

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

<b>BEK Communications Cooperative Switched Access Price Schedule</b>	<b>Case No. PU-13-108</b>
<b>Consolidated Telcom Switched Access Price Schedule</b>	<b>Case No. PU-13-109</b>
<b>Dakota Central Telecommunications Cooperative Switched Access Price Schedule</b>	<b>Case No. PU-13-110</b>
<b>Dakota Central Telecom I, Inc. Switched Access Price Schedule</b>	<b>Case No. PU-13-111</b>
<b>Dickey Rural Telephone Cooperative Switched Access Price Schedule</b>	<b>Case No. PU-13-112</b>
<b>Griggs County Telephone Co. Switched Access Price Schedule</b>	<b>Case No. PU-13-113</b>
<b>Inter-Community Telephone Company, L.L.C. Switched Access Price Schedule</b>	<b>Case No. PU-13-114</b>
<b>Missouri Valley Communications Switched Access Price Schedule</b>	<b>Case No. PU-13-115</b>
<b>Moore and Liberty Telephone Company Switched Access Price Schedule</b>	<b>Case No. PU-13-116</b>
<b>Nemont Telephone Cooperative Switched Access Price Schedule</b>	<b>Case No. PU-13-117</b>

<b>North Dakota Telephone Company Switched Access Price Schedule</b>	<b>Case No. PU-13-118</b>
<b>Northwest Communications Cooperative, a Cooperative Association Switched Access Price Schedule</b>	<b>Case No. PU-13-119</b>
<b>Polar Communications Mutual Aid Corporation Switched Access Price Schedule</b>	<b>Case No. PU-13-120</b>
<b>Red River Rural Telephone Association Switched Access Price Schedule</b>	<b>Case No. PU-13-121</b>
<b>Reservation Telephone Cooperative Switched Access Price Schedule</b>	<b>Case No. PU-13-122</b>
<b>Turtle Mountain Communications, Inc. Switched Access Price Schedule</b>	<b>Case No. PU-13-123</b>
<b>United Telephone Mutual Aid Corporation Switched Access Price Schedule</b>	<b>Case No. PU-13-124</b>
<b>West River Telecommunications Cooperative Switched Access Price Schedule</b>	<b>Case No. PU-13-125</b>
<b>Wolverton Telephone Company Switched Access Price Schedule</b>	<b>Case No. PU-13-126</b>



## **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

**June 5, 2013**

### **Appearances**

Commissioners Brian P. Kalk, Randy Christmann and Julie Fedorchak.

David J. Hogue, Pringle & Herigstad P.C., 2525 Elk Drive, Minot, ND 58702-1000, on behalf of the enumerated companies.

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

Bonny M. Fetch, Administrative Law Judge, Office of Administrative Hearings, 2911 North 14th Street, Suite 303, Bismarck, North Dakota 58501-1882, as Procedural 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, FCC 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. Nineteen (19) rate of return carriers 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.

On March 12, 2013, BEK Communications Cooperative, Case No. PU-13-108; Consolidated Telcom, Case No. PU-13-109; Dakota Central Telecommunications Cooperative, Case No. PU-13-110; Dakota Central Telecom I, Inc., Case No. PU-13-111; Dickey Rural Telephone Cooperative, Case No. PU-13-112; Griggs County Telephone Co., Case No. PU-13-113; Inter-Community Telephone Company, L.L.C., Case No. PU-13-114; Missouri Valley Communications, Case No. PU-13-115; Moore and Liberty Telephone Company, Case No. PU-13-116; Nemont Telephone Cooperative, Case No. PU-13-117; North Dakota Telephone Company, Case No. PU-13-118; Northwest Communications Cooperative, a Cooperative Association, Case No.

PU-13-119; Polar Communications Mutual Aid Corporation, Case No. PU-13-120; Red River Rural Telephone Association, Case No. PU-13-121; Reservation Telephone Cooperative, Case No. PU-13-122; Turtle Mountain Communications, Inc., Case No. PU-13-123; United Telephone Mutual Aid Corporation, Case No. PU-13-124; West River Telecommunications Cooperative, Case No. PU-13-125; and Wolverton Telephone Company, Case No. PU-13-126 filed with the North Dakota Public Service Commission (Commission) revised intrastate switched access price schedule pages to reflect revised Federal Communication Commission (FCC) rules governing intercarrier compensation, to reflect NECA interstate switched access rate increases that became effective January 1, 2013, to move to Local Transport Restructure for terminating access rates, to establish an Adjustment Factor to determine Percentage of Interstate Use applicable to mixed jurisdiction and rate structure, and to make various other changes. The price schedule pages specify switched access prices for a rate transition period through the year 2020. The enumerated companies request a July 1, 2013 effective date for the proposed switched access price schedules.

On March 27, 2013 the Commission suspended the intrastate switched access price schedules filed in each of the cases enumerated.

On May 24, 2013 the enumerated companies filed corrections to certain rate pages submitted in March 12, 2013 filings. This filing is a complete replacement for the March 12, 2013 filings.

The Commission's March 27, 2013 Notice of Consolidated Hearing scheduled a evidentiary hearing regarding this matter for May 29, 2013 at 9:00 a.m. at the Commission Hearing Room. 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. No third parties intervened in this matter or appeared at the evidentiary hearing.

Having allowed all interested persons an opportunity to be heard and having heard, reviewed, and considered all testimony and evidence presented, the Commission makes the following:

### **Findings of Fact**

1. The tariffs filed by the nineteen (19) enumerated companies 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.

From the foregoing Findings of Fact, the Commission now makes its:

### **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 takes Administrative Notice of all revised tariffs filed by the companies herein pursuant to FCC rules cited.
3. The switched access price schedules are just and reasonable.

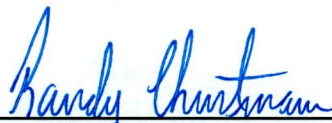
From the foregoing Findings of Fact and Conclusions of Law, the Commission now makes its:

### Order

The Commission orders

1. The switched access price schedules of the enumerated companies are APPROVED to become effective July 1, 2013.

#### PUBLIC SERVICE COMMISSION



**Randy Christmann**  
Commissioner



**Brian P. Kalk**  
Chairman



**Julie Fedorchak**  
Commissioner