

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

**Public Service Commission**  
**USF Use Certification 47 CFR 54.314 (2021)**  
**Compliance**

**Case No. PU-20-311**

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

**October 7, 2020**

Section 254(e) of the Telecommunications Act of 1996 (Act) requires that telecommunications carriers use universal service support “only for the provision, maintenance, and upgrading of facilities and services for which support is intended.” Code of Federal Regulations Title 47, Section 54.314 requires: “States that desire eligible telecommunications carriers to receive support pursuant to the high-cost program must file an annual certification with the Administrator and the Commission stating that all federal high-cost support provided to such carriers within that State was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.” State certification must be filed no later than October 1 of each year in order for certified telecommunications carriers to receive support for the following year, 47 C.F.R. § 54.314(d).

On August 28, 2002, the North Dakota Public Service Commission (NDPSC) issued an order in Case No. PU-439-02-441 indicating that any telecommunications carrier providing local exchange service in North Dakota that desires to have NDPSC certification to the FCC under 47 C.F.R. §54.314 shall file an affidavit with the NDPSC by approximately September 14 of each year, as described in the order, certifying that federal support they receive is used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended as required by Section 254(e). The NDPSC further ordered that affidavits filed with the NDPSC will be the basis for the NDPSC’s certification to the FCC.

The NDPSC’s September 23, 2020 Order provided certification under 47 C.F.R. §54.314 for Inter-Community Telephone Company, L.L.C.’s study area code 381616. On October 7, 2020, Inter-Community Telephone Company, L.L.C. filed with the NDPSC an affidavit regarding use of federal universal service support certifying that all federal support that was used in the preceding calendar year and all federal support that will be used in the coming calendar year will be used for the provision, maintenance, and upgrading of facilities and services for which the support is intended, under and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.101, throughout study area code 381616 and study area code 381601.

Under North Dakota law, the NDPSC has limited jurisdiction over rural telecommunications carriers. The FCC in its order recognized that some states have only limited regulatory oversight to ensure that federal universal support is reflected in intrastate rates and concluded that such states may nonetheless certify to the FCC that carriers in the state had accounted to the state commission for receipt of federal support, and that the support will be used as required under Section 254(e). (See Fourteenth R&O at ¶ 188). The FCC also recognized that some carriers may not be subject to the jurisdiction of a state regulatory authority, and in those instances carriers can certify directly to the FCC by means of a sworn affidavit executed by a corporate officer attesting to the use of the support only for purposes permitted under the Act. (See Fourteenth R&O at ¶ 189).

Based on the discussion above, the NDPSC issues the following:

### Order

1. The NDPSC certifies that the following Eligible Telecommunications Carrier providing local exchange service in North Dakota has accounted to the NDPSC by affidavit that all federal support that was used in the preceding calendar year and all federal support that will be used in the coming calendar year will be used for the provision, maintenance, and upgrading of facilities and services for which the support is intended, under and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.101, throughout the company's study areas.

Inter-Community Telephone Company, Study Area Codes 381601 and 381616  
L.L.C.

2. The NDPSC certification is based upon the affidavit filed by Inter-Community Telephone Company, L.L.C.

3. The North Dakota Public Service Commission will send a copy of the filed affidavit to the Federal Communications Commission and the Universal Service Administrative Company.

### PUBLIC SERVICE COMMISSION

		
<b>Julie Fedorchak</b> Commissioner	<b>Brian Kroshus</b> Chairman	<b>Randy Christmann</b> Commissioner

BEFORE THE NORTH DAKOTA PUBLIC SERVICE COMMISSION IN CASE NO. PU-439-02-441  
AND BEFORE THE FEDERAL COMMUNICATIONS COMMISSION IN WC DOCKET NO. 10-90  
AND WC DOCKET NO. 14-58

AFFIDAVIT OF INTER-COMMUNITY TELEPHONE COMPANY, LLC  
REGARDING  
CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT

State of North Dakota     )  
  ) ss.  
County of Barnes            )

Derrick Bulawa, being first duly sworn on oath, does hereby declare and state upon affiant's own personal knowledge as follows:

1. Affiant is employed by Inter-Community Telephone Company, LLC (hereinafter, the "Company"), in the position of General Manager/CEO.

2. The Company is an eligible telecommunications carrier within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 (hereinafter, the "Act"), and the Company is eligible to receive federal high-cost universal service support (hereinafter, the "Support") pursuant to Section 254(e) of the Act. The North Dakota Public Service Commission (hereinafter, the "NDPSC") has designated the Company as an eligible telecommunications carrier.

3. Affiant is personally familiar with all of the Support received by the Company, and with how the Company uses all of Support that it receives.

4. The Company is filing this affidavit in compliance with the order of the Federal Communication Commission (hereinafter, "FCC") dated May 23, 2001, in WC Docket Number 10-90 and WC Docket Number 14-58 (FCC 01-157) (hereinafter, the "Order"), as codified in 47 C.F.R. § 54.314, which requires certification to the FCC that all federal Support was used in the preceding calendar year and will be used in the coming calendar year by carriers within each state only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, as required by Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company is also filing this affidavit in compliance with the Orders of the NDPSC dated August 28, 2001, in Case No. PU-439-01-460 and dated August 28, 2002, in Case No. PU-439-02-441. This affidavit is filed to facilitate the Company's receipt of federal Support for all four quarters of 2020 and all quarters thereafter.

5. The Company hereby certifies that all federal high-cost support provided to:

Company Name	Study Area Code
Inter-Community Telephone Company, LLC Formerly Absaraka Cooperative Telephone Company Inc.	381601
Inter-Community Telephone Company, LLC	381616

was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will use the Support for the following services, as designated in 47 C.F.R. Section 54.101, throughout the Company's study area: (a) voice grade access to the public switched network or its functional equivalent; (b) minutes of use for local service at no additional charge; (c) access to emergency services; and (d) toll limitation services to qualifying low-income consumers.

Dated this 7 day of October, 2020.

**INTER-COMMUNITY TELEPHONE COMPANY, LLC**

By *[Signature]*  
Derrick Bulawa  
Its: General Manager/CEO

State of North Dakota     )  
  ) ss.  
County of Barnes            )

On this 7 day of October, 2020, before me, a Notary Public in and for said County and State, personally appeared DERRICK BULAWA, known to me to be the General Manager/CEO of INTER-COMMUNITY TELEPHONE COMPANY, LLC, the corporation that is described in and that executed the within instrument, and acknowledged to me that such corporation executed the same.

*[Signature]*  
Notary Public  
For the State of North Dakota

