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VIA OVERNIGHT MAIL

September 13, 2018

Mr. Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
State Capitol
600 East Boulevard Avenue, Twelfth Floor
Bismarck, ND 58505-0480

Dear Mr. Nitschke:

John Staurulakis, Inc. ("JSI") files the enclosed Application for Designation as an Eligible Telecommunications Carrier on behalf of BEK Communications Cooperative.

Any questions regarding the filing may be directed to the undersigned at the address and telephone number listed above, or by email at jkuykendall@isitel.com.

Sincerely,

John Kuykendall
Vice President

On behalf of

BEK Communications Cooperative

Enclosure

cc: Patrick Fahn, North Dakota Public Service Commission (via email)

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

* * * *

**BEK COMMUNICATIONS COOPERATIVE APPLICATION FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

BEK Communications Cooperative (“BEK” or the “Cooperative”) has been designated by the Commission as an Eligible Telecommunications Carrier (“ETC”) in its incumbent local exchange (“ILEC”) service area to receive universal service support under Section 214 and 254 of the Federal Telecommunications Act of 1996 and receives such support in the North Dakota exchanges identified in Exhibit A. BEK participated in the Federal Communications Commission’s (“FCC”) Connect America Fund Phase II (“CAF Phase II”) auction and was awarded funding for 534 locations in eligible census blocks in the census block groups identified in Exhibit B (hereinafter referred to as “Funded Areas”) which are located outside of its incumbent local exchange area and will be served by the Cooperative’s local exchange operations which operate outside of its ILEC service area (hereinafter referred to as “Non-ILEC Operations”).¹ In this petition, BEK requests a new ETC designation for these Funded Areas. With this Application, and supporting documents, BEK seeks an Order from the North Dakota Public Service Commission (“NDPSC” or “Commission”) which designates BEK’s Non-ILEC Operations as an ETC in the Funded Areas in the census block groups listed in Exhibit B, pursuant to §§ 69-09-05-12, 69-09-05-12.1 of the North Dakota Administrative Code, N.D.C.C. § 49-21.01.7(12) and § 214(e) of the Communications Act of 1934.

¹ BEK’s Non-ILEC Operations are registered with the North Dakota Public Service Commission. BEK Articles of Incorporation and Certificate of Good Standing are provided in Exhibits D and E.

I. Background

On August 28, 2018, the Federal Communications Commission (“FCC”) released a Public Notice² announcing the conclusion of the CAF Phase II auction. Areas that will receive support through this auction are locations in census blocks in rural areas served by price cap carriers that do not have access to broadband at speeds of at least 10 Mbps downstream and 1 Mbps upstream (“10/1”). The FCC has determined that these areas are rural, sparsely populated and historically, there has not been a viable business case that makes financial and operational sense for investing in state-of-the-art broadband infrastructure in the absence of sufficient and predictable universal service support. The CAF Phase II funding, grant funding, loans and other financial tools, provide sufficient incentives for entities, such as BEK, to expand their existing footprints and serve the rural areas identified for support in the CAF Phase II auction.

Carriers awarded support in this auction must deploy broadband to the specified number of locations in the census block groups in which they bid within a six-year period at the speed specified in their bid. Funding in the form of CAF Phase II support will be provided monthly over a ten-year period based upon the amount of their winning bid.

BEK participated in this auction and was among the 103 providers listed as provisional winners. BEK will receive \$1,182,155 over a ten-year period to build a network capable of delivering 1 Gbps broadband to the 534 locations in the Funded Areas upon completion of certain post-auction requirements. One of these requirements is for BEK to be designated an ETC in the Funded Areas by February 26, 2019.³ Accordingly, grant of this application is vital for consumers in rural North Dakota to be able to receive high speed broadband. The services offered to these subscribers will be the same

² Connect America Fund Phase II Auction (Auction 903) Closes; Winning Bidders Announced; FCC Form 683 Due October 15, 2018, Public Notice, AU Docket No. 17-182, WC Docket No. 10-90, DA 18-887 (rel. Aug. 28, 2018) (“Provisional Winners PN”)

³ *Id.* at p. 6.

Application for ETC Designation

Page 3

as BEK provides other customers in its ILEC and Non-ILEC Operations service areas. These services consist of IP-Voice Services, IP-Television Services, 1 Gbps Broadband service and a variety of Cloud services.

II. Authority to Designate the Funded Areas

Pursuant to 47 USC § 214(e)(2), a state commission may designate a common carrier that meets the requirements of 47 USC § 214(e)(1) as an ETC for a service area designated by the state commission. Further, the Commission has authority under N.D.C.C. § 49-21-01.7(12) to designate telecommunications companies as ETCs to receive universal service support under sections 214 and 254 of the Communications Act of 1934, as amended by the Federal Telecommunications Act of 1996 (“the Act”) and has authority under N.D.C.C. § 49-21-01.7(13) to designate geographic service areas for ETCs to receive the support.

47 USC § 153(11) defines a common carrier as "any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to this Act; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier."⁴ N.D.C.C. § 49-21-02 states that all persons providing telecommunications service within North Dakota shall be common carriers, and shall be affected with a public interest and subject to the regulation and supervision of the Commission.⁵ BEK provides telecommunications service as a common carrier and will continue doing so in the Funded Areas in which it seeks designation. Additionally, as demonstrated below, BEK satisfies the requirements of Section 214(e)(1) for designation as an ETC in the Funded Areas. Accordingly, the Commission has the authority to designate BEK as an ETC in the Funded Areas.

⁴ 47 USC § 153(11).

⁵ N.D.C.C. § 49-21-02.

III. BEK Satisfies All the Requirements for Designation as an ETC

Section 214(e)(1) of the Communications Act of 1934, as amended and Section 54.201(d) of the rules of the Federal Communications Commission (“FCC”) require ETCs to, throughout their service areas for which designation is received, (1) offer the services supported by federal universal service support mechanisms, (2) either using its own facilities or a combination of its own facilities and resale of another carrier’s services, and to (3) advertise the availability of such services and the charges using media of general distribution.⁶

A. ETCs Must Offer Supported Services Through its Own Facilities or Through a Combination of its Own Facilities and Resale

In order to be designated as an ETC, a carrier must offer the services that are supported by universal support mechanisms, which are voice telephony services and broadband service as defined in Section 54.101 of the Commission’s Rules⁷ either through its own facilities or a combination of its own facilities and resale of another carrier’s facilities. Section 54.101(a)(1) defines voice telephony services eligible for universal service support as:

services [that] must provide voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying low-income consumers as provided in subpart E of this part.⁸

Section 54.101(a)(2) defines broadband Internet access services eligible for universal service support as:

services [that] must provide the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are

⁶ 47 U.S.C. §214(e)(1); 47 C.F.R § 54.201(d)(1). 47 C.F.R § 54.201(d)(1) defines the term “facilities” as meaning “any physical components of the telecommunications network that are used in the transmission or routing of the services that are designated for support”

⁷ 47 C.F.R. §54.101.

⁸ 47 C.F.R. §54.101(a)(1).

incidental to and enable the operation of the communications service, but excluding dial-up service.⁹

The Federal Communications Commission has additional buildout requirements for carriers that are awarded CAF Phase II auction support. Pursuant to these requirements, BEK must deploy 1 Gbps broadband to the 534 locations in the Funded Areas within a six-year period.¹⁰

B. BEK hereby demonstrates that it will offer and provide each of the above-listed services through its own facilities

1. Voice Grade Access to the Public Switched Network or its Functional Equivalent

Voice grade access to the Public Switched Network or its functional equivalent is provided by BEK using its facilities-based network. Our use of Calix last mile platform equipment allows IP delivery of voice, Gigabit Broadband internet access and video services between our Central Office in Steele and the customer premise.

Both SIP and VoIP voice services will be offered to customers, with TDM services also available as needed. Equipment termination for voice services will be made via either our traditional IP voice switch at the Steele Central Office or our hosted VoIP platform as needed. Both are readily scalable far beyond current usage levels to easily accommodate increasing customer demand. Voice switching, Gigabit Broadband backhaul, customer care, Network operations and administration will be shared with our current operations. BEK already has data connection to the Internet and voice interconnection to the LATA tandem for the exchange of traffic.

2. BEK Offers Minutes of Use for Local Service Provided at No Additional Charge to End Users

⁹ 47 C.F.R. §54.101(a)(2). Section 54.101(c) requires ETCs “subject to a high-cost public interest obligation to offer broadband Internet access services” to offer broadband services “within the areas where it receives high-cost support.”

¹⁰ For recipients of CAF Phase II support, the FCC waived the requirement that winning bidders seeking an FCC ETC designation file a five-year improvement plan and demonstrate that it will satisfy applicable consumer protection and service quality standards. See WCB Reminds Connect America Fund Phase II Auction Applicants of the Process For Obtaining a Federal Designation as an Eligible Telecommunications Carrier, Public Notice, WC Docket Nos. 09-197, 10-90, DA 18-714 (rel. July 10, 2018) at pp 4-5.

BEK currently offers voice products in the rate centers of the CAF Phase II census blocks provisionally awarded to BEK. The local service includes free local call to both the Mandan and Bismarck rate centers and a bundled unlimited long distance service included with the line for a fixed price.

3. BEK Will Satisfy the Requirement for Access to Emergency Services

BEK will provide access to emergency services through 911 access to the Bismarck Burleigh Combined communications center which serves as the PSAP for both rate centers, as provided in BEKs existing operations today. The requirement that ETCs offer access to 911 or enhanced 911 (“E911”) applies only “to the extent the local government in an eligible carrier’s service area has implemented 911 or enhanced 911 systems.”¹¹

4. BEK is Not Required to Offer Toll Limitation Services

As part of the requirement that ETCs offer Lifeline discounts to qualifying customers, FCC rules generally require ETCs to offer toll limitation services. However, Section 54.401(a)(2) of the FCC’s rules states that toll limitation service “does not need to be offered for any Lifeline service that does not distinguish between toll and non-toll calls in the pricing of the service.”¹² The IP-Voice service offerings that BEK will provide in the Funded Areas will not distinguish between toll and non-toll calls. Accordingly, BEK is not required to meet this obligation.

5. BEK Will Advertise its Universal Service Offerings

BEK commits to advertise the availability of, and charges for, the supported services using media of general distribution, consistent with its existing advertising practices. The advertising will occur through a combination of media channels, such as the BEK Beacon, local newspapers in each county, website, TV ads and social media.

¹¹ 47 C.F.R. § 54.101(a)(5).

¹² 47 C.F.R. § 54.401(a)(2).

C. BEK Meets the Additional Eligibility Criteria Adopted by the FCC

In its *2005 ETC Order*,¹³ the FCC adopted additional criteria that all ETC applicants must satisfy in order to be granted ETC status. The criteria, as set forth in Section 54.202 of the FCC's Rules, require that an ETC applicant must: (1) certify that it will comply with the service requirements applicable to the support that it receives; (2) submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network throughout its proposed service area; (3) demonstrate its ability to remain functional in emergency situations; (4) demonstrate that it will satisfy consumer protection and service quality standards.¹⁴ To the extent applicable, BEK will meet each of these additional criteria.

1. BEK Certifies that it Will Comply With Service Requirements Applicable to the Support that it Receives

In its *2005 ETC Order* 2005 ETC Order, the FCC required that an ETC applicant "make specific commitments to provide service to requesting customers in the service areas for which it is designated as an ETC." Specifically, the FCC found that

if the ETC's network already passes or covers the potential customer's premises, the ETC should provide service immediately. In those instances where a request comes from a potential customer within the applicant's licensed service area but outside its existing network coverage, the ETC applicant should provide service within a reasonable period of time if service can be provided at reasonable cost by: (1) modifying or replacing the requesting customer's equipment; (2) deploying a roof-mounted antenna or other equipment; (3) adjusting the nearest cell tower; (4) adjusting network or customer facilities; (5) reselling services from another carrier's facilities to provide service;⁵³ or (6) employing, leasing, or constructing an additional cell site, cell extender, repeater, or other similar equipment.

The FCC stated that if an ETC applicant determines that it cannot serve the customer using one or more of these methods, "then the ETC must report the unfulfilled request to the Commission within 30 days after making such determination."

¹³ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 05-46 (rel. Mar. 17, 2005) ("*2005 ETC Order*").

¹⁴ *See*, 47 C.F.R § 54.202.

BEK hereby certifies that it will comply with the service requirements applicable to the supported voice and broadband services that it will be offering in the Funded Areas, including the requirements for the CAF Phase II auction program. BEK submitted a certification by a professional engineer as part of its CAF Phase II long form application, which stated that the Cooperative's network is providing voice and data services to customers in the Funded Areas and the network capacity can handle the anticipated peak service loads.

2. Five-Year Plan for Proposed Improvements or Upgrades

BEK will provide service to the locations for which it has been awarded support consistent with the deployment obligations associated with the CAF Phase II auction program.¹⁵ All BEK service areas are constructed with a 100% fiber optic network, with the ability to deliver Gigabit services to every BEK customer. The proposed buildout plan for the Funded Areas is to extend the existing fiber network to those census blocks listed in Exhibit B prior to the six-year buildout requirements established for CAF Phase II auction.

3. BEK Will Remain Functional in Emergency Situations

BEK hereby certifies that it is able to function in emergency situations as set forth in §54.202(a)(2) and North Dakota Administrative Code 69-09-05-12.¹⁶ BEK's voice and broadband network is designed to remain functional in emergency situations without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations as required by Section 54.202(a)(2). The Cooperative can change call routing

¹⁵ See Exhibit C, map of proposed service area and list of Census Blocks and total number of units in Census Block, in awarded in the CAF Phase II auction.

¹⁶ Section 54.202(a)(2) requires ETCs that are designated by the Commission to "demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of maintaining traffic spikes resulting from emergency situations."

translations as needed to reroute traffic around damaged facilities. Changing call routing translations will also allow BEK to manage traffic spikes throughout its network, as emergency situations require.

Specifically, each central office building is supplied with standby generators and battery back-up that enable the central office to keep running until power is restored so long as fuel is available, or until system changes are made to reroute traffic. BEK's central office can maintain 48 hours, plus or minus 15 percent, of battery reserve rated for peak traffic load requirements, and a permanent auxiliary power unit is installed or a mobile power source is available which can be delivered and connected within four hours. BEK has battery backup at all office locations and in its electronic equipment sites capable of running for a minimum of 36 hours, plus or minus 15 percent. Length of run time is determined by the equipment serving the area and the number of customers working out of the equipment. Generators are installed at all Central Office locations. They will continue to run as long as BEK has access to fuel. The Cooperative tests the batteries at least once per year. BEK's standby generators and battery back-up support both voice and broadband network equipment should an emergency situation occur. BEK complies with the FCC's backup batter requirements as well.

4. BEK Will Satisfy Consumer Protection and Service Quality Standards

In establishing this certification in its *2005 ETC Order*,¹⁷ the FCC found that an ETC must make “a specific commitment to objective measures to protect consumers.”¹⁸ The FCC found that for wireless ETCs, compliance with CTIA's Consumer Code for Wireless Service would satisfy this requirement, and that the sufficiency of other commitments would be considered on a case-by-case basis.¹⁹ In this

¹⁷ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 05-46 (rel. Mar. 17, 2005) (“*2005 ETC Order*”).

¹⁸ *Id.* at ¶ 28.

¹⁹ *Id.* The FCC noted that under the CTIA Consumer Code, wireless carriers agree to: “(1) disclose rates and terms of service to customers; (2) make available maps showing where service is generally available; (3) provide contract terms to customers and confirm changes in service; (4) allow a trial period for new services; (5) provide specific disclosures in advertising; (6) separately identify carrier charges from taxes on billing statements; (7) provide customers the right to terminate service for changes to contract terms; (8) provide ready access to customer service; (9) promptly respond to consumer inquiries and complaints received from government agencies; and (10) abide by policies for protection of consumer privacy.” *Id.* at n. 71.

context, the FCC stated, “to the extent a wireline or wireless ETC applicant is subject to consumer protection obligations under state law, compliance with such laws may meet our requirement.”²⁰

BEK hereby certifies that it is complying with applicable service quality standards and consumer protection rules. BEK is subject to service quality standards and consumer protection obligations under both federal and, to a limited extent under North Dakota state law as a telecommunications carrier subject to North Dakota Public Service Commission regulation. These obligations include, but are not limited to, the following: (1) adherence to state requirements that the Company complies with consumer protection and service quality standards pursuant to North Dakota Administrative Code Article 69, including customer requests for lowest price service alternatives (69-09-05-01), discontinuance of telecommunications services (69-09-05-02), deposits and guarantees (69-09-05-03); (2) truth-in-billing requirements, and (3) CPNI, Red Flag Rules and other applicable federal and state requirements governing the protection of customers’ privacy.

In addition, BEK certifies compliance with broadband specific consumer protection obligations under both state and federal law. The federal law obligations include, but are not limited to the following: public disclosure of accurate information regarding network management practices, performance, and commercial terms of broadband internet access services; as a means of providing sufficient information for consumers to make informed choices regarding use of such services, and for content, application, service and device providers to develop, market, and maintain internet offerings as specified in FCC 47 CFR Part 8 §8.3.

IV. BEK Satisfies the Requirements of the Commission

Section 69-09-05-12 of the Commission’s Rules sets forth specific requirements for ETC applications. The following lists these requirements and provides the requested information.

²⁰ *Id.* at n. 72.

A. Section 69-09-05-12(2)²¹ requires applicants to specifically identify:

- “The proposed designated service area. Applicants that will not be classified as the incumbent local exchange carrier shall identify the incumbent local exchange carrier study areas that are located, in whole or in part, in the proposed designated service area;”
 - The proposed service area is comprised of the census blocks identified in Exhibit B and shown on the map in Exhibit C (otherwise known as the “Supported Areas”), These census blocks are located in the study area (Study Area Code: 385144) served by CentruyLink, the incumbent local exchange carrier.
- “How the applicant meets the requirements for designation as an eligible telecommunications carrier;”
 - How BEK meets the federal requirements as an ETC in the Funded Areas are described in the section above while this section describes how BEK meets the Commission’s requirements.
- “Whether the applicant requires a waiver of any eligible telecommunications carrier requirement; and [i]f a waiver is required, the specific reasons for the waiver and the length of time for which the waiver is required.”
 - No waiver of any ETC requirement is required.

B. Section 69-09-05-12(3)(a)(1)&(2)²² requires applicants to:

- “Commit to provide service throughout its proposed designated service area to all customers making a reasonable request for service. Each applicant shall certify that it will: (1) Provide service on a timely basis to requesting customers within the applicant's proposed designated service area where the applicant's network already passes the potential customer's premises; and

²¹ N.D.A.C § 69-09-05-12(2).

²² N.D.A.C § 69-09-05-12(3)(a)(1)&(2).

(2) Provide service within a reasonable period of time, if the potential customer is within the applicant'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; (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.”

- o BEK hereby commits to provide service throughout its proposed designated service area to all customers making a reasonable request for service. BEK also hereby certifies that it will: (1) Provide service on a timely basis to requesting customers within the applicant's proposed designated service area where the applicant's network already passes the potential customer's premises; and (2) Provide service within a reasonable period of time, if the potential customer is within the applicant's proposed designated service area but outside its existing network coverage, if service can be provided at reasonable cost using the following means to the extent that they are applicable to BEK’s wireline IP fiber network: (a) Modifying or replacing the requesting customer's 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.”

C. Section 69-09-05-12(3)(f)²³ requires applicants to:

²³ N.D.A.C § 69-09-05-12(3)(f).

- “Certify that the carrier acknowledges that the commission may require it to provide equal access to long-distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the proposed designated service area.”
 - BEK certifies and acknowledges that the Commission may require it to provide equal access to long-distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the proposed Funded Areas.

D. BEK Satisfies the Commission’s Advertising Requirements in Section 69-09-05-12(6)

Finally, BEK certifies that the following forms of advertising of the availability of universal service will be met or exceeded by BEK: a full description of available services in BEK’s official telephone directory, including the process to be used by customers to qualify for Lifeline and Link-up service; and in media of general circulation in each eligible telecommunications carrier’s designated service areas, including newspapers, company newsletters, company or civic internet sites, bill stuffers, direct mailings, and any other means intended to convey availability throughout the service area deemed appropriate by BEK.²⁴

V. Grant of This Application Will Serve the Public Interest

BEK is a member-owned rural local exchange carrier (“LEC”) headquartered in Steele, North Dakota. BEK was founded in 1952 and currently provides voice, broadband, IP-video and cloud services to more than 10,000 customers throughout 10 counties in central North Dakota. BEK serves as a traditional LEC, and in 2010 the company received an American Recovery and Reinvestment Act Broadband Initiatives Program grant and three Community Connect Grants, in Morton & Barnes Counties, to expand its service area and bring voice, broadband, and IP-video and cloud services as a competitive provider to adjacent unserved areas. BEK has been declared a provisional winning for the

²⁴ N.D.A.C § 69-09-05-12(6).

Application for ETC Designation
Page 14

FCC's CAF Phase II auction, and continues to push its service area boundaries further and further into extremely rural areas that have been left behind in the digital divide.

BEK's focus is to provide quality communications services to our customers at a reasonable price, and BEK is particularly in tune with the communications needs of Americans in extremely rural areas. BEK's service area has an average population density of 2.5 people per square mile and a member density of 0.9 members per square mile, but the rural density in its rural LEC study area is only 0.3 members per square mile. With this insight, BEK plans to utilize the CAF Phase II support in the Funded Areas as a particularly important source of funding, because it focuses on areas that are fundamentally similar to BEK's incumbent service territory. The individuals who benefit from CAF Phase II support will now be able to stay connected to the world as well as access critical public safety, health, educational, and economically advantageous Internet-enabled services and applications.

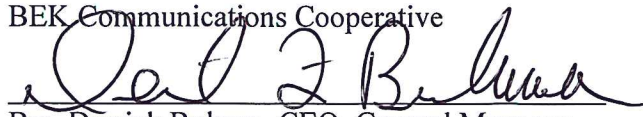
Accordingly, it is in the public interest to expand BEK's ETC designated service area to incorporate the Funded Areas. Once the Commission grants BEK's ETC application and the FCC approves BEK for funding, BEK will receive \$1,182,155 over a ten-year period which it will use "as intended" to deploy 1 Gbps broadband those residing and working in the Funded Areas.

VI. Conclusion

BEK requests that the Commission grant this application expeditiously without a hearing if no interested party has requested a hearing on this application after receiving at least twenty (20) days' notice of opportunity to request such a hearing.

Dated this 12 day of September, 2018.

BEK Communications Cooperative



By: Derrick Bulawa, CEO, General Manager

Attachments

Exhibit A

BEK Communications Cooperative ILEC Service Territory



Exhibit B

CAF Phase II Auction BEK Awarded Funded Areas

Item	State	County	Census Block Group ID	Locations
ND-015-0102004	ND	Burleigh	380150102004	1
ND-015-0106003	ND	Burleigh	380150106003	4
ND-015-0108001	ND	Burleigh	380150108001	1
ND-015-0109001	ND	Burleigh	380150109001	5
ND-015-0109002	ND	Burleigh	380150109002	2
ND-015-0110011	ND	Burleigh	380150110011	1
ND-015-0110013	ND	Burleigh	380150110013	2
ND-015-0110021	ND	Burleigh	380150110021	4
ND-015-0110022	ND	Burleigh	380150110022	1
ND-015-0111031	ND	Burleigh	380150111031	1
ND-015-0111051	ND	Burleigh	380150111051	2
ND-015-0111052	ND	Burleigh	380150111052	4
ND-015-0112004	ND	Burleigh	380150112004	2
ND-015-0113003	ND	Burleigh	380150113003	8
ND-059-0202001	ND	Morton	380590202001	5
ND-059-0202002	ND	Morton	380590202002	35
ND-059-0203001	ND	Morton	380590203001	2
ND-059-0203002	ND	Morton	380590203002	3
ND-059-0203003	ND	Morton	380590203003	2
ND-059-0203004	ND	Morton	380590203004	13
ND-059-0204001	ND	Morton	380590204001	330
ND-059-0204002	ND	Morton	380590204002	15
ND-059-0204003	ND	Morton	380590204003	24
ND-065-9612002	ND	Oliver	380659612002	67
Total CBGs		24	Total Locations	534

BEK Awarded CAF II
Write a description for your map.

Exhibit C

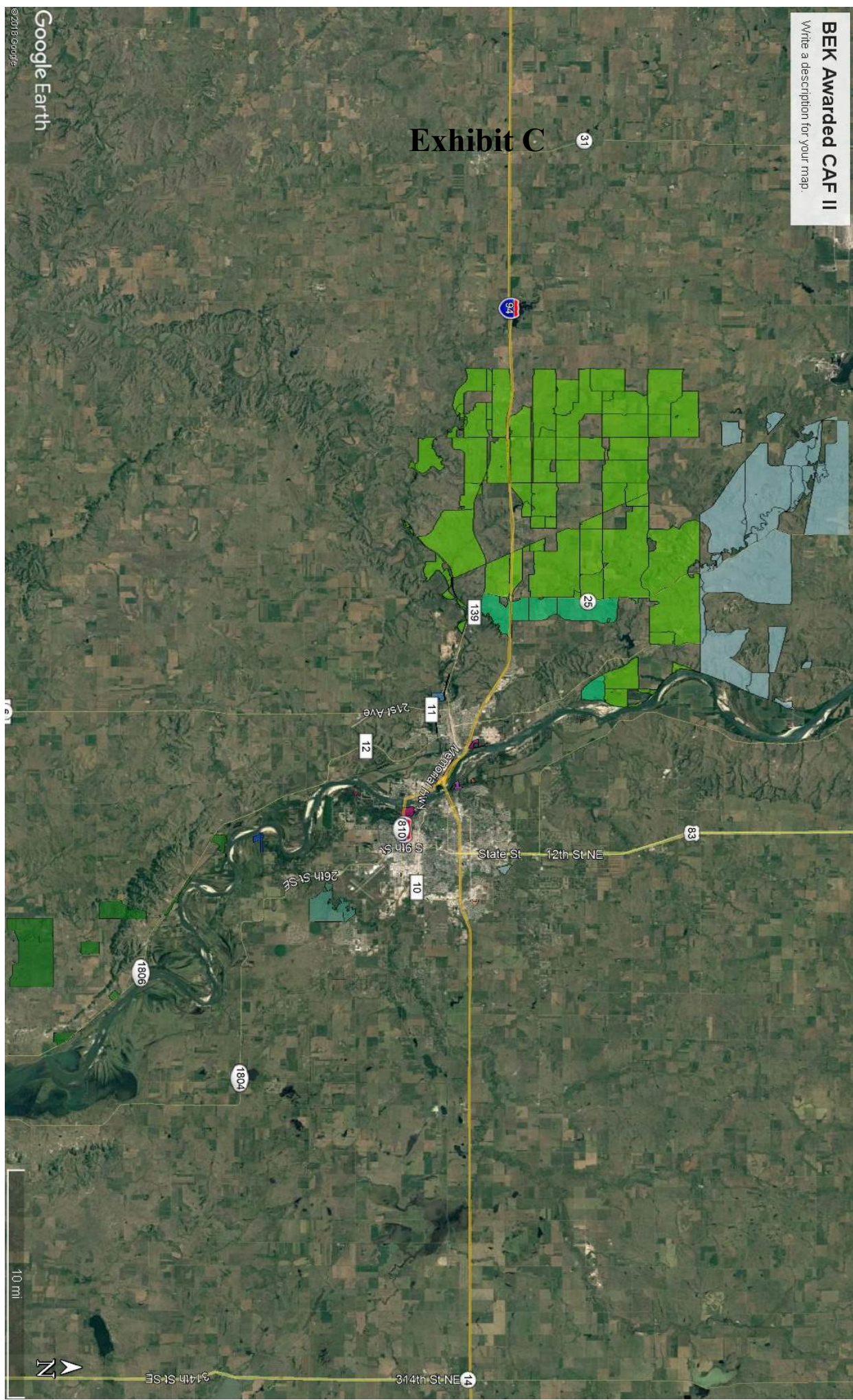


EXHIBIT D

AMENDED ARTICLES OF INCORPORATION Of BEK COMMUNICATIONS COOPERATIVE

KNOW ALL MEN OF THESE PRESENTS: That we, the undersigned, have this day voluntarily associated ourselves together for the purpose of forming a corporation under the provisions of Chapter 10-12, Revised Code of 1943, and amendments thereto; and we hereby certify that:

1. The name of said corporation is BEK Communications Cooperative.⁵
2. The purpose of this corporation is to furnish, improve and expand communications services to the residents of the territory in which it operates.⁴
3. The principal place of business of said corporation shall be in the city of Steele, in Kidder County, North Dakota.
4. The telephone line is intended to be run from Hague, North Dakota, to Picardville, North Dakota, and the branches contemplated are from Menoken, North Dakota, to Crystal Springs, North Dakota, from Wilton, North Dakota to Pettibone, North Dakota, and intermediate points. The counties through which it is intended to be run are Burleigh, Emmons, Kidder, Logan, McLean, McIntosh, and Sheridan, all in North Dakota. The estimated length of telephone lines is 3800 miles, and the estimated cost is \$4,500,000.00.^{1,7}
5. This cooperative is organized without capital stock and the property rights and interest of the members shall be unequal. The general rules applicable to all members by which the property rights and interests respectively of each member shall be determined and fixed are as follows: Upon dissolution, after (a) all debts and liabilities of the cooperative shall have been paid, and (b) all capital furnished through patronage shall have been retired as provided in the bylaws, the remaining property and assets of the cooperative shall be distributed among the members and former members in the proportion which the aggregate patronage of each bears to the total patronage of all such members.
6. [deleted] ^{2,3,6,7}
7. The number of its directors shall be limited to no more than nine.^{7,8,9,10}
8. The time for which this corporation is to exist is not limited, but it shall exist perpetually, unless dissolved according to the law.

IN WITNESS WHEREOF, We have hereunto set our hands and seals this 3rd day of October, A. D. 1952.

Amended: 1) October 14, 1954; 2) June 12, 1970; 3) June 10, 1977; 4) June 7, 1979; 5) June 14, 1990; 6) June 12, 1997; 7) June 8, 2000; 8) June 12; 2003; 9) June 9, 2011, 10) June 9, 2016.



SECRETARY OF STATE NORTH DAKOTA



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BEK COMMUNICATIONS COOPERATIVE

Corporation Details

System ID: 2930700 **Phone:** (701) 475-2361
Type: MUTUAL AID CORPORATION
Status: Active & Good Standing
Original File Date: 10/16/1952 **Effective Date:** 10/16/1952
State of Origin: North Dakota

Nature of Business

COMMUNICATIONS

Principal Office

200 E BDWY PO BOX 230 STEELE, ND 58482-0230

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