

**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 REGULAR OR EMAIL**

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 5<sup>th</sup> day of **October, 2009**, she deposited in the United States Mail, Bismarck, North Dakota, **2** envelopes by first class mail, fully prepaid, securely sealed, and **57** electronic mails electronically sent a copy of:

**Commission Motion**  
**Order Certifying Use of Federal Universal Services Support**

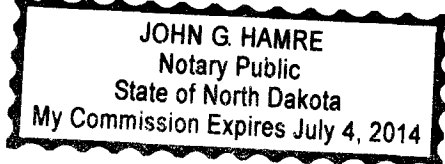
The envelopes and electronic mails respectively were addressed as follows:

See attached list.

Each post office address shown is the respective addressee's last reasonably ascertainable post office address and each email address is the respective addressee's last reasonably ascertainable electronic mailing address.

Subscribed and sworn to before me  
this 5<sup>th</sup> day of **October, 2009**.

SEAL



*Janet Marquart*  
\_\_\_\_\_  
*John G. Hamre*  
\_\_\_\_\_  
Notary Public

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APPROVED

DATE: 9-29-09

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**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

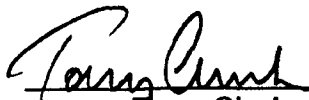
|   |   |
|---|---|
| Absaraka Co-operative Telephone Company, Inc.         | North Central RSA 2 of North Dakota Limited Partnership         |
| Badlands Cellular of North Dakota Limited Partnership | North Dakota 5 – Kidder Limited Partnership                     |
| BEK Communications Cooperative                        | 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**