



2200 IDS Center  
80 South 8th Street  
Minneapolis MN 55402-2157  
tel 612.977.8400  
fax 612.977.8650

July 27, 2009

Andrew M. Carlson  
612.977.8242  
acarlson@briggs.com

RECEIVED

VIA FEDERAL EXPRESS

JUL 27 2009

Executive Secretary  
North Dakota Public Service Commission  
600 East Boulevard – Dept. 408  
Bismarck, ND 58505-0480

**PUBLIC SERVICE COMMISSION**

**Re: 2009 ETC Compliance Report of Bismarck MSA Limited Partnership  
Case No. \_\_\_\_\_**

Dear Sir or Madam:

Enclosed for filing please find the 2009 ETC Compliance Report of Bismarck MSA Limited Partnership as required by N.D. Admin. Code § 69-09-05-12.1.

Certain exhibits to this Report contain information and data considered to be trade secret/confidential under N.D. Cent. Code 44-04-18.4 and N.D. Admin. Code § 69-02-09-01 *et seq.* Accordingly, also enclosed herein for filing is Bismarck MSA Limited Partnership's Application to Protect Trade Secret and Confidential Information submitted with the 2009 ETC Compliance Report. An original, plus seven copies, of the ETC Compliance Report containing the trade secret/confidential material has been placed in a separate sealed envelope marked TRADE SECRET – PRIVATE. Seven public copies of the ETC Compliance Report, with the trade secret/confidential material redacted, as well as an original and seven copies of the Confidentiality Application, are also enclosed. In addition, pursuant to direction I received today from Jon Hamre at the Commission, a PDF copy of the public version of the ETC Compliance Report is being e-mailed to him.

An eighth copy of the Confidentiality Application and an eighth public copy of the ETC Compliance Report are also enclosed. Please file-stamp the copies and return them to me in the enclosed self-addressed stamped envelope. Please contact me immediately if there are any questions about this filing.

Sincerely,

Andrew M. Carlson

AMC/sjc  
Enclosures

1

**PU-09-566**  
**Annual Report**

Filed: 7/27/2009

Pages: 20

2058237v7

Bismarck MSA Limited Partnership

Andrew M. Carlson, Atty Briggs&Morgan PA

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**STATE OF NORTH DAKOTA**

**BEFORE THE PUBLIC SERVICE COMMISSION**

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BISMARCK MSA  
LIMITED PARTNERSHIP  
2009 ETC ANNUAL REPORT

CASE NO. \_\_\_\_\_

as Required by N.D. Admin. Code  
§ 69-09-05-12.1

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In accordance with the regulations adopted by the North Dakota Public Service Commission (“Commission”), Bismarck MSA Limited Partnership (the “Company”) submits this 2009 ETC Annual Report.

**I. BACKGROUND**

Bismarck MSA Limited Partnership is a limited partnership, organized under the laws of Delaware, that provides wireless telecommunications services in North Dakota. The Company is licensed by the Federal Communications Commission (“FCC”) to provide commercial mobile radio service (“CMRS”) in the Bismarck Metropolitan Statistical Area and serves customers in the following North Dakota counties: Burleigh and Morton.

The Company has been designated as a competitive eligible telecommunications carrier (“ETC”) in areas of North Dakota pursuant to the Commission’s February 25, 2004 *Designation Order*.<sup>1</sup> The Commission designated the Company as an ETC in certain full and partial study

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<sup>1</sup> *Northwest Dakota Cellular of North Dakota Limited Partnership Designated Eligible Carrier Application*, Case No. PU-1226-03-597; *North Central RSA 2 of North Dakota Limited Partnership Designated Eligible Carrier Application*, Case No. PU-386-03-598; *North Dakota RSA No. 3 Limited Partnership Designated Eligible Carrier Application*, Case No. PU-897-03-599; *Badlands Cellular of North Dakota Limited Partnership Designated Eligible Carrier Application*, Case No. PU-1225-03-600; *North Dakota 5 – Kidder Limited Partnership Designated Eligible Carrier Application*, Case No. PU-338-03-601; *Bismarck MSA Limited Partnership Designated Eligible Carrier Application*, Case No. PU-

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areas identified in the *Designation Order* (the “Designated Area”). *Designation Order*, pp. 4-9, 13-14. Designation in some areas was contingent on redefinition of the study area requirement by the Federal Communications Commission (“FCC”). The FCC granted redefinition effective September 17, 2004.<sup>2</sup>

**II. THE COMPANY’S ANNUAL REPORT IN ACCORDANCE WITH N.D. ADMIN. CODE § 69-09-05-12.1**

N.D. Admin. Code § 69-09-05-12.1 requires an ETC to file with the Commission an annual report on or before August 1 of each year. The Company respectfully submits the following information in satisfaction of the Commission’s annual reporting requirement. By submitting this information, the Company commits to complying with applicable Commission regulations and North Dakota statutes to the extent required by law. Nothing in this submission constitutes a waiver of the Company’s rights under federal law.

**A. Report Regarding Federal High-Cost Universal Service Support Received in 2008 and Expected to be Received in 2010**

N.D. Admin. Code § 69-09-05-12.1(1) requires an ETC to submit a report describing the amount of federal high-cost universal service support the carrier received in the prior calendar year and how that support was used for the provision, maintenance, or upgrading of the carrier’s facilities and services pursuant to 47 U.S.C. § 254(e). The report must also include an estimate of the amount of federal high-cost universal service support the carrier anticipates receiving in the following calendar year and describe how that support is projected to be used for the

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494-03-602, Order, (Feb. 25, 2004) (“*Designation Order*”).

<sup>2</sup> *Wireline Competition Bureau Seeks Comment on Petition to Redefine Certain Rural Telephone Company Study Areas in the State of North Dakota*, CC Docket No. 96-45, *Public Notice*, DA 04-1739 (rel. June 17, 2004) (“*Public Notice*”); 47 C.F.R. § 54.207(c)(3)(ii) (because the FCC did not initiate a proceeding, the Petition is deemed effective 90 days after issuance of the Public Notice).

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provision, maintenance, or upgrading of the carrier's facilities and services pursuant to 47 U.S.C. § 254(e).

The Company has developed a "2009 Report of Federal High-Cost Universal Service Support" ("2009 USF Report") which contains the required information concerning the Company's use of federal high-cost universal service support. The Company's 2009 USF Report is attached as Exhibit A.<sup>3</sup> In calendar year 2008, the Company received \$2,223,253 in federal universal service high-cost support. For calendar year 2010, the Company projects it will receive approximately \$1,344,989 in federal high-cost support.<sup>4</sup>

The Company's 2009 USF Report includes all information required by N.D. Admin. Code § 69-09-05-12.1(1). It describes how support received in calendar year 2008 was used for the provision, maintenance or upgrading of the Company's facilities and services, including

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<sup>3</sup> Confidential Exhibits A-1, A-2 and A-3 to the USF Report contain trade secret and confidential information and are accordingly being filed separately in an envelope labeled Trade Secret pursuant to N.D. Cent. Code. 44-04-18.4 and N.D. Admin. Code ch. 69-02-09, consistent with the Commission's March 12, 2008 Order Granting Trade Secret Protection to analogous information provided by the Company last year. *Badlands Cellular of North Dakota Limited Partnership 2007 High-Cost Universal Service Support Annual Report*, Case No. PU-07-587, *North Dakota RSA No. 3 Limited Partnership 2007 High-Cost Universal Service Support Annual Report*, Case No. PU-07-588, *North Central RSA 2 of ND Limited Partnership 2007 High-Cost Universal Service Support Annual Report*, Case No. PU-07-590, *North Dakota 5 – Kidder Limited Partnership*, Case No. PU-07-591, *Northwest Dakota Cellular of North Dakota Limited Partnership*, Case No. PU-07-592, *Bismarck MSA Limited Partnership*, Case No. PU-07-593, Order Granting Trade Secret Protection (March 12, 2008) ("Trade Secret Order").

<sup>4</sup> The FCC adopted an interim cap on the amount of high-cost support competitive ETCs such as the Company may receive. *In the Matter of High-Cost Universal Service Support, Federal-State Joint Board on Universal Service, Alltel Communications, Inc., et al. Petitions for Designation as Eligible Telecommunications Carriers, RCC Minnesota, Inc. and RCC Atlantic, Inc. New Hampshire ETC Designation Amendment*, WC Docket No. 05-337, CC Docket No. 96-45, Order, FCC 08-122 (rel. May 1, 2008). The Company's projection of 2010 support is further reduced by the FCC's required phase-down of high-cost support over a five-year period following Verizon Wireless' acquisition of Alltel. *In the Matter of Applications of Cellco Partnership d/b/a Verizon Wireless and Atlantis Holdings LLC for Consent to Transfer Control of Licenses, Authorizations and Spectrum Manager and De Facto Transfer Leasing Arrangements*, WT Docket No. 08-95, file Nos. 003463892. *et al.*, Memorandum Opinion and Order and Declaratory Ruling, FCC 08-258, ¶¶ 192-197.

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network maintenance and operating expenses, pursuant to 47 U.S.C. § 254(e) and explains any changes from reports that have been previously provided to the Commission. The 2009 USF Report further includes a projection of how federal universal service high-cost support projected to be received in calendar year 2010 will be used for the provision, maintenance, or upgrading of the Company's facilities and services, including network maintenance and operating expenses. It identifies specific construction or upgrade projects expected to be undertaken in 2010, including a description of each project, a description of how service is expected to be improved by the project, the anticipated start and completion dates for each improvement, the estimated amount of investment for each project, the geographic location of each project, and the estimated population to be served by each improvement.

**B. Outage Information**

N.D. Admin. Code § 69-09-05-12.1(2) requires an ETC to include in its annual report detailed information on certain service outages within its Designated Area. Section 69-09-05-12.1(2) does not establish the time period for which an outage report is required. The Company has adopted the prior calendar year as an appropriate time period for providing the outage report. Attached as Confidential Exhibit B<sup>5</sup> is the Company's Outage Report in satisfaction of this requirement.

**C. Unfulfilled Requests for Service**

N.D. Admin. Code § 69-09-05-12.1(3) requires an ETC to include in its annual report the number of requests for service from potential customers within the ETC's designated service area that were unfulfilled during the past year, and to detail how the ETC attempted to provide

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<sup>5</sup> Confidential Exhibit B-1 to the Outage Report contains trade secret and confidential information and is accordingly being filed separately in an envelope labeled Trade Secret, pursuant to N.D. Cent. Code 44-04-18.4 and N.D. Admin. Code ch. 69-02-09, consistent with the *Trade Secret Order*, which granted trade secret protection to analogous information provided by the Company last year.

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services to those potential customers. Section 69-09-05-12.1(3) does not establish the applicable time period for which unfulfilled requests for service must be reported. The Company has adopted the prior calendar year as an appropriate time period for reporting unfulfilled requests for service. As shown on Exhibit C, the Company had no unfulfilled requests for service within its Designated Area to report for 2008.

**D. Complaints per One Thousand Handsets**

N.D. Admin. Code § 69-09-05-12.1(4) requires an ETC to include in its annual report the number of complaints per 1,000 handsets or lines. Section 69-09-05-12.1(4) does not establish the applicable time period for which complaints should be reported. The Company has adopted the prior calendar year as an appropriate time period for providing complaint information. Exhibit D identifies the number of complaints per 1,000 handsets for its Designated Area that the Company received during 2008.

**E. Certification of Compliance with Applicable Service Quality Standards and Consumer Protection Rules**

N.D. Admin. Code § 69-09-05-12.1(5) requires an ETC to certify in its annual report that it is complying with applicable service quality standards and consumer protection rules. Pursuant to N.D. Admin. Code § 69-09-05-12(3)(d), a wireless carrier's commitment to comply with the CTIA Consumer Code for Wireless Service ("CTIA Code") within its Designated Area satisfies this requirement. The Company certifies it is complying with the CTIA Code.

**F. Certification of Functionality in Emergency Situations**

N.D. Admin. Code § 69-09-05-12.1(6) requires an ETC to certify in its annual report that it is able to function in emergency situations. The Company certifies it is able to remain functional in emergency situations within its Designated Area, including it has a reasonable amount of back-up power to ensure functionality without an external power source, it is able to

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reroute traffic around damaged facilities, and it is capable of managing traffic spikes arising from emergency situations.

**G. Comparable Local Usage Certification**

N.D. Admin. Code § 69-09-05-12.1(7) requires an ETC to certify in its annual report that it offers a local usage plan comparable to that offered by the incumbent LECs in its designated service area. The Company certifies it is offering a local usage plan comparable to that offered by the incumbent local exchange carriers serving its Designated Area.

**H. Equal Access Certification**

N.D. Admin. Code § 69-09-05-12.1(8) requires a wireless ETC to certify in its annual report that the FCC may require it to provide equal access to long distance carriers in the event no other ETC is providing equal access within its designated service area. The Company certifies and acknowledges that the FCC, pursuant to 47 U.S.C. § 332(c)(8), may require it to provide equal access to long distance carriers in the event no other ETC in its Designated Area is providing equal access.

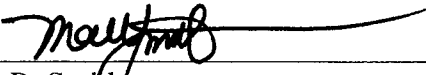
**III. CONCLUSION**

Based on these certifications, demonstrations and acknowledgements, the Company respectfully states that it has complied with the requirements of N.D. Admin. Code § 69-09-05-12.1.

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Bismarck MSA Limited Partnership

Dated: July 20, 2009

By   
\_\_\_\_\_  
Mark R. Smith  
General Partner, Bismarck MSA Limited Partnership

c/o Verizon Wireless  
One Verizon Place  
Mail Code: GA1A2FRP  
Alpharetta, Georgia 30004  
678-339-5121  
mark.r.smith@verizonwireless.com

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**EXHIBIT A**

**THE COMPANY'S 2009 USF REPORT**

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**BISMARCK MSA LIMITED PARTNERSHIP**

**2009 REPORT OF FEDERAL HIGH-COST UNIVERSAL SERVICE SUPPORT  
for 2008 and 2010**

**I. INTRODUCTION**

In accordance with the regulations established by the North Dakota Public Service Commission (“Commission”), Bismarck MSA Limited Partnership (the “Company”) submits this 2009 Report of Federal High-Cost Universal Service Support (“USF Report”).

N.D. Admin. Code § 69-09-05-12.1(1) requires an ETC to submit a report concerning the use of federal high-cost universal service support the ETC has received in the prior calendar year and expects to receive in the following calendar year. The Company respectfully submits this USF Report in compliance with the requirements of N.D. Admin. Code §§ 69-09-05-12.1(1).

**II. USE OF SUPPORT RECEIVED IN 2008**

Pursuant to 47 U.S.C. § 254(e), federal high-cost universal service support may be used by an ETC only for the provision, maintenance and upgrading of facilities and services for which the support is intended. For calendar year 2008, all federal high-cost universal service support the Company received for its Designated Area in North Dakota was used only for either network improvements, such as construction or upgrade projects, or for operating expenses and maintenance or repair of its network, for purposes of providing the supported services in the Company’s Designated Area.

Attached as Confidential Exhibit A-1 is a spreadsheet identifying specific construction or upgrade projects that the Company undertook in its Designated Area in North Dakota in 2008 in order to expand or improve service. For each improvement, the spreadsheet includes a description of the project, the purpose for the project, the start and completion dates of the

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project, the amount of investment made in the project, the location of the project, and the estimated population served by the project.<sup>6</sup>

The Company also used some of the federal high-cost universal service support it received in 2008 for operating and maintenance expenses, as contemplated and permitted by 47 U.S.C. § 254(e). The categories of operating and maintenance expenses include the costs of telecommunications, long distance, switching, service allocations, rent and lease payments, buildings and utilities, and roaming charges associated with providing service. The Company's total operating and maintenance expenses for providing service in its Designated Area in North Dakota for 2008 is set forth on Confidential Exhibit A-2.

**III. PROJECTED NETWORK IMPROVEMENTS FOR 2010**

The Company projects that in calendar year 2010 it will receive approximately \$1,344,989 in federal high-cost universal service support for the provision of service within its Designated Area in the State of North Dakota. The actual amount of federal universal service support to be received by the Company may vary from this estimate as universal service funding levels and subscribership change over time. If the projected amount of support is not received, the Company reserves the right to modify the projects and other information in this Report accordingly.

All federal high-cost universal service support the Company receives in 2010 for its Designated Area in North Dakota will be used only for either network improvements, such as construction or upgrade projects, or for operating expenses and maintenance or repair of its network, for purposes of providing the supported services in the Designated Area.

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<sup>6</sup> The Company has estimated the population covered based on 2000 U.S. Census Bureau information. For cell sites, the Company has assumed a radius of signal propagation and has estimated the population residing within the projected coverage.

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The Company has identified certain 2010 construction or upgrade projects that are intended to expand or improve service within its Designated Area in North Dakota. Attached as Confidential Exhibit A-3 is a spreadsheet containing detailed information about these projects, including a description of each project, the purpose for each project, the estimated start and end dates of each project, the amount of investment expected to be made in the project, the expected location of the project, and the estimated population to be served by the project.

The selection of these 2010 facility construction projects is based on the Company's evaluation of many factors, including current consumer demand, competitive forces, and available capital. These and other external factors are not within the Company's control and are subject to change. Such changes may affect the Company's assumptions and calculations of where current network facilities could be improved to provide better coverage and service and where current and projected consumer demand may require increased capacity. As these externally-driven changes occur, the Company will reevaluate and modify its estimates for implementing these projects accordingly. The order in which the Company's proposed 2010 projects will be undertaken has not been finally determined and may be revised over time. As a result, the content and timing of the 2010 projects in Confidential Exhibit A-3 is subject to change.

The Company will also use some of the federal high-cost universal service support it receives in 2010 for operating and maintenance expenses, as contemplated and permitted by 47 U.S.C. § 254(e). The categories of projected operating and maintenance expenses include the costs of telecommunications, long distance, switching, service allocations, rent and lease payments, buildings and utilities, and roaming charges associated with providing service. The

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Company's estimated total operating and maintenance expenses for providing service in its Designated Area in North Dakota in 2010 are set forth on Confidential Exhibit A-2.

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**CONFIDENTIAL EXHIBIT A-1**

**2008 Network Improvements – Bismarck MSA Limited Partnership**

Location of Improvement	Project Description	Project Purpose	2008 Actual Cost	Estimated Population Served	Project Start Date	Project Completion Date	Wire Centers Benefited
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**CONFIDENTIAL EXHIBIT A-2**

**2008 and 2010 Operating and Maintenance Expenses  
Bismarck MSA Limited Partnership**

Operating and Maintenance Expenses, January 1, 2008 – December 31, 2008:

Estimated Operating and Maintenance Expenses, January 1, 2010 – December 31, 2010:

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**CONFIDENTIAL EXHIBIT A-3**

**Projected 2010 Network Improvements – Northwest Dakota Cellular of North Dakota Limited Partnership**

Location of Improvement	Project Description	Project Purpose	Budget (est)	Estimated Population Served	Projected Start Date	Projected Completion Date	Wire Centers Benefited
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**EXHIBIT B**

**THE COMPANY'S 2008 ETC OUTAGE REPORT**

N.D. Admin. Code § 69-09-05-12.1(2) requires an ETC to report outages of over 30 minutes in length that potentially affect at least 10% of end users served in the ETC's designated area, or that potentially affect a 911 special facility.

Confidential Exhibit B-1 lists the Company's outages for the reporting period of January 1, 2008 through December 31, 2008.

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**CONFIDENTIAL EXHIBIT B-1**

**Bismarck MSA Limited Partnership**

Reporting period: January 1, 2008 through December 31, 2008

Geographic Area	Outage Onset	Outage Restored	Outage Description	Resolution of Outage	Services Affected	# Customers Affected <sup>1</sup>	Steps Taken to Prevent Similar Situations

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<sup>1</sup> Information relating to the number of customers affected by an outage is estimated based on the number of customers with a billing address in the wire centers served by the affected site(s) as of December 31, 2008. The exact number of customers affected by an outage would be dependent upon the number of call attempts during the service disruption that could not be served by a neighboring cell site, which is not capable of being ascertained.

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**EXHIBIT C**

**THE COMPANY'S UNFULFILLED REQUESTS FOR SERVICE FOR 2008**

Reporting period: January 1, 2008 through December 31, 2008

Number of Unfulfilled Requests for Service <u>within Designated Area</u>	Description of Steps Taken To <u>Extend Service</u> Not Applicable
- 0 -	

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**EXHIBIT D**

**COMPLAINTS PER 1,000 HANDSETS FOR 2008**

Reporting period: January 1, 2008 through December 31, 2008

Complaints per 1,000 handsets: 0.108