

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Inter-Community Tel. / Absaraka Cooperative
Local Exchange
Public Convenience and Necessity**

Case No. PU-19-224

**Inter-Community Tel. / Absaraka Cooperative
Designated Eligibly Carrier
Application**

Case No. PU-19-230

ORDER

October 2, 2019

Preliminary Statement

On July 1, 2019, Inter-Community Telephone Company, LLC (Inter-Community) and Absaraka Cooperative Telephone Company, Inc. (Absaraka Cooperative) filed a joint application requesting authorization for Inter-Community to provide local exchange telecommunications services in the area currently known as the Absaraka telephone exchange in North Dakota, which is currently served by Absaraka Cooperative, Case No. PU-19-224.

Also on July 1, 2019, Inter-Community and Absaraka Cooperative filed a joint application requesting that Inter-Community be designated as an essential telecommunications carrier (ETC) in the Absaraka local exchange area, Case No. PU-19-230.

On July 25, 2019, the Commission issued a Notice of Opportunity for Consolidated Hearing (Notice) that provided until September 4, 2019 for comments and requests for hearing. No comments or requests for hearing were received. The Notice stated that, if deemed appropriate, the Commission can determine the matters without a hearing.

The Notice identified the issues to be considered in Case No. PU-19-224 are:

1. Fitness and ability of Inter-Community to provide local exchange telecommunications services.
2. Adequacy of Inter-Community's proposed telecommunications services.
3. Technical, financial and managerial ability of Inter-Community to provide telecommunications services.

4. Whether, upon granting a certificate of public convenience and necessity to Inter-Community to provide local exchange telecommunications services in the area currently known as the Absaraka telephone exchange, Absaraka Cooperative's certificate of public convenience and necessity should be relinquished.

The Notice identified the issues to be considered in Case No. PU-19-230 are:

1. Qualification of the applicant under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service funding.
2. The ETC universal service support area to be designated.
3. Whether it is in the public interest to designate NDTC as an ETC in the Absaraka local exchange area for purposes of receiving universal service support.
4. Whether, upon designation of Inter-Community as an ETC for the Absaraka exchange, Absaraka Cooperative's designation as an ETC for the Absaraka exchange should be relinquished.

Discussion

Inter-Community is a North Dakota corporation with offices at 200 East Broadway, Steele, North Dakota 58482. Inter-Community is a wholly-owned subsidiary of BEK Communications Cooperative.

In support of the joint applications, Inter-Community provided an affidavit of Derrick F. Bulawa, President of Inter-Community. Absaraka Cooperative provided an affidavit of Steve Monilaws, President of Absaraka Cooperative, a Resolution of the Board of Directors and Patrons of Absaraka Cooperative Telephone Company, Inc. and Absaraka Cooperative Telephone Company, Inc. Special Meeting Minutes.

Public Convenience and Necessity

Inter-Community holds certificates of public convenience and necessity to provide local exchange telecommunications services inside nine telephone exchanges. Inter-Community is designated as an ETC for the purpose of receiving federal universal service support in a study area that encompasses those North Dakota telephone exchanges. Inter-Community holds Certificates of Public Convenience and Necessity to provide local exchange telecommunications services inside those North Dakota telephone exchanges.

Absaraka Cooperative holds a Certificate of Public Convenience and Necessity Number 5769 to provide local exchange telecommunications services inside the

Absaraka local exchange area, serving forty seven (47) North Dakota access lines. Absaraka Cooperative is designated as an ETC to receive federal universal service support in a study area that encompasses the Absaraka local telephone exchange in North Dakota.

Absaraka Cooperative will continue to provide local exchange service until all members in the Absaraka local exchange have been connected to Inter-Community.

Absaraka Cooperative has contacted all Absaraka local exchange members and received consent for the proposed assignment to Inter-Community. Absaraka Cooperative exchange members would like to connect to Inter-Community to gain access to higher speed internet services, access to Inter-Community TV programming and access to Inter-Community's local calling area.

Inter-Community intends on burying Fiber to the Premise for all customers in the Absaraka local exchange. Fiber to the Premise will offer an Active Ethernet 1Gig to each subscriber premise to deliver voice, data and video services, including expanded EAS. Absaraka subscribers will be incorporated into Inter-Community's Buffalo-Wheatland local exchange. Inter-Community will offer a local usage plan similar to the plan offered by Absaraka Cooperative.

The Commission finds that Inter-Community is fit and able to provide telecommunications services, from its Buffalo-Wheatland telephone exchange, to the customers served in the Absaraka telephone exchange geographic area.

The Commission finds that the telecommunications services Inter-Community proposes to provide to the geographic area currently known as the Absaraka telephone exchange are adequate.

The Commission finds that Inter-Community has the technical, financial and managerial ability to provide telecommunications service to the geographic area currently known as the Absaraka telephone exchange.

Inter-Community will provide telecommunications service to the geographic area currently known as the Absaraka telephone exchange as an incumbent local exchange carrier.

Absaraka Cooperative's certificate of public convenience and necessity authorizing it to provide local exchange telecommunications services in the Absaraka exchange should be relinquished.

Designation as an Eligible Telecommunications Carrier

The federal Telecommunications Act of 1996 (Act) provides for financial support to a common carrier that (1) offers the services established by the FCC to be supported by Federal universal service support mechanisms either using its own facilities or a

combination of its own facilities and resale of another carrier's services; (2) advertises the availability of such services and the charges for such services using media of general distribution; and (3) is designated as an ETC. An ETC must use that financial support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

To be designated as an ETC, the carrier must (1) under Code of Federal Regulations (CFR) Part 47 Subpart B, offer to telecommunications customers each of the services and functionalities designated for federal universal service support; and (2) under CFR Part 47 § 54.405, make available Lifeline service to qualifying low-income consumers.

For telecommunications customers, the services designated by the FCC for support by universal service support mechanisms include 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.

In the affidavit of Derrick F. Bulawa, Inter-Community, affirms that it will continue to meet the obligations of an ETC in the Absaraka telephone exchange. Inter-Community also affirms that no waiver of ETC criteria is requested.

The Commission finds Inter-Community's application for designation as an eligible telecommunications carrier under North Dakota Administrative Code section 69-09-05-12 is complete including the required affirmations and certifications.

The Commission finds Inter-Community is qualified under Section 214(e) of the federal Communications Act of 1934 as amended by the Telecommunications Act of 1996, for designation as an eligible telecommunications carrier for receiving federal universal service funding for the proposed designated service area.

For purposes of federal universal service funding, the designated expanded service area for Inter-Community is a rural study area.

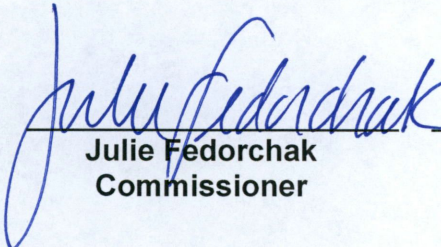
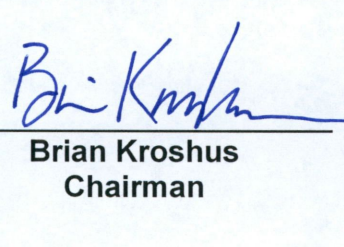
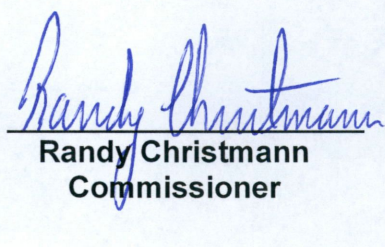
Based on the evidence in this proceeding, Inter-Community is qualified under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC to receive federal universal service funding and it is in the public interest that Inter-Community be designated as an ETC in the requested designated expanded service area.

Order

The Commission Orders:

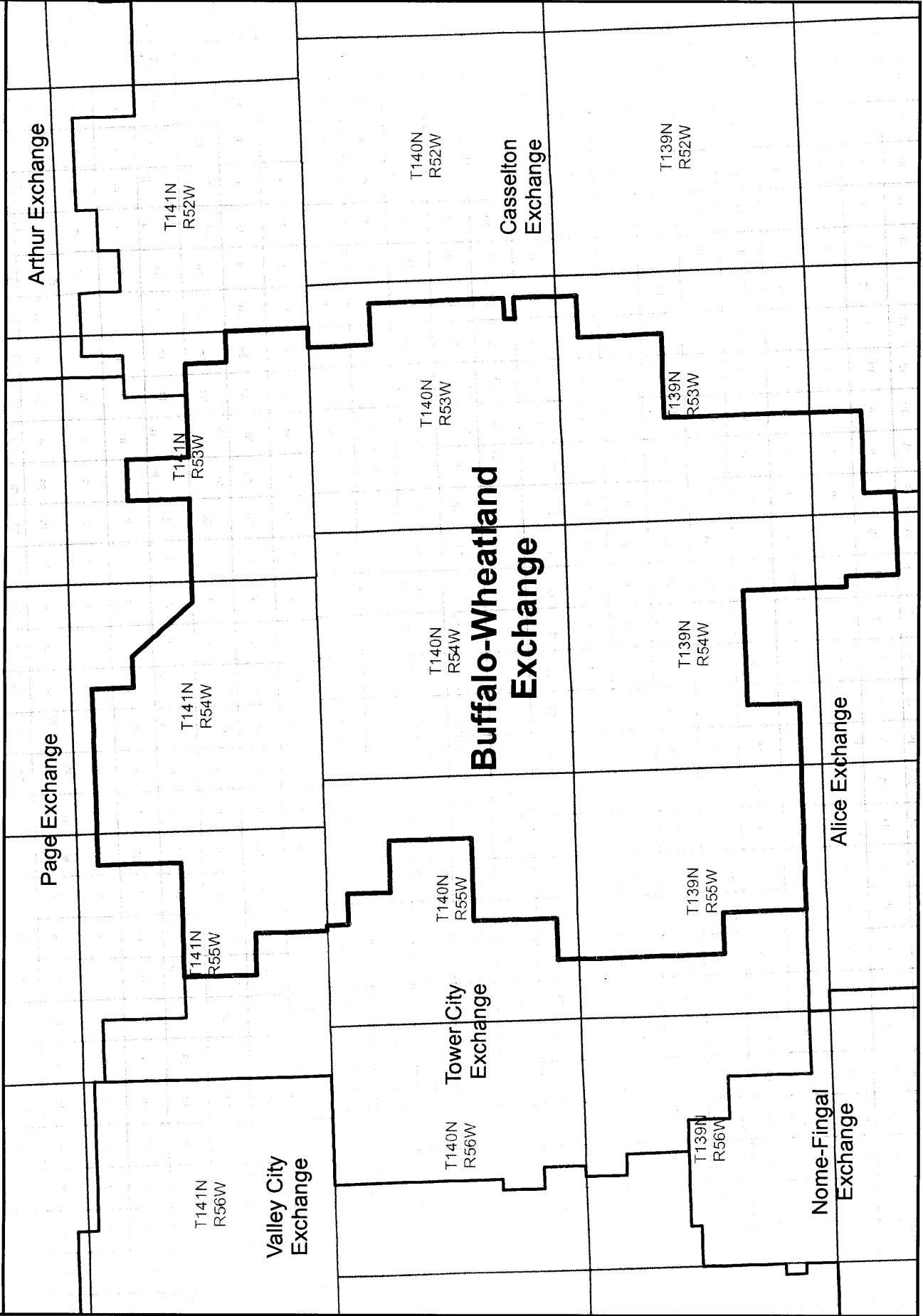
1. Inter-Community Telephone Company, LLC's application for a certificate of public convenience and necessity to provide incumbent local exchange telecommunications services in the area currently known as the Absaraka telephone exchange to become part of the current ICTC Buffalo-Wheatland telephone exchange in North Dakota is approved.
2. Inter-Community Telephone Company, LLC is issued First Amended Certificate of Public Convenience and Necessity Number 5788 to provide local exchange telecommunications services inside the expanded Buffalo-Wheatland, North Dakota telephone exchange.
3. Inter-Community Telephone Company, LLC's request for designation as an eligible telecommunications carrier in the expanded Buffalo-Wheatland telephone exchange is granted.
4. Absaraka Cooperative Telephone Company, Inc.'s Certificate of Public Convenience and Necessity Number 5769 to provide local exchange telecommunications services inside the Absaraka, North Dakota telephone exchange area is relinquished and cancelled.
5. Absaraka Cooperative Telephone Company, Inc.'s designation as an essential telecommunications carrier in the Absaraka exchange area is relinquished and cancelled.

PUBLIC SERVICE COMMISSION

		
Julie Fedorchak Commissioner	Brian Kroshus Chairman	Randy Christmann Commissioner

NORTH DAKOTA EXCHANGE BOUNDARY MAP
INTER-COMMUNITY TELEPHONE COMPANY, L.L.C.
BUFFALO-WHEATLAND EXCHANGE

Date: 10/2/2019



PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

First Amended Certificate Number 5788

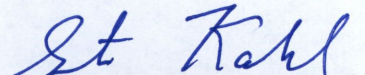
This is to certify that public convenience and necessity require, and permission is granted for Inter-Community Telephone Company, LLC, to provide local exchange telecommunications services inside the Buffalo-Wheatland, North Dakota local exchange area.

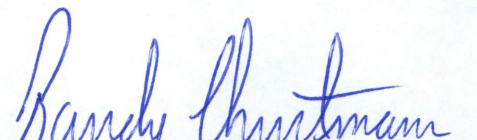
This certificate was issued in Case No. PU-13-253 and amended in Case No. PU-19-224, and is conditioned upon Inter-Community Telephone Company, L.L.C. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges.

Bismarck, North Dakota, October 2, 2019.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner