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February 25, 2014

Hand Delivered

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

Re: Tempo Telecom, LLC
Case No. PU-14-34

Dear Mr. Nitschke:

Please find enclosed for filing the original and seven copies of the following:

1. Tempo Telecom's Certification Relating to Order Provisions;
2. Tempo Telecom's answers to questions one through six and corresponding attachments in response to the Commission's letter dated January 21, 2014.

In addition, please find enclosed for filing the original and seven copies of an application to protect information regarding "Request 4" and the accompanying "Attachment 1" containing certain documentation to be provided in response to question four of the Commission's letter dated January 21, 2014. Also enclosed but not to be filed is a sealed envelope containing a confidential version of these materials.

If you have any questions or need any additional information, please contact me at your earliest convenience. Thank you.



Sincerely,

CROWLEY FLECK PLLP

A handwritten signature in cursive script, appearing to read "Stepie Dassinger".

Stephanie Dassinger

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Enclosures

cc: Sara Cardwell
Angela Collins (via e-mail)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Tempo Telecom, LLC
Eligible Telecommunications Carrier
Application

Case No. PU-14-34

CERTIFICATION

I am Jamie Sark, a representative of Tempo Telecom, LLC (Tempo) with authority to bind Tempo and I certify that:

1. Tempo understands and agrees to the conditions and criteria set forth in Chapter 49-21 of the North Dakota Century Code and Chapter 69-09-05 of the North Dakota Administrative Code that pertain to Wireless Lifeline Only Eligible Telecommunications Carriers (ETC), and that Tempo will be responsible for compliance with this Certification, the Public Service Commission's order designating Tempo as an ETC, and conditions and criteria set forth in the applicable federal and state laws and rules pertaining to Eligible Telecommunications Carriers offering Lifeline Only services.
2. Tempo agrees to comply with all statements, processes and procedures set forth in its Application for designation as an ETC in the non-rural and rural wire centers in North Dakota identified in its Application. Tempo agrees that all statements made and matters set forth in its Application are true and correct to the best of Tempo's knowledge, information, and belief.
3. Tempo will use the federal low-income universal service support it receives only for the provision of services for which the support is intended.
4. Tempo meets all of the prerequisites to be designated as an ETC throughout its proposed ETC Designated Area in the state of North Dakota.
5. Tempo provides each of the services supported by federal universal service support mechanisms, specified in Federal Communications Commission's (FCC's) rules, 47 C.F.R. § 54.101, and will offer these supported services in North Dakota upon designation as an ETC, including voice grade access, minutes of use for local service at no additional charge, access to emergency services and toll limitation services.
6. Tempo will provide the supported services on a timely basis to requesting customers within Tempo's designated service area where Tempo's underlying carriers' network exists.

7. Tempo will provide service within a reasonable period of time, if the potential customer is within Tempo's proposed designated service area but outside its existing network coverage, if service can be provided at reasonable cost by:
 - (a) Modifying or replacing the requesting customer's equipment;
 - (d) Adjusting network or customer facilities; or
 - (e) Reselling services from another carrier's facilities to provide service.
8. Tempo is not seeking Universal Service Fund high-cost support as part of its Application.
9. Tempo will use all available means to ensure customers are eligible for the Lifeline program at the time of sign-up and recertification in accordance with the federal default eligibility criteria in 47 C.F.R. § 54.409(2) and the relevant proof documentation specified in 47 C. F. R. § 54.410. Tempo will check all available databases including the FCC's National Accountability Database and the National Lifeline Eligibility Database when fully functional to prevent duplication and determine eligibility.
10. Tempo has taken, and will continue to take, steps to work with its underlying carriers to remain functional in emergency situations by: (1) maintaining a reasonable amount of backup power to ensure functionality without an external power source; (2) maintaining the ability to re-route traffic around damaged facilities and to manage traffic spikes resulting from emergency situations; and (3) establishing procedures for employees to follow in an emergency to prevent or minimize interruption or impairment of telecommunications services.
11. Tempo will meet or exceed applicable consumer protection and quality standards and will comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.
12. Tempo will advertise the availability of the supported services detailed in its Application, and the corresponding rates and charges, in a manner designed to inform the general public within North Dakota. This advertising will occur through a combination of media channels, such as television and radio, newspaper, magazine and other print advertisements, outdoor advertising, direct marketing, and the Internet.
13. Tempo will offer the services described in its Application.
14. Tempo understands and agrees that if Tempo has not advertised its Lifeline services or signed up any North Dakota customers within 12 months of the effective date of Tempo's designation as a Lifeline-only ETC, the Public Service Commission may revoke Tempo's ETC designation and Tempo may reapply to be designated as a Lifeline-only ETC in North Dakota.

15. Tempo understands and agrees that it may be required by the FCC to provide equal access to long distance carriers in the event that no other ETC provides equal access within Tempo's designated ETC service area.
16. Tempo will comply with all applicable annual reporting requirements associated with being an ETC in North Dakota including filing with the Public Service Commission a copy of each report filed with the FCC, within 30 days of filing with the FCC.
17. Tempo will file at least annually or more often if requested by the Public Service Commission, a complete list of its customers and waivers, including North Dakota Department of Human Services' Form SFN 1059, Authorization for Release of Information 449-55-05, for each customer on the list until such time as the Public Service Commission deems this reporting no longer necessary.
18. Tempo understands and agrees that its ability to offer service is subject to suspension or revocation for failure to comply with the Public Service Commission's orders, or applicable statutes, rules, regulations, standards, and other authorizations.
19. Tempo agrees to maintain the records to demonstrate that Tempo has complied with the requirements of the Public Service Commission's order(s) and that Tempo will preserve records demonstrating compliance for Public Service Commission inspection at any reasonable time upon reasonable notice.
20. Tempo understands and agrees that, to the extent there are any conflicts or inconsistencies between Tempo's Application and the provisions in this Certification, the Certification provisions control.

Dated this 27TH day of JANUARY, 2014.

TEMPO TELECOM, LLC

By 

Jamie Sark

Its Senior Projects Manager