



# Public Service Commission

## State of North Dakota

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November 5, 2010

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RE: Case Number PU-10-574  
Standing Rock Telecommunications, Inc.  
ETC Designated Service Area  
Application

At its regular meeting on November 2, 2010, the North Dakota Public Service Commission approved a motion filing comments regarding the petition of Standing Rock Telecommunications, Inc. for reconsideration of the FCC's August 24, 2010 in WC docket 09-197 requiring state confirmation of a redefinition of West River Telecommunications Cooperative's rural service area. Copies of the Commission motion and comments are enclosed.

Sincerely,

Patrick Fahn, Director  
Compliance and Competitive Markets

Enclosures

14 **PU-10-574** Filed: 11/5/2010 Pages: 5  
**Letter to FCC enclosing Commission Motion and Comments**





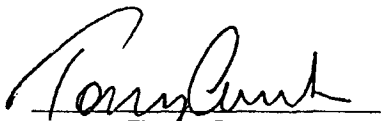
within Qwest's service area; the portion of Qwest's Timberlake wire center within the [Standing Rock Sioux] Reservation's boundaries; *and the Fort Yates, McLaughlin, and Selfridge wire centers within West River's service area*". *Id.*, ¶25. (emphasis added). The Order was specifically conditioned upon the consent of the NDPSC to the redefinition of the service area of West River Telecommunications Cooperative (West River).

In SRTI's petition of September 23, 2010, SRTI requests that the Order be reconsidered as it relates to the condition requiring the NDPSC's consent to the redefinition of West River's service area. SRTI essentially advocates that the NDPSC is without jurisdiction over SRTI. We respectfully note that the jurisdictional question at issue is not about jurisdiction over SRTI. Rather, the question is about jurisdiction over the incumbent rural telecommunications company and its designated service area. The NDPSC does have jurisdiction over West River.

The Bureau's Order correctly stated that the participation of the NDPSC is necessary before the West River service area can be redefined. *Id.*, ¶28. In addition to recognizing the NDPSC's jurisdiction, the Bureau also correctly noted that the NDPSC "is uniquely qualified to examine the proposed redesignation because of its familiarity with the rural telephone company's [West River] service area in question". *Id.*, ¶27. Further, for companies under NDPSC's jurisdiction, the NDPSC has specific statutory authority to designate service areas. *Please see* N.D.C.C. § 49-21-01.7(13) ("the [C]ommission has the power to [d]esignate geographic service areas for the purpose of determining universal service obligations and support mechanisms under the federal act").

The NDPSC appreciates the Bureau's recognition of the NDPSC's authority over West River and West River's geographic service area and the Bureau's recognition that it is the NDPSC that is uniquely qualified to handle service area definition issues. The North Dakota Public Service Commission respectfully requests that SRTI's Petition for the Order's Reconsideration be denied.

**NORTH DAKOTA PUBLIC SERVICE COMMISSION**



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**Tony Clark**  
Commissioner



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**Kevin Cramer**  
Chairman



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**Brian P. Kalk**  
Commissioner