

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
USF Use of Certification 47 CFR 54.314 (2016)
Compliance

Case No. PU-15-574

AFFIDAVIT OF SERVICE BY ELECTRONIC MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **28th day of September, 2015**, she sent 58 addressees an electronic copy of:

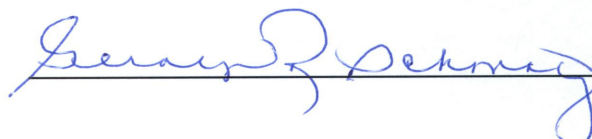
Order On Certifying Use Of Federal Universal Services Support

The electronic mails respectively were addressed as follows:

See attached list.

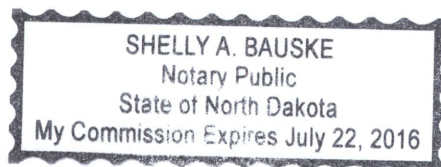
Each email address is the respective addressee's last reasonably ascertainable electronic mailing address.

Subscribed and sworn to before me
this **28th day of September, 2015**.



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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
USF Use Certification 47 CFR 54.314 (2016)
Compliance

Case No. PU-15-574

ORDER ON CERTIFYING USE OF FEDERAL UNIVERSAL SERVICES SUPPORT

September 28, 2015

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.	North Central RSA 2 of North Dakota Limited Partnership
Badlands Cellular of North Dakota Limited Partnership	Northwest Dakota Cellular of North Dakota Limited Partnership
BEK Communications Cooperative Citizens Telecommunications Company of Minnesota, LLC	North Dakota RSA No. 3 Limited Partnership
Consolidated Communications Networks, Inc.	North Dakota 5 – Kidder Limited Partnership
Consolidated Telcom	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 d/b/a Polar Communications
Griggs County Telephone Co. 381622, 381615	Polar Telcom, Inc.
Halstad Telephone Company	Qwest Corporation dba CenturyLink QC
Inter-Community Telephone Company, L.L.C.	RC Technologies
James Valley Cooperative Telephone Company	Red River Rural Telephone Association d/b/a Red River Communications
Loretel Systems, Inc.	Reservation Telephone Cooperative
Midstate Communications Inc.	Sagebrush Cellular, Inc.
Midstate Telephone Company, LLC	SRT Communications, Inc.
Missouri Valley Communications, Inc.	Turtle Mountain Communications, Inc.
Nemont Telephone Cooperative, Inc.	United Telephone Mutual Aid Corporation
New Cingular Wireless PCS, LLC	Venture Communications Cooperative
	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 it only used federal support in 2014 and will only use support in 2016 for the provision, maintenance, and upgrading of facilities and services for which the support is intended pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7.

Mid-Rivers Telephone Cooperative, Inc.

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 federal support received during 2014 was used, and in 2015 will be used for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

Midcontinent Communications

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

5. 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

		
<u>Randy Christmann</u> Commissioner	<u>Julie Fedorchak</u> Chairman	<u>Brian P. Kalk</u> Commissioner