

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**BEK Communications Cooperative
Designated Eligible Carrier
Application**

Case No. PU-20-458

ORDER ON ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION

February 17, 2021

Preliminary Statement

On December 18, 2020, BEK Communications Cooperative (BEK) filed, as a nonincumbent local exchange carrier, an application for designation as an eligible telecommunications carrier (ETC) for the purpose of receiving Federal Communications Commission's Rural Digital Opportunity Fund (RDOF) Phase I funding in Federal Communications Commission (FCC) specified census blocks in rural areas of North Dakota.

On January 6, 2021, the Commission issued a Notice of Opportunity for Hearing (Notice) providing until February 15, 2021, for comments and requests for hearing. No comments or requests for hearing were received.

The Notice identified the following issues to be considered in this matter:

1. Is the applicant qualified under the Telecommunications Act of 1996, section 214(e) for designation as an ETC eligible to receive federal universal service funding?
2. What ETC universal service support area should be designated?
3. Is designation of the applicant as an ETC in the public interest?

Discussion

A telecommunications carrier is eligible to receive federal universal service support if the company meets the requirements established under 47 USC § 214(e)(1) and defined in 47 CFR. Part 54. These requirements are: (1) company must provide each of

the supported telecommunication services listed by the Federal Communications Commission (FCC); (2) company must offer and advertise the availability of, and charges for, such services throughout the supported areas; (3) company must certify that it will comply with the service requirements applicable to the support it receives; (4) submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network throughout the supported areas, and (5) demonstrate that it will satisfy consumer protection and service quality standards. In addition, to receive RDOF Phase I funding, BEK must offer commercially at least one voice and one broadband service at speeds of at least 1 Gbps with a latency at or below 100 ms. BEK must buildout to 40% of the requisite number of locations in North Dakota within three years of authorization. This performance benchmark increases by 20% by the end of the fourth and fifth years of support. By the end of year six, revised location totals will be announced. If there are fewer locations than originally estimated by the cost model, BEK must serve the revised number of locations by the end of the sixth year of support. If there are more locations than originally estimated by the cost model, BEK must serve the original number of locations estimated by the cost-model by the end of the sixth year of support and must serve the rest of the locations by the end of the eighth year of support. BEK's application states that, to the extent applicable, it will meet each of these criteria.

Both federal law and state law give the Commission the authority to designate a common carrier as an ETC.

BEK is a North Dakota mutual aid corporation with a principal office in Steele, North Dakota. BEK is authorized to do business in the State of North Dakota.

BEK is a common carrier and will offer the services and functionalities detailed in 47 CFR Part 54 in the RDOF Phase I areas. The services offered to these subscribers will be the same 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.

Based on the evidence in this proceeding, BEK is qualified for designation as an ETC eligible to receive federal universal service support under 47 CFR Part 54.

The FCC has specified the geographic areas, RDOF Phase I areas, that will receive funding and BEK was awarded RDOF Phase I support for the areas listed in Exhibits A and B of its December 18, 2020 application.

It is in the public interest that BEK be designated as an ETC in the RDOF Phase I areas as requested. Under North Dakota Administrative Code Section 69-09-05-12, the Commission shall determine that the designation of BEK as an ETC is in the public interest. In doing so, the Commission shall consider the benefit of increased consumer choice and the unique advantages and disadvantages of the applicant's service offering. It is significant that subscribers in these RDOF Phase I areas will have access to high speed broadband. The provision of adequate essential and nonessential

telecommunications service in these exchanges will be facilitated and supported by the full current technical and financial capabilities of BEK.

Having allowed all interested persons an opportunity to be heard and having reviewed and considered all evidence presented, the Commission makes the following:

Order

The Commission orders BEK Communications Cooperative's request to be designated as an eligible telecommunications carrier for the purpose of receiving Rural Digital Opportunity Fund Phase I funding in the areas listed in Exhibits A and B of BEK's December 18, 2020 application, attached to and made part of this Order, is APPROVED.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chair



Brian Kroshus
Commissioner

Exhibit A

RDOF Phase I - BEK Awarded Funded Census Block Groups

Census Block Group	State	County	Locations
380039679001	ND	Barnes	46
380039680002	ND	Barnes	15
380039680003	ND	Barnes	1
380150102004	ND	Burleigh	3
380150104003	ND	Burleigh	20
380150109002	ND	Burleigh	2
380150110011	ND	Burleigh	4
380150110013	ND	Burleigh	2
380150110021	ND	Burleigh	5
380150110022	ND	Burleigh	1
380150111051	ND	Burleigh	2
380150113002	ND	Burleigh	1
380150113003	ND	Burleigh	15
380590202005	ND	Morton	3
380590203003	ND	Morton	30
380590203004	ND	Morton	19
380590204001	ND	Morton	15
380590204002	ND	Morton	70
380590204003	ND	Morton	78
380590203001	ND	Morton	5
Total CBGs	20	Total Locations	337

EXHIBIT A1

RDOF Phase I - BEK Funded Census Blocks

Census Block ID (CB)	Item	State	County	Census Block Group ID (CBG)
380039679001113	ND-003-9679001	ND	Barnes	380039679001
380039679001114	ND-003-9679001	ND	Barnes	380039679001
380039679001115	ND-003-9679001	ND	Barnes	380039679001
380039679001128	ND-003-9679001	ND	Barnes	380039679001
380039679001129	ND-003-9679001	ND	Barnes	380039679001
380039679001145	ND-003-9679001	ND	Barnes	380039679001
380039679001146	ND-003-9679001	ND	Barnes	380039679001
380039679001147	ND-003-9679001	ND	Barnes	380039679001
380039679001171	ND-003-9679001	ND	Barnes	380039679001
380039679001174	ND-003-9679001	ND	Barnes	380039679001
380039679001178	ND-003-9679001	ND	Barnes	380039679001
380039679001182	ND-003-9679001	ND	Barnes	380039679001
380039679001183	ND-003-9679001	ND	Barnes	380039679001
380039679001223	ND-003-9679001	ND	Barnes	380039679001
380039679001257	ND-003-9679001	ND	Barnes	380039679001
380039679001258	ND-003-9679001	ND	Barnes	380039679001
380039679001286	ND-003-9679001	ND	Barnes	380039679001
380039679001550	ND-003-9679001	ND	Barnes	380039679001
380039680002131	ND-003-9680002	ND	Barnes	380039680002
380039680002135	ND-003-9680002	ND	Barnes	380039680002
380039680002141	ND-003-9680002	ND	Barnes	380039680002
380039680002143	ND-003-9680002	ND	Barnes	380039680002
380039680002144	ND-003-9680002	ND	Barnes	380039680002
380039680002145	ND-003-9680002	ND	Barnes	380039680002
380039680002148	ND-003-9680002	ND	Barnes	380039680002
380039680003101	ND-003-9680003	ND	Barnes	380039680003
380150102004021	ND-015-0102004	ND	Burleigh	380150102004
380150104003030	ND-015-0104003	ND	Burleigh	380150104003
380150104003031	ND-015-0104003	ND	Burleigh	380150104003
380150109002028	ND-015-0109002	ND	Burleigh	380150109002
380150110011032	ND-015-0110011	ND	Burleigh	380150110011
380150110013039	ND-015-0110013	ND	Burleigh	380150110013
380150110021040	ND-015-0110021	ND	Burleigh	380150110021
380150110021053	ND-015-0110021	ND	Burleigh	380150110021

380150110022048	ND-015-0110022	ND	Burleigh	380150110022
380150111051026	ND-015-0111051	ND	Burleigh	380150111051
380150113002007	ND-015-0113002	ND	Burleigh	380150113002
380150113003067	ND-015-0113003	ND	Burleigh	380150113003
380150113003068	ND-015-0113003	ND	Burleigh	380150113003
380150113003072	ND-015-0113003	ND	Burleigh	380150113003
380150113003086	ND-015-0113003	ND	Burleigh	380150113003
380150113003093	ND-015-0113003	ND	Burleigh	380150113003
380150113003158	ND-015-0113003	ND	Burleigh	380150113003
380150113003250	ND-015-0113003	ND	Burleigh	380150113003
380590202005025	ND-059-0202005	ND	Morton	380590202005
380590202005032	ND-059-0202005	ND	Morton	380590202005
380590202005060	ND-059-0202005	ND	Morton	380590202005
380590203001019	ND-059-0203001	ND	Morton	380590203001
380590203001026	ND-059-0203001	ND	Morton	380590203001
380590203003020	ND-059-0203003	ND	Morton	380590203003
380590203003045	ND-059-0203003	ND	Morton	380590203003
380590203003051	ND-059-0203003	ND	Morton	380590203003
380590203003092	ND-059-0203003	ND	Morton	380590203003
380590203003106	ND-059-0203003	ND	Morton	380590203003
380590203003109	ND-059-0203003	ND	Morton	380590203003
380590203003114	ND-059-0203003	ND	Morton	380590203003
380590203003193	ND-059-0203003	ND	Morton	380590203003
380590203003195	ND-059-0203003	ND	Morton	380590203003
380590203003200	ND-059-0203003	ND	Morton	380590203003
380590203003201	ND-059-0203003	ND	Morton	380590203003
380590203004021	ND-059-0203004	ND	Morton	380590203004
380590203004042	ND-059-0203004	ND	Morton	380590203004
380590203004043	ND-059-0203004	ND	Morton	380590203004
380590203004102	ND-059-0203004	ND	Morton	380590203004
380590203004107	ND-059-0203004	ND	Morton	380590203004
380590204001325	ND-059-0204001	ND	Morton	380590204001
380590204001333	ND-059-0204001	ND	Morton	380590204001
380590204001337	ND-059-0204001	ND	Morton	380590204001
380590204001340	ND-059-0204001	ND	Morton	380590204001
380590204001341	ND-059-0204001	ND	Morton	380590204001
380590204001342	ND-059-0204001	ND	Morton	380590204001
380590204002002	ND-059-0204002	ND	Morton	380590204002
380590204002022	ND-059-0204002	ND	Morton	380590204002
380590204002028	ND-059-0204002	ND	Morton	380590204002

380590204003047	ND-059-0204003	ND	Morton	380590204003
380590204003050	ND-059-0204003	ND	Morton	380590204003
380590204003054	ND-059-0204003	ND	Morton	380590204003
380590204003057	ND-059-0204003	ND	Morton	380590204003
380590204003065	ND-059-0204003	ND	Morton	380590204003
380590204003067	ND-059-0204003	ND	Morton	380590204003
380590204003070	ND-059-0204003	ND	Morton	380590204003
380590204003072	ND-059-0204003	ND	Morton	380590204003
380590204003075	ND-059-0204003	ND	Morton	380590204003
380590204003076	ND-059-0204003	ND	Morton	380590204003
380590204003077	ND-059-0204003	ND	Morton	380590204003
380590204003080	ND-059-0204003	ND	Morton	380590204003
380590204003093	ND-059-0204003	ND	Morton	380590204003
380590204003098	ND-059-0204003	ND	Morton	380590204003
380590204003104	ND-059-0204003	ND	Morton	380590204003
380590204003108	ND-059-0204003	ND	Morton	380590204003
380590204003137	ND-059-0204003	ND	Morton	380590204003
380590204003139	ND-059-0204003	ND	Morton	380590204003
380590204003144	ND-059-0204003	ND	Morton	380590204003
380590204003148	ND-059-0204003	ND	Morton	380590204003
380590204003153	ND-059-0204003	ND	Morton	380590204003
380590204003155	ND-059-0204003	ND	Morton	380590204003
380590204003156	ND-059-0204003	ND	Morton	380590204003
380590204003161	ND-059-0204003	ND	Morton	380590204003
380590204003163	ND-059-0204003	ND	Morton	380590204003
380590204003302	ND-059-0204003	ND	Morton	380590204003
380590204003303	ND-059-0204003	ND	Morton	380590204003
380590204003513	ND-059-0204003	ND	Morton	380590204003
380590204003539	ND-059-0204003	ND	Morton	380590204003

Total CBs

143

Exhibit B.1

RDOF Awarded Service Area Morton and Burleigh Counties

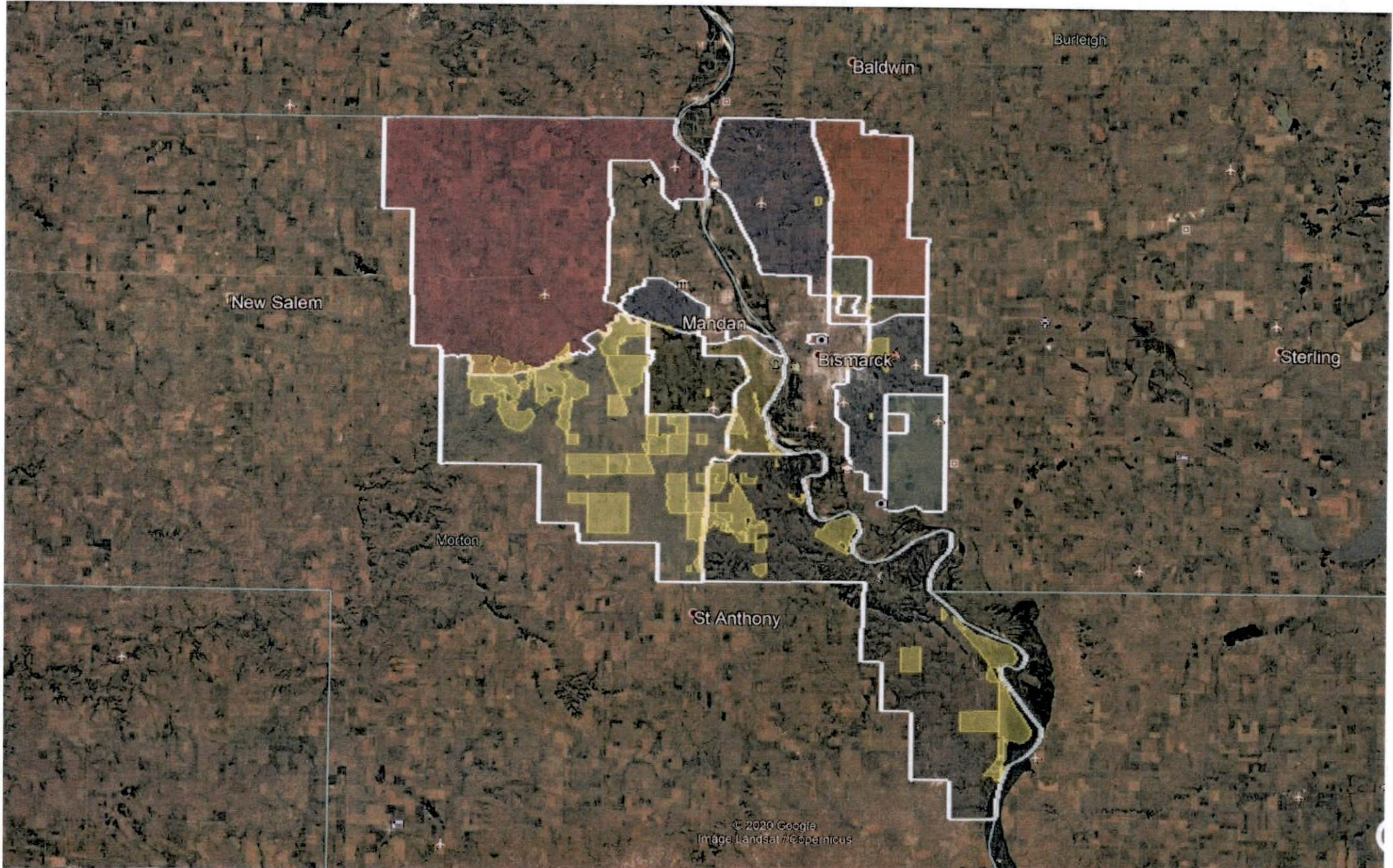


Exhibit B.2

RDOF Awarded Service Area
Barnes County

