



Via Email to ndpsc@nd.gov

February 3, 2021

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

Dear Mr. Kahl,

Reservation Telephone Cooperative files the enclosed Application for Designation as an Eligible Telecommunications Carrier, for the area awarded funding in the Federal Communication Commission's Rural Digital Opportunity Fund Auction.

Should you have any questions, please do not hesitate to contact me or my consultant listed below.

Sincerely,

/s/ Shane Hart

Shane Hart
CEO/General Manager

Consultant for Reservation Telephone Cooperative
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1 PU-21-78 Filed 02/03/2021 Pages: 26
Application for Expanded Designation as an Eligible Telecommunications Carrier
Reservation Telephone Cooperative
Shane Hart, CEO/General Manager

This institution is an equal opportunity provider and employer.

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

In the Matter of)
)
Application of Reservation Telephone Cooperative)
for Designation as an Eligible Telecommunications) Docket No. _____
Carrier to Receive Rural Digital Opportunity Fund)
Phase I Auction (Auction 904) Support for Voice)
And Broadband Services)

**APPLICATION OF RESERVATION TELEPHONE COOPERATIVE FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
REQUEST FOR EXPEDITED CONSIDERATION**

Reservation Telephone Cooperative (“RTC” or the “Cooperative”), pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”),¹ Sections 54.201 and 54.202² of the rules and regulations of the Federal Communications Commission (“FCC”) and in accordance with the North Dakota Public Service Commission’s (“Commission”) requirements as set forth in N.D.C.C. § 49-21-01.7(12) and N.D.A.C. §§ 69-09-05-12 and 69-09.05-12.1, respectfully requests designation as a High-Cost and Low Income Eligible Telecommunications Carrier (“ETC”) in the State of North Dakota in all areas where RTC was selected as a winning bidder in the FCC's Rural Digital Opportunity Fund (“RDOF”) Phase I Auction (Auction 904) (the “RDOF Auction”).³

RTC will offer broadband and voice services throughout the RDOF Phase I-eligible census blocks identified in **Exhibit A** and seeks ETC designation from the Commission to participate in

¹ 47 U.S.C. § 214(e)(2).

² 47 C.F.R §§ 54.201 and 54.202.

³ See *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidder Announced; FCC Form 683 Due January 29, 2021*, AU Docket No. 20-34, WC Docket Nos. 19-126 and 10-90, Public Notice, DA 20-1422, (rel. Dec. 7, 2020) (“Auction 904 Results Notice”).

both High-Cost and Low-Income programs of the federal Universal Service Fund in order to serve these census blocks.

RTC's receipt of RDOF funding is conditioned upon it obtaining designation as an ETC in the eligible census blocks by June 7, 2021.⁴ As a result, RTC requests expeditious action by the Commission so that it may meet this requirement. 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 RTC, as an ETC.⁵ As demonstrated in this Application, RTC meets all state and federal requirements for ETC designation, and, as shown by the description herein of RTC's planned voice and broadband offerings, designating RTC 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, RTC states as follows:

I. INFORMATION AND BACKGROUND REGARDING RTC

RTC is a North Dakota cooperative, incorporated under the laws of the State of North Dakota on October 16, 1951, and headquartered at 24 N Main Street, PO Box 68 Parshall, North Dakota 58770. A copy of RTC's certified Articles of Incorporation and subsequent amendments are attached hereto as **Exhibit B**. A copy of RTC's Certificate of Good Standing is attached hereto as **Exhibit C**.

RTC is a non-profit, member-owned, telecommunications cooperative that has been providing telecommunications services throughout northwestern North Dakota since 1951. RTC is a rate-of-return incumbent local exchange carrier ("ILEC") that currently provides voice, broadband, IP-video and cloud services to more than 10,000 residential and business customers throughout the following communities in North Dakota: Spencer, Noma, Kenmare, Squaw Gap, Alexander,

⁴ *Auction 904 Results Public Notice*, para. 17 on p. 7.

⁵ 47 U.S.C. § 214(e)(6).

Arnegard, Watford City, Keene, Ross, New Town, Mandaree, Parshall, Roseglen, Garrison, Emmet, Max, Douglas, Ryder, Plaza and Makoti.

RTC is dedicated to supporting its customers and economic development in the communities it serves. RTC began constructing its fiber-optic network in 2006 and has since been building its network out to almost every RTC cooperative member. RTC has always worked to be at the forefront of service and provide better service to customers, as is evidenced by its successful participation in past grant programs and the subsequent expansion of its network. RTC received an American Recovery and Reinvestment Act Broadband Initiative Program grant in 2010 to expand its service as a competitive provider and bring voice and broadband to its service area. RTC participated in the FCC's RDOF Auction and was awarded RDOF support in North Dakota. RTC will provide high-quality, high-speed, reliable and affordable broadband Internet and voice service to residential and business customers in the proposed ETC designation area. RTC will construct and operate a state-of-the-art fiber optic network to provide high-speed broadband Internet access and voice services to customers who currently lack access to such services.

II. COMMUNICATIONS AND CORRESPONDENCE

Pleadings, orders, notices, or other correspondence and communications regarding this Application should be provided to:

Shane D. Hart
CEO/General Manager
Reservation Telephone Cooperative
24 North Main Street, P.O. Box 68
Parshall, North Dakota 58770
701-862-3115
shaneh@rtc.email

With a copy to:

Brooks Goodall
COO/Assistant General Manager

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III. RTC'S PROPOSED PARTICIPATION IN THE FCC'S RDOF AUCTION

A. Background on the RDOF Auction

On January 30, 2020, the FCC adopted the *Rural Digital Opportunity Fund Report and Order*,⁶ establishing the framework for the Rural Digital Opportunity Fund (“RDOF”) including the use of reverse auctions in two phases. The RDOF was implemented to provide \$20.4 billion to connect millions of rural homes and businesses to high-speed broadband networks as part of the FCC’s biggest step to close the digital divide.⁷ On July 11, 2020, the FCC adopted final procedures for Phase I of the RDOF Auction, which utilized competitive bidding to allocate up to \$16 billion over ten years to service providers that commit to offer voice and broadband services to fixed locations in eligible unserved high-cost census blocks.⁸

B. RTC’s Selection as a Winning Bidder

The RDOF Auction began on October 29, 2020 and completed on November 25, 2021. On December 7, 2020, the FCC issued a Public Notice, officially announcing the results of the competitive bidding.⁹ RTC was announced as a winning bidder for a number of locations in North Dakota.¹⁰ As a winner in the RDOF Auction and a recipient of RDOF support, RTC is required to offer speeds of at least 1 Gbps with a latency at or below 100ms. RTC is required to buildout to 40%

⁶ See generally *Rural Digital Opportunity Fund; Connect America Fund*, Order, 35 FCC Rcd 686 (2020) (*Rural Digital Opportunity Fund Order*).

⁷ *Id.*

⁸ See *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, Public Notice, FCC 20-77, 35 FCC Rcd 686 (2020) (“*Auction 904 Procedures Public Notice*”).

⁹ *Auction 904 Results Public Notice*, Attachment A.

¹⁰ *Id.* at p. 21.

of the requisite number of locations in North Dakota within three years of authorization.¹¹ This performance benchmark increases by 20% by the end of the fourth and fifth years of support.¹² By the end of year six, revised location totals will be announced.¹³ If there are fewer locations than originally estimated by the cost model, RTC must serve the revised number of locations by the end of the sixth year of support.¹⁴ If there are more locations than originally estimated by the cost model, RTC 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.¹⁵

C. Need for Expedited ETC Designation

The FCC's rules for the RDOF Auction did not require that participants be an ETC as of the initial short-form application filing deadline.¹⁶ Instead, a company that is awarded support is expected to obtain an ETC designation (encompassing receipt of high-cost support) for the areas covered by its successful bids within 180 days after being announced as a winning bidder.¹⁷ Winning bidders must submit appropriate documentation of such ETC status to the FCC.¹⁸ As noted, RTC has been selected as a winning bidder in the RDOF Auction for a number of locations in North Dakota. Because the timeframe for RTC to obtain ETC designation is short and the consequences of failure to do so are severe, RTC respectfully requests that the Commission review this Application promptly and grant RTC ETC designation in the proposed ETC designation area on an expedited basis.

IV. RTC AND ITS TECHNICAL QUALIFICATIONS

¹¹ *Auction 904 Procedures Public Notice*, para. 17.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Auction 904 Procedures Public Notice*, para. 136.

¹⁷ *Id.*

¹⁸ *Id.*

A. RTC's Expertise and Experience

RTC is qualified to meet applicable RDOF obligations given its proven track record of technical and commercial success operating as a provider of voice and broadband services and associated equipment for almost seventy years. RTC is capable of meeting the demands accompanying RDOF funding, given that it has completed projects and builds similar in size and with similar requirements. Therefore, RTC has the resources, expertise, community connections and capabilities necessary to meet its obligations under the RDOF.

Currently, RTC serves approximately 7,706 customers with voice service and 10,527 customers with broadband service in the aforementioned areas located in North Dakota. RTC serves and has already made Internet service of at least 10/1 Mbps or higher available to 99% of locations throughout RTC's ILEC service area, which is over 6,000 square miles. RTC will leverage its resources and experience as a provider of broadband and voice services to serve customers in the proposed ETC designation area. With RTC's skilled and experienced customer care and technical staff of 101 employees, located in Parshall, ND, RTC is positioned to offer superior service to customers and will also have tier two support from its corporate office for design and construction of fiber plant and maintenance of the network. RTC has experience constructing a fiber-to-the premises ("FTTP") network to offer fiber-fed broadband services to customers. As such, RTC has experience managing the technical and customer service related issues associated with the provision of broadband and voice service and will be able to fulfill its obligations as an ETC and recipient of RDOF support.

B. RTC's Services and Network Architecture

RTC will jump-start high-speed Internet service in an area that has been mostly unserved or underserved. RTC will expand its state-of-the-art, low-latency, FTTP network, consisting of

underground fiber to deliver high-speed broadband and traditional voice services to homes and businesses in the proposed ETC designation area. Through the expansion of its FTTP network, RTC will have fiber availability over which to offer broadband and voice services to customers in the proposed ETC designation area. RTC's FTTP network will be the backbone of the high-speed services on which customers will rely. Maintaining quality service and future-proofing its network is one of RTC's top priorities. RTC anticipated the need for gigabit-capable Internet service long ago and has been constructing its fiber-optic network since 2006.

RTC will provide customers with competitively superior broadband and voice services now and into the future. RTC plans to initially offer residential and business voice and Internet service at the following speeds and prices with unlimited data and no contracts:

Residential

100 x 100 Mbps - \$54.95/mo.

250 x 250 Mbps - \$79.95/mo.

500 x 500 Mbps - \$99.95/mo.

1000 x 1000 Mbps - \$149.95/mo.

Business

100 x 100 Mbps - \$99.95/mo.

250 x 250 Mbps - \$149.95/mo.

500 x 500 Mbps - \$199.95/mo.

1000 x 1000 Mbps - \$299.95/mo.

RTC will provide voice services through its company-owned voice switch over its fiber-based facilities. RTC will provide voice services at the following prices: \$22.46/mo. for residential, stand-alone voice service and \$25.00/mo. for business, stand-alone voice service. RTC's voice service will include the following features and capabilities: long distance, caller-ID, call waiting, E911, call return, robo call blocking, personalized user portal, call detail records via portal, call forwarding (with failover), caller ID blocking, simultaneous ring, three-way calling, voicemail, missed call alert via email and hunting/rollover calls. RTC's voice service will satisfy the FCC's definition of voice telephony service, as well as requirements under RDOF.

V. COMMISSION HAS AUTHORITY TO DESIGNATE RTC AS AN ETC

The Commission has the authority to designate RTC as an ETC, pursuant to Section 214(e)(2) of the Act. Pursuant to Section 214(e)(2) of the Act, a State commission shall, upon its own motion or upon request, designate a common carrier, who meets the requirements of Section 214(e)(1), as an ETC for purposes of receiving universal service support in a service area designated by the State commission.¹⁹ Sections 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 an 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, so long as each additional requesting carrier meets the requirements" of Section 54.201(d) of the FCC's rules.²⁰

¹⁹ 47 U.S.C. §§ 214(e)(1)-(2).

²⁰ 47 C.F.R. §§ 54.201(c)-(d).

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

VI. RTC MEETS THE STATE AND FEDERAL STATUTORY AND REGULATORY REQUIREMENTS FOR ETC DESIGNATION

RTC meets all applicable federal and state requirements for designation as an ETC in North Dakota. As shown below, RTC meets the requirements outlined in Section 214(e)(1) of the Act²¹ and Section 54.201(d)²² of the FCC's rules, as well as the additional requirements for ETC designation under Section 54.202 of the FCC's rules.²³ Additionally, RTC meets the requirements outlined in N.D.A.C. §§ 69-09-05.12 and 69-09-05.12.1.

A. RTC Meets All Federal Requirements For ETC Designation

RTC meets all criteria for designation as an ETC under federal law. Specifically:

1) For purposes of this designation, RTC will provide service on a common carrier basis. RTC currently provides broadband Internet access service and access to voice services by virtue of its delivery of traditional telecommunications services to customers. Pursuant to N.D.C.C. § 49-21-02, all persons providing telecommunications service within North Dakota shall be common carriers and shall be affected with a public interest and subject to the regulation and supervision of the Commission. As to customers and locations where RTC is awarded RDOF support, RTC will provide its voice service on a common carrier basis. As such, RTC is a common carrier (47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d));

2) RTC will provide voice and broadband services using its own facilities.

²¹ 47 U.S.C. §§ 214(e)(1).

²² 47 C.F.R. §§ 54.201(d).

²³ 47 C.F.R. §§ 54.201(c).

Specifically, RTC will leverage its buried, fiber-optic network, as well as its Calix last mile platform to deliver voice and broadband services between RTC's central office building and the customer premise. Therefore, RTC will offer the supported services using its own facilities or a combination of its own facilities and resale of another carrier's services (47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1)).

3) As required by 47 C.F.R. § 54.101, RTC will offer the voice telephony and broadband services supported by federal universal service support mechanisms, including the following capabilities:

Voice Grade Access To The Public Switched Telephone Network – RTC meets this requirement through its provision of TDM voice service that will include minutes of use for local service provided at no charge to end users (*i.e.*, plans are generally unlimited usage within the U.S.) and access to emergency services via 911 or E-911, wherever available from local government or public safety organizations.²⁴ RTC certifies that its TDM voice service will satisfy the FCC's definition of voice telephony service. RTC will offer stand-alone voice telephony service throughout its proposed ETC designation areas and will offer such service at rates that are reasonably comparable to urban rates.²⁵ With respect to toll limitation services, RTC commits to provide toll limitation services to qualifying low-income consumers as provided in Sections 54.400 and 54.423 of the Commission's rules.²⁶ (47 C.F.R. § 54.101(a)(1)).

Broadband Internet Access Services – RTC's broadband Internet access service provides the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the

²⁴ 47 C.F.R. § 54.101(a)(1) and (b).

²⁵ *USF/ICC Transformation Order*, 26 FCC Rcd at 17693, paras. 80-81; *see also* 47 C.F.R. § 54.101(b).

²⁶ 47 C.F.R. § 54.101(a)(1).

communications service, but excluding dial-up service. RTC certifies that its provision of high-speed broadband Internet over its fiber-based facilities will satisfy the FCC's definition of broadband Internet access and it will therefore provide all services designated for support by the FCC. (47 C.F.R. § 54.101(a)(2)).

RTC commits to provide these services consistent with applicable high-cost universal service support rules (47 C.F.R. § 54.101(c)). RTC will offer Lifeline service as required by the FCC's rules at all locations where it has been awarded support. (47 C.F.R. § 54.101(d));

4) RTC will offer voice telephony as a standalone service and both voice telephony and broadband at rates that are reasonably comparable to urban rates;²⁷

5) RTC will advertise the availability of its universal service offerings and charges for such offerings using media of general distribution (47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d)(2)), namely through a combination of digital and traditional media, such as the Internet, outbound Email, advertising via radio, newspapers, magazines or other print advertisements, outdoor advertising, or direct marketing, and will also publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service. Specifically, RTC's advertising strategy will build on its extensive advertising and public outreach experience in operating as a telecommunications provider in the area since 1951. (47 C.F.R. § 54.405(b));

6) RTC will provide the supported services throughout the designated RDOF Auction awarded service areas, identified in **Exhibit A**. (47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d));

7) RTC certifies that, in accordance with 47 U.S.C. § 254(e), it will use federal universal service support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

²⁷ *USF/ICC Transformation Order*, 26 FCC Rcd at 17693, paras. 80-81; *see also* 47 C.F.R. § 54.101(b).

8) RTC possesses the financial and technical capability to provide the supported services. RTC will offer high-speed broadband Internet and voice services to both Lifeline and non-Lifeline customers in the proposed ETC designation area and has full financial capabilities to underwrite its share of construction and start-up expenses (e.g., construction, hardware, operations, etc.) to get its fiber optic network built and begin offering voice and broadband services. As stated, RTC has been operating as a telecommunications service provider in North Dakota since 1951. RTC does not, and will not, rely on universal service fund disbursements to operate. RTC has the requisite amount of capital and RTC will be able to obtain additional financing, if necessary, in addition to the RDOF Phase I support being made available to RTC. Finally, RTC has not been subject to any enforcement proceedings or ETC revocation proceedings. RTC will be able to leverage its substantial experience in maintaining and upgrading utility infrastructure. Accordingly, RTC is capable of managing, maintaining and repairing infrastructure for support of the proposed services. (47 C.F.R. § 54.202(a)(4));

9) RTC further certifies that it meets all of the applicable requirements for designation as an ETC²⁸ under 47 C.F.R. § 54.202 as follows:

Compliance With Applicable Service and Performance Quality Requirements. RTC certifies that it will comply with the service requirements applicable to the support that it receives,²⁹ including the requirements of the RDOF Auction. RTC's capabilities for providing the services in accordance with these requirements will be detailed in its FCC Form 683 long

²⁸ *Auction 904 Procedures Public Notice*, para. 136; *WCB Reminds Connect America Fund Phase II RTCs of the Process for Obtaining Federal Designation as an Eligible Telecommunications Carrier*, Public Notice, 33 FCC Rcd 6696 (WCB 2018) (*Federal ETC Public Notice*) (waiving the FCC requirement for a winning bidder to file a five-year plan (47 C.F.R. § 54.202(a)(1)(ii)) and to demonstrate that it will satisfy applicable consumer protection and service quality standings (47 C.F.R. § 54.202(a)(3))).

²⁹ 47 C.F.R. § 54.202(a)(1)(i).

form application³⁰ and are incorporated by reference. Additionally, RTC certifies that it will comply with the ETC-specific commitments required by the FCC in its *2005 ETC Order*.³¹ The FCC has waived the requirement for a winning bidder to file a five-year plan as part of the ETC designation process and to demonstrate that it will satisfy applicable consumer protection and service quality standings.³² RTC is currently subject to and complies with all state and federal consumer protection requirements and service quality standards applicable to its operations. These obligations include, but are not limited to, the following: (1) adherence to state requirements that RTC complies with consumer protection and service quality standards pursuant to North Dakota Administrative Code Article 69, including customer requests for lowest price service alternatives (N.D.A.C. § 69-09-05-01), discontinuance of telecommunications services (N.D.A.C. § 69-09-05-02), deposits and guarantees (N.D.A.C. § 69-09-05-03); (2) truth-in-billing requirements, and (3) CPNI, Red Flag Rules and other applicable federal and state requirements governing the protection of customers' privacy.

RTC has not been the subject of any serious consumer complaints or investigations. RTC certifies that it will continue to prioritize complying with all applicable consumer protection and service quality standards to satisfy this requirement.

Ability to Remain Functional in Emergency Situations. RTC hereby certifies that it is able to function in emergency situations as set forth in Section 54.202(a)(2) of the FCC's rules and

³⁰ See RTC's Form 683 Long Form Application.

³¹ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and order, FCC 05-46 (rel. Mar. 17, 2005) ("2005 ETC Order").

³² *Auction 904 Procedures Public Notice*, para. 136; *WCB Reminds Connect America Fund Phase II RTCs of the Process for Obtaining Federal Designation as an Eligible Telecommunications Carrier*, Public Notice, 33 FCC Rcd 6696 (WCB 2018) (*Federal ETC Public Notice*) (waiving the FCC requirement for a winning bidder to file a five-year plan (47 C.F.R. § 54.202(a)(1)(ii)) and to demonstrate that it will satisfy applicable consumer protection and service quality standings (47 C.F.R. § 54.202(a)(3))).

N.D.A.C. § 69-09-05-12.³³ RTC will establish reasonable provisions to meet emergencies resulting from failures of power service, sudden and prolonged increases in traffic, illness of operators or other credible emergency situations. These plans will include provisions to supply a reasonable amount of emergency power and contain activation, required staffing, escalation, and communication procedures to deal with such emergencies. RTC's voice and broadband network is designed to remain functional in emergency situations without an external power source, reroute traffic around damaged facilities and manage traffic spikes resulting from emergency situations as required by Section 54.202(a)(2) of the FCC's rules.³⁴

RTC's facilities will be equipped with power generators and sufficient fuel to operate for several days so as to mitigate power outages. More specifically, RTC's central office building and electric equipment will be supplied with standby generators and battery back-up to enable the central office building to keep running until power is restored so long as fuel is available or until system changes are made to reroute traffic. RTC's generators and back-up batteries will support both voice and broadband network equipment should an emergency situation occur.

RTC's network will be capable of managing traffic spikes resulting from emergency situations since it can change call routing translations as needed to reroute traffic around damaged facilities. The design of these facilities will contain multiple levels of redundancy and autonomy that also mitigate the need for dedicated human interaction. RTC plans to apply this successful model to its RDOF Auction services and customers.

B. RTC Meets All State Requirements For ETC Designation

³³ Section 54.202(a)(2) requires ETCs that are designated by the Commission to "demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of maintaining traffic spikes resulting from emergency situations."

³⁴ 47 C.F.R. § 54.202(a)(2).

As explained below, RTC meets all the requirements of North Dakota Admin Code 69-09-05-12 for designation as an ETC as follows:

1) An application for designation as an ETC must specifically identify (a) the proposed designated service area; (b) how the RTC meets the requirements for designation as an ETC; (c) whether the RTC requires a waiver of any ETC requirement; and (d) if a waiver is required, the specific reasons for the waiver and the length of time for which the waiver is required. (N.D.A.C. 69-09-05-12(2)). As stated, RTC's proposed service area is comprised of the census blocks identified in **Exhibit A**. These census blocks are located in Study Area Code: 385144 in CenturyLink's designated local exchange area. RTC meets all federal and state requirements for ETC designation as described herein. RTC also certifies that it does not require a waiver of any ETC requirement.

2) An application for designation as an ETC must commit to provide service throughout its proposed service area to all customers making a reasonable request for service and RTC shall certify that it will: (1) Provide service on a timely basis to requesting customers within the RTC's proposed designated service area where the RTC's network already passes the potential customer's premises; and (2) Provide service within a reasonable period of time, if the potential customer is within the RTC's proposed designated service area but outside its existing network coverage, if service can be provided at reasonable cost by: (a) Modifying or replacing the requesting customer's equipment; (b) Deploying a roof-mounted antenna or other equipment; (c) Adjusting the nearest cell tower; (d) Adjusting network or customer facilities; (e) Reselling services from another carrier's facilities to provide service; or (f) Employing, leasing, or constructing an additional cell site, cell extender, repeater, or other similar equipment." (N.D.A.C. 69-09-05-12(3)(a)(1)&(2)).

RTC commits to providing service throughout its proposed ETC designation area to all customers making a reasonable request for service. RTC also hereby makes the required certifications listed above.

3) RTC certifies and acknowledges that the Commission may require it to provide equal access to long-distance carriers in the event that no other ETC is providing equal access within the proposed service area pursuant to N.D.A.C. 69-09-05-12(3)(f); and

4) Finally, RTC certifies and acknowledges that it satisfies the advertising requirements set forth in N.D.A.C. § 69-09-05-12(6). RTC will advertise the availability of universal service as follows: a full description of available services in RTC's official telephone directory, including the process by which customers may qualify for Lifeline service; and in media of general circulation in each eligible telecommunications carrier's designated service area, including newspapers, company newsletters, company or civic internet sites, bill stuffers, direct mailings and any other means intended to convey availability throughout the service area deemed appropriate by RTC.

VII. DESIGNATION OF RTC AS AN ETC IS IN THE PUBLIC INTEREST

Designation of RTC as an ETC serves the public interest by allowing RTC to bring high-speed broadband Internet and voice services to underserved locations in the designated census blocks, including to low-income households that qualify for Lifeline discounts. The grant of this Application will clearly serve the public interest by enabling RTC to provide low-latency, gigabit-speed broadband and voice services to residents and businesses in its proposed ETC designation area, as well as to provide subsidized voice and broadband services to those households that seek and qualify for federal Lifeline benefits. RTC's participation will "encourage the deployment on a

reasonable and timely basis of advanced telecommunications capability to all Americans . . . ,”³⁵ and will aid the Commission’s objective of ensuring that federal universal service support, including RDOF Phase I support, is used efficiently and effectively.

As a recipient of RDOF support, RTC is eligible to receive funding support over the next ten years to bring high-quality, innovative voice and broadband services to consumers in locations in North Dakota for which it was identified as a winning bidder. As is evidenced herein and will be confirmed by RTC’s Form 683 long form application, the voice and broadband services RTC proposes to offer with the funds would advance the goal of the RDOF Auction and thereby advance the goals of universal service.³⁶

Granting RTC’s Application will serve the public interest through the provision of broadband and voice services to unserved and underserved high-cost areas in North Dakota, support investment in facilities and equipment, and expand the number of competitive providers serving rural areas in North Dakota. RTC’s service offerings will help to close the digital divide for residents of North Dakota and expand economic opportunity for communities that will benefit from increased connectivity. Designating RTC as an ETC will also help promote economic and job growth in North Dakota through the employment of RTC’s network of independent installers and dealers. Because granting RTC’s Application will allow it to use the RDOF support as intended to expand voice and broadband service in North Dakota, designating RTC as an ETC is in the public interest.

Furthermore, the funds provisionally awarded to RTC through the RDOF Auction will come directly from the funds annually set aside by the FCC for RDOF support. Therefore, RTC’s use of

³⁵ 47 U.S.C. § 1302(a).

³⁶ 47 U.S.C. § 254.

the Universal Service Fund for the provision of the services described herein will have no *per se* impact on the funds. The RDOF funding was awarded pursuant to a competitive bidding process that was designed to allocate this set-aside finding to the service providers that could demonstrate that they could efficiently and cost-effectively provide the desired level of services to the underserved areas. Additionally, any Lifeline support that RTC receives will have *de minimis* impact on the fund, which the FCC has determined would be outweighed by the benefit of increasing participation in the Lifeline program. Finally, all providers are required to contribute a portion of their interstate revenues to the Universal Service Fund. In accordance with federal regulations, RTC will contribute to the Universal Service Fund based upon the portion of its revenues determined to be interstate. Thus, approving RTC as an ETC will create contributions to the Universal Service Fund that were previously nonexistent.

VIII. ANTI-DRUG ABUSE CERTIFICATION

RTC certifies that neither the petitioner nor any party to the petition is subject to a denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.³⁷

IX. CONCLUSION


For the reasons stated herein, RTC respectfully requests (i) an expeditious Order designating RTC as a High-Cost and Low Income ETC in North Dakota for the purpose of being eligible to receive RDOF Auction - Phase I support, in the area identified in **Exhibit A**, 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 such a hearing; and (ii) such other relief as this Commission deems to be just and equitable.

³⁷ [21 U.S.C. § 862], as implemented in Section 1.2002 of the Commission's rules [47 C.F.R. § 1.2002].

February 3, 2021

Respectfully submitted,

Reservation Telephone Cooperative

By: 

Shane D. Hart

CEO, General Manager

Reservation Telephone Cooperative

24 N Main Street, P.O. Box 68

Parshall, North Dakota 58770

701-862-3115

shaneh@rtc.email

LIST OF EXHIBITS

Exhibit A – List of Census Blocks Where RTC was Awarded RDOF Phase I Support and Seeks ETC Designation for High-Cost and Lifeline Support

Exhibit B - RTC Articles of Incorporation

Exhibit C – Certificate of Good Standing

EXHIBIT A

**List of Census Blocks Where RTC was Awarded RDOF Phase I Support and Seeks ETC
Designation for High-Cost and Lifeline Support**

380539625001

State of North Dakota

SECRETARY OF STATE



RESTATED CERTIFICATE OF INCORPORATION OF

RESERVATION TELEPHONE COOPERATIVE

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

RESERVATION TELEPHONE COOPERATIVE

duly signed and verified pursuant to the North Dakota statutes governing a North Dakota COOPERATIVE ASSOCIATION, 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 Restated Certificate of Incorporation to

RESERVATION TELEPHONE COOPERATIVE.

Effective Date: September 17, 2002

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

Alvin A. Jaeger
Secretary of State

970 769

North Dakota Cooperative Association
SUBMIT DUPLICATE ORIGINALS

IND# 3 581100
file# 6784 Fee: \$20.00

ARTICLES OF AMENDMENT
To The
ARTICLES OF INCORPORATION

Pursuant to the provisions of Chapter 10-15 of the North Dakota Century Code, the undersigned Association adopts the following Articles of Amendment to its Articles of Incorporation:

ARTICLE 1. The name of the cooperative association is Reservation Telephone
Cooperative

ARTICLE 2. The following amendment of the Articles of Incorporation was adopted by the members of the association on July 12, ~~19~~ 2002, in the manner prescribed by Chapter 10-15, North Dakota Century Code:

NDCC - 10-15-11

ARTICLE 3. The total number of members of the cooperative association is 5790.

ARTICLE 4. The number of members voted for such amendment was 229; and the number of members voted against such amendment was none.

Dated August 30th, ~~19~~ 2002.

RESERVATION TELEPHONE COOPERATIVE

(Name of Association)

By Hilman Anderson

(President or Vice President)

and _____
(Secretary or Assistant Secretary)

VERIFICATION

HILMAN ANDERSON, being first duly sworn says that he is the
(Name of one of the officers signing above)

PRESIDENT and that he has read the foregoing application and knows
(Title)

the contents thereof, and verily believes the statements made therein to be true.

Dean S. Selvey Attorney for
(Verification officer signature) Reservation Telephone

Subscribed and sworn to before me this 30th day of August, ~~19~~ 2002.

PEGGY J. REINISCH
Notary Public, State of North Dakota
My Commission Expires: Dec. 9, 2006

Peggy J. Reinisch
(Notary Public)

Notary Seal

My Commission expires December 9, 2006

Certificate No. _____

Filing Date 9-17-02 19

Hilman Anderson By NS
Secretary of State

**RESTATED
ARTICLES OF INCORPORATION
OF
RESERVATION TELEPHONE COOPERATIVE**

1. The name of the cooperative is Reservation Telephone Cooperative.
2. The primary purpose for which the cooperative is organized is to furnish, improve, and expand communication service and secondarily such other purposes as authorized by law.
3. The cooperative is organized without capital stock and the property rights and interests of the members shall be unequal. The general rules applicable to all members by which property right and interest respectively of each member shall be determined and fixed are as follows: Upon dissolution, after
 - (a) all debts and liabilities of the cooperative shall have been paid, and
 - (b) all capital furnished through patronage shall have been retired as provided in the bylaws, the remaining property and assets of the cooperative shall be distributed among the members and former members in the proportion which the aggregate patronage of each bears to the total patronage of all such members.
4. The principal place of business of the cooperative is 24 N Main Street, Parshall, ND and the post office address is PO Box 68, Parshall, ND 58770-0068.
5. The primary facilities of the cooperative shall be constructed in the counties of Mountrail, McLean, McKenzie, Ward, Renville, Burke, Williams, Dunn, Golden Valley and Billings of North Dakota and Richland and Wibaux of Montana. Any secondary facilities of the cooperative may be constructed in all other counties of the States of North Dakota and Montana.
6. It is the election of the corporation to come under the Cooperative Laws of North Dakota.
7. The bylaws of the cooperative shall specify the number, territorial designation, and term of office of its directors.
8. These restated Articles of Incorporation shall supersede all existing Articles of Incorporation and amendments thereto of Reservation Telephone Cooperative.

State of North Dakota

SECRETARY OF STATE



Certificate of Good Standing of RESERVATION TELEPHONE COOPERATIVE

SOS Control ID#: 0000018948

Certificate #: 018048122

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

RESERVATION TELEPHONE COOPERATIVE

a Cooperative Association - Domestic was formed under the laws of NORTH DAKOTA and filed with this office effective October 16, 1951. 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: March 11, 2020

A handwritten signature in black ink, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State