

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

BEK Communications Cooperative **Case No. PU-12-160**
Switched Access
Price Schedule

Consolidated Telcom **Case No. PU-12-199**
Switched Access
Price Schedule

Dakota Central Telecommunications Cooperative **Case No. PU-12-200**
Switched Access
Price Schedule

Dakota Central Telecom I, Inc. **Case No. PU-12-201**
Switched Access
Price Schedule

Dickey Rural Telephone Cooperative **Case No. PU-12-202**
Switched Access
Price Schedule

Dickey Rural Communications, Inc. **Case No. PU-12-203**
Switched Access
Price Schedule

Griggs County Telephone Co. **Case No. PU-12-204**
Switched Access
Price Schedule

Inter-Community Telephone Company, L.L.C. **Case No. PU-12-205**
Switched Access
Price Schedule

Missouri Valley Communications **Case No. PU-12-206**
Switched Access
Price Schedule

Moore and Liberty Telephone Company **Case No. PU-12-207**
Switched Access
Price Schedule

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Nemont Telephone Cooperative Switched Access Price Schedule	Case No. PU-12-208
North Dakota Telephone Company Switched Access Price Schedule	Case No. PU-12-209
Northwest Communications Cooperative, a Cooperative Association Switched Access Price Schedule	Case No. PU-12-210
Polar Communications Mutual Aid Corporation Switched Access Price Schedule	Case No. PU-12-211
Red River Rural Telephone Association Switched Access Price Schedule	Case No. PU-12-212
Reservation Telephone Cooperative Switched Access Price Schedule	Case No. PU-12-213
Turtle Mountain Communications, Inc. Switched Access Price Schedule	Case No. PU-12-214
United Telephone Mutual Aid Corporation Switched Access Price Schedule	Case No. PU-12-215
West River Telecommunications Cooperative Switched Access Price Schedule	Case No. PU-12-216
Wolverton Telephone Company Switched Access Price Schedule	Case No. PU-12-217
Dickey Rural Access, Inc. Switched Access Price Schedule	Case No. PU-12-233
SRT Communications, Inc. Switched Access Price Schedule	Case No. PU-12-286

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34 PU-12-211 Filed 06/28/2012 Pages: 12
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AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Cara DeSaye deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **28th** day of **June, 2012**, she deposited in the United States Mail, at Bismarck, North Dakota, **fifteen** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

Order

The envelopes were addressed as follows:

Jeffrey Nelson
BEK Communications Cooperative
PO Box 230
Steele ND 58482-0230

Cert. No. 7011 2000 0002 0363 3714

Keith Larson
Dakota Central Telecommunications
Cooperative
PO Box 299
Carrington ND 58421-0299

Cert. No. 7011 2000 0002 0363 3738

Tyler Kilde
Griggs County Telephone Company
PO Box 506
Cooperstown ND 58425-0506

Cert No. 7011 2000 0002 0363 3752

34 PU-12-214 Filed 06/28/2012 Pages: 12
Affidavit of Service Cert. Mail- Order
Public Service Commission
34 PU-12-215 Filed 06/28/2012 Pages: 12
Affidavit of Service Cert. Mail- Order
Public Service Commission

Paul Schuetzler
Consolidated Telcom
PO Box 1408
Dickinson ND 58602-1408

Cert. No. 7011 2000 0002 0363 3721

Jeff Wilson
Dickey Rural Telephone Cooperative
PO Box 69
Ellendale ND 58436-0069

Cert. No. 7011 2000 0002 0363 3745

Keith Andersen
Inter-Community Telephone Company,
L.L.C.
PO Box 8
Nome ND 58062

Cert. No. 7011 2000 0002 0363 3769

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39 PU-12-217 Filed 06/28/2012 Pages: 12
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Mike Kilgore
Missouri Valley Communications, Inc.
421 Main Street
Williston ND 58801

Cert No. 7011 2000 0002 0363 3677

Dwight Schmitt
Northwest Communications Cooperative, a
Cooperative Association
PO Box 38
Ray ND 58849-0038

Cert No. 7011 3500 0003 4574 5032

Jeffrey Olson
Red River Rural Telephone Association
PO Box 136
Abercrombie ND 58001

Cert No. 7011 3500 0003 4574 5056

Perry Oster
Turtle Mountain Communications, Inc.
PO Box 729
Langdon ND 58249-0729

Cert No. 7011 3500 0003 4574 5070

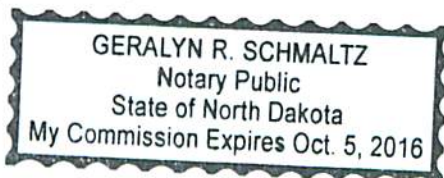
Steven Lysne
SRT Communications, Inc.
PO Box 2027
Minot ND 58702-2027

Cert No. 7011 3500 0003 4574 5094

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this 28th day of June, 2012.

SEAL



Dave Dircks
North Dakota Telephone Company
PO Box 180
Devils Lake ND 58301-0180

Cert No. 7011 3500 0003 4574 5025

David Dunning
Polar Communications Mutual Aid
Corporation
PO Box 270
Park River ND 58270

Cert No. 7011 3500 0003 4574 5049

Royce Aslakson
Reservation Telephone Cooperative
PO Box 68
Parshall ND 58770-0068

Cert No. 7011 3500 0003 4574 5063

Bonnie Krause
West River Telecommunications
Cooperative
PO Box 467
Hazen ND 58545-0467

Cert No. 7011 3500 0003 4574 5087

Carla DeLay

Gerilyn R. Schmaltz
Notary Public

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

BEK Communications Cooperative Switched Access Price Schedule	Case No. PU-12-160
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West River Telecommunications Cooperative Switched Access Price Schedule	Case No. PU-12-216
Wolverton Telephone Company Switched Access Price Schedule	Case No. PU-12-217
Dickey Rural Access, Inc. Switched Access Price Schedule	Case No. PU-12-233

**ORDER
June 27, 2012**

The evidence of record has been considered and appraised.

The Commission has jurisdiction over the parties and subject matter and the rate of return companies who have filed intrastate access tariffs in this consolidated case. 2. The Commission does not possess subject matter jurisdiction over SRT Communications, Inc. as a price cap carrier.

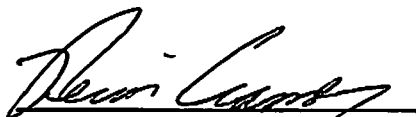
The Commission takes Administrative Notice of all switched access price schedules filed by the Companies herein submitted to the Commission due to newly enacted FCC rules pursuant to the FCC's Report and Order and Further Notice of Rulemaking, Docket No. WC Docket No. 10-90, *et al*, FCC 11-161, released November 18, 2011; and the FCC's Order, WC Docket No. 10-90, *et al*, FCC DA 12-870, released June 5, 2012.

The switched access price schedules are just and reasonable.

The Commission Orders:

1. The Hearing Officer's June 26, 2012 Recommended Findings of Fact, Conclusions of Law and Recommended Order, a copy of which is attached to this Order and made a part of this Order, is ADOPTED as the Public Service Commission's Findings of Fact, Conclusions of Law and Order.
2. The switched access price schedules of the rate of return companies are APPROVED.

PUBLIC SERVICE COMMISSION



**Kevin Cramer
Commissioner**



**Brian P. Kalk
Chairman**

Vacant

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

RTCG
Intrastate Access Tariff

BEK Communications Cooperative Switched Access	Case No. PU-12-160
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Red River Rural Telephone Association Switched Access	Case No. PU-12-212
Reservation Telephone Cooperative Switched Access	Case No. PU-12-213
SRT Communications, Inc.	Case No. PU-12-286
Turtle Mountain Telephone Company Switched Access	Case No. PU-12-214
United Telephone Mutual Aid Corporation Switched Access	Case No. PU-12-215
West River Telecommunications Cooperative Switched Access	Case No. PU-12-216
Wolverton Telephone Company Switched Access	Case No. PU-12-217

RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

June 26, 2012

Appearances

Commission Chairman Brian P. Kalk

David J. Hogue, Pringle & Herigstad P.C., 2525 Elk Drive, Minot, ND 58702-1000, on behalf of Rural Telephone Group

Mark Gruman and Patrick Fahn, Public Service Commission, State Capitol, 600 E. Boulevard, Bismarck, North Dakota 58505 on behalf of the North Dakota Public Service Commission

Patrick Ward, Zuger Kirmis & Smith Law Firm, PO Box 1695, 316 North Fifth Street, Bismarck, ND 58502-1695, appearing as substantive hearing officer

Preliminary Statement

On November 18, 2011, the Federal Communications Commission ("FCC") issued its **Universal Service/Intercarrier Compensation Reform Order - FCC 11-161 ("Transitional Order")**. See *Connect America Fund, et al., WC Docket NO. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, FCcd 11-161 (rel. Nov. 18, 2011)*. The Transitional Order requires a series of transitional intrastate access charge reductions for both price cap and rate of return carriers with the first reduction to be effective July 1, 2012. Twenty one (21) rate of return carriers and one price cap carrier (SRT Communications, Inc.) filed intrastate North Dakota tariffs with the North Dakota Public Service Commission.

Following the November 2011 Transformation Order, the FCC issued an order on June 5, 2012 in the same docket that clarified rural LECs' duty to reduce intrastate access charges. The June 5, 2012 order granted rural LECs considerable flexibility in meeting the step one intrastate access revenue reductions.

The following companies filed tariffs for approval reflecting that transitional intrastate access charge reduction:

1. **BEK Communications Cooperative** filed its **Intrastate Access Tariff** on April 20, 2012, Case No. PU-12-160;
2. **Consolidated Telcom** filed its **Intrastate Access Tariff** on May 15, 2012, Case No. PU-12-199;
3. **Dakota Central Telecom I, Inc.** filed its **Intrastate Access Tariff** on May 15, 2012, Case No. PU-12-201;
4. **Dakota Central Telecommunications** filed its **Intrastate Access Tariff** on May 15, 2012, Case No. PU-12-200;
5. **Dickey Rural Access, Inc.** filed its **Intrastate Access Tariff** on May 29, 2012, Case No. PU-12-233;

6. Dickey Rural Communications, Inc. filed its Intrastate Access Tariff on May 15, 2012, Case No. PU-12-203;
7. Dickey Rural Telephone Cooperative filed its Intrastate Access Tariff on May 15, 2012, Case No. PU-12-202;
8. Griggs County Telephone Co. filed its Intrastate Access Tariff on May 15, 2012, Case No. PU-12-204;
9. Inter-Community Telephone Company, L.L.C. filed its Intrastate Access Tariff on May 15, 2012, Case No. PU-12-205;
10. Missouri Valley Communications, Inc. filed its Intrastate Access Tariff on May 15, 2012, Case No. PU-12-206;
11. Moore and Liberty Telephone Company filed its Intrastate Access Tariff on May 15, 2012, Case No. PU-12-207;
12. Nemont Telephone Cooperative, Inc. filed its Intrastate Access Tariff on May 15, 2012, Case No. PU-12-208;
13. North Dakota Telephone Company filed its Intrastate Access Tariff on May 15, 2012, Case No. PU-12-209;
14. Northwest Communications Cooperative filed its Intrastate Access Tariff on May 15, 2012, Case No. PU-12-210;
15. Polar Communications Mutual Aid Corporation filed its Intrastate Access Tariff on May 15, 2012, Case No. PU-12-211;
16. Red River Rural Telephone Association filed its Intrastate Access Tariff on May 15, 2012, Case No. PU-12-212;
17. Reservation Telephone Cooperative filed its Intrastate Access Tariff on May 15, 2012, Case No. PU-12-213;
18. SRT Communications, Inc. filed its Intrastate Access Tariff on June 7, 2012, Case No. PU-12-286;
19. Turtle Mountain Telephone Company filed its Intrastate Access Tariff on May 15, 2012, Case No. PU-12-214;
20. United Telephone Mutual Aid Corporation filed its Intrastate Access Tariff on May 15, 2012, Case No. PU-12-215;

21. West River Telecommunications Cooperative filed its Intrastate Access Tariff on May 15, 2012, Case No. PU-12-216;
22. Wolverton Telephone Company filed its Intrastate Access Tariff on May 15, 2012, Case No. PU-12-217.

Several companies subsequently filed technical corrections to the filed Intrastate Access Tariffs prior to evidentiary hearing.

The Commission scheduled an evidentiary hearing regarding this matter for June 21, 2012 at 8:30 am CST at the Commission hearing room by Notice of Consolidated Hearing dated May 30, 2012. The filing companies appeared at the hearing with counsel, David Hogue. The Commission was represented by Mark Gruman and Patrick Fahn. The issue to be considered was whether the intrastate switched access price schedules filed by each of the companies in the cases enumerated should be approved by the North Dakota Public Service Commission. A prehearing conference as held June 7, 2012. The filing companies presented pre-filed testimony from Douglas Meredith of JSI. Mr. Meredith's pre-filed testimony was offered and received into evidence as Exhibit 1, along with two attachments to his testimony, Exhibits 2 and 3. Mr. Meredith appeared in person and provided live testimony. No third parties intervened in this matter or appeared at the evidentiary hearing.

Findings of Fact

1. The tariffs filed by the twenty one (21) rate of return companies referenced above and SRT Communications, Inc., a price cap company, comply with the FCC requirements found in CFR §51.907(b) (for Price Cap Carriers) and CFR §51.909(b) (for Rate-of-Return Carriers), and follow all necessary guidelines for adjustment required by FCC order.

Conclusions of Law


1. The Commission has jurisdiction over the parties and subject matter and the rate of return companies who have filed intrastate access tariffs in this consolidated case.
2. The Commission does not possess subject matter jurisdiction over SRT Communications, Inc. as a price cap carrier.
3. The Commission takes Administrative Notice of all revised tariffs filed by the Companies herein pursuant to new FCC rules cited above.
4. The Tariffs filed by all companies, and subsequent technical corrections referenced above are just and reasonable and should be approved to become effective July 1, 2012.

Recommendation

The ALJ hereby recommends that the Commission Order:

The tariffs filed by the rate of return companies and SRT Communications, Inc. are in accordance with federal law and guidelines and should be accepted and approved to become effective July 1, 2012.

Dated: June 26, 2012



Patrick J. Ward
Administrative Law Judge and
Substantive Hearing Officer