

Lein, Jerry R.

From: Don Negaard [donn@srt.com]
Sent: Tuesday, September 23, 2008 1:02 PM
To: Jeffcoat-Sacco, Illona
Cc: Lein, Jerry R.
Subject: PU-08-85 and PU-08-213
Attachments: Polar.pdf

Please find enclosed an electronic copy of the affidavit of Manager David L. Dunning in support of Polar Communications Mutual Aid Corporation's petitions in PU-08-85 and PU-08-213. I will file the original affidavit with the Commission as soon as it is delivered to me.

Thank you,

Don Negaard
Pringle & Herigstad, P.C.
2525 Elk Drive
PO Box 1000
Minot, ND 58702-1000
701-852-0381
Fax 857-1361
donn@srt.com

10 **PU-08-213** Filed: 9/23/2008 Pages: 6
**Affidavit of Manager David L. Dunning in Support of
Application for Certificates of PC&N and ETC
Designation**
Polar Communications Mutual Aid Corporation
Pringle&Herigstad,PC, Don Negaard

10 **PU-08-85** Filed: 9/23/2008 Pages: 6
**Affidavit of Manager David L. Dunning in Support of
Application for Certificates of PC&N and ETC
Designation**
Polar Communications Mutual Aid Corporation
Pringle&Herigstad,PC, Don Negaard

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

**Polar Communications Mutual Aid Corporation
Designated Eligible Carrier
ETC Certification Case No. PU-08-213
Applications**

Case No. PU-08-85

**AFFIDAVIT OF DAVID L. DUNNING IN SUPPORT OF APPLICATION FOR
CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR DESIGNATION
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER ("ETC")**

DAVID L. DUNNING STATES THE FOLLOWING UNDER OATH:

1. My name is David L. Dunning and I am the General Manager of Polar Communications Mutual Aid Corporation ("Polar"). Polar is the successor in interest to Polar Telecommunications, Inc. ("Polar Telecom") in the exchanges involved in this proceeding.
2. I submit this affidavit in support of Polar's application to acquire and receive assignment of Certificates of Public Convenience and Necessity ("PC&N") held by Polar Telecom and to affirm the designation of Polar as an Eligible Telecommunications Carrier ("ETC") in the former Polar Telecom exchanges upon succeeding to the assets and obligations of Polar Telecomm within a portion of Polar Telecomm's authorized serving area, being the exchanges for which prior PCNs had been issued to Polar Telecom in the State of North Dakota and which are listed in the application for ETC status in Case No. PU-08-213.

3. The previously submitted applications in both of these proceedings, along with attachments, submitted in these two cases by Polar are true and correct to the best of my knowledge and I affirm the information contained therein under oath and hereby incorporate it by reference as if contained herein. That information was true and correct when submitted and remains true and correct on this date.

4. I am familiar with the procedures under § 69-09-05-12(3) b, North Dakota Administrative Code, regarding a report each ETC applicant must submit during the application process and the continuing duty to report that is mandated in Section 69-09-05-12.1 of the NDAC. The information required under Section 69-09-05-12 is essentially the same information that Polar and its wholly owned subsidiary, Polar Telecom, have previously submitted in response to the North Dakota Public Service Commission's (the "Commission") regulations referenced above. The proposed service area was identified in the application in this matter. The incumbent local carrier in these areas is Polar, acting through its wholly owned subsidiary, Polar Telecom. The requested items of information also request the Essential Telecommunications Carrier to provide an estimate by the applicant of expected revenue from the Federal Universal Service Fund ("USF"). Without waiving any trade secret requests or confidentiality, the estimate for USF receipts was previously filed this year in Case No. PU-08-656 and Case No. PU-08-661 and it is hereby incorporated by reference as if it was submitted under a request for trade secret protection. Polar will continue to meet the obligations of an ETC, as it has in the past through its subsidiary, Polar Telecom, and it is a fit and proper ETC as was previously demonstrated when Polar Telecom was designated as an ETC in 1998 in PU-1801-98-115 and PU-1801-98-116. This was also true when other exchanges were added in 2002 in PU-1727-02-55 and PU-1727-02-56. At this

time, no waiver of ETC criteria is requested and Polar has met the ETC criteria, through its subsidiary and its own operations, continually since Polar was incorporated in 1952 and the service areas in question were designated for ETC services through Polar Telecom, beginning in 1998.

Polar will provide service on a timely basis to requesting customers within the proposed service areas where Polar's facilities pass the potential customer's premises. It will do so in a reasonable period of time. Polar will provide service to a potential customer within the proposed designated service areas when outside the existing network coverage if service can be provided at a reasonable cost by modifying or replacing the customer's equipment, deploying a roof-top antenna or other equipment, adjusting a cell tower (if this would ever become applicable), adjusting the network or customer facilities, or by reselling services from another carrier's facilities to provide service, employing, leasing, or constructing necessary equipment to do so.

5. § 69-09-05-12(3)b, NDAC also requires applicants to describe the following, which information has also recently been filed on behalf of Polar and Polar Telecomm as identified above. It included:

- a. specific construction, maintenance, or upgrade projects;
- b. how service will be improved by each project;
- c. the projected start date and completion date for each improvement, and estimated amount of investment for each improvement of the specific geographic area where each improvement will be made;
- d. the estimated population that will be served by each improvement.

6. **Specific Construction, maintenance, or upgrade projects:** Polar intends to engage in construction, maintenance and upgrades in its service areas, including the

exchanges referenced in these two pending cases in the same manner and method as it has through Polar in its exchange areas since 1952. Without waiving any trade secret or confidential status, the information filed in late July of 2008 and early August of 2008 in the ETC reporting cases referenced above, PU-08-656 and PU-08-661 is hereby incorporate by reference, as is permitted under the Commission's rules, specifically Section 69-02-05-06 of the NDAC.

7. **How Service Will Be Improved By Each Project:** The information previously submitted in Case #'s PU-08-656 and PU-08-661, without any waiver of confidentiality, trade secret or proprietary status is also incorporated by reference.

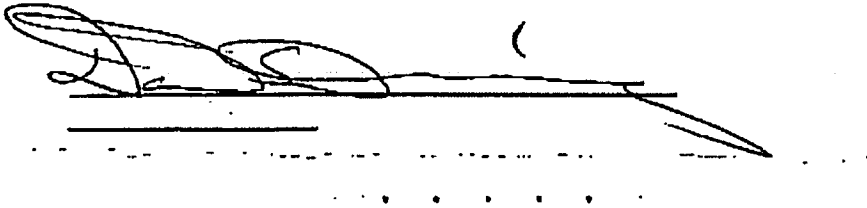
8. **Projected Start and completion Date for Each Improvement & Estimated amount of investment for each improvement;** The information and answers to items # 6 and # 7 above is the same as the answer for item # 8.

9. **Estimated Population that will be served by each improvement.** Again, without waiving any rights to confidentiality or trade secret status, this information was previously answered in submissions to the Commission in the PU-08 files referenced above, that being #'s 656 and 661. Based on the foregoing track record of Polar providing necessary ETC services in the exchanges designated in the pending application of ETC status, PU-08-213, namely the Gilby, Lakota, Fordville, Edmore, Adams, and Pembina , Polar respectfully requests the Commission's order approving the transfer of PC& N's for these exchanges and the request for ETC status therein. Originally, the application listed a St. Vincent exchange but that is a Minnesota exchange and there is no North Dakota PC& N for this Commission to transfer for that

exchange.

Polar has and will continue to meet all the criteria of an ETC as established by the Federal Communications law of 1996 and Sections 214 and 254 thereof and the requirements of the Federal Communications Commission for ETC carriers.

FURTHER AFFIANT SAYETH NOT.

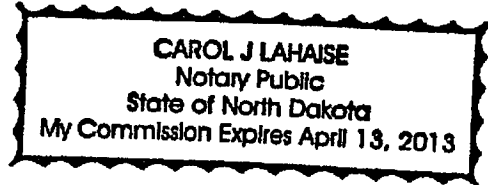


Subscribed and Sworn to before me this 23rd day of September, 2008.

STATE OF North Dakota ,

COUNTY OF Walsh)ss.

Carol J. LaHaise
Notary Public



My commission expires: _____, 2_____