

Pamela Hintz  
651.621.8535 – Direct  
PHintz@otcpas.com

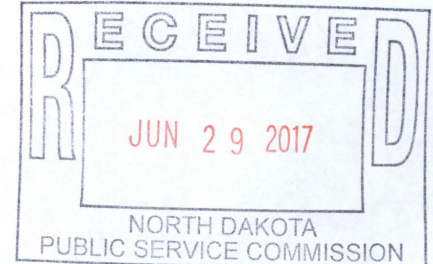


Depend on Our People. Count on Our Advice.™

***Via Overnight Delivery and E-Filing***

June 29, 2017

Mr. Darrell Nitschke  
Director of Administration/Executive Secretary  
North Dakota Public Service Commission  
State Capitol  
600 East Boulevard, Dept. 408  
Bismarck, ND 58505-0480



Re: FCC Form 481 – High Cost and Low-Income Annual Report for Midstate Communications, Inc.

Dear Mr. Nitschke:

This filing is being made to file the FCC Form 481 – High Cost and Low-Income Annual Report (FCC Form 481) for Midstate Communications, Inc. This filing is made pursuant to Sections 54.313 and 54.422 of the Federal Communications Commission (FCC) Rules.

Enclosed please find one copy of the Public FCC Form 481 which contains a “Redacted - For Public Inspection” copy of the Form 481 for Midstate Communications, Inc. that has been filed with USAC and the FCC and a copy of the FCC’s Protective Order as required by section 79-02-09-13 of North Dakota’s Administrative Code. A copy of each of these documents has also been provided by email to [ndpsc@nd.gov](mailto:ndpsc@nd.gov). In a separate sealed envelope, marked “Trade Secret - Private,” is Midstate Communications, Inc.’s Trade Secret FCC Form 481 which contains the “Confidential” version of the Company’s 481 Form filing with USAC and the FCC.

We request the North Dakota Public Service Commission to file the annual certification regarding high-cost and low income support with USAC and the FCC, pursuant to 47 CFR54.314 (a).

Please contact me if further information is required.

Sincerely,

Pamela Hintz  
Senior Telecommunications Consultant  
[phintz@otcpas.com](mailto:phintz@otcpas.com)  
651-621-8535

Enclosures

cc: All Parties of Record

6 PU-17-42 Filed 06/29/2017 Pages: 43  
Form 481 - Copy of FCC 47CFR Sections 54.313 & 54.422 - redacted  
Midstate Communications Inc.  
Pamela Hintz, Sr. Telecomm. Consultant

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

|                                       |   |                     |
|---------------------------------------|---|---------------------|
| In the Matter of                      | ) |                     |
|                                       | ) |                     |
| Connect America Fund                  | ) | WC Docket No. 10-90 |
|                                       | ) |                     |
| ETC Annual Reports and Certifications | ) | WC Docket No. 14-58 |
|                                       | ) |                     |

**PROTECTIVE ORDER**

**Adopted: March 22, 2016**

**Released: March 22, 2016**

By the Chief, Wireline Competition Bureau:

1. The Wireline Competition Bureau (Bureau) hereby adopts a revised Protective Order governing the filing of and access to FCC Form 481 financial information filed by privately held rate-of-return carriers pursuant to section 54.313(f)(2) of the Commission's rules. In the *Fifth Order on Reconsideration* in these proceedings, the Commission stated that while most reporting information required to be filed by eligible telecommunications carriers (ETCs) would be made publicly available, privately held rate-of-return carriers would be permitted to file the information required by section 54.313(f)(2) of the Commission's rules pursuant to a protective order.<sup>1</sup> In June 2015, the Bureau adopted a revised Protective Order (*2015 Protective Order*) to reflect the Commission's newly opened WC Docket No. 14-58, for filing FCC Form 481 annual reports.<sup>2</sup>

2. This Protective Order is substantially similar to the *2015 Protective Order*, but streamlines the procedures for submitting filings with the Commission – thereby significantly reducing burden on filers. It also updates certain other procedures, consistent with more recent Commission protective orders.<sup>3</sup> Specifically, privately held rate-of-return ETCs who wish to file confidentially any portion of FCC Form 481 should file one copy of the confidential (unredacted) version of the form with the Secretary's Office and file a redacted version of the form, including any and all attachments, through the Commission's electronic comment filing system (ECFS). Filers are no longer required to, and should not, submit two courtesy copies of the confidential (unredacted) version of the form with the Bureau. Finally, this protective order substantially reduces the number of dockets into which submitting parties must file information. This Protective Order supersedes the two earlier protective orders.

<sup>1</sup> *Connect America Fund et al.*, Fifth Order on Reconsideration, 27 FCC Rcd 14549, 14554-56, paras. 15-17 (2012) (Fifth Order on Reconsideration); see also *Connect America Fund et al.*, Protective Order, 27 FCC Rcd 14231 (Wireline Comp. Bur. 2012).

<sup>2</sup> See *Connect America Fund et al.*, Protective Order, 30 FCC Rcd 6322 (Wireline Comp. Bur. 2015) (2015 Protective Order); see also *Connect America Fund et al.*, Report and Order et al., 29 FCC Rcd 7051, 7069, para. 57 (2013); 47 C.F.R. § 54.313(i).

<sup>3</sup> See *Applications of Charter Communications, Inc., Time Warner Cable Inc., and Advance/Newhouse Partnership For Consent To Assign or Transfer Control of Licenses and Authorizations*, Order, 30 FCC Rcd 10360 (2015) (Charter Order). We also take this opportunity to make conforming changes to the Acknowledgement of Confidentiality in Appendix A to clarify that, consistent with the text of the protective order, In-House counsel may obtain access to confidential information filed pursuant to this protective order.

3. *Definitions.* As used herein, capitalized terms not otherwise defined in this Protective Order shall have the following meanings:

“Acknowledgment” means the Acknowledgment of Confidentiality attached as Appendix A hereto.

“Competitive Decision-Making” means a person’s activities, association, or relationship with any of his clients involving advice about or participation in the relevant business decisions or the analysis underlying the relevant business decisions of the client in competition with or in a business relationship with the Submitting Party or with a Third-Party Interest Holder.

“Confidential Information” means information that is required to be filed pursuant to section 54.313(f)(2) of the Commission’s regulations, 47 C.F.R. § 54.313(f)(2); that is not otherwise available from publicly available sources; that the Submitting Party has kept strictly confidential and that is subject to protection under FOIA and the Commission’s implementing rules.

“Counsel” means In-House Counsel and Outside Counsel of Record.

“Document” means any written, recorded, electronically stored, or graphic material, whether produced or created by the Submitting Party or another person.

“In-House Counsel” means an attorney employed by a Participant in these proceedings or employed by an affiliated entity and who is actively engaged in the conduct of these proceedings, provided that such attorney is not involved in Competitive Decision-Making. In this regard, an In-House Counsel’s employer is considered his or her client.

“Outside Counsel of Record” or “Outside Counsel” means the attorney(s), firm(s) of attorneys, or sole practitioner(s), as the case may be, retained by a Participant in these proceedings, provided that such attorneys are not involved in Competitive Decision-Making. The term “Outside Counsel of Record” includes any attorney employed by a non-commercial Participant in these proceedings, provided that such attorney is not involved in Competitive Decision-Making.

“Outside Consultant” means a consultant or expert retained for the purpose of assisting Outside Counsel or a Participant in these proceedings, provided that such consultant or expert is not involved in Competitive Decision-Making. The term “Outside Consultant” includes any consultant or expert employed by a non-commercial Participant in these proceedings, provided that such consultant or expert is not involved in Competitive Decision-Making.

“Outside Firm” means a firm, whether organized as a partnership, limited partnership, limited liability partnership, limited liability company, corporation or otherwise, of Outside Counsel or Outside Consultants.

“Participant” means a person or entity that has filed, or has a good faith intention to file, material comments in these proceedings.

“Redacted Confidential Document” means a copy of a Stamped Confidential Document where the Confidential Information has been redacted.

“Reviewing Party” means a person who has obtained access to Confidential Information (including Stamped Confidential Documents) pursuant to paragraphs 7 or 11 of this Protective Order.

“Stamped Confidential Document” means any FCC Form 481 annual report, including any attachments, or any part thereof, that contains Confidential Information and that bears the legend (or which otherwise shall have had the legend recorded upon it in a way that brings its attention to a reasonable examiner) “CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER BEFORE THE FEDERAL COMMUNICATIONS COMMISSION,” unless the Commission determines,

*sua sponte* or by request pursuant to paragraph 4 of this Protective Order or sections 0.459 or 0.461 of its rules,<sup>4</sup> that any such document is not entitled to confidential treatment. By designating a document a “Stamped Confidential Document,” a Submitting Party signifies and represents that it contains Confidential Information.

“Submitting Party” means a person or entity who submits a Stamped Confidential Document.

“Support Personnel” means employees of a Reviewing Party’s Outside Firm and third-party contractors and employees of third-party contractors who are assisting in these proceedings, provided such persons are involved solely in performing clerical or ministerial functions with regard to documents and information connected with these proceedings, including performing one or more aspects of organizing, filing, coding, converting, storing, or retrieving documents or data or designing programs for handling data connected with these proceedings.

“Third-Party Interest Holder” means a person who is not a Submitting Party who has a confidentiality interest in Confidential Information that is submitted under this Protective Order.

4. *Challenge to Designation.* Any person wishing to challenge the designation of a document, portion of a document or information as confidential must file such a challenge at the Commission and serve it on the Submitting Party and any known Third-Party Interest Holders. The Submitting Party and any Third-Party Interest Holders must file any reply within five business days, and include a justification for treating the information as Confidential. The documents and information challenged will continue to be accorded confidential treatment until the Commission acts on the request and any timely motion for a judicial stay has been acted upon.<sup>5</sup> Any decision on whether the materials should be accorded confidential treatment does not constitute a resolution of the merits concerning whether such information would be released publicly by the Commission upon an appropriate request under our rules implementing FOIA.<sup>6</sup>

5. *Submission of Stamped Confidential Documents.* A Submitting Party shall submit to the Secretary’s Office one copy of each Stamped Confidential Document it seeks to file and an accompanying cover letter. Before doing so, the Submitting Party shall notify any known Third-Party Interest Holders who have a confidentiality interest in any such Stamped Confidential Document. Each page of the Stamped Confidential Document shall be stamped “CONFIDENTIAL INFORMATION — SUBJECT TO PROTECTIVE ORDER BEFORE THE FEDERAL COMMUNICATIONS COMMISSION.” The cover letter also shall contain this legend. In addition, the Submitting Party shall also file through the Commission’s Electronic Comment Filing System (ECFS) a copy of the respective Redacted Confidential Document and an accompanying cover letter.<sup>7</sup> Each Redacted Confidential Document shall have the same pagination as the Stamped Confidential Document from which it is derived. Each page of the Redacted Confidential Document and the accompanying cover letter shall be stamped “REDACTED – FOR PUBLIC INSPECTION.” To the extent that any page of the filing contains both Confidential Information and non-confidential information, only the Confidential Information may be redacted and the page of the unredacted filing shall clearly distinguish between the Confidential Information and the non-confidential information.

6. *Copying Sensitive Documents.* If, in the reasonable judgment of the Submitting Party, a

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<sup>4</sup> 47 C.F.R. §§ 0.459, 0.461.

<sup>5</sup> *Cf.* 47 C.F.R. §§ 0.459(g), 0.461(i).

<sup>6</sup> *See* 47 C.F.R. §§ 0.459(h), 0.461.

<sup>7</sup> If a party is not able to submit a copy of the Redacted Confidential Document via ECFS, it must file two copies of the Redacted Confidential Document or Redacted Confidential Document with the Secretary’s Office along with the appropriately stamped cover letter.

Confidential Document contains information so sensitive that copying of it should be restricted, the Submitting Party may mark the document with the legend "Additional Copying Restricted." Each Outside Firm shall receive only one copy of the document and no more than two additional copies, in any form, shall be made. Application for relief from this restriction against further copying may be made to the Commission, with notice to Counsel of Record for the Submitting Party, which will be granted only for cause.

7. *Procedure for Obtaining Access to Confidential Information.* Any person other than Support Personnel seeking access to Confidential Information subject to this Protective Order shall sign and date the Acknowledgment agreeing to be bound by the terms and conditions of this Protective Order, and file the Acknowledgment with the Commission. A copy of the Acknowledgment also shall be delivered to the relevant Submitting Party through its Counsel of Record and any known Third-Party Interest Holders through counsel so that it is received at least five business days prior to such person's reviewing or having access to the Submitting Party's Confidential Information. Where there are multiple Submitting Parties or Third-Party Interest Holders, a copy of the Acknowledgment must be served on each within the time period stated above.

8. *Procedure for Objecting to the Disclosure of Confidential Information to a Potential Reviewing Party.*<sup>8</sup> Each Submitting Party and Third-Party Interest Holder shall have an opportunity to object to the disclosure of its Confidential Information or to a person seeking to review that information pursuant to this Protective Order. A Submitting Party or Third-Party Interest Holder must file any such objection at the Commission and serve it on counsel for the person seeking access within three business days after receiving a copy of that person's Acknowledgment. Persons filing Acknowledgments shall not have access to Confidential Information before the period for filing objections has passed, unless both the Submitting Party and any known Third-Party Interest Holders waive this requirement. If a Submitting Party files additional documents containing Confidential Information, the Submitting Party shall notify any known Third-Party Interest Holders who have a confidentiality interest in the information before filing the additional documents. The Submitting Party shall file any objection to the disclosure of that additional Confidential Information to any Reviewing Party before or contemporaneous with the filing, and any Third-Party Interest Holder shall file such any objection as promptly as practicable. Until any timely objection is resolved by the Commission in favor of the person seeking access and, if a motion for a judicial stay is timely filed, until such a motion is acted upon, a person subject to an objection shall not have access to the relevant Confidential Information.<sup>9</sup> If an objection is not timely filed with the Commission, the Commission will nonetheless consider the objection and retains its discretion to prohibit further access to Confidential by the Reviewing Party until the objection is resolved.

9. *Review of Stamped Confidential Documents.* A Submitting Party shall make available for review the Stamped Confidential Documents of such party at the offices of the party's Outside Counsel of

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<sup>8</sup> This paragraph describes the procedure for objecting to a specific individual being permitted to review Confidential Information pursuant to this Protective Order. The procedure for objecting to specific Confidential Information being reviewed by *any* individual pursuant to the Protective Order (in other words, for requesting that certain information be entirely withheld from review under the Protective Order) is set forth in paragraph 26 of the Order adopting the Protective Order in the Charter-Time Warner-Bright House proceeding. *See Charter Order*, 30 FCC Rcd at 10374, para. 26. As stated there, where such an objection is timely made, we will not require that the information at issue be disclosed under the Protective Order until the Commission resolves the objection, and if a timely motion for judicial stay is filed, until the court rules upon the stay motion.

<sup>9</sup> An objection ordinarily will first be ruled upon by the Bureau. If the Bureau rejects the objection, the objecting party will be provided 10 business days to file an Application for Review with the Commission; if an Application for Review is not filed within that time, the Confidential Information shall be made available to the Reviewing Party. If an Application for Review is timely filed and is denied by the Commission, the objecting party will be provided 10 business days to seek a judicial stay of the Commission's Order; if a motion for stay is not filed within that time, the Confidential Information shall be made available to the Reviewing Party.

Record. Subject to the provisions of paragraph 6, a Reviewing Party shall be provided the following alternatives: (1) a Reviewing Party shall be provided adequate opportunity to inspect the documents on site; (2) a Reviewing Party may inspect the documents on site with the ability to request copies, at cost, of some or all of the documents; or (3) a Reviewing Party may request a complete set of the documents at cost, allowing two business days after the request is made for receipt of the copies. If a Reviewing Party plans on requesting a complete set of documents, it is encouraged to make such a request at the time it submits the Acknowledgment to allow it the opportunity to begin reviewing the documents at the end of the five-day period referred to in paragraph 7. All copies of documents that are removed from the Submitting Party's office must be returned or destroyed in accordance with the terms of paragraph 20.

10. *Use of Confidential Information.* Persons obtaining access to Confidential Information under this Protective Order shall use the information solely for the preparation and conduct of these proceedings before the Commission and any subsequent judicial proceeding arising directly from these proceedings and, except as provided herein, shall not use such documents or information for any other purpose, including without limitation business, governmental, or commercial purposes, or in any other administrative, regulatory or judicial proceedings. Should the Commission rely upon or otherwise make reference to any Confidential Information in its orders in these proceedings, it will do so by redacting any Confidential Information from the public version of the order and by making the unredacted version of the order available only to a court and to those persons entitled to access to Confidential Information under this Protective Order, as appropriate.

11. *Permissible Disclosure.* A Reviewing Party may discuss and share the contents of Confidential Information with another Reviewing Party, with Support Personnel, as appropriate, and with the Commission and its staff. A Submitting Party's Confidential Information may be disclosed to employees and Counsel of the Submitting Party, and a Third-Party Interest Holder's Confidential Information may be disclosed to employees and Counsel of the Third-Party Interest Holder.

12. *Filings with the Commission.* A party making a filing in these proceedings that contains Confidential Information shall submit to the Secretary's Office one copy of the filing containing the Confidential Information (the "Confidential Filing") and an accompanying cover letter. The cover or first page of the Confidential Filing and each page of the Confidential Filing that contains or discloses only Confidential Information shall be clearly marked "CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER BEFORE THE FEDERAL COMMUNICATIONS COMMISSION." The accompanying cover letter shall also contain the appropriate legend. The Confidential Filing shall be made under seal, and will not be placed in the Commission's public file. The party shall submit a copy of the filing in redacted form, *i.e.*, containing no Confidential Information (the "Redacted Confidential Filing") to the Commission via ECFS.<sup>10</sup> The Redacted Confidential Filing and the accompanying cover letter shall be stamped "REDACTED – FOR PUBLIC INSPECTION." The cover letter accompanying the Redacted Confidential Filing shall state that the party is filing a redacted version of the filing. Each Redacted Confidential Filing shall have the same pagination as the Confidential Filing from which it is derived. To the extent that any page of the Confidential Filing contains any Confidential Information, only the Confidential Information may be redacted and the page of the unredacted Confidential Filing shall clearly distinguish among the Confidential Information and the non-confidential information.

13. *Non-Disclosure of Confidential Information.* Except with the prior written consent of the Submitting Party or as provided under this Protective Order, Confidential Information shall not be disclosed further.

14. *Protection of Stamped Confidential Documents.* A Reviewing Party shall have the obligation to ensure that access to Confidential Information (including Stamped Confidential Documents)

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<sup>10</sup> If a party is not able to submit a copy of the Redacted Confidential Filing via ECFS, it must file two copies of the Redacted Confidential Filing with the Secretary's Office along with the appropriately stamped cover letter, as described in this paragraph.

is strictly limited as prescribed in this Protective Order. A Reviewing Party shall have the further obligation to ensure that Confidential Information are used only as provided in this Protective Order.

15. *Requests for Additional Disclosure.* If any person requests disclosure of Confidential Information outside the terms of this Protective Order, such a request will be treated in accordance with sections 0.442 and 0.461 of the Commission's rules.

16. *Client Consultation.* Nothing in this Protective Order shall prevent or otherwise restrict Counsel from rendering advice to their clients relating to the conduct of these proceedings and any subsequent judicial proceeding arising therefrom and, in the course thereof, relying generally on examination of Confidential Information to which they have access under this Protective Order; *provided, however,* that in rendering such advice and otherwise communicating with such clients, Counsel shall not disclose Confidential Information.

17. *No Waiver of Confidentiality.* Disclosure of Confidential Information as provided herein by any person shall not be deemed a waiver by any Submitting Party of any privilege or entitlement to confidential treatment of such Confidential Information. Reviewing Parties, by viewing this material, agree: (1) not to assert any such waiver; (2) not to use Confidential Information to seek disclosure in any other proceeding; and (3) that accidental disclosure of Confidential Information by a Submitting Party to a Reviewing Party shall not be deemed a waiver of any privilege or entitlement provided that the Submitting Party takes prompt remedial action.

18. *Subpoena by Courts, Departments, or Agencies.* If a court, or a federal or state department or agency issues a subpoena for or orders the production of Stamped Confidential Documents or Confidential Information that a party has obtained under the terms of this Protective Order, such party shall promptly notify each relevant Submitting Party and each known Third-Party Interest Holder of the pendency of such subpoena or order. Consistent with the independent authority of any court, department or agency, such notification must be accomplished such that each Submitting Party and Third-Party Interest Holder has sufficient opportunity to oppose such production prior to the production or disclosure of any Stamped Confidential Document or Confidential Information.

19. *Violations of the Protective Order.* Should a Reviewing Party violate any of the terms of this Protective Order, such Reviewing Party shall immediately convey that fact to the Commission and to the relevant Submitting Parties and known Third-Party Interest Holders. Further, should such violation consist of improper disclosure of Confidential Information, the violating person shall take all necessary steps to remedy the improper disclosure. The Commission retains its full authority to fashion appropriate sanctions for violations of this Protective Order, including but not limited to suspension or disbarment of Counsel or Consultants from practice before the Commission, forfeitures, cease and desist orders, and denial of further access to Confidential Information in this or any other Commission proceeding. Nothing in this Protective Order shall limit any other rights and remedies available to the Submitting Party or any Third-Party Interest Holder at law or in equity against any person using Confidential Information in a manner not authorized by this Protective Order.

20. *Termination of Proceeding.* The provisions of this Protective Order shall not terminate at the conclusion of these proceedings. Within two weeks after conclusion of the last of these proceedings and any administrative or judicial review, Reviewing Parties shall destroy or return to the Submitting Party Stamped Confidential Documents and all copies of the same. No material whatsoever containing or derived from Confidential Information may be retained by any person having access thereto, except Outside Counsel and Outside Consultants may retain, under the continuing strictures of this Protective Order, two copies of pleadings (one of which may be in electronic format) prepared in whole or in part by that party that contain Confidential Information, and one copy of orders issued by the Commission or Bureau that contain Confidential Information. All Reviewing Parties shall certify compliance with these terms and shall deliver such certification to Counsel for the Submitting Party and file such certification with the Commission not more than three weeks after conclusion of the last of these proceedings. Such certification shall be made pursuant to 28 U.S.C. section 1746 and is subject to 18 U.S.C. section 1001. The provisions of this paragraph regarding retention of Stamped Confidential Documents and copies of

the same and Confidential Information shall not be construed to apply to the Commission or its staff.

21. *Questions.* Questions concerning this Protective Order should be addressed to Jonathan Lechter, [Jonathan.Lechter@fcc.gov](mailto:Jonathan.Lechter@fcc.gov), Wireline Competition Bureau, (202) 418-7387 or Heidi Lankau, [Heidi.Lankau@fcc.gov](mailto:Heidi.Lankau@fcc.gov), Wireline Competition Bureau, (202) 418-2876.

FEDERAL COMMUNICATIONS COMMISSION

Matthew S. DelNero  
Chief  
Wireline Competition Bureau

## APPENDIX A

## Acknowledgment of Confidentiality

WC Docket Nos. 10-90, 14-58

I hereby acknowledge that I have received and read a copy of the foregoing Protective Order in the above-captioned proceeding, and I understand it.

I agree that I am bound by the Protective Order and that I shall not disclose or use Stamped Confidential Documents or Confidential Information except as allowed by the Protective Order.

I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission (Commission). I further acknowledge that the Commission retains its full authority to fashion appropriate sanctions for violations of this Protective Order, including but not limited to suspension or disbarment of Counsel or Consultants from practice before the Commission, forfeitures, cease and desist orders, and denial of further access to Confidential Information in this or any other Commission proceeding.

I acknowledge that nothing in the Protective Order limits any other rights and remedies available to a Submitting Party at law or in equity against me if I use Confidential Information in a manner not authorized by this Protective Order.

I certify that I am not involved in Competitive Decision-Making.

Without limiting the foregoing, to the extent that I have any employment, affiliation, or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or advocacy organization), I acknowledge specifically that my access to any information obtained as a result of the Protective Order is due solely to my capacity as Counsel or Outside Consultant to a party or as an employee of Counsel, Outside Consultant, or Outside Firm, and I agree that I will not use such information in any other capacity.

I acknowledge that it is my obligation to ensure that Stamped Confidential Documents are not duplicated except as specifically permitted by the terms of the Protective Order and to ensure that there is no disclosure of Confidential Information in my possession, in the possession of those who work for me or in the possession of other Support Personnel, except as provided in the Protective Order.

I certify that I have verified that there are in place procedures at my firm or office to prevent unauthorized disclosure of Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 [Name]  
 [Position]  
 [Firm]  
 [Telephone]  
 [Party]

|   |                   |
|---|-------------------|
| <010> Study Area Code   | 381638            |
| <015> Study Area Name   | MIDSTATE COMM.    |
| <020> Program Year  | 2018              |
| <030> Contact Name: Person USAC should contact with questions about this data         | PAMELA HINTZ      |
| <035> Contact Telephone Number:<br>Number of the person identified in data line <030> | 6516218535 ext.   |
| <039> Contact Email Address:<br>Email of the person identified in data line <030>     | phintz@otcpas.com |
| Form Type   | 54.313 and 54.422 |



# REDACTED - FOR PUBLIC INSPECTION

**(300) Unfulfilled Service Request  
Data Collection Form**

FCC Form 481  
OMB Control No. 3060-0986/OMB Control No. 3060-0819  
July 2013

<010> Study Area Code 381638  
<015> Study Area Name MIDSTATE COMM.  
<020> Program Year 2018  
<030> Contact Name - Person USAC should contact regarding this data PAMELA HINTZ  
<035> Contact Telephone Number - Number of person identified in data line <030> 6516218535 ext.  
<039> Contact Email Address - Email Address of person identified in data line <030> phintz@otcpas.com

<300> Unfulfilled service request (voice)

<310> Detail on attempts (voice) \_\_\_\_\_  
Name of Attached Document

<320> Unfulfilled service request (broadband)

<330> Detail on attempts (broadband) \_\_\_\_\_  
Name of Attached Document

|  |  |
|--|--|
| (400) Number of Complaints per 1,000 customers<br>Data Collection Form | FCC Form 481<br>OMB Control No. 3060-0986/OMB Control No. 3060-0819<br>July 2013 |
|--|--|

|       |  |                              |
|-------|--|------------------------------|
| <010> | Study Area Code  | 381638                       |
| <015> | Study Area Name  | MIDSTATE COMM.               |
| <020> | Program Year   | 2018                         |
| <030> | Contact Name - Person USAC should contact regarding this data  | PAMELA HINTZ                 |
| <035> | Contact Telephone Number - Number of person identified in data line<br><030>   | 6516218535 ext.              |
| <039> | Contact Email Address - Email Address of person identified in data line<br><030>   | phintz@otcpas.com            |
| <400> | Select from the drop-down list to indicate how you would like to report voice complaints (zero or greater) for voice telephony service in the prior calendar year for each service area in which you are designated an ETC for any facilities you own, operate, lease, or otherwise utilize.       | Offered only fixed voice     |
| <410> | Complaints per 1000 customers for fixed voice  | 0.0                          |
| <420> | Complaints per 1000 customers for mobile voice   |                              |
| <430> | Select from the drop-down list to indicate how you would like to report end-user customer complaints (zero or greater) for broadband service in the prior calendar year for each service area in which you are designated an ETC for any facilities you own, operate, lease, or otherwise utilize. | Offered only fixed broadband |
| <440> | Complaints per 1000 customers for fixed broadband  | 0.0                          |
| <450> | Complaints per 1000 customers for mobile broadband   |                              |

(500) Compliance With Service Quality Standards and Consumer Protection Rules  
Data Collection Form

FCC Form 481  
OMB Control No. 3060-0986/OMB Control No. 3060-0819  
July 2013

|       |  |                   |
|-------|--|-------------------|
| <010> | Study Area Code  | 381638            |
| <015> | Study Area Name  | MIDSTATE COMM.    |
| <020> | Program Year   | 2018              |
| <030> | Contact Name - Person USAC should contact regarding this data                              | PAMELA HINTZ      |
| <035> | Contact Telephone Number - Number of person identified in data line <030>                  | 6516218535 ext.   |
| <039> | Contact Email Address - Email Address of person identified in data line <030>              | phint@notepae.com |
| <500> | Certify compliance with applicable service quality standards and consumer protection rules | Yes               |
| <510> | Descriptive document for Service Quality Standards & Consumer Protection Rules Compliance  | 381638nd510.pdf   |
| <515> | Certify compliance with applicable minimum service standards                               |                   |

**REDACTED - FOR PUBLIC INSPECTION**

|   |  |
|---|--|
| <b>(600) Functionality in Emergency Situations<br/>Data Collection Form</b> | <b>OMB Control No. 3060-0986/OMB Control No. 3060-0819<br/>July 2013</b> |
|---|--|

|   |                   |
|---|-------------------|
| <010> Study Area Code   | 381638            |
| <015> Study Area Name   | MIDSTATE COMM.    |
| <020> Program Year  | 2018              |
| <030> Contact Name - Person USAC should contact regarding this data                 | PAMELA HINTZ      |
| <035> Contact Telephone Number - Number of person identified in data line <030>     | 6516218515 ext.   |
| <039> Contact Email Address - Email Address of person identified in data line <030> | phintz@otcpar.com |
| <600> Certify compliance regarding ability to function in emergency situations      | Yes               |
| <610> Descriptive document for Functionality in Emergency Situations                | 381638nd610.pdf   |









# REDACTED - FOR PUBLIC INSPECTION

(1000) Voice and Broadband Service Rate Comparability  
Data Collection Form

<010> Study Area Code 381638  
<015> Study Area Name MIDSTATE COMM.  
<020> Program Year 2018  
<030> Contact Name - Person USAC should contact regarding this data PAMELA HINTZ  
<035> Contact Telephone Number - Number of person identified in data line <030> 6516218535 ext.  
<039> Contact Email Address - Email Address of person identified in data line <030> phintz@otcpas.com

<1000> Voice services rate comparability certification Yes

381638nd1010.pdf

<1010> Attach detailed description for voice services rate comparability compliance

Name of Attached Document

Yes - Pricing is no more than the most recent applicable benchmark announced by the Wireline Competition Bureau

<1020> Broadband comparability certification

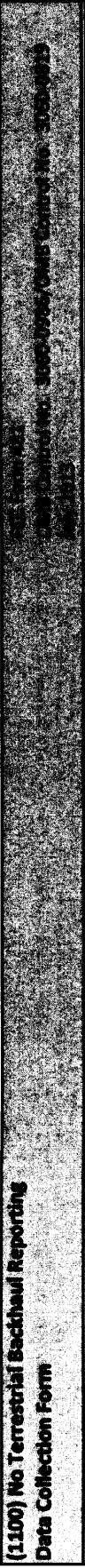
381638nd1030.pdf

<1030> Attach detailed description for broadband comparability compliance

Name of Attached Document

# REDACTED - FOR PUBLIC INSPECTION

## (1100) No Terrestrial Backhaul Reporting Data Collection Form



<010> Study Area Code 381638  
<015> Study Area Name MIDSTATE COMM.  
<020> Program Year 2018  
<030> Contact Name - Person USAC should contact regarding this data PAMELA HINTZ  
<035> Contact Telephone Number - Number of person identified in data line <030> 651.621.8535 ext.  
<039> Contact Email Address - Email Address of person identified in data line <030> phintz@otcpas.com

<1100> Certify whether terrestrial backhaul options exist (Y/N)

<1130> Please select the appropriate response (Yes, No, Not Applicable) to confirm the reporting carrier offers broadband service of at least 1 Mbps downstream and 256 kbps upstream within the supported area pursuant to § 54.313(g).

# REDACTED - FOR PUBLIC INSPECTION

## (1200) Terms and Condition for Lifeline Customers Lifeline Data Collection Form

|       |   |                   |
|-------|---|-------------------|
| <010> | Study Area Code   | 381638            |
| <015> | Study Area Name   | MIDSTATE COMM.    |
| <020> | Program Year  | 2018              |
| <030> | Contact Name - Person USAC should contact regarding this data                 | PAMELA HINTZ      |
| <035> | Contact Telephone Number - Number of person identified in data line <030>     | 6516218535 ext.   |
| <039> | Contact Email Address - Email Address of person identified in data line <030> | phintz@otcpas.com |

|                  |
|------------------|
| 381638nd1210.pdf |
|------------------|

Name of Attached Document

<1210> Terms & Conditions of Voice Telephony Lifeline Plans

<1220> Link to Public Website  HTTP

"Please check these boxes below to confirm that the attached document(s), on line 1210, or the website listed, on line 1220, contains the required information pursuant to § 54.422(a)(2) annual reporting for ETCs receiving low-income support, carriers must annually report:

<1221> Information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers,

<1222> Details on the number of minutes provided as part of the plan,

<1223> Additional charges for toll calls, and rates for each such plan.

(2005) Price Cap Carrier Additional Documentation  
Data Collection Form  
Including Rate-of-Return Carriers affiliated with Price Cap Local Exchange Carriers

|       |   |                   |
|-------|---|-------------------|
| <010> | Study Area Code   | 381638            |
| <015> | Study Area Name   | MIDSTATE COMM.    |
| <020> | Program Year  | 2018              |
| <030> | Contact Name - Person USAC should contact regarding this data                 | PAMELA HINTZ      |
| <035> | Contact Telephone Number - Number of person identified in data line <030>     | 6516218535 ext.   |
| <039> | Contact Email Address - Email Address of person identified in data line <030> | phintz@otcpas.com |

Select the appropriate responses below (Yes, No, Not Applicable) to note compliance as a recipient of Incremental High Cost support. High Cost support to offset access charge reductions, and Connect America Phase II support as set forth in 47 CFR § 54.313(b),(c),(d),(e). The information reported on this form and in the documents attached below is accurate.

**Incremental Connect America Phase I reporting**

<2011> 3rd Year Certification 47 CFR §54.313(b)(1)(ii) - Note that for the July 2017 certification, this applies to Round 2 recipients of Incremental Support.

<2022> Recipient certifies, representing year three after filing a notice of acceptance of funding pursuant to 54.312(c), that the locations in question are not receiving support under the Broadband Initiatives Program or the Broadband Technology Opportunities Program for projects that will provide broadband with speeds of at least 4 Mbps/1Mbps - 54.313(b)(2)(i). Round 2 recipients only.

<2023> The attachment on line 2024 includes a statement of the total amount of capital funding expended in the previous year in meeting Connect America Phase I deployment obligations, accompanied by a list of census blocks indicating where funding was spent. This covers year three - 54.313(b)(2)(ii). Round 2 recipients only.

<2024A> Round 2 Recipient of Incremental Support?

<2024B> Attach list of census blocks indicating where funding was spent in year three - 54.313(b)(2)(ii). Round 2 recipients only.

<2025A> Round 2 Recipient of Incremental Support?

<2025B> Attach geocoded Information for Phase I milestone reports (Round 2 for year three) - Connect America Fund , WC Docket 10-90, Report and Order, FCC 13-73, paragraph 35 (May 22, 2013).

<2015> 2016 and future Frozen Support Certification 47 CFR § 54.313(c)(4)

Name of Attached Document Listing Required Information

Name of Attached Document Listing Required Information

# REDACTED - FOR PUBLIC INSPECTION

(2016) Price Cap Carrier Additional Documentation  
Data Collection Form  
Including Rate-of-Return Carriers affiliated with Price Cap Local Exchange Carriers  
May 2013

## Price Cap Carrier Connect America ICC Support {47 CFR § 54.313(d)}

<2016> Certification support used to build broadband

## Connect America Phase II Reporting {47 CFR § 54.313(e)}

<2017A> Connect America Fund Phase II recipient?

<2017C> Total amount of Phase II support, if any, the price cap carrier used for capital expenditures in 2016.

<2018> Attach the number, names, and addresses of community anchor institutions to which the carrier newly began providing access to broadband service in the preceding calendar year - 54.313(e)(1)(ii)(A)

<2019> Recipient certifies that it bid on category one telecommunications and Internet access services in response to all FCC Form 470 postings seeking broadband service that meets the connectivity targets for the schools and libraries universal service support program for eligible schools and libraries located within any area in a census block where the carrier is receiving Phase II model-based support, and that such bids were at rates reasonably comparable to rates charged to eligible schools and libraries in urban areas for comparable offerings - 54.313(e)(1)(ii)(C)

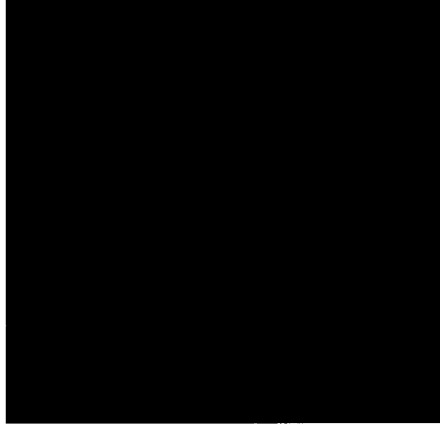
Name of Attached Document Listing  
Required Information



# REDACTED - FOR PUBLIC INSPECTION

(8005) Release of Return Carrier Additional Documentation (Continued)  
Data Collection Form

|       |   |                  |
|-------|---|------------------|
| <010> | Study Area Code   | 381638           |
| <015> | Study Area Name   | MIDSTATE COMM.   |
| <020> | Program Year  | 2018             |
| <030> | Contact Name - Person USAC should contact regarding this data                 | PAMELA HINTZ     |
| <035> | Contact Telephone Number - Number of person identified in data line <030>     | 6516218535 ext.  |
| <039> | Contact Email Address - Email Address of person identified in data line <030> | phintz@tcbas.com |



Financial Data Summary  
 (3027) Revenue  
 (3028) Operating Expenses  
 (3029) Net Income  
 (3030) Telephone Plant In Service(TPIS)  
 (3031) Total Assets  
 (3032) Total Debt  
 (3033) Total Equity  
 (3034) Dividends



|       |   |                   |
|-------|---|-------------------|
| <010> | Study Area Code   | 381638            |
| <015> | Study Area Name   | MIDSTATE COMM.    |
| <020> | Program Year  | 2018              |
| <030> | Contact Name - Person USAC should contact regarding this data                 | PAMELA HINTZ      |
| <035> | Contact Telephone Number - Number of person identified in data line <030>     | 6516238535 ext.   |
| <039> | Contact Email Address - Email Address of person identified in data line <030> | phintz@otcpae.com |

**4005 Rural Broadband Experiment**

Authorized Rural Broadband Experiment (RBE) recipients must address the certification for public interest obligations, provide a list of newly served community anchor institutions, and provide a list of locations where broadband has been deployed.

**Public Interest Obligations – FCC 14-98 (paragraphs 26-29, 78)**

Please address Line 4001 regarding compliance with the Commission’s public interest obligations. All RBE participants must provide a response to Line 4001.

**4001.** Recipient certifies that it is offering broadband to the identified locations meeting the requisite public interest obligations consistent with the category for which they were selected, including broadband speed, latency, usage capacity, and rates that are reasonably comparable to rates for comparable offerings in urban areas?

**Community Anchor Institutions – FCC 14-98 (paragraph 79)**

**4003a.** RBE participants must provide the number, names, and addresses of community anchor institutions to which they newly deployed broadband service in the preceding calendar year. On this line, please respond (yes – attach new community anchors, no – no new anchors) to indicate whether this list will be provided.

If yes to 4003A, please provide a response for 4003B.

**4003b.** Provide the number, names and addresses of community anchor institutions to which the recipient newly began providing access to broadband service in the preceding calendar year. Name of Attached Document Listing Required Information

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**Broadband Deployment Locations – FCC 14-98 (paragraph 80)**

**4004a.** Attach a list of geocoded locations to which broadband has been deployed as of the June 1st immediately preceding the July 1st filing deadline for the FCC Form 481. Name of Attached Document Listing Required Information

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**4004b.** Attach evidence demonstrating that the recipient is meeting the relevant public service obligations for the identified locations. Materials must at least detail the pricing, offered broadband speed and data usage allowances available in the relevant geographic area. Name of Attached Document Listing Required Information

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|   |                   |
|---|-------------------|
| <010> Study Area Code   | 381638            |
| <015> Study Area Name   | MIDSTATE COMM.    |
| <020> Program Year  | 2018              |
| <030> Contact Name - Person USAC should contact regarding this data                 | PAMELA HINTZ      |
| <035> Contact Telephone Number - Number of person identified in data line <030>     | 6516218535 ext.   |
| <039> Contact Email Address - Email Address of person identified in data line <030> | phintz@otcpas.com |

**TO BE COMPLETED BY THE REPORTING CARRIER, IF THE REPORTING CARRIER IS FILING ANNUAL REPORTING ON ITS OWN BEHALF:**

|   |                                |
|---|--------------------------------|
| <b>Certification of Officer as to the Accuracy of the Data Reported for the Annual Reporting for CAF or LI Recipients</b>   |                                |
| I certify that I am an officer of the reporting carrier; my responsibilities include ensuring the accuracy of the annual reporting requirements for universal service support recipients; and, to the best of my knowledge, the information reported on this form and in any attachments is accurate. |                                |
| Name of Reporting Carrier:  |                                |
| Signature of Authorized Officer:  | Date                           |
| Printed name of Authorized Officer:   |                                |
| Title or position of Authorized Officer:  |                                |
| Telephone number of Authorized Officer:   |                                |
| Study Area Code of Reporting Carrier:   | Filing Due Date for this form: |
| Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act of 1934, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.  |                                |



|   |                   |
|---|-------------------|
| <010> Study Area Code   | 381638            |
| <015> Study Area Name   | MIDSTATE COMM.    |
| <020> Program Year  | 2018              |
| <030> Contact Name - Person USAC should contact regarding this data                 | PAMELA HINTZ      |
| <035> Contact Telephone Number - Number of person identified in data line <030>     | 6516218535 ext.   |
| <039> Contact Email Address - Email Address of person identified in data line <030> | phintz@otcpas.com |

**TO BE COMPLETED BY THE REPORTING CARRIER, IF AN AGENT IS FILING ANNUAL REPORTS ON THE CARRIER'S BEHALF:**

| Certification of Officer to Authorize an Agent to File Annual Reports for CAF or LI Recipients on Behalf of Reporting Carrier   |                  |
|---|------------------|
| I certify that (Name of Agent) <u>Olsen Thielen</u> is authorized to submit the information reported on behalf of the reporting carrier. I also certify that I am an officer of the reporting carrier; my responsibilities include ensuring the accuracy of the annual data reporting requirements provided to the authorized agent; and, to the best of my knowledge, the reports and data provided to the authorized agent is accurate. |                  |
| Name of Authorized Agent:   | Olsen Thielen    |
| Name of Reporting Carrier:  | MIDSTATE COMM.   |
| Signature of Authorized Officer:  | CERTIFIED ONLINE |
| Date:   | 06/27/2017       |
| Printed name of Authorized Officer:   | Ryan Wilhelmi    |
| Title or position of Authorized Officer:  | President        |
| Telephone number of Authorized Officer:   | 7016282522 ext.  |
| Study Area Code of Reporting Carrier:   | 381638           |
| Filing Due Date for this form:  | 07/03/2017       |
| Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act of 1934, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.  |                  |

**TO BE COMPLETED BY THE AUTHORIZED AGENT:**

| Certification of Agent Authorized to File Annual Reports for CAF or LI Recipients on Behalf of Reporting Carrier   |                  |
|--|------------------|
| I, as agent for the reporting carrier, certify that I am authorized to submit the annual reports for universal service support recipients on behalf of the reporting carrier; I have provided the data reported herein based on data provided by the reporting carrier; and, to the best of my knowledge, the information reported herein is accurate. |                  |
| Name of Reporting Carrier:   | MIDSTATE COMM.   |
| Name of Authorized Agent Firm:   | Olsen Thielen    |
| Signature of Authorized Agent or Employee of Agent:  | CERTIFIED ONLINE |
| Date:  | 06/22/2017       |
| Name of Authorized Agent Employee:   | Olsen Thielen    |
| Title or position of Authorized Agent or Employee of Agent:  | Consultant       |
| Telephone number of Authorized Agent or Employee of Agent:   | 6516218511 ext.  |
| Study Area Code of Reporting Carrier:  | 381638           |
| Filing Due Date for this form:   | 07/03/2017       |
| Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act of 1934, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.   |                  |

REDACTED - FOR PUBLIC INSPECTION

Attachments





SAC: 381638

State: ND

Midstate Comm.

Form 481 Line No. 510 Compliance with Service Quality Standards and Consumer Protection

---

1. Midstate Comm. (Company) will provide service on a timely basis to requesting customers within the Company's designated service area where the Company's network already passes the potential customers premises, and
  
2. The Company will provide service, within a reasonable period of time, if the potential customer is within the Company's designated service area but outside the Company's existing network coverage, if the service can be provided at reasonable cost by:
  - a. Modifying or replacing the requesting customers equipment;
  - b. Deploying a roof-mounted antenna or other equipment;
  - c. Adjusting the nearest cell tower;
  - d. Adjusting network or customer facilities;
  - e. Reselling services from another carrier's facilities to provide service; or
  - f. Employing, leasing, or constructing an additional cell site, cell extender, repeater, or other similar equipment.

3. Service Quality Standards

The Company:

- Provides voice grade access to the public switched network.
- Provides flat rated local exchange service with no addition charge to end users.
- Provides access to the emergency services provided by local government or other public safety organization, such as 911 and enhanced 911.
- Provides toll blocking and toll limitation services.
- Advertises the availability of its services and the charges using media of general distribution and on its website.
- Maintains a business office providing customers with access to a customer service representative either in person or via a local telephone call or toll-free telephone number during normal business hours.
- Directs after hour calls to the Company's help desk.
- Directs trouble reports to the on-call technician.
- Tracks all service orders to ensure they are completed in a timely manner.
- Measures its service connection and service interruption performance on a regular basis.
- Trains employees to:
  - Answer all incoming calls promptly.
  - Respond to all inquiries for information promptly and courteously.
  - Investigate thoroughly all customer complaints.
  - Be knowledgeable about products and service offerings so they can assist the customer with selecting the best service option.
- Has a process for periodic inspection, testing and preventive maintenance of its equipment to permit the rendering of safe, adequate and continuous service at all times.

SAC: 381638

State: ND

Midstate Comm.

Form 481 Line No. 510 Compliance with Service Quality Standards and Consumer Protection

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4. Consumer Protection Rules

The Company has established operating procedures designed to facilitate compliance with applicable consumer protection rules which include compliance with the Customer Proprietary Network Information (CPNI) rules. The operating procedures include:

- Appointment of a compliance officer.
- A manual detailing the specific procedures for protecting consumer information.
- Employee training on an annual basis.
- A disciplinary process for improper use of consumer information.

SAC: 381638

State: ND

Midstate Comm.

Form 481 Line No. 610 Description of Functionality in Emergency Situations

---

Midstate Comm. has:

- Established reasonable provisions to meet emergencies resulting from failures of lighting or power service, sudden and prolonged increases in traffic, or from fire, storm, or acts of God including provisions for emergency power that provide:
  - A minimum of four hours of battery service in each central office.
  - A permanently installed power unit in exchanges, or
  - Mobile power units that can be delivered on short notice and which can be readily connected in offices without installed emergency power facilities.
  
- Informed employees as to the procedures to be followed, including reasonable rerouting of traffic around damaged facilities and the deployment of emergency power, in the event of emergency in order to prevent or mitigate interruption or impairment of telecommunications service.

## REDACTED - FOR PUBLIC INSPECTION

SAC: 381638

State: ND

Midstate Comm

Form 481 Line No. 1010 Descriptive document for Voice Services Rate Comparability

---

Line 1010 – Description of Voice Services Rate Comparability: Provide a detailed description of how your pricing of fixed voice services is no more than two standard deviations above the applicable national average urban rate for voice service, as published annually by the Wireline Competition Bureau, as required in 47 C.F.R. § 54.313(a)(10).

On February 14, 2017, the Wireline Competition Bureau announced results of the Urban Rate Survey for Voice Services as part of FCC Public Notice DA 17-167. Referenced in this public notice are the results required to meet the rate comparability as noted:

“Based on the survey results, the reasonable comparability benchmark for voice services is \$49.51.<sup>3</sup>

<sup>3</sup> Id. at 17694, para. 84.”

As required Midstate Comm hereby certifies that its current fixed voice services for residential subscribers as defined in the USF/ICC Transformation Order is below \$49.51.

## REDACTED - FOR PUBLIC INSPECTION

SAC: 381638

State: ND

Midstate Comm

Form 481 Line No. 1030 Descriptive document for Broadband Service Rate Comparability

---

Line 1030 – Description of Broadband Service Rate Comparability: Provide a detailed description of how your pricing of a Broadband service meeting the Commission’s Public Interest Obligations is no more than the applicable benchmark, as published annually by the Wireline Competition Bureau, pursuant to 47 C.F.R. § 54.313(a)(12).

On February 14, 2017, the Wireline Competition Bureau announced the results of the Urban Rate Survey for Broadband Service as part of FCC Public Notice DA 17-167. Referenced in this public notice are the results required to meet the rate comparability as noted:

Based on the survey results, the reasonable comparability benchmark calculations for broadband services can be calculated at <http://www.fcc.gov/encyclopedia/urban-rate-survey-data>.

As required Midstate Comm hereby certifies that it offers a Broadband service to residential subscribers at pricing that is no more than the applicable benchmark rate.

SAC: 381638  
 State: ND  
 Midstate Comm.  
 Form 481 Line No. 1210 Lifeline Plans Terms and Conditions

**Lifeline Terms and Conditions**

1. Midstate Comm. (Company) offers lifeline program-supported service to qualified low-income residential consumers for one telephone, mobile or broadband service per eligible household. The lifeline program provides discounts to eligible low-income consumers to help them establish and maintain telephone, mobile or broadband service. Lifeline assistance lowers the cost of basic, monthly local telephone or broadband service. Eligible consumers can receive \$9.25 per month in discounts. In addition, the Federal Universal Service Charge is not assessed to consumers participating in Lifeline. Toll Blocking prevents the placement of all long distance calls for which a subscriber would be charged. Toll Blocking is available to eligible consumers at no cost. Also, by choosing the option, consumers are not charged a deposit.

**Lifeline Program Eligibility Information**

**Program Based Eligibility**

Consumers are eligible for Lifeline if they, one of their dependents or their household participate in one of the following qualifying assistance programs:

- Federal Public Housing Assistance (Section 8)
- Supplemental Nutrition Assistance Program (SNAP)
- Medicaid
- Supplemental Security Income (SSI)
- Veteran's Pension or Survivor Benefits

Lifeline applicant must present documentation demonstrating eligibility either through participation in one of the qualifying federal assistance programs or through income-based means.

Acceptable documentation of program-based eligibility includes: current or prior year's statement of benefits from a qualifying program; notice letter of participation in a qualifying program; program participation documents; or another official document evidencing the consumer's participation in a qualifying program.

**Income Based Eligibility**

2. In addition, consumers are eligible for Lifeline if their household income is at or below 135% of the federal poverty guidelines.

2017 Federal Poverty Guidelines – 135%

| <u>Household Size</u>           | <u>48 Contiguous States and D.C.</u> |
|---------------------------------|--------------------------------------|
| 1                               | \$ 16,281                            |
| 2                               | 21,924                               |
| 3                               | 27,567                               |
| 4                               | 33,210                               |
| 5                               | 38,853                               |
| 6                               | 44,496                               |
| 7                               | 50,139                               |
| 8                               | 55,782                               |
| For Each Additional Person, Add | 5,643                                |

Acceptable documentation of income eligibility includes: prior year's state, federal or Tribal tax return; current income statement from an employer or paycheck stub; social security statement of benefits; Veterans Administration statement of benefits; retirement/pension statement of benefits; unemployment/workmen's compensation statement of benefits; federal or Tribal notice of letter participating in General Assistance; or a divorce decree or child support award or other official document containing income information.

SAC: 381638  
 State: ND  
 Midstate Comm.  
 Form 481 Line No. 1210 Lifeline Plans Terms and Conditions

**Lifeline Terms and Conditions (Continued)**

**Lifeline Program Eligibility Information (Continued)**

**Recertification of Lifeline Eligibility**

Lifeline recipients are required to recertify their eligibility annually. Failure to properly recertify a recipient's continued eligibility for the Lifeline program will result in termination of the Lifeline recipient's monthly Lifeline discount and de-enrollment from the Lifeline Program.

**Additional Lifeline Program Information**

The Lifeline program is limited to one benefit per household, consisting of either wireline, wireless or broadband service. A household is defined, for purposes of the Lifeline Program, as an individual or group of individuals who live together at the same address and share income and expenses. Lifeline is a government benefit program, and consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program.

3. The Local services for (Company) that serve as its Lifeline Plans are in Compliance with the Essential telecommunications service as specified in North Dakota Chapter 49-21-01 4.c as follows:
  - C. Primary flat rate residence basic telephone service including the following service elements:
    - 1) Billing and collecting of the telecommunications company's charges for the service
    - 2) Primary directory listing
    - 3) Access to assistance
    - 4) Access to emergency 911 service and emergency operator assistance in the local exchange areas in which emergency 911 service is not available
    - 5) Except as provided in section 49-02-01.1, mandatory, flat-rate extended area service to designated nearby local exchange areas.
    - 6) Transmission service necessary for the connection between the end user's premises and the local exchange central office switch including a trunk connection that has inward dialing and necessary signaling service such as touchtone used by end users for service.
  
3. The Company's flat rate plans include unlimited local exchange calling including usage to designated nearby local exchange areas. The flat rate plans do not include any toll usage. The rates for any toll usage are determined by the rate plans of the Toll Provider(s) that are selected by lifeline end users.
  
4. The Company has met and will meet the requirements of eligible telecommunications carrier advertising. This includes:
  - a. A full description of available services in the Company's Official telephone directory, including the process to be used by customers to qualify for lifeline and link-up service.
  - b. Advertising of the available universal service in media of general circulation in the Company's designated service area. Availability may be advertised in newspapers, company newsletters, company or civic internet sites, bill stuffer, direct mailings, or other means intended to convey availability throughout the designated service area.
  
5. The specific Company terms and conditions for the Companies Lifeline Plans are set forth in pages included in Exhibit 1, attached.

REDACTED - FOR PUBLIC INSPECTION

Exhibit 1

SAC: 381638  
State: ND  
Midstate Comm.  
Form 481 Line No. 1210 Lifeline Plans Terms and Conditions



April 18, 2017

Executive Secretary

North Dakota Public Service Commission

600 East Boulevard Avenue, Dept. 408

Bismarck, ND 58505-0480

To Whom It May Concern:

Midstate Communications, Inc. & Midstate Telephone, will be increasing their residential local service rates effective June 1, 2017

| <u>Date</u> | <u>Local Rates</u> |
|-------------|--------------------|
| 1-1-15      | \$14.00            |
| 7-1-16      | \$18.00            |
| 6-1-17      | \$20.00            |
| 1-1-18      | \$22.91 tentative  |

The customer notice for the local rate increase will sent to the customers in the May billing.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Wilhelmi".

Ryan Wilhelmi

Midstate Communications, Inc & Midstate Telephone

## REDACTED - FOR PUBLIC INSPECTION

SAC: 381638

State: ND

Midstate Comm

Response to Line 3010 – Milestone Certification (47 CFR §54.313(f)(1)(i))

---

Midstate Comm hereby certifies that throughout 2016, it took reasonable steps to provide upon reasonable request broadband service at actual speeds of at least 4 Mbps downstream/1 Mbps upstream, and currently, it is taking reasonable steps to provide upon reasonable request actual speeds of at least 10 Mbps downstream/1 Mbps upstream broadband service at with latency suitable for real-time applications, including Voice over Internet Protocol, and usage capacity that is reasonably comparable to comparable offerings in urban areas as determined in an annual survey, and that requests for such service are met within a reasonable amount of time.

REDACTED - FOR PUBLIC INSPECTION

SAC: 381638

State: ND

Midstate Comm. Form 481

Line No. 3026 - Rate of Return Financial Data

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DOCUMENT REDACTED IN ITS ENTIRETY