

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
USF Use Certification 47 CFR 54.314 (2009)
Compliance

Case No. PU-09-217

AFFIDAVIT OF SERVICE BY CERTIFIED 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 2nd day of **October, 2009**, she deposited in the United States Mail, Bismarck, North Dakota, **32** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Commission Motion and Order Certifying Use of Federal Universal Services Support

The envelopes were addressed as follows:

Ann Faught, Manager
Absaraka Cooperative Telephone Co., Inc.
2894 146th Ave SE
Absaraka ND 58002

Mark R. Smith, Gnl. Partner
Bismarck MSA Limited Partnership
c/o Verizon Wireless
Mail Code GA1A2FRP
Alpharetta, GA 30004

Cert. No. 7008 2810 0000 4607 0023

Cert. No. 7008 2810 0000 4606 4985

Derrick F. Bulawa, CEO/Gnl. Mgr.
BEK Communications Cooperative
PO Box 230
Steele ND 58482-0230

Greg Sayre
Citizens Telecommunications Co. of MN
180 S Clinton Ave, 5th Floor
Rochester NY 14646

Cert. No. 7008 2810 0000 4606 4954

Cert. No. 7008 2810 0000 4606 4992

Albert Grosz, President
Badlands Cellular of ND LP
Northwest Dakota Cellular
101 W Main Street
Hazen ND 58545

Paul Schuetzler, Gnl. Mgr.
Consolidated Telcom
507 S Main
Dickinson ND 58601

Cert. No. 7008 2810 0000 4606 4961

Cert. No. 7008 2810 0000 4606 5005

Keith Larson, Gnl. Mgr.
Dakota Central Telecom I
Dakota Central Telecommunications Coop.
PO Box 299
Carrington ND 58421-0299

Cert. No. 7008 2810 0000 4606 4565

Jeff Wilson
Dickey Rural Access Inc
Dickey Rural Communications Inc
Dickey Rural Telephone Cooperative
PO Box 69
Ellendale ND 58436-0069

Cert. No. 7008 2810 0000 4606 4572

Thomas Maroney CEO
Halstad Telephone Co
345 2nd Ave W
Halstad MN 56548

Cert. No. 7008 2810 0000 4606 4589

James Groft
James Valley Telecommunications
PO Box 260
Groton SD 57445-0260

Cert. No. 7008 2810 0000 4606 4596

Steven E Grosser CFO
Midcontinent Communications
3901 N Louise Ave
Sioux Falls SD 57107

Cert. No. 7008 1140 0002 6249 4602

Bob Weiss
Loretel Systems Inc
13 East 4th Ave
Ada MN 56510

Cert. No. 7008 2810 0000 4606 4619

Ray Brown President
Griggs County Telephone Co
PO Box 506
Cooperstown ND 58425-0506

Cert. No. 7008 2810 0000 4606 4626

Keith Anderson Gnl Mgr
Inter-Community Telephone
PO Box 8
Nome ND 58062-0008

Cert. No. 7008 2810 0000 4606 4633

Nick Murnion President
Mid-Rivers Telephone Coop
904 C Ave
Circle MT 59215-0280

Cert. No. 7008 2810 0000 4606 4640

Mark Wilhelmi Mgr
Midstate Communications
PO Box 400
Stanley ND 58784-0400

Cert. No. 7008 2810 0000 4606 4657

Shawn Hanson Mgr
Missouri Valley Commun
Nemont Telephone Coop
PO Box 600
Scobey MT 59263-0600

Cert. No. 7008 2810 0000 4606 4664

Dennis Hensel President
North Central RSA 2
North Dakota RSA 3
411 7th Ave
Langdon ND 58249

Cert. No. 7008 2810 0000 4606 4671

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

Cert. No. 7008 2810 0000 4606 4688

Dwight Schmitt Gnl Mgr
Northwest Communications Coop
PO Box 38
Ray ND 58849-0038

Cert. No. 7008 2810 0000 4606 4695

David Dunning Gnl Mgr/DEO
Polar Communications
Wolverton Telephone Co
PO Box 270
Park River ND 58270-0270

Cert No. 7008 2810 0000 4606 4701

Ray Brown
Moore & Liberty Telephone Co
PO Box 66
Enderlin ND 58207-0066

Cert. No. 7008 2810 0000 4606 4718

Kathleen McCracken President
North Dakota 5 – Kidder LP
81 School Ave
Glenfield ND 58443

Cert. No. 7008 2810 0000 4606 4725

Dave Dircks Gnl Mgr
North Dakota Telephone
PO Box 180
Devils Lake ND 58301-0180

Cert. No. 7008 2810 0000 4606 4732

Jerry Reisenauer
West River Cooperative Telephone
801 Coleman Ave
PO Box 39
Bison SD 27520-0039

Cert. No. 7008 2810 0000 4606 4749

Pam Harrington CEO/Gnl Mgr
RC Communications
Roberts County Telephone
PO Box 197
New Effington SD 57255-0197

Cert No. 7008 2810 0000 4606 4756

Jeffrey J Olson Gnl Mgr
Red River Rural Telephone Assn
PO Box 136
Ambercrombie ND 58001-0136

Cert. No. 7008 2810 0000 4606 4763

Royce Aslakson CEO/Gnl Mgr
Reservation Telephone Cooperative
PO Box 68
Parshall ND 58770-0067

Cert. No. 7008 2810 0000 4606 4794

Mike Kilgore CEO/Gnl Mgr
Sagebrush Cellular Inc
PO Box 600
Scobey MT 58263-0600

Cert. No. 7008 2810 0000 4606 4770

Kenneth G Carlson Gnl Mgr
Turtle Mountain Communications
United Telephone Mutual Aid Corp
PO Box 729
Langdon ND 58249-0729

Cert No. 7008 1830 0004 1758 8512

Randy W Houdek Mgr
Venture Communications Cooperative
PO Box 157
Highmore SD 57345-0157

Cert. No. 7008 2810 0000 4606 4787

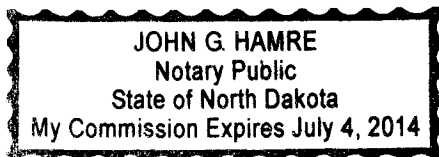
Barbara Bonds Trust Counsel
WWC Holding Co Inc
Alltel Communications
One Allied Dr
Little Rock Arkansas 72203

Cert. No. 7008 1830 0004 1758 7157

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

Subscribed and sworn to before me
this 2nd day of **October, 2009**.

SEAL



Janet Marquart

John G. Hamre
Notary Public

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