

October 7, 2010

VIA FEDEX

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PUBLIC SERVICE COMMISSION

Mr. Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

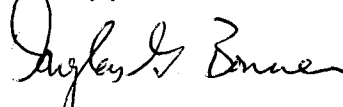
Re: Standing Rock Telecommunications, Inc. ("Standing Rock")
ETC Designated Service Area - Application
Case No. PU-10-574
OAH File No. 20100288.

Dear Mr. Nitschke:

Please find enclosed for filing an original and seven (7) copies of Standing Rock Telecommunications, Inc.'s Motion To Stay Proceedings in the above-referenced matter pending before the North Dakota Public Service Commission.

Please also find enclosed an extra copy of this motion to be date-stamped and returned in the enclosed, self-addressed, postage-prepaid envelope.

Sincerely yours,



Douglas G. Bonner
Counsel to Standing Rock Telecommunications, Inc.

Enclosures

cc: BJ Jones, Esq. (w/encl.) (via e-mail)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Standing Rock Telecommunications, Inc.
ETC Designated Service Area - Application

Case No. PU-10-574
OAH File No. 20100288

STANDING ROCK TELECOMMUNICATIONS, INC.'S
MOTION TO STAY PROCEEDINGS

Standing Rock Telecommunications, Inc. ("Standing Rock"), through undersigned counsel, moves the North Dakota Public Service Commission ("Commission") to stay these proceedings until such time as the Federal Communications Commission ("FCC") decides Standing Rock's pending petition for reconsideration of whether state jurisdiction exists to review and approve the redefinition of rural telephone company wire centers that are wholly within a Tribal area, for the purpose of determining when and where a Tribally-owned wireless carrier and eligible telecommunications carrier ("ETC") that is not subject to state jurisdiction, is eligible to receive federal universal service support. As grounds in support of this motion, Standing Rock states as follows:

1. On August 24, 2010, the FCC designated Standing Rock as an ETC in certain wire centers within the boundaries of the Standing Rock Sioux Reservation, qualifying Standing Rock to receive both high-cost and low-income federal universal service support. The FCC also granted Standing Rock's request to redefine the service area of West River Telecommunications ("West River"), a North Dakota rural telephone company, within the boundaries of the Standing Rock Sioux Reservation, to the extent that such redefinition consists of entire wire centers served by West River.¹
2. However, the FCC conditioned Standing Rock's designation in the three rural telephone company wire centers on the consent of the North Dakota Commission.² The FCC

¹ *In the Matter of Standing Rock Telecommunications, Inc. Petition for Designation as an Eligible Telecommunications Carrier; Petition of Standing Rock Telecommunications, Inc. to Redefine Rural Service Areas*, WC Docket 09-197, Memorandum Opinion and Order, ¶13 (Aug. 24, 2010)("Order").

² *Id.*, ¶¶ 13, 25, 27, 28.

submitted the Order to the Commission, requesting that the Commission treat it as a petition to redefine West River's service area.³

3. On September 23, 2010, Standing Rock filed a petition with the FCC seeking reconsideration of those portions of the Order which provide that a state has jurisdiction to approve a redefinition of wire centers of a rural telephone company within Tribal boundaries before the FCC's ETC designation of a Tribally-owned wireless carrier operating within Reservation boundaries becomes effective. A copy of this petition was served on the Commission. The petition requests that the FCC interpret federal statutes, --including 47 U.S.C. § 214(e)(6) relating to common carriers not subject to state jurisdiction-- relevant FCC precedent, and important Tribal sovereignty principles.
4. As of the filing of this motion, Standing Rock is unaware of any FCC Public Notice having been released requesting comment on the petition.
5. Because of the important legal issues involved, and because a decision on the issues raised by Standing Rock's petition for reconsideration may determine whether the state will or will not have jurisdiction to approve or consent to the FCC's redefinition under the specific circumstances presented in this case, and may avoid the unnecessary expense of administrative resources, Standing Rock moves the Commission to stay the pending proceedings herein until such time as the FCC has issued a decision on Standing Rock's petition for reconsideration.

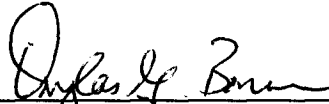
Conclusion

For the foregoing reasons, Standing Rock requests that its motion to stay be granted, and that the Commission enter an order staying further proceedings in this matter until such time as the FCC has issued a final order on Standing Rock's petition for reconsideration of the August 24, 2010 Memorandum

³ *Id.*, ¶ 27.

Opinion and Order in WC Docket 09-197, or until further motion by Standing Rock.

Respectfully submitted,



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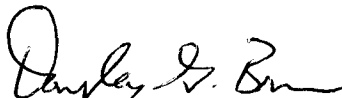
BJ Jones (ND Bar # 04761)
UND School of Law
P.O. Box 9003
Grand Forks, ND 58202-9003

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was mailed this 7th day

of October, 2010 to:

Don Negaard, Esq.
Pringle & Herigstad, P.C.
2525 Elk Drive
P.O. Box 1000
Minot, ND 58702-1000



Douglas G. Bonner