

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Dickey Rural Telephone Cooperative  
Designated Eligible Carrier  
Application**

**Case No. PU-12-73**

**ORDER**

**August 1, 2012**

Dickey Rural Telephone Cooperative (Dickey Rural) is designated as an essential telecommunications carrier (ETC) for the purpose of receiving federal universal service support in the Forbes, Nelvik, Fullerton, Merricourt, Milnor, Verona, Marion, Ventura, Jud, Fredonia, Crete, Litchville, Dickey, Guelph, Kathryn and Fort Ransom exchanges in North Dakota.

Dickey Rural Access, Inc., a wholly owned subsidiary of Dickey Rural, provided facility-based incumbent local exchange telecommunication services in the Gwinner and Lisbon exchanges in North Dakota, and was designated in 2002 as an ETC for those exchanges.

Dickey Rural Communications, Inc., a wholly owned subsidiary of Dickey Rural, provided facility-based incumbent local exchange telecommunication services in the Ashley, Edgeley, Ellendale, Forman, Kulm, LaMoure, and Oakes exchanges in North Dakota, and was designated in 1996 as an ETC for those exchanges.

Dickey Rural reports merging with subsidiaries Dickey Rural Access, Inc. and Dickey Rural Communications, Inc. to operate as a single company effective January 25, 2012.

On June 20, 2012, the Commission approved Dickey Rural's application for certificates of public convenience and necessity to provide incumbent local exchange telecommunications services in the former Dickey Rural Access, Inc. and Dickey Rural Communications, Inc. service areas, Case No. PU-12-74.

On February 10, 2012 Dickey Rural filed an Application for Expansion of Eligible Telecommunications Carrier (ETC) Designated Geographical Service Area to include the Gwinner, Lisbon, Ashley, Edgeley, Ellendale, Forman, Kulm, LaMoure, and Oakes exchanges in North Dakota, Case No. PU-12-73.

In support of its application, Dickey Rural provided an affidavit of Jeff Wilson, the General Manager of Dickey Rural Telephone Cooperative, Dickey Rural Access, Inc. and Dickey Rural Communications, Inc.

On February 29, 2012, the Commission issued a Notice of Opportunity for Hearing (Notice) that provided until April 13, 2012 for comments or requests for hearing. No comments or requests for hearing were received. The Notice stated that, if deemed appropriate, the Commission can determine the matters without a hearing.

The Notice identified the issues to be considered in are:

1. Qualification of the applicant under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service funding.
2. What ETC universal service support area should be designated.
3. Whether it is in the public interest to designate Dickey Rural as an ETC in the designated universal service support area.
4. Whether, upon designation of Dickey Rural as an ETC for the Gwinner and Lisbon exchanges, Dickey Rural Access, Inc.'s designation as an ETC for the Gwinner and Lisbon exchanges should be relinquished.
5. Whether, upon designation of Dickey Rural as an ETC for the Ashley, Edgeley, Ellendale, Forman, Kulm, LaMoure, and Oakes exchanges; Dickey Rural Communications, Inc.'s designation as an ETC for the Ashley, Edgeley, Ellendale, Forman, Kulm, LaMoure, and Oakes exchanges should be relinquished.

On July 20 and July 27, 2012, Dickey Rural filed supplemental information in support of its application.

The federal Telecommunications Act of 1996 (Act) provides for financial support to a common carrier that (1) offers the services established by the FCC to be supported by Federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services; (2) advertises the availability of such services and the charges for such services using media of general distribution; and (3) is designated as an ETC. An ETC must use that financial support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

To be designated as an ETC, the carrier must (1) under Code of Federal Regulations (CFR) Part 47 Subpart B, offer to telecommunications customers each of the services and functionalities designated for federal universal service support; and (2) under CFR Part 47 § 54.405, make available Lifeline service to qualifying low-income consumers.

For telecommunications customers, the services designated by the FCC for support by universal service support mechanisms include voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying low-income consumers.

In the affidavit of Jeff Wilson, Dickey Rural affirms that it will continue to meet the obligations of an ETC, as it has in the past through its subsidiaries Dickey Rural Access,

Inc. and Dickey Rural Communications, Inc. Dickey Rural also affirms that, at this time, no waiver of ETC criteria is requested.

The Commission finds Dickey Rural's application for designation as an eligible telecommunications carrier under North Dakota Administrative Code section 69-09-05-12 is complete including the required affirmations and certifications.

The Commission finds Dickey Rural is qualified under Section 214(e) of the federal Communications Act of 1934 as amended by the Telecommunications Act of 1996, for designation as an eligible telecommunications carrier for receiving federal universal service funding for the proposed designated service area.

For purposes of federal universal service funding, the designated service area for Dickey Rural Communications, Inc. and the designated service area for Dickey Rural Access, Inc. are rural study areas.

Based on the evidence in this proceeding, Dickey Rural is qualified under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service funding and it is in the public interest that Dickey Rural be designated as an ETC in the requested designated service area.

### Order

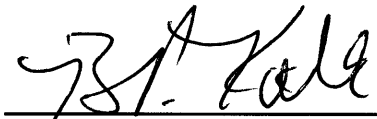
The Commission Orders:

1. Dickey Rural Telephone Cooperative's Application for Expansion of Eligible Telecommunications Carrier (ETC) Designated Geographical Service Area is granted and is designated as an eligible telecommunications carrier in the Gwinner, Lisbon, Ashley, Edgeley, Ellendale, Forman, Kulm, LaMoure, and Oakes exchange areas in North Dakota.
2. Dickey Rural Access, Inc. is no longer designated as an ETC for the Gwinner and Lisbon exchange areas.
3. Dickey Rural Communications, Inc.'s is no longer designated as an ETC for the Ashley, Edgeley, Ellendale, Forman, Kulm, LaMoure, and Oakes exchanges areas.

### PUBLIC SERVICE COMMISSION



**Kevin Cramer**  
Commissioner



**Brian P. Kalk**  
Chairman



**Bonny M. Fetch**  
Commissioner