

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission**  
**USF Use Certification 47 CFR 54.314 (2015)**  
**Compliance**

**Case No. PU-14-622**

**ORDER CERTIFYING USE OF FEDERAL UNIVERSAL SERVICES SUPPORT**

**September 17, 2014**

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.” Code of Federal Regulations Title 47, Section 54.314(a) requires: “States that desire eligible telecommunications carriers to receive support pursuant to the high-cost program must file an annual certification with the Administrator and the Commission stating that all federal high-cost support provided to such carriers within that State was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.” 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.

Absaraka Co-operative Telephone Company, Inc.  
Badlands Cellular of North Dakota Limited Partnership  
BEK Communications Cooperative  
Citizens Telecommunications Company of Minnesota, LLC  
Consolidated Telcom  
Dakota Central Telecom I, Inc.  
Dakota Central Telecommunications Cooperative  
Dickey Rural Telephone Cooperative  
Griggs County Telephone Co. 381622, 381615  
Halstad Telephone Company  
Inter-Community Telephone Company, L.L.C.  
Loretel Systems, Inc.  
Midstate Communications Inc.  
Midstate Telephone Company, LLC  
Missouri Valley Communications, Inc.  
Nemont Telephone Cooperative, Inc.  
North Central RSA 2 of North Dakota Limited Partnership

Northwest Dakota Cellular of North Dakota Limited Partnership  
North Dakota RSA No. 3 Limited Partnership  
North Dakota 5 – Kidder Limited Partnership  
North Dakota Network Co.  
North Dakota Telephone Company  
Northwest Communications Cooperative, A Cooperative Association  
Polar Communications Mutual Aid Corporation 381630, 381614  
Polar Telcom, Inc.  
Qwest Communications dba CenturyLink, Inc.  
Red River Rural Telephone Association  
Sagebrush Cellular, Inc.  
SRT Communications, Inc.  
Turtle Mountain Communications, Inc.  
United Telephone Mutual Aid Corporation  
West River Telecommunications Cooperative  
Wolverton Telephone Company

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 2013 and all federal support received in calendar year 2015 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.

New Cingular Wireless PCS, LLC

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 2014 and all federal support received in calendar year 2015 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.

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 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.

Midcontinent Communications

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 all federal support that will be used in calendar year 2015 and thereafter 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.

RC Communications, Inc.

Venture Communications Cooperative

Roberts County Telephone Cooperative  
Association

6. 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 Cooperative Telephone Company

7. 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 during the four quarters of 2009 (and all quarters thereafter) 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.

Reservation Telephone Cooperative

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

9. 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**

  
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**Randy Christmann**  
Commissioner

  
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**Brian P. Kalk**  
Chairman

  
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**Julie Fedorchak**  
Commissioner