

Lein, Jennifer J.

From: Lein, Jennifer J.
Sent: Thursday, December 05, 2013 11:53 AM
Cc: Fahn, Patrick J.; Lein, Jennifer J.
Subject: Case No. 13-333 Order
Attachments: 049-020.pdf; Letter 13-333 signed.pdf

Jen Lein
North Dakota Public Service Commission
600 E Boulevard Ave Dept. 408
Bismarck ND 58505-0480
701-328-2400

ffarm@wtc-mail.net;

linda.stevens@verizonwireless.com;

derrick@bektel.com;

sbohler@czn.com;

paul@consolidatedtelcom.com;

ken@consolidatedtelcom.com

keithl@daktel.com;

tschilling@drtel.com;

Cooperstown@mlgc.com;

tmaroney@rrv.net;

kander@ictc.com;

jamesval@jamesvalley.com;

loretel@loretel.net;

mary_lohnes@mimi.net;

bill.wade@middrivers.coop;

markw@midstatetel.com;

sbunn@mlgc.com;

jblessing@att.com;

js2023@att.com;

stevedl@srttel.com;

kathy@ndtel.com;

mikes@nccray.com;

ddunning@polarcomm.com;

kblicke@qwest.com;

suzanne.schulz@qwest.com;

sschwan@qwest.com;

pharrington@tnics.com;

jeffolson@rrt.net;

rthoreson@tnics.com;

aimee.dietrich@nemont.coop;

jodie.richardson@nemont.coop;

petteret@srttel.com;

julieel@srttel.com;

stevedl@srttel.com;

janehp@srttel.com;

johnar@srttel.com;

kimrw@srttel.com;

kcarlson@utma.com;

poster@utma.com;

rhoudek@venturecomm.net;

westriver@sdplains.com;

bonniek@westriv.com;

twyla.holum@nemont.coop

Royce@restel.net



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian P. Kalk
Randy Christmann
Julie Fedorchak

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

December 5, 2013

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th St SW Room TW – A325
Washington DC 20554

Karen Majcher
Vice President, High Cost and Low Income
Universal Service Administrative Company
2000 L Street, NW, Suite 200
Washington DC 20036

RE: WC Docket No. 10-90, Certification of Support for Eligible Telecommunications
Carriers Pursuant to 47 C.F.R. §54.314

Attached is a table listing of carriers that have accounted to the North Dakota Public Service Commission by Affidavit that all federal support they will receive will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with section 254 (e) of the Communications Act of 1934, as amended. The table also provides the study area codes of the companies.

Also attached is a copy of the December 4, 2013 Order of the North Dakota Public Service Commission and the affidavits from the companies listed.

Sincerely,

A handwritten signature in cursive script that reads "Patrick Fahn".

Patrick Fahn, Director
Compliance and Competitive Markets
ND Public Service Commission

<i>Telecommunications Carrier</i>	<i>Non-Rural/Rural Status</i>	<i>Study Area Code</i>
Absaraka Co-operative Telephone Company, Inc.	Rural	381601
Badlands Cellular of North Dakota Limited Partnership	CETC	389009
BEK Communications Cooperative	Rural	381604
Citizens Telecommunications Company of Minnesota, LLC	Rural	381131
Consolidated Telcom	Rural	381607
Dakota Central Telecom I, Inc.	Rural	381610
Dakota Central Telecommunications Cooperative	Rural	381610
Dickey Rural Telephone Cooperative	Rural	381611
Griggs County Telephone Company	Rural	381615
Halstad Telephone Company	Rural	381401 & 389002
Inter-Community Telephone Company, LLC	Rural	381616
James Valley Telecommunications	Rural	391664
Loretel Systems, Inc.	Rural	361443
Midcontinent Communications	CETC	389011
Mid-Rivers Telephone Cooperative Inc.	Rural	482246
Midstate Communications Inc.	Rural	381638
Midstate Telephone Company	Rural	381617
Missouri Valley Communications, Inc.	Rural	382247
Moore & Liberty Telephone Company	Rural	381622
Nemont Telephone Cooperative Inc.	Rural	382247
New Cingular Wireless PCS, LLC	CETC	389015
North Central RSA 2 of North Dakota Limited Partnership	CETC	389006
North Dakota 5- Kidder Limited Partnership	CETC	389010
North Dakota Network Co.	CETC	389004
North Dakota RSA 3 of North Dakota Limited Partnership	CETC	389008
North Dakota Telephone Company	Rural	381447
Northwest Communications Cooperative, a Cooperative Association	Rural	381625
Northwest Dakota Cellular of North Dakota Limited Partnership	CETC	389007
Polar Communications Mutual Aid Corporation	Rural	381630 & 381614
Polar Telcom, Inc.	Rural	389003
Qwest Corporation dba CenturyLink, Inc.	Non-rural	385144
RC Communications, Inc.	Rural	399010
Red River Rural Telephone Association	Rural	381631
Reservation Telephone Cooperative	Rural	381632
Roberts County Telephone Cooperative Association	Rural	391674
Sagebrush Cellular, Inc.	CETC	389013
SRT Communications, Inc.	Rural	383303
Turtle Mountain Communications, Inc.	Rural	381636
United Telephone Mutual Aid Corporation	Rural	381636
Venture Communications Cooperative	Rural	391680
West River Cooperative Telephone Company	Rural	391689
West River Telecommunications Cooperative	Rural	381637
Wolverton Telephone Company	Rural	381509

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
USF Use Certification 47 CFR 54.314 (2014)
Compliance

Case No. PU-13-333

ORDER CERTIFYING USE OF FEDERAL UNIVERSAL SERVICES SUPPORT

December 4, 2013

Section 254(e) of the Telecommunications Act of 1996 (Act) requires that telecommunications carriers use universal service support "only for the provision, maintenance, and upgrading of facilities and services for which support is intended." On May 23, 2001, the Federal Communications Commission (FCC) released its Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 96-45, and Report and Order in CC Docket No. 00-256 (Fourteenth R&O). The Fourteenth R&O requires that each state public utility regulatory authority file an annual certification with the FCC to ensure that rural telecommunications carriers receiving federal funds under the program use the support only as provided in Section 254(e) of the Act. State certification must be filed no later than October 1 of each year in order for certified telecommunications carriers to receive support for the following year, 47 C.F.R. § 54.314(d).

On August 28, 2002, the North Dakota Public Service Commission (NDPSC) issued an order in Case No. PU-439-02-441 indicating that any telecommunications carrier providing local exchange service in North Dakota that desires to have NDPSC certification to the FCC under 47 C.F.R. §54.314 shall file an affidavit with the NDPSC by September 14 of each year, as described in the order, certifying that federal support they receive is used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended as required by Section 254(e). The NDPSC further ordered that affidavits filed with the NDPSC will be the basis for the NDPSC's certification to the FCC.

Affidavits regarding use of federal universal service support were filed with the NDPSC by the companies listed in the ordering clause below.

Under North Dakota law, the NDPSC has limited jurisdiction over rural telecommunications carriers. The FCC in its order recognized that some states have only limited regulatory oversight to ensure that federal universal support is reflected in intrastate rates and concluded that such states may nonetheless certify to the FCC that carriers in the state had accounted to the state commission for receipt of federal support, and that the support will be used as required under Section 254(e). (See Fourteenth R&O at ¶ 188). The FCC also recognized that some carriers may not be

subject to the jurisdiction of a state regulatory authority, and in those instances carriers can certify directly to the FCC by means of a sworn affidavit executed by a corporate officer attesting to the use of the support only for purposes permitted under the Act. (See Fourteenth R&O at ¶ 189).

Based on the foregoing, the NDPSC issues the following:

Order

1. The NDPSC certifies that the following Eligible Telecommunications Carriers providing local exchange service in North Dakota have accounted to the NDPSC by affidavit that all federal support that was used in the preceding calendar year and all federal support that will be used in the coming calendar year will be used for the provision, maintenance, and upgrading of facilities and services for which the support is intended, under and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.101, throughout the company's study area.

Badlands Cellular of North Dakota Limited Partnership	North Dakota 5 – Kidder Limited Partnership
BEK Communications Cooperative Consolidated Telecom	North Dakota Network Co.
Dakota Central Telecom I, Inc.	North Dakota Telephone Company
Dakota Central Telecommunications Cooperative	Northwest Communications Cooperative, A Cooperative Association
Dickey Rural Telephone Cooperative	Polar Communications Mutual Aid Corporation
Griggs County Telephone Co.	Polar Telecom, Inc.
Inter-Community Telephone Co., LLC	Qwest Communications dba CenturyLink, Inc.
Midstate Communications, Inc.	Reservation Telephone Cooperative
Midstate Telephone Company	Sagebrush Cellular, Inc.
Missouri Valley Communications	SRT Communications, Inc.
Moore and Liberty Telephone Company	Turtle mountain Communications
Nemont Telephone Cooperative, Inc.	United Telephone Mutual Aid Corporation
North Central RSA 2 of North Dakota Limited Partnership	West River Telecommunications Cooperative
Northwest Dakota Cellular of North Dakota Limited Partnership	Wolverton Telephone Company
North Dakota RSA 3 Limited Partnership	

2. The NDPSC certifies that the following Eligible Telecommunications Carriers providing local exchange service in North Dakota have accounted to the NDPSC by affidavit that all federal support that was used in calendar year 2012 and all federal support received in calendar year 2014 will be used for the provision, maintenance, and upgrading of facilities and services for which the support is intended, under and

consistent with Section 254(e) of the Act and 47 C.F.R. § 54.101, throughout the company's study area.

Citizens Telecommunications Company
of Minnesota, LLC

New Cingular Wireless PCS, LLC
West River Cooperative Telephone
Company

3. The NDPSC certifies that the following Eligible Telecommunications Carriers providing local exchange service in North Dakota have accounted to the NDPSC by affidavit that all federal support that was used in calendar year 2013 and all federal support received in calendar year 2014 will be used for the provision, maintenance, and upgrading of facilities and services for which the support is intended, under and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.101, throughout the company's study area.

Midcontinent Communications

Mid-Rivers Telephone Cooperative, Inc.

4. The NDPSC certifies that the following Eligible Telecommunications Carriers providing local exchange service in North Dakota have accounted to the NDPSC by affidavit that all federal support that will be used in calendar year 2014 will be used for the provision, maintenance, and upgrading of facilities and services for which the support is intended, under and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.101, throughout the company's study area.

Absaraka Cooperative Telephone
Company, Inc.
Halstad Telephone Company
Loretel Systems, Inc.
RC Communications, Inc.

Red River Rural Telephone Association
Roberts County Telephone Cooperative
Association
Venture Communications Cooperative

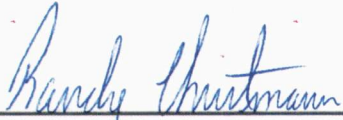
5. The NDPSC certifies that the following Eligible Telecommunications Carriers providing local exchange service in North Dakota have accounted to the NDPSC by affidavit that federal support received has been and will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, under and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.101, throughout the company's study area.

James Valley Telecommunications

7. The NDPSC certification is based upon the affidavits filed by the foregoing named Eligible Telecommunications Carriers.

8. The North Dakota Public Service Commission will send a copy of each of the filed affidavits to the Federal Communications Commission and the Universal Service Administrative Company.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Brian P. Kalk
Chairman



Julie Fedorchak
Commissioner