

January 27th , 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 Polar Telcom, Inc 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 Polar Telcom, Inc for expansion as a Eligible Telecommunications Carrier for RDOF awarded census blocks.

Sincerely,

/s/ Mary T. Buley

Mary T. Buley
Consultant on behalf Polar Telcom, Inc.

Enclosure
CC: Patrick Fahn, North Dakota Public Service Commission

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

In the Matter of an)
Application by Polar Telcom, Inc)
for Expansion of its Designation as an)
Eligible Telecommunications Carrier to)
Receive Rural Digital Opportunity Fund) Docket No. _____
(Auction 904) for Support for Voice and)
and Broadband Services)

**APPLICATION OF POLAR TELCOM INC FOR EXPANSION OF ITS 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

Polar Telcom, Inc (“Polar”) respectfully submits this Application for Expansion of its 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. Polar was selected as a winning bidder in North Dakota under the FCC’s Rural Digital Opportunity Fund (“RDOF”) Phase 1 Auction (Auction 904). Polar’s receipt of RDOF funding is conditioned upon obtaining designation as an ETC in the RDOF eligible census blocks by June 7, 2021.

Section 214 (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 Polar as an ETC. As demonstrated, Polar meets all state and federal requirements for the Expansion of ETC designation and as shown by the description herein of Polar’s planned voice and broadband

deployment. Expanding Polar's Designating as an ETC in the RDOF Proposed Service areas would advance the goals of universal service and is in the public interest.

In support of this Application, Polar states as follows:

1. Background

Polar is a North Dakota domestic company headquartered at 110 4th Street E, Park River, North Dakota, 58270.

Polar Telcom, Inc is a wholly owned subsidiary of Polar Mutual Aid Corporation. Polar Mutual Aid Corporation was founded in 1952 and its core mission is to be an innovative industry leader that meets the needs of its customers and provides services throughout the Red River Valley and surrounding areas. Polar is a member owned cooperative that provides telecommunications services, phone systems for businesses, video services, broadband and security services. Polar provides services in the following exchanges: Fordville, Lakota, St. Thomas, Michigan, Cavalier, Park River, Aneta, Petersburg, Dahlen, Niagara, Drayton, Galesburg, Lankin, Edmore, Brouket, Crystal, Pembina, Gilby, Hunter, Neche, Hoople, Adams, Nekoma, Fairdale, Arthur, and Edinburg. Polar serves more than 8,000 customers in North Dakota and Minnesota. Polar has an extensive fiber optic network in place to serve its customers. See Exhibit D which contains Polar's Articles of Incorporation and Exhibit E Polar's Certificate of Good Standing.

Polar was granted ETC status by the North Dakota Public Service Commission in Case No. PU-1801-98-115 on June 3, 1998. Polar Telcom's CLEC operations was awarded a block of census IDs in the Federal Communications ("FCC") Rural Opportunity Digital Fund Auction Phase 1, (Auction 904). See Exhibit A for the awarded Census Blocks and Exhibit B for the Census IDs.

2. Communications and Correspondence

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

Name: Karl Blake

Title: Executive Vice President

Company: Polar Telcom, Inc.

Address: PO Box 270, 110 4th St. E, Park River, ND 58270-0270

Telephone: 701-284-4334

Email: kblake@polartel.com

With a copy to:

Name: Mary T. Buley

Title: Senior Telecommunications Consultant

Company: Olsen & Thielen, Ltd

Address: 2675 Long Lake Road, Roseville, MN 55113

Telephone: 651-621-8306

Email: mbuley@otcpas.com

3. Polar'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. Polar was a part of a consortium that was a winning bidder. Polar's total support awarded for the 324 locations is \$256,875.00. As a winner in the RDOF Auction and a receipt of RDOF support, Polar 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. Polar 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, Polar 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, Polar 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 Grand Forks, Steele, Traill and Walsh. See Exhibit C Map of RDOF Census IDs.

4. Polar'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

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.

submit appropriate documentation of approved ETC status to the FCC. Polar Telcom, Inc. is such a successful bidder in the RDOF Auction for 19 Census Blocks. Because the time frame is short for Polar to obtain ETC designation, Polar respectfully requests the Commission to review this Application promptly and grant Polar expansion of its ETC designation for the Propose RDOF Service Area.

5. Polar's Technical Qualifications

Polar is well qualified to meet the applicable RDOF obligations given its proven success and through its parent company, Polar Communications Mutual Aid Corporation. Polar Communications Mutual Aid Corporation is a provider of voice, broadband, cable TV, streaming services, security services and managed services for residential and business customers. Polar's Parent company has been in operation for over 60 years. Polar's parent company and Polar Telcom currently utilize Fiber to the Premise (FTTP) for subscribers' homes and business in its incumbent local exchange area and its competitive local exchange areas. For the Proposed Expanded RDOF Service Area, Polar will also deploy FTTP to serve these new locations. Polar has the resources, expertise, community connections and capabilities to meet its obligations under the RDOF.

At the present time, Polar and Polar's parent company serves approximately 5,900 voice customers and 4,500 broadband internet customers in North Dakota. Polar serves approximately 1,100 voice customer and 900 broadband internet customers in Minnesota.

6. Commission Authority to Designate Polar as an ETC

The Commission has the authority to expand Polar' 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 Polar'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. Polar Meets the State and Federal Statutory and Regulation Requirements for Expansion of its ETC service area.

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

Polar meets the following federal requirements:

- Polar will provide voice services on common carrier basis
- Polar will provide voice and broadband services using its facility based network
- Polar will offer the voice and broadband service supported by universal support mechanics with these capabilities:
 - Polar offers voice grade access to the public network,
 - Polar will provide voice service that includes minutes of use for local service,
 - and the service will provide access to 911 or E911.
- Polar certifies that its provision of high speed broadband internet access over its fiber based facilities satisfies the FCC definition of broadband internet access services. Polar will provide all services designated for support.
- Polar certifies that its voice and broadband services are consistent with applicable high cost support rules.²
- Polar certifies that it will offer voice services as a standalone service that are within the range of announced FCC 2021 Urban Annual Rate Survey rates.
- Polar also certifies its ability to function in Emergency Situations such as losing power.
 - Polar asserts that its central offices are supplied with standby generators and battery back-up that enable the central office to keep running until power is restored so long as fuel is available.

² 47 C.F.R. §54.404(c).

- Polar has ground -based local facilities with independent power generators and sufficient fuel to operate for several days.

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

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

Polar 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 propose designated service area but outside its existing network coverage.

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

8. Granting Polar'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 in the public interest prior to making an ETC designation. As a winning bidder in the RDOF Auction, Polar 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 Grand Forks, Steele, Traill and Walsh. Expansion of Polar'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. Polar 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, Polar 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, Polar asserts that its services in the Proposed RDOF Service area are affordable.

9. Conclusion

For all of the reasons stated herein, Polar respectfully requests (1) an expeditious Order granting Polar 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 Phase 1 Auction (Auction 904) as identified in Exhibit A and B. The Commission can grant such 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,

Polar Telcom, Inc.

By: 

Karl Blake, Executive Vice President

Polar Telcom Inc.

PO BOX 270

110 4th St E

Park River, ND 58270

LIST OF EXHIBITS

EXHIBIT A – LIST OF POLAR AWARDED RDOF CENSUS BLOCKS GROUPS

EXHIBIT B – LIST OF POLAR AWARDED RDOF CENSUS BLOCK IDS

EXHIBIT C - MAP OF POLAR AWARDED RDOF CENSUS BLOCKS

EXHIBIT D – ARTICLES OF INCORPORATION

EXHIBIT E – CERTIFICATE OF GOOD STANDING

EXHIBIT A RDOF AWARDED CENSUS BLOCK GROUPS

380350114001
380350114002
380350117001
380350117002
380350117003
380350117004
380350118001
380350120001
380350120002
380919687001
380979701003
380979703001
380999578001
380999578002
380999579002
380999580001
380999580002
380999581001
380999581003

EXHIBIT B RDOF FUNDED CENSUS BLOCKS IDs

380350114001003
380350114001007
380350114002009
380350114002011
380350114002019
380350114002042
380350114002045
380350114002056
380350114002090
380350114002096
380350114002099
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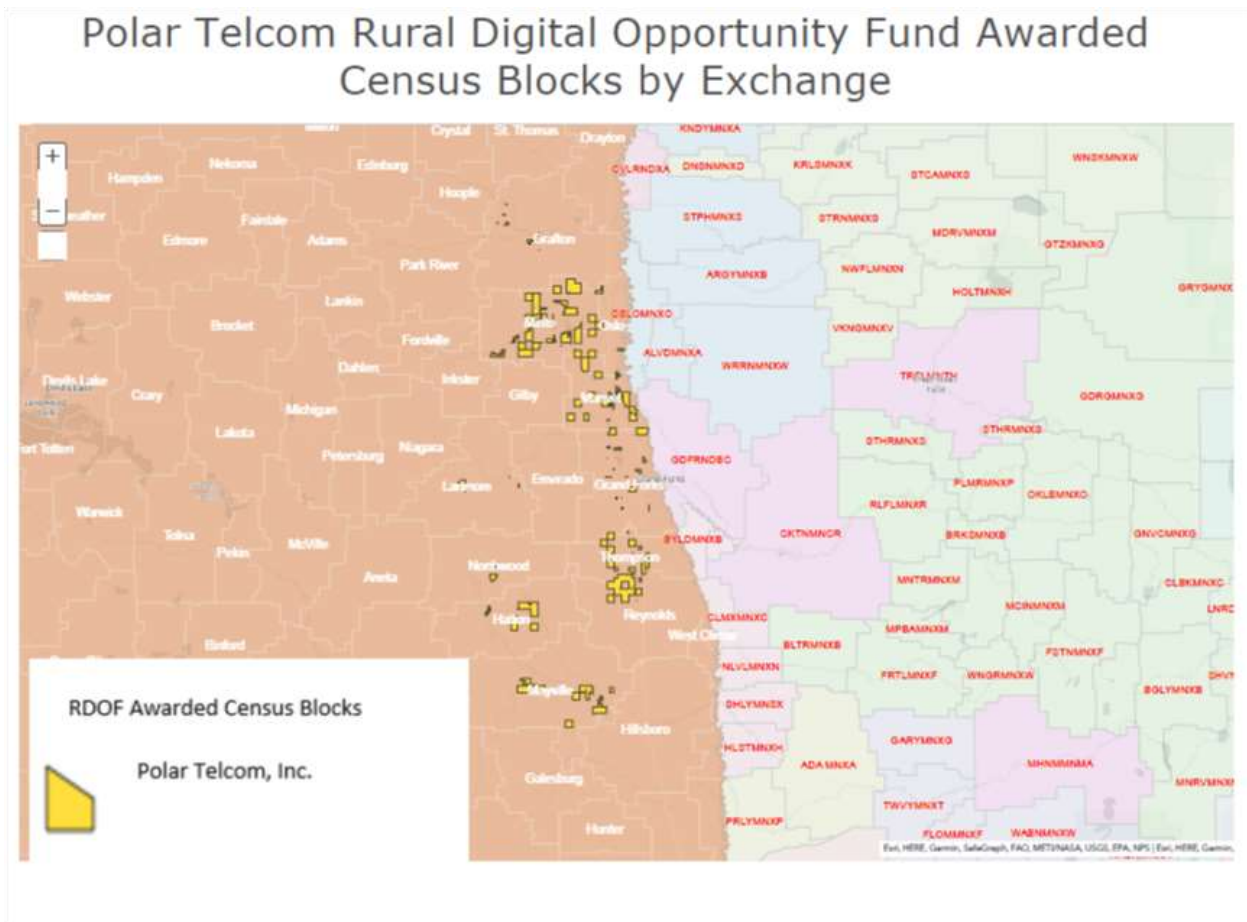
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EXHIBIT C MAP OF AWARDED SERVICE AREAS



State of North Dakota
SECRETARY OF STATE



CERTIFICATE OF INCORPORATION

OF

POLAR TELCOM, INC.

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

POLAR TELCOM, INC.

duly signed and verified pursuant to the North Dakota statutes governing a North Dakota BUSINESS CORPORATION, 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 Incorporation to

POLAR TELCOM, INC.

Effective date of incorporation: February 5, 1998

Issued: February 5, 1998

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

Alvin A. Jaeger
Secretary of State

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ARTICLES OF INCORPORATION

OF

POLAR TELCOM, INC.

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SEC. OF STATE

I, the undersigned natural person of the age of eighteen years or more, acting as incorporator of a corporation under the North Dakota Business Corporation Act, adopt the following Articles of Incorporation for such corporation:

Article 1. The name of said corporation shall be Polar Telcom, Inc.

Article 2. The purposes for which the corporation are organized are to furnish, improve and expand telecommunications services of all kinds without limitations in the State of North Dakota, and to engage in any other business which may lawfully be conducted by a North Dakota business corporation.

Article 3. The aggregate number of shares which the corporation shall have authority to issue is 50,000 shares of no par value per share.

Article 4. The address of the initial registered agent for the corporation is 818 4th Street, P.O. Box 270, Park River, ND 58270; the name of its initial registered agent at that address is David Dunning.

Article 5. The name and address of the incorporator is David Dunning, 818 4th Street, P.O. Box 270, Park River, ND 58270.

Dated this 29 day of January, 1998.


David Dunning, Incorporator

PRINGLE & HERIGSTAD, P.C.
P.O. Box 1000
MINDY, NORTH DAKOTA 58702

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Secretary of State



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SEC. OF STATE

REGISTERED AGENT'S CONSENT

I, David Dunning, declare that I am the registered agent named in these
Articles of Incorporation, and I consent to serve in such capacity.

Dated this 29 day of January, 1998.


David Dunning

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NORTH DAKOTA
Filed 2-5 1998

Secy. of State CD 

State of North Dakota
SECRETARY OF STATE



**Certificate of Good Standing
of
POLAR TELCOM, INC.**

SOS Control ID#: 0000054407

Certificate #: 019456431

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that, according to the records of this office,

POLAR TELCOM, INC.

a Corporation - Business - Domestic was formed under the laws of NORTH DAKOTA and filed with this office effective February 5, 1998. This entity has, as of the date set forth below, complied with all applicable North Dakota laws.

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

DATE: January 11, 2021

Handwritten signature of Alvin A. Jaeger in cursive script.

Alvin A. Jaeger
Secretary of State