

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 Halstad Telephone Company 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 Halstad Telephone Company for expansion as a Eligible Telecommunications Carrier for RDOF awarded census blocks.

Sincerely,

/s/ Mary T. Buley

Mary T. Buley
Consultant on behalf of Halstad Telephone Company

Enclosure
CC: Patrick Fahn, North Dakota Public Service Commission

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

In the Matter of an Application)
For Halstad Telephone Company)
Expansion of its 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 HALSTAD 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

Halstad Telephone Company (“Halstad”) 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. Halstad was selected as a winning bidder in North Dakota under the FCC’s Rural Digital Opportunity Fund (“RDOF”) Phase 1 Auction (Auction 904). Halstad’s receipt of RDOF funding is conditioned upon obtaining designation as an ETC in the 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 Halstad as an ETC. As demonstrated, Halstad meets all state and federal requirements for ETC designation and as shown by the description herein of Halstad’s planned voice and broadband deployment.

Designating Halstad 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, Halstad states as follows:

1. Background

Halstad is a Minnesota domestic company headquartered at 345 2nd Ave W, Halstad, MN 56548.

Halstad is a locally owned cooperative that delivers state of the art telecommunication products and services to the Minnesota communities of Halstad, Shelly, Nielsville, Climax, Bygland and Fisher. In North Dakota provides services in the Hillsboro exchange. Halstad started as a cooperative in 1904. Halstad serves more than 4,000 subscribers in North Dakota and Minnesota. Halstad has an extensive fiber optic network in place to serve its customers. Halstad Telecom's CLEC operations was awarded a block of census IDs in the Federal Communications ("FCC") Rural Opportunity Digital Fund Phase 1 Auction, (Auction 904). Please see Exhibit A for awarded Census Blocks and Exhibit B for the Census IDs. Please see Exhibits D and E which provide confirmation that Halstad is a Minnesota domestic company and is in good standing in the State of North Dakota.

2. Communications and Correspondence

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

Name: Mark Forseth

Title: Chief Executive Officer/General Manager

Company: Halstad Telephone Company.

Address: 345 2nd Ave W, Halstad, MN 5648

Telephone: 218-456-2125

Email: markforseth@rrv.net

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. Halstad'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. Halstad was a part of a consortium that was a winning bidder. Halstad total support for the 258 locations in North Dakota is \$193,425.40. As a winner in the RDOF Auction and a receipt of RDOF support, Halstad 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. Halstad 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, Halstad 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, Halstad 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 counties of Grand Forks and Traill.

4. Halstad'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. Halstad Telephone Company is such a successful bidder in the RDOF Auction for four Census ID Blocks. Because the time frame is short for Halstad to obtain ETC designation, Halstad respectfully requests the Commission to review this Application promptly and grant Halstad ETC designation for the Expanded Proposed Service Area.

5. Halstad's Technical Qualifications

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.

Halstad is well qualified to meet the applicable RDOF obligations given its proven success as a provider of voice, broadband internet, cable TV, mobile services, business phone systems, network circuits, surveillance and monitoring services. Halstad has been in operation for over 100 years. Halstad's current service area utilizes Fiber to the Premise (FTTP) to serve subscribers homes and business in its incumbent local exchange area and its competitive local exchange areas. For the Proposed Service Area, Halstad will also deploy FTTP to serve these new locations. Halstad has the resources, expertise, community connections and capabilities to meet its obligations under the RDOF. At the present time, Halstad serves approximately 2,600 subscribers in Minnesota and North Dakota.

6. Commission Authority to Designate Halstad as an ETC

The Commission has the authority to designate Halstad as an ETC, pursuant to Section 214 (e)(2) of the Act , for the Proposed Service Area. 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 Halstad's designation request and has the authority to designate Halstad and ETC for purposes of both universal service support in the Proposed Service Area.

7. Halstad Meets the State and Federal Statutory and Regulation Requirements for ETC Designation

Halstad meets all the applicable federal and state requirements for ETC designation. Halstad meets the requirements outlined in Section 214(e) (1) of the

Act and Section 54.201(d) of the FCC rules. Likewise, Halstad meets the requirements of N.D.A.C. §69-09-05.12 and 69-09-05.12.1.

Halstad meets the following federal requirements:

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

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

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

Halstad commits to providing service throughout the proposed 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 47 C.F.R. §54.404(c).

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

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.

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

8. Designation of Halstad as an ETC 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, Halstad 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, Grand Forks, and Traill. Designation of Halstad as a lifeline ETC is in the public interest since it affords qualifying customers a choice of service providers while retaining the lifeline benefit. Halstad believes that its service offerings are superior to that received by ILEC customers in the Proposed Service area. Offering fiber services to the premise is a superior technical network to the ILECs. In addition, Halstad believes that customers will benefit from choosing a local owned provider which has demonstrated a commitment to and success in responding to the service needs of its residents for over a 100 years. And finally, Halstad asserts that its services in the Proposed Service area are affordable.

9. Conclusion

For all of the reasons stated herein, Halstad respectfully requests (1) an expeditious Order designating the Company as an ETC 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, 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,

Halstad Telephone Company

By: 

Mark Forseth, CEO and General Manager

Halstad Telephone Company.

345 2nd Avenue West

P.O. Box 55

Halstad, ND 56548

LIST OF EXHIBITS

EXHIBIT A – LIST OF HALSTAD AWARDED RDOF CENSUS BLOCKS GROUPS

EXHIBIT B – LIST OF HALSTAD AWARDED RDOF CENSUS BLOCK IDS

EXHIBIT C - MAP OF HALSTAD AWARDED RDOF CENSUS BLOCKS

EXHIBIT D – ARTICLES OF INCORPORATION

EXHIBIT E – CERTIFICATE OF GOOD STANDING

EXHIBIT A RDOF AWARDED CENSUS BLOCK GROUPS

380170402001
380350117005
380979701001
380979703002

EXHIBIT B RDOF FUNDED CENSUS IDs

380170402001005
380170402001007
380170402001013
380170402001014
380170402001016
380170402001028
380170402001031
380170402001032
380170402001036
380170402001037
380170402001081
380170402001106
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380979703002537

EXHIBIT C MAP OF AWARDED SERVICE AREAS

Halstad Telephone Company Rural Digital Opportunity Fund Awarded Census Blocks by Exchange

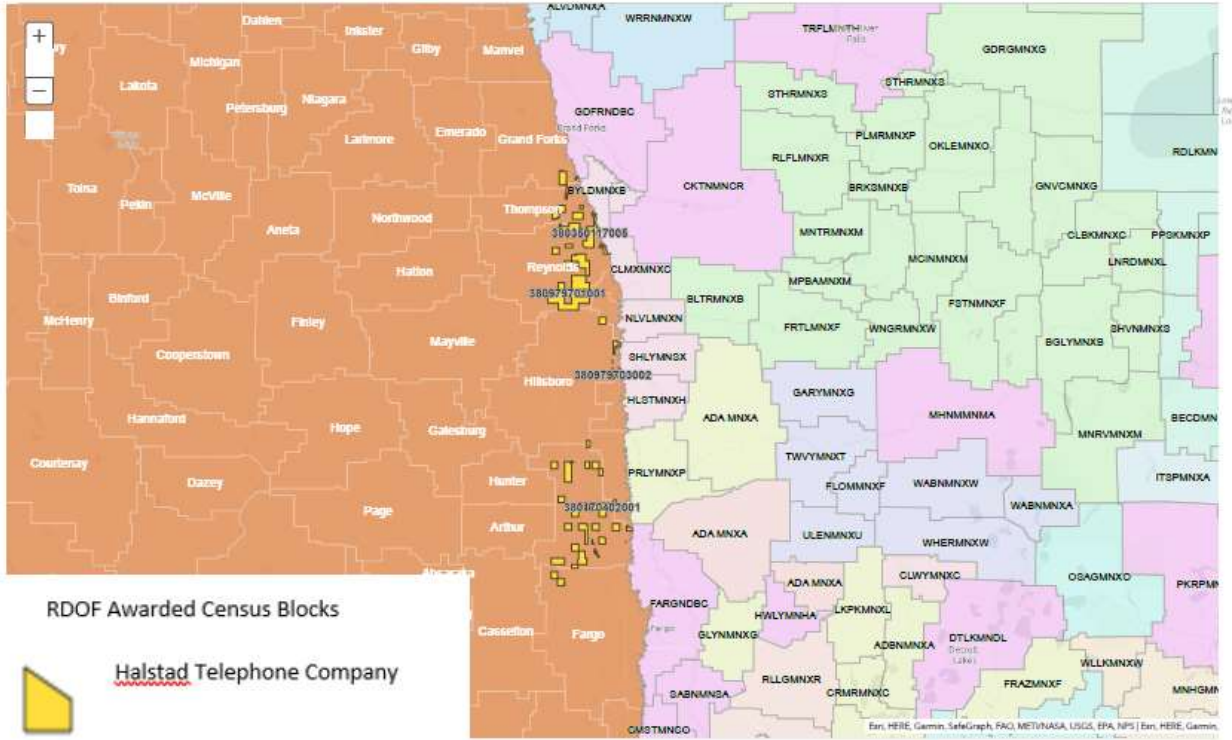



EXHIBIT D Articles of Incorporation

To Be Provided Later.

State of North Dakota
SECRETARY OF STATE



**Certificate of Good Standing
of
HALSTAD TELEPHONE COMPANY**

SOS Control ID#: 0000014838
Certificate #: 019531926


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

HALSTAD TELEPHONE COMPANY

a Corporation - Business - Foreign was formed under the laws of MINNESOTA and filed with this
office effective April 20, 1956. 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 22, 2021


Alvin A. Jaeger
Secretary of State