



Public Service Commission

State of North Dakota

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August 4, 2009

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To All Companies with ETC Designation:

RE: Rural Telecommunications Carrier Annual 47 C.F.R. § 54.314(d) Certification

The North Dakota Public Service Commission's (Commission) August 28, 2002 order in Case No. PU-439-02-441 set forth the procedure to comply with the Federal Communications Commission (FCC) requirement that rural telecommunications carriers receiving federal universal service funds use the support only as provided in Section 254(e) of the Telecommunications Act of 1996.

The Commission ordered that any telecommunications carrier providing local exchange service in North Dakota that desires to have Commission certification to the FCC under 47 C.F.R. § 54.313 or 54.314 shall file a sworn affidavit with the Commission by September 14 of each year. The sworn affidavit must be executed by a corporate officer certifying that the federal support the carrier will receive is used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended as required by Section 254(e).

This letter is a reminder for rural companies providing local telecommunications service in North Dakota of the Commission's procedural timeline. Immediately following the September 14 due date for the affidavits, the Commission will prepare an order for filing with the FCC by October 1.

If you have additional questions, please feel free to call me at (701) 328-4077.

Sincerely,

A handwritten signature in cursive script that reads "Patrick Fahn".

Patrick Fahn, Director
Compliance and Competitive Markets

Enclosures: NDPSC August 28, 2002 Order, Case No. PU-439-02-441

Via Email to addresses on the Public Service Commission's ETC email list – original not sent

53 PU-09-217 Filed: 8/4/2009 Pages: 7
Letter to ETC Companies Requiring Sworn Affidavits

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
RTC USF Certification (2003)
Compliance**

Case No. PU-439-02-441

ORDER

August 28, 2002

Section 254(e) of the Telecommunications Act of 1996 (Act) requires telecommunications carriers to use universal service support "only for the provision, maintenance, and upgrading of facilities and services for which support is intended." On May 23, 2001, the Federal Communications Commission (FCC) released its Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 96-45, and Report and Order in CC Docket No. 00-256 (Fourteenth R&O). The Fourteenth R&O requires that each state public utility regulatory authority file an annual certification with the FCC to ensure that rural telecommunications carriers receiving federal funds under the program use the support only as provided in Section 254(e) of the Act. State certification must be filed no later than October 1 of each year in order for certified telecommunications carriers to received support for the following year. 47 C.F.R. § 54.314(d).

On August 28, 2001 the Commission adopted an order setting forth a procedure to comply with the FCC certification requirement. The Commission will adopt this same procedure to be used each year that this October 1 certification continues to be required by the FCC. Any telecommunications carrier providing local exchange service in North Dakota that desires to have Commission certification to the FCC shall file a sworn affidavit with the Commission by September 14 of each year that is executed by a corporate officer certifying that the federal support they receive is used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended as required by Section 254(e).

Order


The Commission orders:


1. That any telecommunications carrier providing local exchange service in North Dakota that desires to have Commission certification to the FCC under 47 C.F.R. §§54.313 or 54.314 shall file an affidavit with the Commission by September 14 of each year, as described in this order, certifying that federal support they receive is used only

for the provision, maintenance, and upgrading of facilities and services for which the support is intended as required by Section 254(e).

2. Affidavits filed with the Commission under this order will be the basis for the Commission's certification to the FCC.

PUBLIC SERVICE COMMISSION


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