

January 28th , 2021

Mr. Steven Kahl
Executive Secretary
North Dakota Public Service Commission
State Capitol
600 East Boulevard Avenue, 12th Floor
Bismarck, ND 58505-0480

Re: In the Matter of an Application by MLGC, LLC for Expansion of its Designation as an Eligible Telecommunications Carrier to Receive Rural Digital Opportunity Fund (Auction 904) for support for Voice and Broadband Services
Docket No: _____

Dear Mr. Kahl:

Enclosed via e-mail please find the Petition for MLGC, LLC for expansion as a Eligible Telecommunications Carrier for RDOF awarded census blocks.

Sincerely,

/s/ Mary T. Buley

Mary T. Buley
Consultant on behalf of MLGC, LLC

Enclosure
CC: Patrick Fahn, North Dakota Public Service Commission

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

In the Matter of an)
Application MLGC, LLC for)
Designation as an Eligible)
Telecommunications Carrier to Receive)
Rural Digital Opportunity Fund Phase 1) Docket No. _____
(Auction 904) for Support for Voice and)
and Broadband Services)

**APPLICATION OF MLGC, LLC FOR LIMITED DESIGNATION AS A ELIGIBLE
TELECOMMUNICATIONS CARRIER TO RECEIVE RURAL OPPORTUNITY FUND
PHASE 1 AUCTION (AUCTION 904) SUPPORT FOR VOICE AND BROADBAND
SERVICES**

REQUEST FOR EXPEDITED CONSIDERATION

MLGC, LLC (“MLGC”) respectfully submits this Application for designation as an Eligible Telecommunications Carrier (“ETC”) to the North Dakota Public Service Commission (“Commission”) pursuant to Section 214 (e)(2) of the Communications Act of 1934, as amended (the “Act”), Sections 54.201 and 54.202 of the rules and regulations of the Federal Communications Commission (“FCC”), and in accordance with the Commission’s requirements as set forth in N.D.C.C §49-21-01.7, §69-09-05-12 and §69-09.05-12.1. MLGC was selected as a winning bidder in North Dakota under the FCC’s Rural Digital Opportunity Fund (“RDOF”) Phase 1 Auction (Auction 904). MLGC’s receipt of RDOF funding is conditioned upon obtaining designation as an ETC in the eligible census blocks by June 7, 2021.

Section 217 (e)(2) of the Act authorizes the Commission to designate a company that meets the requirements of Section 214 (e)(1) of the Act, such as MLGC as an ETC. As demonstrated, MLGC meets all state and federal requirements for ETC designation and as shown by the description herein of MLGC’s planned voice and broadband deployment. Designating MLGC as an ETC in the proposed areas would advance the goals of universal service and is in the public interest.

In support of this Application, MLGC states as follows:

1. Background

MLGC is a North Dakota domestic company headquartered at 301 Dewey St, Enderlin, North Dakota, 58027.

MLGC is a family owned competitive local exchange carrier (CLEC). MLGC offers such services as ultra-high speed broadband services, cable TV, local telephone service and advanced business services using a 100% fiber network. MLGC strives to provide future technologies that allow the communities it serves to be vibrant places to live and work. MLGC serves the communities of Fargo, West Fargo, Hatton, Hickson, Horace, Kindred, Leonard and Mayville.

MLGC's CLEC operations was awarded a block of census IDs in the Federal Communications ("FCC") Rural Opportunity Digital Fund Auction 1, (Auction 904). MLGC was awarded 635 locations and universal high cost support of \$452,005.80 on a yearly basis.

2. Communications and Correspondence

Pleadings, Orders or other correspondence regarding this Application should be provided to:

Name: Tyler Kilde

Title: President/General Manager

Company: MLGC, LLC

Address: 301 Dewey Street, Enderlin, ND 58027

Telephone: 701-437-3417

Email: tyler.kilde@mlgc.net

With a copy to:

Name: Mary T. Buley

Title: Senior Telecommunications Consultant

Company: Olsen & Thielen, Ltd

Address: 2675 Long Lake Road, Roseville, MN 55112

Telephone: 651-621-8306

Email: mbuley@otcpas.com

3. MLGC' s Participation in the FCC's RDOF Auction

The RDOF Auction began on October 29th, 2020 and was completed on November 25, 2020. The FCC issued a Public Notice on December 7, 2020 announcing the winners of the competitive bids¹. MLGC was a part of a consortium that was a winning bidder. MLGC total support for the 635 locations is \$452,000.00 yearly. As a winner in the RDOF Auction and a receipt of RDOF support, MLGC is required to offer at least one standalone voice offering and a broadband service plan at speeds of 1 Gbps with a latency at or below 100 ms. MLGC is required to buildout to 40% of the requisite number of locations in North Dakota within three years of authorization. This performance benchmark increases 20% by 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, MLGC 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, MLGC must serve the original number of locations 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. The RDOF Census blocks are located in the North Dakota counties of Cass, Ransom and Richland.

4. MLGC' s Need for Expedited ETC Designation

RDOF winning bidders are expected to obtain ETC designation that encompasses receipt of high cost support for the areas covered by the successful bids within 180 days after being announced a successful bidder. Winning bidders are required to submit appropriate documentation of approved ETC status to the FCC. MLGC, LLC. is such a successful bidder in the RDOF Auction for XX census blocks. Because the time frame is short for MLGC to obtain ETC designation for the RDOF Census blocks, MLGC respectfully requests the Commission to review this Application promptly and grant MLGC expansion of its ETC designation for the Proposed RDOF Service Area.

5. MLGC' s Technical Qualifications

MLGC is well qualified to meet the applicable RDOF obligations given its proven success utilizing Fiber to the Premise (FTTP) for subscribers' homes and business in its incumbent local exchange area and its competitive local exchange

¹ FCC Public Notice , Rural Digital Opportunity Fund Phase 1 Auction (Auction 904) Closes Winning Bidders Announced, AU Dk. No. 20-34, WC DK. 19-126, WC DK 10-90.

areas. For the Proposed Expanded RDOF Service Area, MLGC will also deploy FTTP to serve these new locations. MLGC has the resources, expertise, community connections and capabilities to meet its obligations under the RDOF.

At the present time, MLGC serves approximately 2,150 voice customers and 1900 broadband internet customers in North Dakota.

6. Commission Authority to Designate MLGC as an ETC

The Commission has the authority to expand MLGC's ETC Proposed RDOF Service Area, pursuant to Section 214(e)(2) of the Act. Pursuant to Section 214(e)(2), a State commission shall, upon its own motion or upon request, designate a common carrier that meets the requirements of Section 214(e)(1), as an ETC for purposes of receiving universal support in a service area designated by the State commission. Section 54.201(c) and (d) of the FCC's rules reflect the provisions of Section 214(e) of the Act and provide that "upon request and consistent with the public interest, convenience, and necessity, the state commission may, in the case of area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the state commission, as long as each additional requesting carrier meets the requirements" of Section 54.201(d) of the FCC rules.

In addition, the Commission has the authority under N.D.C.C. §49-21-01.7(12), to designate telecommunications carriers as ETCs to receive universal service support under Section 214 and Section 254 of the Act, and N.D.C.C. §49-21-01.7(13), to designate geographic service areas for ETCs to receive support.

Therefore, the Commission has jurisdiction over MLGC's request to expand its Proposed RDOF Service Area and has the authority to grant the expansion for purposes of both universal service support in the Proposed RDOF Service Area.

7. MLGC Meets the State and Federal Statutory and Regulatory Requirements for Expansion of its ETC Service Area

MLGC meets all the applicable federal and state requirements for ETC designation. MLGC meets the requirements outlined in Section 214(e)(1) of the Act and Section 54.201(d) of the FCC rules. Likewise, MLGC meets the requirements of N.D.A.C. §69-09-05.12 and 69-09-05.12.1

MLGC meets the following federal requirements:

- MLGC will provide voice services on common carrier basis,

- MLGC will provide voice and broadband services using its facility based network,
- MLGC will offer the voice and broadband service supported by universal support mechanics with these capabilities:
 - MLGC offers voice grade access to the public network,
 - MLGC will provide voice service that includes minutes of use for local service,
 - and the service will provide access to 911 or E911.
- MLGC certifies that its provision of high speed broadband internet access over its fiber based facilities satisfies the FCC definition of broadband internet access services. And MLGC will provide all services designated for support.
- MLGC certifies that its voice and broadband services are consistent with applicable high cost support rules.²
- MLGC certifies that it will offer voice services as a standalone service that are within the range of announced FCC 2021 Urban Rate Survey rates.³
- MLGC also certifies its' ability to function in Emergency Situations such as losing power:
 - MLGC asserts that its central offices are supplied with standby battery back-ups.
 - MLGC has ground-based local facilities with independent power generators and sufficient fuel to operate for several days.

MLGC meets the North Dakota Rules as stated in N.D.A.C §69-09-05-12 for Expansion of its ETC designation as follows:

MLGC commits to offering services in the proposed RDOF Block Groups in Exhibit A and to the census block IDs as identified in Exhibit B.

MLGC commits to providing service throughout the proposed expanded service area to all customers making a reasonable request for service and it will: 1) provide service on a timely basis to the requesting customer within the applicant's proposed designated service area where the applicant's network already passes the potential customer's premise; 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.

² 47 C.F.R. §54.404(c).

³ WC Docket 10-9, Announcement from the Wireline Competition Bureau and Office of Economics and Analytics issued 11-30-20.

MLGC certifies that it satisfies the advertising requirements set forth in N.D.A.C. §69-09-05-12(6). MLGC make lifeline information available on its website, in its telephone directory, and direct mailings.

8. Granting MLGC's Expansion of ETC Service Area is in the Public Interest


Section 54.202(b) of the FCC's rules requires a finding that ETC designation is the public interest prior to making an ETC designation. As a winning bidder in the RDOF Auction, MLGC is eligible to receive funding support over the next ten years to provide high quality voice and broadband services to consumers located in North Dakota in the counties of Cass, Ransom and Richland. Expansion of MLGC's ETC Service area to include the RDOF Census Block IDs is in the public interest since it affords qualifying customers a choice of service providers while retaining the Lifeline benefit. MLGC believes that its' service offerings are superior to that received by ILEC customers in the Proposed RDOF Service area. Offering fiber services to the premise is a superior technical network as compared to the ILEC network. In addition, MLGC believes that customers will benefit from choosing a locally-owned and North Dakota based provider which has demonstrated a commitment to and success in responding to the service needs of its residents. And finally, MLGC asserts that its services in the Proposed RDOF Service area are affordable.

9. Conclusion

For all of the reasons stated herein, MLGC respectfully requests (1) an expeditious Order granting MLGC expansion of its ETC service area to encompass the RDOF Service Area in North Dakota and (2) for the purpose of receiving federal funding pursuant to the RDOF Auction Phase 1 (Auction 904) as identified in Exhibit A and B. The Commission can grant such an expansion 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 a hearing; and such other relief as the Commission deems to be just and necessary.

Respectfully submitted,

MLGC, LLC

By: 

Tyler Kilde, President/General Manager

MLGC, LLC

301 Dewey Street
Enderlin, ND 58027

LIST OF EXHIBITS

EXHIBIT A – LIST OF MLGC AWARDED RDOF CENSUS BLOCKS GROUPS

EXHIBIT B – LIST OF MLGC AWARDED RDOF CENSUS BLOCK IDS

EXHIBIT C - MAP OF MLGC AWARDED RDOF CENSUS BLOCKS

EXHIBIT D – MLGC ARTICLES OF INCORPORATION

EXHIBIT E – CERTIFICATE OF GOOD STANDING

EXHIBIT A RDOF AWARDED CENSUS BLOCK GROUPS

380170401003
380170405001
380170405002
380170405003
380170406001
380170406002
380739689001
380779707001
380779707002

EXHIBIT B RDOF FUNDED CENSUS BLOCKS IDs

Census block_id	item	state	county
380170401003002	ND-017-0401003	ND	Cass
380170401003005	ND-017-0401003	ND	Cass
380170401003006	ND-017-0401003	ND	Cass
380170401003028	ND-017-0401003	ND	Cass
380170401003033	ND-017-0401003	ND	Cass
380170401003034	ND-017-0401003	ND	Cass
380170401003039	ND-017-0401003	ND	Cass
380170401003041	ND-017-0401003	ND	Cass
380170401003141	ND-017-0401003	ND	Cass
380170401003155	ND-017-0401003	ND	Cass
380170401003156	ND-017-0401003	ND	Cass
380170401003159	ND-017-0401003	ND	Cass
380170401003161	ND-017-0401003	ND	Cass
380170401003163	ND-017-0401003	ND	Cass
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380170405002304	ND-017-0405002	ND	Cass
380170405002306	ND-017-0405002	ND	Cass
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380170405002437	ND-017-0405002	ND	Cass
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380739689001134	ND-073-9689001	ND	Ransom
380739689001135	ND-073-9689001	ND	Ransom
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380779707001013	ND-077-9707001	ND	Richland
380779707001014	ND-077-9707001	ND	Richland
380779707001015	ND-077-9707001	ND	Richland
380779707001017	ND-077-9707001	ND	Richland

380779707001018	ND-077-9707001	ND	Richland
380779707001021	ND-077-9707001	ND	Richland
380779707001023	ND-077-9707001	ND	Richland
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380779707002001	ND-077-9707002	ND	Richland
380779707002002	ND-077-9707002	ND	Richland
380779707002008	ND-077-9707002	ND	Richland
380779707002014	ND-077-9707002	ND	Richland
380779707002017	ND-077-9707002	ND	Richland
380779707002022	ND-077-9707002	ND	Richland
380779707002024	ND-077-9707002	ND	Richland
380779707002025	ND-077-9707002	ND	Richland
380779707002029	ND-077-9707002	ND	Richland
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380779707002031	ND-077-9707002	ND	Richland
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380779707002041	ND-077-9707002	ND	Richland
380779707002043	ND-077-9707002	ND	Richland
380779707002045	ND-077-9707002	ND	Richland
380779707002046	ND-077-9707002	ND	Richland
380779707002050	ND-077-9707002	ND	Richland
380779707002056	ND-077-9707002	ND	Richland
380779707002059	ND-077-9707002	ND	Richland
380779707002061	ND-077-9707002	ND	Richland
380779707002085	ND-077-9707002	ND	Richland
380779707002105	ND-077-9707002	ND	Richland

EXHIBIT C MAP OF AWARDED SERVICE AREAS

MLGC, L.L.C. Rural Digital Opportunity Fund Awarded
Census Blocks by Exchange

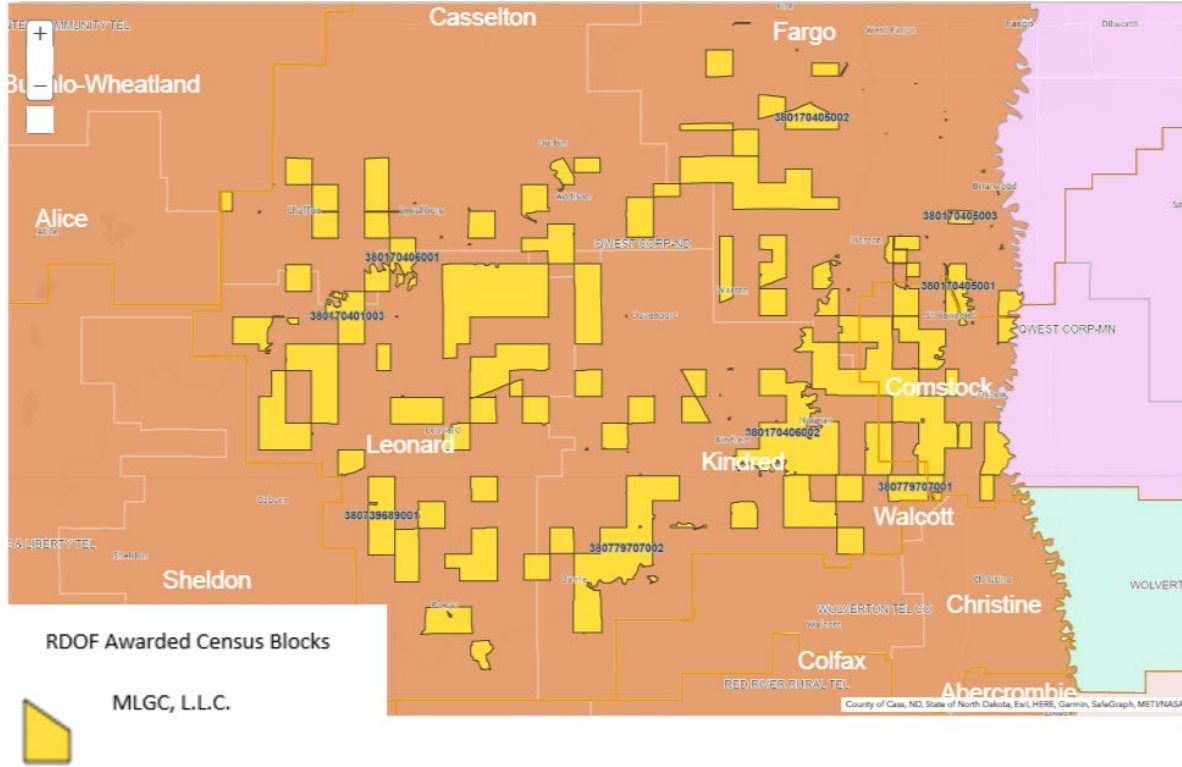


EXHIBIT D ARTICLES OF INCORPORATION

COPY

ARTICLES OF ORGANIZATION
OF
MLGC, L.L.C.

The undersigned organizer, being a natural person 18 years of age or older, in order to form a limited liability company under North Dakota Century Code, Chapter 10-32, hereby adopts the following Articles of Organization, to be effective upon issuance of the certificate of organization.

ARTICLE I

The name of this Company is MLGC, L.L.C.

ARTICLE II

The registered office of this Company is located at 301 Dewey Street, Enderlin, North Dakota 58027. The name of the registered agent of this Company is RAY BROWN.

ARTICLE III

The name and address of the organizer of this Company is as follows:

RAY BROWN
301 Dewey Street
Enderlin, ND 58027

ARTICLE IV

This Company shall have perpetual duration.

ARTICLE V

This Company shall have a single member, Moore & Liberty Telephone Company, a North Dakota corporation.

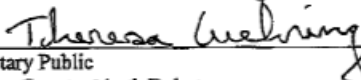
ARTICLE VI

The principal executive office of the corporation shall be at 301 Dewey Street,
Enderlin, North Dakota 58027.

IN WITNESS WHEREOF, I have hereunto set my hand this 26 day of
August, 2002.


RAY BROWN

Subscribed and sworn to before me this 26 day of August, 2002.


Notary Public
Cass County, North Dakota
My Commission Expires: _____

(SEAL)

THERESA LIEHRING
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires FEB. 5, 2003

STATEMENT OF CONSENT TO SERVE AS
REGISTERED AGENT

COPY

Name of the Corporation for Which the Registered Agent is to Serve:

MLGC, L.L.C., a North Dakota Limited Liability Company pursuant to
North Dakota Century Code Ch. 10-32.

Name and address of the Registered Agent:

RAY BROWN
301 Dewey Street
Enderlin, ND 58027


Registered Agent is (Check One):


An Individual North Dakota Resident
 A Corporation

Social Security/Federal ID Number of Registered Agent:

SSN: 501-30-1012

The designated registered agent hereby consents to act in that capacity for the above named corporation until removed or resignation is submitted in accordance with North Dakota statutes.


RAY BROWN


Date

State of North Dakota

SECRETARY OF STATE



CERTIFICATE OF ORGANIZATION OF

MLGC, L.L.C.

The undersigned, as Secretary of State of the State of North Dakota, hereby certifies that Articles of Organization for

MLGC, L.L.C.

duly signed and executed pursuant to the provisions governing a North Dakota Limited Liability Company, have been received in this office and are found to conform to law.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Organization to

MLGC, L.L.C.

Effective date of organization: August 29, 2002

Issued: August 29, 2002

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

EXHIBIT E CERTIFICATE OF GOOD STANDING

