

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

MLGC, LLC  
Designated Eligible Carrier Expansion  
Application

Case No. PU-21-50

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Geralyn R. Schmaltz** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **15th day of April 2021**, she deposited in the United States Mail, at Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

- **Order on Eligible Telecommunications Carrier Designation**

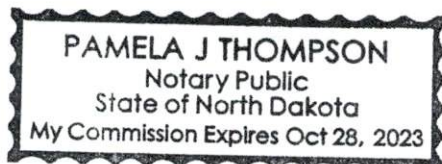
The envelopes were addressed as follows:

Tyler Kilde  
President/General Manager  
MLGC, LLC  
301 Dewey Street  
Enderlin, ND 58027  
**Cert. No. 7020 1290 0001 6150 3786**

Mary T. Buley  
Senior Telecommunications Consultant  
Olsen & Thielen, Ltd  
2675 Long Lake Road  
Roseville, MN 55112  
**Cert. No. 7020 1290 0001 6150 3793**

The addresses shown are the respective addressee's last reasonably ascertainable post office addresses.

Subscribed and sworn to before me  
this **15th day of April 2021**.



SEAL

A handwritten signature in blue ink, appearing to read "Geralyn R. Schmaltz", written over a horizontal line.

A handwritten signature in blue ink, appearing to read "Pamela J. Thompson", written over a horizontal line. Below the signature, the words "Notary Public" are printed.

THE UNIVERSITY OF CHICAGO  
COMMUNITY ORGANIZATION  
PROGRAM  
1100 EAST 58TH STREET  
CHICAGO, ILLINOIS 60637  
TEL: 773-936-3300

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

**MLGC, LLC**  
**Designated Eligible Carrier Expansion**  
**Application**

**Case No. PU-21-50**

**ORDER ON ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION**

**April 14, 2021**

**Preliminary Statement**

On January 28, 2021, MLGC, LLC (MLGC) filed, as a competitive 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 North Dakota.

On February 17, 2021, the Commission issued a Notice of Opportunity for Hearing (Notice) providing until March 29, 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**

MLGC is a North Dakota limited liability company with a principal office located at 301 Dewey St, Enderlin, ND 58027.

MLGC is in good standing with the North Dakota Secretary of State, is registered as a competitive local exchange carrier with the Commission and has provided a copy of its corporate papers with its application.

MLGC is a common carrier.

**9**      **PU-21-50**      Filed: 4/14/2021      Pages: 11  
**Order on Eligible Telecommunications Carrier**  
**Designation**

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.

To receive RDOF Phase I funding, MLGC must offer commercially at least one voice and one broadband service at speeds of at least 1 gigabit per second with a latency at or below 100 milliseconds. MLGC must offer these services to 40% of the assigned locations in North Dakota by the end of the third year of support, and an additional 20% by the end of each 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 estimated by the cost-model by the end of the sixth year of support and must serve the remaining locations by the end of the eighth year of support.

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

MLGC will offer the services and functionalities detailed in 47 CFR Part 54 in the RDOF Phase I areas. MLGC proposes to provide the service required for RDOF funding using a fiber-optic based network.

MLGC 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 MLGC was awarded RDOF Phase I support for the areas listed in Exhibits A and B, and depicted in Exhibit C of its January 28, 2021 application.

Under North Dakota Administrative Code Section 69-09-05-12, the Commission shall determine that the designation of MLGC 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 MLGC. It is in the public interest that MLGC be designated as an ETC in the RDOF Phase I areas as requested.

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 MLGC, LLC'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, and depicted in Exhibit C of MLGC's January 28, 2021 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 AWARDED CENSUS BLOCK GROUPS

380170401003  
380170405001  
380170405002  
380170405003  
380170406001  
380170406002  
380739689001  
380779707001  
380779707002

EXHIBIT B RDOF FUNDED CENSUS BLOCKS IDs

Censusblock_id	item	state	county
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380170401003006	ND-017-0401003	ND	Cass
380170401003028	ND-017-0401003	ND	Cass
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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

