

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission**  
**USF Use Certification 47 CFR 54.314 (2010)**  
**Compliance**

**Case No. PU-09-217**

**AFFIDAVIT OF SERVICE BY FEDEX PRIORITY OVERNIGHT MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Janet Marquart** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **29<sup>th</sup>** day of **September, 2009**, she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes by FedEx Priority Overnight Mail, fully prepaid, securely sealed and each containing a photocopy of:

**Letter of Certification**  
**Commission Motion**  
**Commission Order**  
**Listing of Rural Carriers**  
**Affidavits of Certification**

The envelopes were addressed as follows:

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St SW  
Washington D C 20554

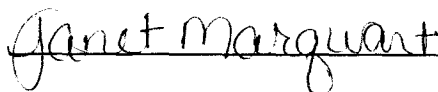
Karen Majcher, Vice President  
High Cost & Low Income Division  
Universal Service Administrative Company  
2120 L St NW Ste 200  
Washington D C 20036

**FedEx Tracking No. 8535 1573 5223**

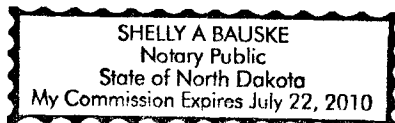
**FedEx Tracking No. 8535 1573 5234**

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

Subscribed and sworn to before me  
this **29<sup>th</sup>** day of **September, 2009**.

  
\_\_\_\_\_

SEAL



  
\_\_\_\_\_

**Notary Public**



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
Web: [www.nd.gov/psc](http://www.nd.gov/psc)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
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Fax 701-328-2410  
TDD 800-366-6888 or 711

September 29, 2009

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St SW  
Washington DC 20554

Karen Majcher, Vice President  
High Cost & Low Income Division  
Universal Service Administrative Company  
2120 L St NW Ste 200  
Washington DC 20036

RE: Certification of High Cost Support for Rural Carriers Under 47 C.F.R. Sections 54.314;  
CC Docket No. 96-45

Dear Ms. Dortch and Ms. Majcher:

Attached is a list of rural carriers that have accounted to the North Dakota Public Service Commission by Affidavit that all federal support they will receive in 2010 will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with Section 254 (e) of the Communications Act of 1934, as amended.

Also attached is a copy of the September 29, 2009 Order of the North Dakota Public Service Commission and the affidavits from the companies listed.

Sincerely,

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

Patrick Fahn, Director  
Compliance and Competitive Markets  
ND Public Service Commission

APPROVED

DATE: 9-29-09  
[Signature]

**MOTION**

**September 29, 2009**

**Public Service Commission  
USF Use Certification 47 CFR 54.314 (2010)  
Compliance**

**Case No. PU-09-217**

I move the Commission adopt the Order Certifying Use of Federal Universal Services Support for rural eligible telecommunications carriers to receive federal universal service funding in 2010, Case No. PU-09-217.

PJF

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission**  
**USF Use Certification 47 CFR 54.314 (2010)**  
**Compliance**

**Case No. PU-09-217**

**ORDER CERTIFYING USE OF FEDERAL UNIVERSAL SERVICES SUPPORT**

**September 29, 2009**

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 receive support for the following year, 47 C.F.R. § 54.314(d).

On August 28, 2002, the North Dakota Public Service Commission (NDPSC) issued an order in Case No. PU-439-02-441 indicating that any telecommunications carrier providing local exchange service in North Dakota that desires to have NDPSC certification to the FCC under 47 C.F.R. §§54.313 or 54.314 shall file an affidavit with the NDPSC by September 14 of each year, as described in the 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). The NDPSC further ordered that affidavits filed with the NDPSC will be the basis for the NDPSC’s certification to the FCC.

Affidavits regarding use of federal universal service support for the year 2010 were filed with the NDPSC by the companies listed in the ordering clause below.

Under North Dakota law, the NDPSC has limited jurisdiction over rural telecommunications carriers. The FCC in its order recognized that some states have only limited regulatory oversight to ensure that federal universal support is reflected in intrastate rates and concluded that such states may nonetheless certify to the FCC that carriers in the state had accounted to the state commission for receipt of federal support, and that the support will be used as required under Section 254(e). (See Fourteenth R&O at ¶ 188). The FCC also recognized that some carriers may not be

subject to the jurisdiction of a state regulatory authority, and in those instances carriers can certify directly to the FCC by means of a sworn affidavit executed by a corporate officer attesting to the use of the support only for purposes permitted under the Act. (See Fourteenth R&O at ¶ 189).

Based on the foregoing, the NDPSC issues the following:

### Order

The NDPSC orders:

1. The NDPSC certifies that the following Eligible Telecommunications Carriers providing local exchange service in North Dakota have accounted to the NDPSC by affidavit that all 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), or that they will only use the support they receive during the four quarters of 2010 (and all quarters thereafter) for the provision, maintenance, and upgrading of facilities and services for which the support is intended under and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.101 throughout each respective company's study area:

#### LIST OF COMPANIES

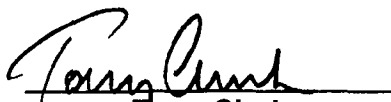
Absaraka Co-operative Telephone Company, Inc.	North Central RSA 2 of North Dakota Limited Partnership
Badlands Cellular of North Dakota Limited Partnership	North Dakota 5 – Kidder Limited Partnership
BEK Communications Cooperative	North Dakota Network Co.
Bismarck MSA Limited Partnership	North Dakota RSA 3 of North Dakota Limited Partnership
Citizens Telecommunications Company of Minnesota, LLC	North Dakota Telephone Company
Consolidated Telcom	Northwest Communications Cooperative, a Cooperative Association
Dakota Central Telecom I	Northwest Dakota Cellular of North Dakota Limited Partnership
Dakota Central Telecommunications Cooperative	Polar Communications Mutual Aid Corporation
Dickey Rural Access, Inc.	Polar Telcom, Inc.
Dickey Rural Communications Inc.	RC Communications, Inc.
Dickey Rural Telephone Cooperative	Red River Rural Telephone Association
Griggs County Telephone Company	Reservation Telephone Cooperative
Halstad Telephone Company	Roberts County Telephone Cooperative Association
Inter-Community Telephone Company, LLC	Sagebrush Cellular, Inc.
James Valley Telecommunications	SRT Communications, Inc.
Loretel Systems, Inc.	Turtle Mountain Communications, Inc.
Midcontinent Communications	United Telephone Mutual Aid Corporation
Mid-Rivers Telephone Cooperative Inc.	Venture Communications Cooperative
Midstate Communications Inc.	WWC Holding Co., Inc. (Alltel)
Midstate Telephone Company	
Missouri Valley Communications, Inc.	

Moore & Liberty Telephone Company  
Nemont Telephone Cooperative Inc.

West River Cooperative Telephone Company  
West River Telecommunications Cooperative  
Wolverton Telephone Company

2. The NDPSC certification is based upon the affidavits filed by the foregoing named Eligible Telecommunications Carriers.
3. The North Dakota Public Service Commission will send a copy of each of the filed affidavits to the Federal Communications Commission and the Universal Service Administrative Company.

**PUBLIC SERVICE COMMISSION**

  
\_\_\_\_\_  
**Tony Clark**  
**Commissioner**

  
\_\_\_\_\_  
**Kevin Cramer**  
**Chairman**

  
\_\_\_\_\_  
**Brian P. Kalk**  
**Commissioner**

COMPANY NAME	STUDY AREA CODE
Absaraka Cooperative Telephone Company, Inc.	381601
BEK Communications Cooperative	381604
Badlands Cellular of North Dakota Limited Partnership	389009
Bismarck MSA Limited Partnership	389005
Citizens Telecommunications Company of Minnesota, LLC	381131
Consolidated Telcom	381607
Dakota Central Telcom	381610
Dakota Central Telecommunications Cooperative	381610
Dickey Rural Access, Inc.	381611
Dickey Rural Communications, Inc.	381611
Dickey Rural Telephone Cooperative	381611
Griggs County Telephone Company	381615
Halstad Telephone Company	361401 & 389002
Inter-Community Telephone Company, LLC	381616
James Valley Telecommunications	391664
Loretel Systems, Inc.	361443
Mid-Rivers Telephone Cooperative, Inc.	482246
MidContinent Communications	389011
Midstate Communications, Inc.	381638
Midstate Telephone Company	381617

COMPANY NAME	STUDY AREA CODE
Missouri Valley Communications	382247
Moore and Liberty Telephone Company	381622
Nemont Telephone Cooperative, Inc.	382247
North Central RSA 2 of North Dakota Limited Partnership	389006
North Dakota 5 - Kidder Limited Partnership	389010
North Dakota Network Co.	389004
North Dakota RSA 3 Limited Partnership	389008
North Dakota Telephone Company	381447
Northwest Communications Cooperative, a Cooperative Association	381625
Northwest Dakota Cellular of North Dakota Limited Partnership	389007
Polar Communications Mutual Aid Corporation	381630 & 381614
Polar Telcom, Inc.	389003
RC Communications, Inc.	391674
Red River Rural Telephone Association	381631
Reservation Telephone Cooperative	381632
Roberts County Telephone Cooperative Association	391674
SRT Communications, Inc.	383303
Sagebrush Cellular, Inc.	389013
Turtle Mountain Communications	381636
United Telephone Mutual Aid Corporation	381636

COMPANY NAME	STUDY AREA CODE
Venture Communications Cooperative	391680
WWC Holding Co., Inc. d/b/a Alltel	389001
West River Cooperative Telephone Company, Bison SD	381637
West River Telecommunications Cooperative	381637
Wolverton Telephone Company	381509