served by a rural telephone company, The Commission must find that designating an additional ETC serves the public interest in accordance with 47 U.S.C. § 214(e)(2). NDNC states that its designation in the areas served by Midstate, West River, Northwest, Reservation, Turtle Mountain, North Dakota Tel and Dakota Central will serve the public interest. As this Commission concluded in its order granting NDNC's initial application, granting NDNC ETC status is in the public interest because it will facilitate competition not only between landline and wireless service, but also competition among wireless services within the affected study area.

20. The Commission has determined that the public interest analysis under 47 U.S.C. § 214(e)(2) should balance increased benefits of competition against any proven detrimental impacts on the preservation and advancement of universal services. As an ETC, NDNC will be able to provide universal service on a more competitively neutral basis than is the case today. With access to universal service funding, NDNC can offer competitive services to North Dakota consumers on a more even-handed basis.

21. The use of federal universal support to provide universal services and extend wireless networks in rural areas of North Dakota clearly benefits the public interest by ensuring these networks will be available to deliver services to North Dakota consumers.

22. The benefits of increased competition can be expected to lead to better service and the provision of new, innovative services. NDNC will provide to consumers the benefits of

mobility, larger local calling areas, and where requested by the PSAP, GPS location assistance for customers dialing 911.

23. Designation of NDNC as an ETC will serve the public interest because NDNC will provide all of the supported services required by the Commission, will participate in the Lifeline and Link-Up programs as required by the FCC's Rules, and will otherwise comply with all FCC Rules governing universal service programs, which are designed to ensure that the public interest standards of the Act are achieved. Allowing NDNC access to universal service subsidies will allow NDNC to continue to enhance and expand its network infrastructure to better serve consumers and to compete with other carriers on a level playing field.

24 NDNC's designation will not adversely affect or otherwise threaten the provision of universal services by the rural telephone companies. Under the current funding mechanisms, rural telephone companies will continue to receive universal service support based on an embedded cost methodology until 2006, and will not lose support if they lose lines to a competitor. This extended transition period – as well as their continued receipt of implicit subsidies within intrastate access rates – ensures the rural companies can move successfully to competitive markets.

VI. Redefinition of Rural Telephone Company Service Areas

25. NDNC's request for ETC designation is subject to the Commission's action to redefine the service areas of the rural telephone companies listed on Table 1. As stated above, the Act and the FCC's rules provide that the service area of a rural telephone company shall be the "study area" of the rural telephone company, until and unless the FCC and the State commission both agree to redefine the service area. 47 U.S.C. § 214(e)(5); 47 C.F.R. §

54.207(b). 47 C.F.R. §54.207 provides the mechanism by which the FCC will process a request by a State commission for redefinition of a service area. The decision to redefine the service area must be made after taking into account recommendations of the Federal-State Joint Board. *Id.*

A. Service Area Redefinition is Consistent with Joint Board Standards

26. The FCC identified three factors initially recommended by the Joint-Board which should be considered by the Commission and the FCC when determining the appropriateness of redefining a rural telephone company's service area. The first factor is the risk of cream skimming. The FCC noted that if a competitor were required to serve a rural telephone company's entire study area, the risk of "cream-skimming" would be reduced because a competitive ETC would be prevented from selectively targeting service only to the lowest cost exchange of the rural ILEC's study area. *Universal Service Order, paragraph 189*. As the Joint Board explained:

We note that some commenters argue that Congress presumptively retained study areas as the service area for rural telephone companies in order to minimize "cream skimming" by potential competitors. Potential "cream skimming" is minimized because competitors, as a condition of eligibility, must provide services throughout the rural telephone company's study area. Competitors would thus not be eligible for universal service support if they sought to serve only the lowest cost portions of a rural telephone company's study area.

In the Matter of Federal-State Joint Board on Universal Service, CC Docket 96-45, paragraph 172 (rel. Nov. 8, 1996) ("Joint Board Recommendations").

27. Second, a State commission and the FCC must consider the regulatory status enjoyed by rural telephone companies under the Act. The FCC determined that initially

establishing a study area for a rural telephone company's service area was appropriate, at least temporarily, in recognition of the different afforded to smaller rural telephone companies which are exempt from certain of the Act's requirements. *Universal Service Order, paragraph 189*. In making its recommendation, the Joint Board had reasoned:

For example, rural telephone companies are initially exempt from the interconnection, unbundling, and resale requirements of 47 U.S.C. § 251(c). The 1996 Act continued this exemption until the relevant state commission finds, inter alia, that a request of a rural telephone company for interconnection, unbundling, or resale would not be unduly economically burdensome, would be technically feasible, and would be consistent with section 254. Moreover, while a state commission must designate other eligible carriers for non-rural areas, states may designate additional eligible carriers for areas served by a rural telephone company only upon a specific finding that such a designation is in the public interest.

Joint Board Recommendations, paragraph 173.

28 The third factor to be considered is whether any administrative burdens might result from the redefinition of the service area. A rural telephone company's universal service support payments are currently based on a rural company's embedded costs determined at the study area level. *Universal Service Order, paragraph 189*. The Joint Board initially expressed concern that rural telephone companies might have difficulty calculating costs on a less-than-study area level. The Joint Board stated:

Another reason to retain existing study areas is that it is consistent with our recommendation that the determination of the costs of providing universal service by a rural telephone company should be based, at least initially, on the Company's embedded costs. Rural telephone companies currently determine such costs at the study area level. We conclude, therefore, that it is reasonable to adopt the current study areas as the service areas for rural telephone companies rather than impose the administrative burden of requiring rural telephone companies to determine embedded costs on a basis other than study areas.

Joint Board Recommendations, paragraph 174.

29. Despite its initial decision to adopt the study area as the rural telephone companies' service area, the FCC has now stated a policy favoring redefinition in instances where a rural carrier's study areas is large and/or non-contiguous. In response to issues raised by competitive ETC's and wireless carriers who might not be able to provide facilities-based service throughout a rural company's entire study area, the FCC has expressly urged State commissions to explore redefinition for purposes of ETC designations. The FCC cautioned that requiring a new entrant to serve a non-contiguous service area as a prerequisite to ETC eligibility would impose a "serious barrier to entry, particularly for wireless carriers" and would be "particularly harmful to competition in rural areas, where wireless carriers could potentially offer service at much lower costs than traditional wireline service". *Universal Service Order, paragraph 190.*

30. NDNC requests that the Commission redefine the service areas of the rural telephone companies listed on Table 1 on an individual wire center basis for purposes of designating an ETC under 47 U.S.C. § 214(e). The study areas of these rural telephone companies contain multiple wire centers which are either wholly or partially not located within the scope of NDNC's authorized service areas. The most logical and appropriate method of redefining these service areas is by individual wire centers. Redefining these service areas as such for purposes for ETC designations will promote competition by eliminating a barrier to entry into the universal services market. This approach also would enable NDNC to be designated a federal ETC in the wire center areas within its existing licensed and signal coverage area consistent with the public interest determination of the Commission.

31. The Commission can proceed to redefine the service areas as outlined above while appropriately taking into account the three factors noted by the Joint Board and adopted by the FCC. The first factor relating to a risk of cream skimming is not present. NDNC seeks redefinition of the rural telephone company service areas on an individual wire center basis so it can be designated an ETC in those areas for which it is licensed and has the ability to provide facilities-based services. Redefinition on this basis will preserve and advance universal service by establishing designated service areas that are more reflective of the areas actually served. Redefinition furthers competition and protects the incumbents from selective targeting of specific areas with the lowest cost and highest support. Indeed, NDNC already serves many rural communities of similar size and support level in north central North Dakota . The present application for expansion of ETC status permits NDNC to serve more rural communities in NDNC's licensed area. In short, there will be no opportunity for cream skimming.

32. The second factor relating to the special status of rural LEC's can also appropriately be taken into account by redefining on a wire center basis. The redefinition of the rural telephone company service areas on this basis will not compromise or impair the unique treatment of these companies as rural telephone companies under Section 251(f) of the Act. Consequently, the companies will still retain the statutory exemptions from interconnection, unbundling and resale requirements under 47 U.S.C. § 251(c) even if their service areas are redefined for purposes of ETC designations.

33. The Act's public interest factor for the designation of an additional ETC in the service areas of these rural telephone companies under 47 U.S.C. § 214(e)(2) will remain in place. The continued existence of the public interest standard was noted by the FCC as a

safeguard available to a State commission to support a redefinition request for service areas on a less-than-study area level. *Universal Service Order, paragraph 190*. This public interest factor will remain as an effective check to prevent the designation of an additional competitive ETC who may seek to target only low cost areas or otherwise pose a detriment to the rural consumers of the incumbents. Thus, the incumbent LEC's would retain their unique status and special treatment as rural telephone companies under the Act consistent with the Joint Board's recommendations if their study areas were redefined on a wire center basis.

34. The third and final Joint Board factor relating to the administrative ease of calculating the costs of the rural telephone companies on a less-than-study area level is likewise not an issue. There are no administrative costs to consider because any federal universal service support available to a competitive ETC in an areas served by one of the rural telephone companies would be determined based on the per-line support available to the rural telephone company itself. 47 C.F.R. § 54.307(a).

35. Accordingly, the Commission should act to redefine the service areas of Midstate, West River, Northwest, Reservation, Turtle Mountain, North Dakota Tel and Dakota Central on an individual wire center basis in order to foster competition and bring new telecommunications services to rural North Dakota. Consistent with the factors articulated by the FCC based on the Joint Board's recommendations, the Commission should order redefinition of the study areas to a wire center basis.

B. Redefinition is Necessary to Promote Competition and Advance Universal Service

36. The redefinition of the Midstate, West River, Northwest, Reservation, Turtle Mountain, North Dakota Tel and Dakota Central service areas is necessary for the promotion of competition and the advancement of universal service. Unless the service areas are redefined, NDNC is precluded from being designated as an ETC in any of these three rural telephone companies' wire centers because NDNC cannot serve the entire study area. Redefinition is in the public interest because it will enable NDNC, and other competitors, to bring new services and new technologies to customers of North Dakota's rural telephone companies. Unless the Commission establishes a different definition of service area for these companies in this proceeding, those wide-ranging study areas will pose an impenetrable barrier to entry for competing carriers. These large and non-contiguous study areas create a disincentive to competition. This type of barrier to entry was appropriately recognized by the Washington Utilities and Transportation Commission when it successfully applied to the FCC to redefine the study areas of rural LEC's in its State. The Washington Commission noted: "The designation of the service area impacts the ease with which competition will come to rural areas.....the wider the service area defined by the state commission, the more daunting the task facing a potential competitor seeking to enter the market". *Petition for Agreement with Designation of Rural Company Eligible Telecommunications Carrier Service Areas at the Exchange Level and for Approval of the Use of Disaggregation of Study Areas for the Purpose of Distributing Portable Federal Universal Service Support*, Washington Util. & Transp. Comm'n, Docket No. 970380, at 3 (Aug. 1998). The Washington Commission concluded that smaller service areas for the designation of ETC's in rural areas will promote competition and speed deregulation. *Id.* At 9.

37. The FCC has previously determined that redefinition of rural telephone company service areas to the exchange or wire center basis facilitates local competition by enabling new providers to serve relatively small areas. *In the Matter of Petition for Agreement with Designation of Rural Company Eligible Telecommunications Carrier Service Areas and for Approval of the Use of Disaggregation of Study Areas of the Purpose of Distributing Portable Federal Universal Service Support*, Memorandum Opinion and Order, CC Docket No. 96-45, DA 99-1844, paragraph 8 (rel. Sept. 9, 1999). The FCC noted: “We find that our concurrence with rural LEC petitioners’ request for designation of their individual exchanges as service areas is warranted in order to promote competition”. *Id.* The FCC concluded that Washington’s “effort to facilitate local competition justified [the FCC’s] concurrence with the proposed service area designation”. *Id.*

38. The redefinition of the Midstate, West River, Northwest, Reservation, Turtle Mountain, North Dakota Tel and Dakota Central listed service areas to an individual wire center basis will foster competition in North Dakota. Redefining these study areas for purposes of determining ETC service areas will enable NDNC and other carriers to offer competitive universal services to the customers of these rural telephone companies. This fostering of competition comports with the goals of the Act and the FCC’s directives. Unless the Commission seeks redefinition, the customers of these three rural telephone companies’ wire centers NDNC desires to serve will be denied all the benefits of competition that Congress and the FCC have sought to foster. Accordingly, this Commission should order that the Midstate, West River, Northwest, Reservation, Turtle Mountain, North Dakota Tel and Dakota Central service areas should be redefined into service areas on an individual wire center basis.

39. The Commission should proceed to redefine the service areas as requested herein notwithstanding N.D. Cent. Code § 49-21-01.8. Any State law provision that limits a federal ETC to providing the supported services throughout a rural telephone company's study area is inapplicable to this proceeding under both 47 U.S.C. § 254(f) and 47 U.S.C. § 253(a). 47 U.S.C. § 254(f) limits State authority to adopting "regulations not inconsistent with the [FCC's] rules to preserve and advance universal service". (Emphasis added). Section 49-21-01.8 is inconsistent and directly conflicts with both 47 U.S.C. § 214(e)(5) and 47 C.F.R. § 54.207(b). Because NDNC's Application seek redefinition of certain study areas consistent with federal law, the study area requirement in N.D. Cent. Code § 49-21-01.8 does not apply to this proceeding. Section 49-21-01.8 is also inapplicable and unenforceable because it effectively prevents NDNC from providing universal service to North Dakota residents, contrary to federal law. No State statute and regulation may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate telecommunications service. 47 U.S.C. § 253(a). Thus, both 47 U.S.C. § 254(f) and 47 U.S.C. § 253(a) preempt the imposition of an inconsistent or contrary State law like Section 49-21-01.8.

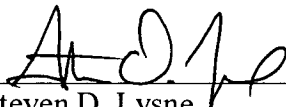
VII. Conclusion

40. The Act and the North Dakota Century Code, supplemented by the Commission's rules, establish clear, consistent and competitively fair mechanisms for allowing carriers, including a CMRS provider, to be designated as an ETC for the purpose of federal universal service support. NDNC has been designated an ETC since July 31, 2003. NDNC will continue to provide the supported services, satisfy all applicable requirements subject to the redefinition of the rural telephone company service areas, and meet the obligations of an ETC. NDNCs'

expanded designation will bring new technology, lower rates, and better service, and so is clearly in the public interest.

41. NDNC respectfully requests the Commission to follow the directives and principles of the Act and to grant its Application by issuing an order conditionally designating NDNC as an ETC pursuant to 47 U.S.C. § 214(e) in the service areas of the rural telephone companies listed in Table 1. In order to effectuate the Commission's designation of NDNC as an ETC in the service areas of the rural telephone companies listed in Table 1, and as a condition thereto, the Commission should seek to redefine the service areas of those rural telephone companies to the individual wire center consistent with purposes of 47 C.F.R. § 54.207.

Respectfully submitted,



Steven D. Lysne
CEO, North Dakota Network Co.

Dated: 12/14/05

TABLE 1

Table 1 lists the study areas for which redefinition is requested from a study area level to an individual wire center level under 47 C.F.R. § 54.207(c) to the extent that North Dakota Network Co. wireless service area does not cover the entirety of a rural telephone company's study area.

<u>Study Area</u>	<u>Wire Center</u>
Midstate Telephone Company	Portal Stanley
West River Telecommunications	Mercer Riverdale Turtle Lake Underwood Washburn
Northwest Communications Cooperative	Bowbells Columbus Flaxton Lignite Powers Lake
Reservation Telephone Cooperative	Douglas Emmet Garrison Kenmare Makoti Max New Town Norma Parshall Plaza Roseglen Ross Ryder Spencer
Turtle Mountain Communications	Bottineau Dunseith Kramer Rolla Rolette

North Dakota Telephone Company

Souris
Willow City

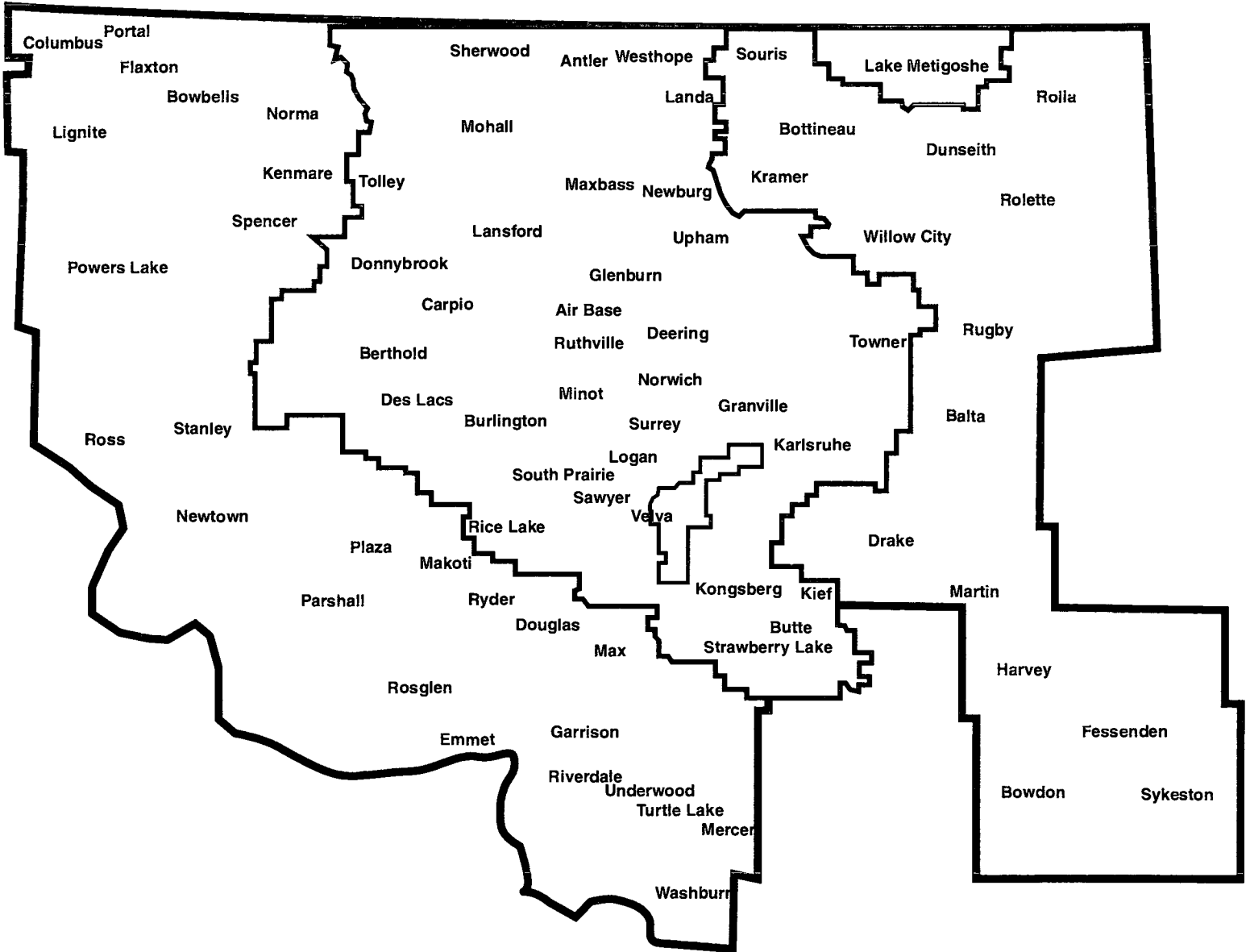
Balta
Drake
Fessenden
Harvey
Rugby
Velva

Dakota Central Telecom Cooperative

Bowdon
Sykeston

Exhibit A

North Dakota Network Co.
Requested Expansion of ETC Designation
in authorized serving area



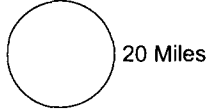
Requested Expansion of ETC Designation

Current ETC Designation Area

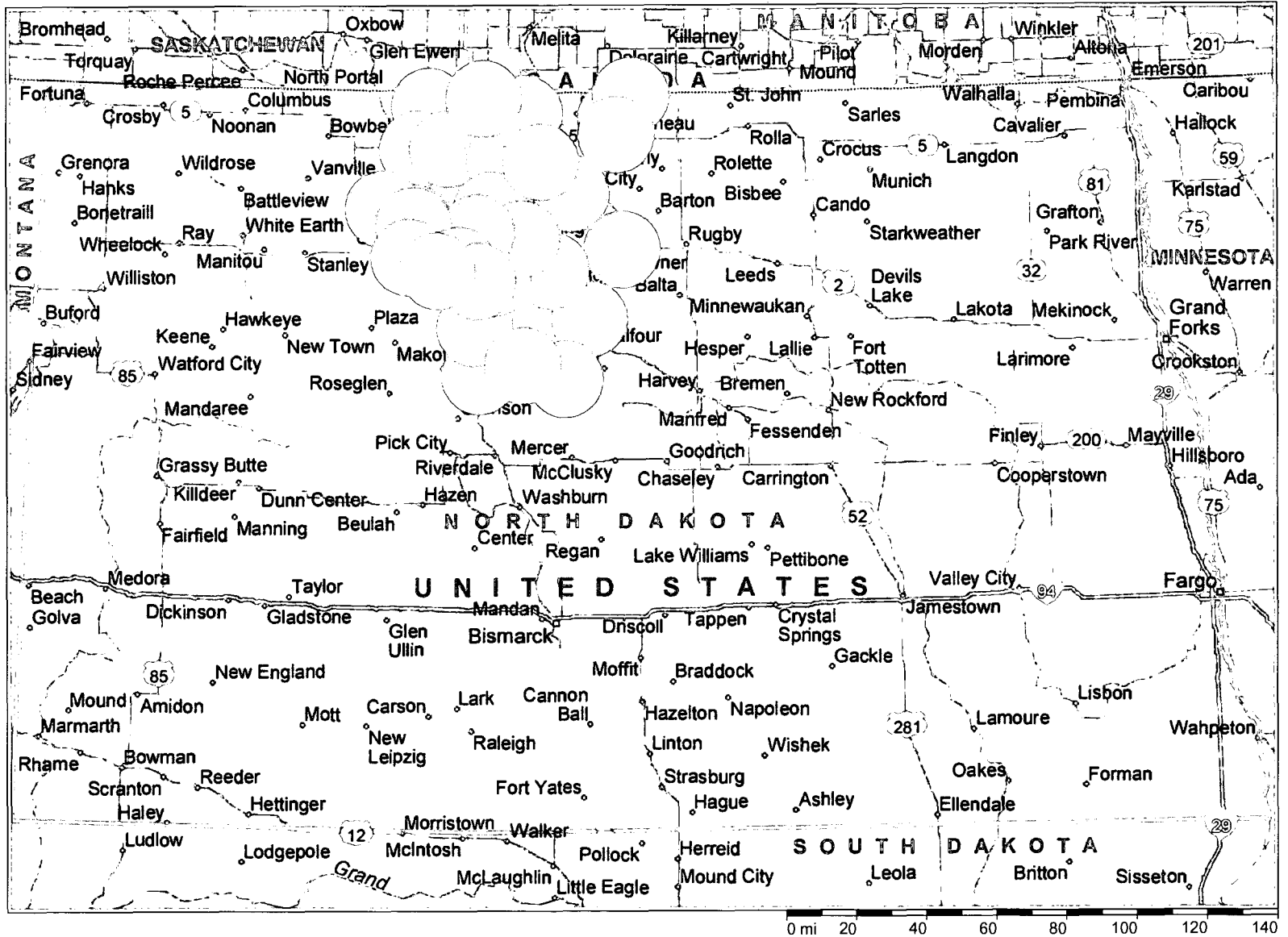
Exhibit B

North Dakota Network Co.
* Current Coverage Area

SRT Wireless Coverage



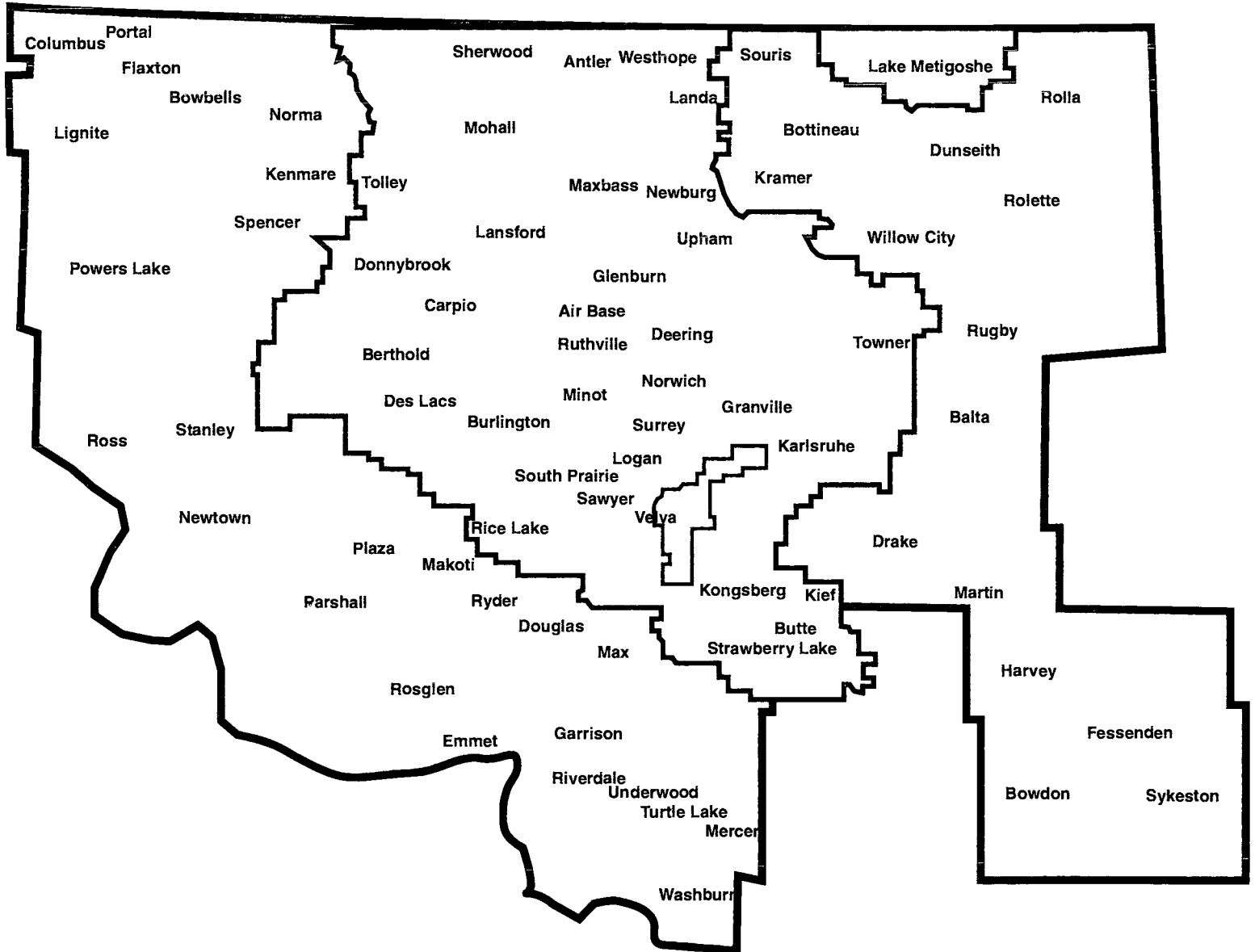
20 Miles



* Also includes Bottineau and Velva exchanges in which NDNC has active customers, but ETC Designation has not been granted in those exchanges.

Exhibit C

Complete authorized serving area
in which North Dakota Network Co.
is seeking ETC Designation



PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

**North Dakota Network Co.
Designated Eligible Carrier
Application**

Case No.

AFFIDAVIT

Steven D. Lysne affirms the following statement of facts, under oath, in support of the Application of North Dakota Network Co. ("NDNC") for expansion of designation as an eligible telecommunications carrier, under section 214 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996.

1. NDNC is a "telecommunications carrier" within the meaning of section 153 (44) of the Act, and is a "telecommunications company" within the meaning of NDCC section 49-21-01(19). NDNC is a CMRS common carrier licensed by the FCC to provide wireless personal communications service ("PSC"). NDNC is registered as a personal communications service provider offering services in North Dakota. Certificate No 897, issued by the North Dakota Public Service Commission ("NDPSC") in Case No PU-2048-02-511 on October 10, 2002.

2. NDNC is a wholly owned subsidiary of SRT Communications, Inc. ("SRT"). SRT is a "rural telephone company" within the meaning of section 153(37) of the Act. SRT is designated as an eligible telecommunications carrier for the purpose of receiving federal universal service support in its study area, by order of the NDPSC in its case No PU-1332-97-439.

3. NDNC intends to provide all the services designated for universal service support in the in the specified universal service support areas of Midstate Telephone Company, West River Telecommunications, Northwest Communications Cooperative, Reservation Telephone Cooperative, North Dakota Telephone Company, Turtle Mountain Communications and Dakota Central Telecommunications Cooperative using a combination of its own facilities and resale of another carrier's services.
4. NDNC initiated wireless personal communications service in September 1999 using the name of its corporate parent, "SRT." NDNC has embarked on a program to install base stations to provide service in its license area, as illustrated by the attached maps. Presently, NDNC has 38 base stations installed at various points and our construction plan will add eight (8) more base stations by the end of 2006. NDNC also has an agreement with a CMRS common carrier licensed by the FCC to provide cellular service in the area.
5. Like other wireless telecommunications companies, NDNC has a number of calling plans available, with different calling areas and different numbers of minutes included in each plan. NDNC has developed a universal service calling plan. The services available under NDNC's universal service calling plan will be included in all other calling plans offered by NDNC.
6. All the services designated for universal service support in the FCC's 97-157 Order and in 47 CFR 54.101 et. seq. are included in NDNC's universal service calling plan.

These services include:

Voice grade access to the public switched network. This is defined by the FCC to mean a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call, within the frequency range of between approximately 500 Hertz and 4,000 Hertz, for a bandwidth of approximately 3,500 Hertz. Voice grade access to the public switched network is included in NDNC's universal service calling plan.

Local usage. This is defined by the FCC to mean a number of minutes of use of local service, prescribed by that Commission, provided free of charge to end users. The FCC does not currently require any minimum amount of local usage to be provided by an ETC, but has initiated a separate rulemaking proceeding to address this issue. NDNC will comply with any minimum local usage requirement adopted by the FCC or by the NDPSC.

In the absence any minimum local usage prescribed by the FCC, NDNC's universal service calling plan will include 2000 minutes of use of local service monthly in the SRT universal service support area. This local usage is all anytime minutes, without time of day or day of week limits.

Local calling will include: 1) calls placed by NDNC customers to other NDNC customers when the calls are originated and terminated through base stations in the local area; 2) calls from NDNC customers originated from NDNC base stations within the local area to customers of other carriers with NXXs associated with the area; 3)

calls from customers of other carriers with NXXs associated with the area to NDNC customers where the call is terminated through NDNC's base stations within the local area.

Dual tone multi-frequency signaling or its functional equivalent. "Dual tone multi-frequency" (DTMF) is defined as a method of signaling that facilitates the transportation of signaling through the network. The common name for DTMF was touch-tone signaling as 10 digit keypads were offered as an alternative to old-fashioned rotary dials on telephone instruments connected to the wired network. 10 digit keypads and the functional equivalent of DTMF signaling are the standard in wireless telecommunications and are included in NDNC's universal service calling plan.

Single-party service or its functional equivalent. For purposes of wireless telecommunications carriers' ETC designation, the FCC defines "single party service" as service that permits users to have a dedicated message path for the length of a user's particular transmission. NDNC's universal service calling plan includes single-party service as defined by the FCC.

Access to emergency services. "Access to emergency services" is defined to mean access to 911 and enhanced 911 services to call emergency services through a Public Service Access Point ("PSAP") operated by the local government, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems.

Whether or not designated as an eligible telecommunications carrier under section 214 of the Act, a wireless telecommunications company is subject to the

requirements of FCC rules that require deployment of 911 service, 47 CFR part 20. The requirements for enhanced 911 technology are applicable only if the administrator of the designated Public Safety Answering Point has requested the services and is capable of receiving and utilizing the data elements associated with the service, and if a mechanism is in place for recovering the Public Safety Answering Point's costs of the enhanced 911 service.

NDNC's universal service calling plan includes access to emergency 911 services, and NDNC does provide enhanced 911 service as required under FCC rules.

Access to operator services. NDNC's universal service calling plan includes "access to operator services," which is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call. Access to operator services is activated by dialing the digit 0 (zero), commonly referred to in the industry as O for Operator.

Access to interexchange service. "Access to interexchange service" is defined by the FCC's rules affecting ETC designation as the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier's network. As noted by the ND PSC in the case of another wireless carrier's application for ETC designation, the FCC has not included 1+ equal access as a requirement for ETC designation.

NDNC's universal service calling plan includes access to interexchange service for the purposes of making and receiving toll or interexchange calls. NDNC has

long distance service available. NDNC's service also provides customers the ability to access interexchange carriers of choice by dialing other carriers' appropriate access codes.

Access to directory assistance. NDNC's universal service calling plan includes customers' access to directory assistance by dialing 1-NPA-555-1212.

7. For schools and libraries, the service 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 18, 2002. 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.

8. The FCC's rules and the North Dakota Commission also require that an eligible telecommunications carrier must offer Link Up service and Lifeline Service. In general terms, Link Up and Lifeline are cost reductions available to qualifying low-income consumers.

Link Up means a reduction in the customary charge for commencing telecommunications service for a single telecommunications connection at a consumer's principal place of residence. NDNC's universal service calling plan includes a customary "activation fee" as a charge for commencing service. ND Link Up and Lifeline plan provides for a 50% reduction of this charge to qualifying low-income consumers. NDNC meets the Link Up requirement.

Lifeline service means a retail local telecommunications offering for which qualifying low-income consumers pay reduced charges. In other words, Lifeline service has two components. One component is service related; Lifeline service includes specific package of services. The second component is price related; qualifying low-income consumers pay reduced charges for the Lifeline service package.

Lifeline service includes all the services designated for universal service support in the FCC's 97-157 Order and in 47 CFR 54.101. These services 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. Lifeline service also includes toll limitation.

"Toll limitation" includes "toll blocking," an arrangement under which a consumer of telecommunications service chooses not to purchase long distance "toll" services for calling outside the local calling area, thus avoiding measured service charges for long distance service in addition to the fixed price for local usage. Toll blocking disables access to interexchange service, at the customers request. Toll blocking is ordinarily offered as a fixed price option. Lifeline rules require toll limitation to be available free of charge to qualified low-income consumers.

NDNC's universal service calling plan meets the service components of the Lifeline requirement, because the plan includes all the services designated for universal service support in the FCC's 97-157 Order and in 47 CFR 54.101, and also includes toll

limitation. Under NDNC's Lifeline plan, toll blocking is available free of charge to qualified low-income consumers.

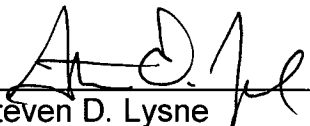
The price related component of Lifeline service, reduced charges for qualifying low income consumers, possibly includes up to four "tiers" under the present rules. But only tier two affects NDNC; that is a \$1.75 monthly reduction in charges for NDNC's universal service to qualifying low-income consumers.

NDNC's universal service calling plan meets the price related component of the Lifeline requirement, because the plan offers the \$1.75 monthly reduction in charges for NDNC's universal service to qualifying low-income consumers.

NDNC's Lifeline and Link Up offerings will continue to meet the requirements established by the FCC and the North Dakota Lifeline Plan and Link Up Plan.

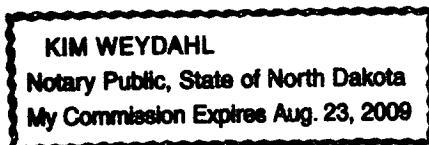
9. NDNC intends to provide all the services designated for universal service support in the specified universal service support areas designated in the attached map using a combination of its own facilities and resale of another carrier's services, to follow the Lifeline Plan and Link Up plan for North Dakota, to offer supported services to schools, libraries and health care providers, and to advertise the availability of supported services and the charges therefor using media of general distribution in its service area.

Dated this 14 day of December 2005.


Steven D. Lysne

Subscribed and sworn to before me this 14 day of December 2005.


Notary Public



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

1. Article Addressed to:
 Steve Ripne
 North Dakota Network Co
 PO Box 2027
 Minot ND 58702-2027

A. Signature
 X *Gerard Nelson* Agent Addressee

B. Received by (Printed Name)
 GERARD NELSON

C. Date of Delivery
 3-24-06

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

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

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7004 2510 0004 8815 2872

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

04-05-653

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

1. Article Addressed to:
 Julie Rynette
 North Dakota Network Co
 PO Box 2027
 Minot ND 58702-2027

A. Signature
 X *Gerard Nelson* Agent Addressee

B. Received by (Printed Name)
 GERARD NELSON

C. Date of Delivery
 JAN - 4 '06

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

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

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7003 2260 0001 3516 1591

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

04-05-653

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

1. Article Addressed to:
 Steve Ripne
 North Dakota Network Co
 PO Box 2027
 Minot ND 58702-2027

A. Signature
 X *Gerard Nelson* Agent Addressee

B. Received by (Printed Name)
 GERARD NELSON

C. Date of Delivery
 JAN - 4 '06

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

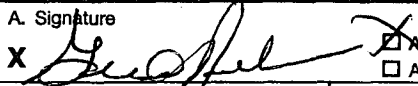
3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7003 2260 0001 3516 1607

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PH-05-653

<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.	A. Signature X  <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name) GERALD NELSON	C. Date of Delivery 3-24-04
1. Article Addressed to: Julie Kynette North Dakota Network Co PO Box 2027 Minot ND 58702-2027	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)	7004 2510 0004 8815 2865	