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September 20, 2012

VIA FEDERAL EXPRESS

PUBLIC SERVICE COMMISSION

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

**Re: Bismarck MSA Limited Partnership
Case No. PU 494-03-602**

Dear Sir or Madam:

Enclosed for filing please find the Notice of Relinquishment of Eligible Telecommunications Carrier Designation on behalf of Bismarck MSA Limited Partnership.

The original, plus eight copies, of the Certification are enclosed. Please file-stamp one of the copies and return it to me in the enclosed self-addressed stamped envelope. Please contact me immediately if there are any questions about this filing.

Sincerely,

Matthew A. Slaven

MAS(pk)
Enclosures

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1 **PU-12-747** Filed: 9/21/2012 Pages: 10
Notice of Relinquishment of ETC Designation

Bismarck MSA Limited Partnership

Matthew Slaven, Briggs & Morgan

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

In the Matter of Bismarck MSA Limited
Partnership d/b/a Verizon Wireless
Petition for Designation as an
Eligible Telecommunications Carrier

Case No. PU 494-03-602

**NOTICE OF RELINQUISHMENT OF ELIGIBLE
TELECOMMUNICATIONS CARRIER DESIGNATION**

Bismarck MSA Limited Partnership d/b/a Verizon Wireless (“Verizon Wireless”), pursuant to 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205, hereby notifies the North Dakota Public Service Commission (“Commission”) of the relinquishment of its eligible telecommunications carrier (“ETC”) designation effective December 31, 2012.

Verizon Wireless is relinquishing its ETC designation because its universal service funding will be eliminated at the end of this year under the terms of the *Alltel Acquisition Order*.¹ The Federal Communications Commission (“FCC”) confirmed the elimination of Verizon Wireless’ ETC support in the *USF-ICC Transformation Order*² and in a subsequent Wireline

¹ *Applications of Cellco Partnership d/b/a Verizon Wireless and Atlantis Holdings LLC For Consent to Transfer Control of Licenses, Authorizations, and Spectrum Manager and De Facto Transfer Leasing Arrangements and Petition for Declaratory Ruling that the Transaction is Consistent with Section 310(b)(4) of the Communications Act*, Memorandum Opinion and Order and Declaratory Ruling, 23 FCC Rcd 17444, ¶¶ 192-95 (2008) (“*Alltel Acquisition Order*”).

² *Connect America Fund, et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (“*USF-ICC Transformation Order*”). Certain non-controlled partnerships and after-acquired properties will continue to receive universal service support, subject to the larger phase-out of legacy competitive ETC support. Verizon Wireless entities not affected by the phase-down requirements of the *Alltel Acquisition Order* include the following: Northwest Dakota Cellular of North Dakota Limited Partnership, North Central RSA 2 of North Dakota Limited Partnership, North Dakota RSA No. 3 Limited Partnership, Badlands Cellular of North Dakota, and North Dakota 5 – Kidder Limited Partnership. The relinquishment of Bismarck MSA Limited Partnership’s ETC designation will not affect the ETC designations of the foregoing carriers.

Competition Bureau (“WCB”) decision.³ As discussed below, relinquishment of ETC status will have no impact on Verizon Wireless’ Network coverage in North Dakota, and there will be no impact on Verizon Wireless’ announced, industry-leading roll-out of 4G LTE broadband and voice services.⁴

In support of its notice of relinquishment, Verizon Wireless states as follows:

1. Verizon Wireless is licensed by the FCC to provide commercial mobile radio service (“CMRS”) in North Dakota.

2. By Order dated February 25, 2004, in Case No. PU 494-03-602, the Commission granted Verizon Wireless’ request for designation as an ETC.⁵ Verizon Wireless’ designated ETC service area includes each of the incumbent local exchange carrier (“ILEC”) wire centers and/or study areas set forth in **Exhibit A** (the “Designated Area”).

3. Consistent with 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205, Verizon Wireless has determined to relinquish its ETC designation.

4. Relinquishment of Verizon Wireless’ ETC designation will not affect the amount of federal high-cost universal service support available to other ETCs, nor, as discussed below, Verizon Wireless’ continued operation in the state.

5. Pursuant to the FCC’s recently amended universal service rules and associated orders, the federal high-cost universal service support available to Verizon Wireless will be

³ *Id.* ¶ 520; *Connect America Fund, et al.*, Order, 27 FCC Rcd 2142, ¶¶ 6-8 (WCB 2012).

⁴ Should Verizon Wireless later seek to participate in the developing and as-yet indeterminate Connect America Fund Phase II or Mobility Fund Phase II, it will re-apply for ETC status.

⁵ *In the Matter of Bismarck MSA Limited Partnership d/b/a Verizon Wireless Petition for Designation as an Eligible Telecommunications Carrier*, Case No. PU 494-03-602, Order (Fed. 25, 2004).

phased out effective December 31, 2012.⁶ Likewise, the FCC has capped the amount of federal high-cost universal service support available to all competitive ETCs in the state and further clarified that the relinquishment of an ETC designation by one carrier will not affect the amount of federal high-cost universal service support received by other ETCs.⁷

6. 47 U.S.C. § 214(e)(4) states, in pertinent part:

A State commission [...] shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission [...] of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission [...] shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunication carrier.

Id. (emphasis added); *see also* 47 C.F.R. § 54.205. Verizon Wireless satisfies all of these requirements.

7. Verizon Wireless seeks to relinquish its ETC designation throughout its entire Designated Area, which is an area smaller than Verizon Wireless' FCC-licensed service area in the state.

8. As set forth in 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205, Commission approval of a competitive ETC's notice of relinquishment is mandatory. Federal law requires the

⁶ *Connect America Fund et al.*, WC Docket No. 10-90 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011), *pets. for review pending*, *Direct Commc'ns Cedar Valley, LLC v. FCC*, No. 11-9581 (10th Cir. filed Dec. 18, 2011); *Connect America Fund et al.*, WC Docket No. 10-90 *et al.*, Order, DA 12-147 (WCB Feb. 3, 2012); *Connect America Fund et al.*, WC Docket No. 10-90 *et al.*, Order, DA 12-298 (WCB Feb. 27, 2012).

⁷ *Id.*

Commission to permit the relinquishment of an ETC designation in any area served by at least one other ETC.

9. Following relinquishment of its ETC designation in the Designated Area, Verizon Wireless will continue to offer and provide wireless service in the Designated Area. Verizon Wireless' services and coverage will not be affected in North Dakota. Further, Verizon Wireless' announced, industry-leading roll-out of 4G LTE voice and broadband services will continue. No Verizon Wireless customer will lose service as a result of relinquishment. Indeed, Verizon Wireless continues to aggressively update its network.

10. Following relinquishment of Verizon Wireless' ETC designation, each of the ILEC wire centers identified in **Exhibit A** will also continue to be served by at least one ETC. To the best of Verizon Wireless' knowledge, each of the wire centers will continue to be served by the incumbent LEC ETC. In addition, the Commission has designated other competitive ETCs to provide service within specific portions of the Designated Areas, including AT&T Mobility.

11. To the best of Verizon Wireless' knowledge, none of the remaining ETCs will be required to purchase or construct additional facilities to continue providing service within the wire centers and/or study areas comprising the Designated Area.

12. Only a very small number of customers that may subscribe to the Verizon Wireless Lifeline plan in the Designated Areas are conceivably affected by Verizon Wireless' relinquishment. And if these Lifeline customers do decide to switch providers (now or later) there are several alternatives. Lifeline providers operating in North Dakota are identified in **Exhibit B**.

13. Moreover, Verizon Wireless is voluntarily taking significant steps to mitigate the impact of relinquishment on Lifeline customers. Verizon Wireless will grandfather the existing

Lifeline discount as an equivalent, carrier-provided discount – for one year (through December 31, 2013) if the customer chooses to continue as a Verizon Wireless subscriber. The extended discount will give Lifeline customers ample time to decide whether to remain with Verizon Wireless or to switch to another Lifeline service provider. And if an existing Lifeline customer does decide to switch providers, Verizon Wireless will waive early termination fees for cancelling service.

14. Lifeline customers will also receive ample notice. At least forty-five (45) days prior to the effective date of its relinquishment, Verizon Wireless will provide written notice by U.S. Mail to each of its then-current Lifeline customers, advising that Verizon Wireless will no longer provide Lifeline assistance as an ETC effective December 31, 2012. The notice will also make clear, as discussed above, that Verizon Wireless will continue to provide its existing Lifeline customers with an equivalent carrier-provided discount through December 31, 2013, if the customer chooses to continue as a Verizon Wireless subscriber on the same service plan. Attached as **Exhibit C** is a sample copy of the notice Verizon Wireless intends to send to the Lifeline customers. In addition, consistent with recent guidance, after issuance of the notices to current Lifeline customers, Verizon Wireless will not enroll any new Lifeline customers.⁸

⁸ See *Application of Sprint Nextel Corporation to Relinquish Its Designation as an Eligible Telecommunications Carrier*, Texas PUC Docket No. 40543, Staff Memo at 2 (July 25, 2012)

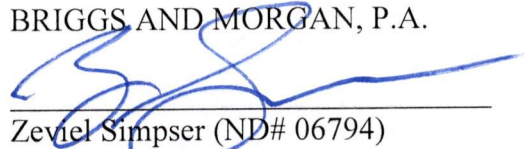
CONCLUSION

For the foregoing reasons, Verizon Wireless respectfully requests that the Commission approve the relinquishment of its ETC designation effective December 31, 2012.

Dated: September 21, 2012

Respectfully submitted,

BRIGGS AND MORGAN, P.A.



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Counsel for Verizon Wireless

("Ms. Kimberly Scardino, Deputy Division Chief, the FCC TAPD, stated in an email to Staff dated July 24, 2012, that Staff's requirement that no new Lifeline customers be enrolled in Sprint Nextel's Lifeline plan after the 90-day notices have been sent does not conflict with Federal ETC requirements.")

EXHIBIT A
DESIGNATED AREA

| LEC SAC | LEC | CLLI CODE |
|---------|--|-----------|
| 381604 | BEK COMMUNICATIONS COOPERATIVE | MNKNNDAB |
| 381604 | BEK COMMUNICATIONS COOPERATIVE | NPLNNDXA |
| 381604 | BEK COMMUNICATIONS COOPERATIVE | REGNNDXA |
| 381604 | BEK COMMUNICATIONS COOPERATIVE | TUTLNDXA |
| 381604 | BEK COMMUNICATIONS COOPERATIVE | WINGNDXA |
| 381604 | BEK COMMUNICATIONS COOPERATIVE | WLTONDXA |
| 381637 | WEST RIVER TELECOMMUNICATIONS COOPERATIVE - ND | CNTRNDXA |
| 381637 | WEST RIVER TELECOMMUNICATIONS COOPERATIVE - ND | FLSHNDXA |
| 381637 | WEST RIVER TELECOMMUNICATIONS COOPERATIVE - ND | GDRCONDXA |
| 381637 | WEST RIVER TELECOMMUNICATIONS COOPERATIVE - ND | GLNLNDXA |
| 381637 | WEST RIVER TELECOMMUNICATIONS COOPERATIVE - ND | HBRNNDXA |
| 381637 | WEST RIVER TELECOMMUNICATIONS COOPERATIVE - ND | MCCSNDXA |
| 381637 | WEST RIVER TELECOMMUNICATIONS COOPERATIVE - ND | NWSLNDXA |
| 381637 | WEST RIVER TELECOMMUNICATIONS COOPERATIVE - ND | STATNDXB |
| 381637 | WEST RIVER TELECOMMUNICATIONS COOPERATIVE - ND | WSBNNDXA |
| 385144 | QWEST CORPORATION | BSMRNDBC |
| 385144 | QWEST CORPORATION | MNDNNDBA |

EXHIBIT B

CETCs Eligible To Receive Low-Income Universal Service Support*

| State | SAC | Study Area Name |
|--------------|------------|------------------------------|
| ND | 389015 | ATANDT MOBILITY LLC |
| ND | 389002 | HALSTAD TELEPHONE COMPANY |
| ND | 389011 | MIDCONTINENT COMMUNICATIONS |
| ND | 389004 | NORTH DAKOTA NETWORK COMPANY |
| ND | 389003 | POLAR TELCOM, INC. |
| ND | 389013 | SAGEBRUSH CELLULAR, INC. |
| ND | 389014 | STANDING ROCK TELECOM, INC |
| ND | 389012 | VCI COMPANY |

*Source: Universal Service Administrative Company, FCC Filings, 4Q2012 LI03.

EXHIBIT C

NOTICE

Termination of Lifeline Service Discounts

Dear Lifeline Customer:

Effective December 31, 2012, Verizon Wireless will no longer participate in the Lifeline program. This means that effective December 31, 2012, Verizon Wireless will no longer offer Lifeline assistance in your area. However, if you wish to continue your service with Verizon Wireless under the same terms and conditions of your current Lifeline service plan, Verizon Wireless will provide an equivalent monthly discount for one year – through December 31, 2013 – at which time the discount will automatically terminate. **This means that if you wish to remain a Verizon Wireless customer on your same plan with a discount equal to your current Lifeline discount, then nothing will change until December 31, 2013.**

If you would like to switch to another consumer rate plan now and forego the receipt of any further monthly discounts, please contact us directly at 1-800-924-0585 and our customer service team will be happy to assist you. You can also review our available rate plans online at www.verizonwireless.com.

If you wish to continue receiving Lifeline assistance, you will need to contact another ETC service provider in your area. For more information on the ETC service providers in your area, you may contact your local community action agency, the Customer Support Section of the North Dakota Public Service Commission at 701-328-2400 or visit www.lifelinesupport.org. If you choose to obtain Lifeline benefits from another service provider, you will not be subject to an early termination fee for cancelling your service with us.

We value your business and hope to continue to serve your wireless needs.

Sincerely,