



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

RECEIVED

July 26, 2010

JUL 27 2010

Andrew M. Carlson
612.977.8242
acarlson@briggs.com

PUBLIC SERVICE COMMISSION

VIA FEDERAL EXPRESS

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

Re: 2010 ETC Compliance Report of Badlands Cellular of North Dakota Limited Partnership
Case No. _____

Dear Sir or Madam:

Enclosed for filing please find the 2010 ETC Compliance Report of Badlands Cellular of North Dakota 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 Badlands Cellular of North Dakota Limited Partnership's Application to Protect Trade Secret and Confidential Information submitted with the 2010 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 a few weeks ago from Jon Hamre at the Commission, a PDF copy of the public version of the ETC Compliance Report will be 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-10-539** Filed: 7/27/2010 Pages: 19
Annual Report

2058237v5

PUBLIC VERSION – TRADE SECRET AND CONFIDENTIAL
INFORMATION REDACTED

RECEIVED

STATE OF NORTH DAKOTA

JUL 27 2010

BEFORE THE PUBLIC SERVICE COMMISSION

PUBLIC SERVICE COMMISSION

BADLANDS CELLULAR OF NORTH
DAKOTA LIMITED PARTNERSHIP
2010 ETC ANNUAL REPORT

CASE NO. _____

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

In accordance with the regulations adopted by the North Dakota Public Service Commission (“Commission”), Badlands Cellular of North Dakota Limited Partnership (the “Company”) submits this 2010 ETC Annual Report.

I. BACKGROUND

Badlands Cellular of North Dakota Limited Partnership is a limited partnership, organized under the laws of Colorado, 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 North Dakota Rural Service Area No. 4 and serves customers in the following North Dakota counties: McKenzie, Dunn, Billings, Golden Valley, Stark, Slope, Bowman, Hettinger, Adams, Grant, Sioux, Mercer, and Oliver.

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*.¹ The Commission designated the Company as an ETC in certain full and partial study

¹ *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*

**PUBLIC VERSION – TRADE SECRET AND CONFIDENTIAL
INFORMATION REDACTED**

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, 2004.²

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 2009 and Expected to be Received in 2011

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

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

² *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).

**PUBLIC VERSION – TRADE SECRET AND CONFIDENTIAL
INFORMATION REDACTED**

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

The Company has developed a "2010 Report of Federal High-Cost Universal Service Support" ("2010 USF Report") which contains the required information concerning the Company's use of federal high-cost universal service support. The Company's 2010 USF Report is attached as Exhibit A.³ In calendar year 2009, the Company received \$5,018,881 in federal universal service high-cost support.⁴ For calendar year 2011, the Company projects it will receive approximately \$4,155,594 in federal high-cost support.⁵

The Company's 2010 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 2009 was used for the provision, maintenance or upgrading of the Company's facilities and services, including 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 2010 USF

³ 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 in a previous 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").

⁴ 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).

⁵ The Company's projections is based on USAC's 2Q 2010 projections (which incorporate the interim cap).

**PUBLIC VERSION – TRADE SECRET AND CONFIDENTIAL
INFORMATION REDACTED**

Report further includes a projection of how federal universal service high-cost support projected to be received in calendar year 2011 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 2011, 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 B⁶ 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 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

⁶ 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 in a previous year.

**PUBLIC VERSION – TRADE SECRET AND CONFIDENTIAL
INFORMATION REDACTED**

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 2009.

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 2009.

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

**PUBLIC VERSION – TRADE SECRET AND CONFIDENTIAL
INFORMATION REDACTED**

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

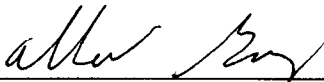
N.D. Admin. Code § 69-09-05-12.1(8) requires a wireless ETC to certify in its annual report that the FCC may require it to provide equal access to long distance carriers in the event no other ETC is providing equal access within its designated service area. The Company certifies and acknowledges that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

Dated: July ^{15th}, 2010

Badlands Cellular of North Dakota Limited
Partnership

By 

Albert Grosz
President, Badlands Cellular, Inc., General Partner of
Badlands Cellular of North Dakota Limited
Partnership

101 W. Main Street
Hazen, ND 58545
701-748-6800
mickg@westriv.com

**PUBLIC VERSION – TRADE SECRET AND CONFIDENTIAL
INFORMATION REDACTED**

EXHIBIT A

THE COMPANY'S 2010 USF REPORT

**PUBLIC VERSION – TRADE SECRET AND CONFIDENTIAL
INFORMATION REDACTED**

**BADLANDS CELLULAR OF NORTH DAKOTA LIMITED PARTNERSHIP
2010 REPORT OF FEDERAL HIGH-COST UNIVERSAL SERVICE SUPPORT
for 2009 and 2011**

I. INTRODUCTION

In accordance with the regulations established by the North Dakota Public Service Commission (“Commission”), Badlands Cellular of North Dakota Limited Partnership (the “Company”) submits this 2010 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 2009

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 2009, 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 2009 in order to expand or improve service. For each improvement, the spreadsheet includes a

**PUBLIC VERSION – TRADE SECRET AND CONFIDENTIAL
INFORMATION REDACTED**

description of the project, the purpose for the project, the start and completion dates of the project, the amount of investment made in the project, the location of the project, and the estimated population served by the project.⁷

The Company also used some of the federal high-cost universal service support it received in 2009 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 2009 is set forth on Confidential Exhibit A-2.

III. PROJECTED NETWORK IMPROVEMENTS FOR 2011

The Company projects that in calendar year 2011 it will receive approximately \$4,155,594 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 2011 for its Designated Area in North Dakota will be used only for either network improvements, such as

⁷ 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.

**PUBLIC VERSION – TRADE SECRET AND CONFIDENTIAL
INFORMATION REDACTED**

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.

The Company has identified certain 2011 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 2011 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 2011 projects will be undertaken has not been finally determined and may be revised over time. As a result, the content and timing of the 2011 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 2011 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

**PUBLIC VERSION – TRADE SECRET AND CONFIDENTIAL
INFORMATION REDACTED**

payments, buildings and utilities, and roaming charges associated with providing service. The Company's estimated total operating and maintenance expenses for providing service in its Designated Area in North Dakota in 2011 are set forth on Confidential Exhibit A-2.

**PUBLIC VERSION – TRADE SECRET AND CONFIDENTIAL
INFORMATION REDACTED**

CONFIDENTIAL EXHIBIT A-1

2009 Network Improvements – Badlands Cellular of North Dakota Limited Partnership

Location of Improvement	Project Description	Project Purpose	2009 Actual Cost	Estimated Population Served	Project Status	Project Completion Date	Wire Centers Benefited
-------------------------	---------------------	-----------------	------------------	-----------------------------	----------------	-------------------------	------------------------

**PUBLIC VERSION – TRADE SECRET AND CONFIDENTIAL
INFORMATION REDACTED**

CONFIDENTIAL EXHIBIT A-2

**2009 and 2011 Operating and Maintenance Expenses
Badlands Cellular of North Dakota Limited Partnership**

Operating and Maintenance Expenses, January 1, 2009 – December 31, 2009:

Estimated Operating and Maintenance Expenses, January 1, 2011 – December 31, 2011:

PUBLIC VERSION – TRADE SECRET AND CONFIDENTIAL INFORMATION REDACTED

**CONFIDENTIAL EXHIBIT A-3
Projected 2011 Network Improvements – Badlands 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
-------------------------	---------------------	-----------------	--------------	-----------------------------	----------------------	---------------------------	------------------------

**PUBLIC VERSION – TRADE SECRET AND CONFIDENTIAL
INFORMATION REDACTED**

EXHIBIT B

THE COMPANY'S 2009 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, 2009 through December 31, 2009.

CONFIDENTIAL EXHIBIT B-1

Badlands Cellular of North Dakota Limited Partnership

Reporting period: January 1, 2009 through December 31, 2009

Outage Description	Start Date	Start Time	End Date	End Time	Duration	# of Customers Affected	Site Id	Site Name	Address	City	Services Affected	Steps Taken to Prevent Similar Situations
--------------------	------------	------------	----------	----------	----------	-------------------------	---------	-----------	---------	------	-------------------	---

**PUBLIC VERSION – TRADE SECRET AND CONFIDENTIAL
INFORMATION REDACTED**

EXHIBIT C

THE COMPANY’S UNFULFILLED REQUESTS FOR SERVICE FOR 2009

Reporting period: January 1, 2009 through December 31, 2009

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

**PUBLIC VERSION – TRADE SECRET AND CONFIDENTIAL
INFORMATION REDACTED**

EXHIBIT D

COMPLAINTS PER 1,000 HANDSETS FOR 2009

Reporting period: January 1, 2009 through December 31, 2009

Complaints per 1,000 handsets: 0.00