



February 17, 2021

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

Re: Red River Rural Telephone Association dba Red River Communications Application for Expanded Designation as an Eligible Telecommunications Carrier

Dear Mr. Kahl,

On behalf of Red River Rural Telephone Association dba Red River Communications (Red River) we have attached via email for filing the Application for Expanded Designation as an Eligible Telecommunications Carrier pursuant to the Federal Communications Commission (FCC) and North Dakota Public Service Commission (NDPSC) requirements. Red River has also mailed the original and seven copies to NDPSC at the address listed above. Red River seeks expanded ETC designation in the State of North Dakota in all census blocks where it has been awarded Rural Digital Opportunity Fund (RDOF) Phase I support as a winner in the FCC's RDOF Phase I Auction (Auction 904).

Red River satisfies all the statutory and regulatory requirements for expanded designation as an ETC in the requested service areas. As explained in the attached petition, the public interest would be served by granting this petition. Red River requests that the NDPSC review and approve this application for designation as an ETC no later than June 1 so that Red River can file it by the FCC deadline of June 7, 2021.

Sincerely,

Mikaela Burma

Mikaela Burma
Manager of Regulatory and Legal
Phone: (605) 995-1742
Mikaela.Burma@Vantagepnt.com

Enclosure(s)

cc: Thomas Steinolfson, CEO, Red River Communications

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Application for Expanded Designation as an Eligible Telecommunications Carrier
Red River Rural Telephone Association
Mikaela Burma

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Red River has been awarded Rural Digital Opportunity Fund (RDOF) Phase I support as a winner in the Federal Communication Commission's (FCC) RDOF Phase I Auction (Auction 904)⁵ for the census blocks listed in Exhibit A. Red River will receive \$1,558.20 annually for 10 years for 3 locations in North Dakota and \$2,995.20 annually for 10 years for 11 locations in Minnesota. Red River herein requests that the Commission expand Red River's ETC service area to include the census blocks listed in Exhibit A and as shown in the map in Exhibit B.

Red River will provide high speed broadband and voice services in the areas where support was awarded in Auction 904. Red River is required by the FCC to obtain this expanded ETC designation by June 7, 2021,⁶ which is within 180 days of the FCC announcement that it was a winning bidder in the FCC RDOF Action 904. Therefore, Red River requests expeditious action by the Commission granting this request by June 1, 2021, so that it may meet the FCC's requirement.

By the facts and law provided herein, Red River satisfies all the statutory and regulatory requirements for designation as an ETC in the requested designated service area. As explained herein, the public interest would be served by granting this petition.

I. Company Background

Red River Rural Telephone Association dba Red River Communications was founded in 1951 and incorporated as a cooperative in Minnesota the same year. Red River serves the following exchanges in North Dakota: Abercrombie, Colfax, Fairmount, Great Bend, Hankinson, Lidgerwood, Mooreton, and Wyndmere; in Minnesota: Barnesville Rural, East Abercrombie (Kent), East Fairmount, and Rollag; and in South Dakota: South Lidgerwood. Red River's service area includes most of Richland County in North Dakota, parts of Clay and Wilkin Counties in Minnesota, and extreme Northern Roberts County in South Dakota.

Red River's communities include Abercrombie, rural Barnesville, Barney, Colfax, Fairmount, Galchutt, Geneseo, Great Bend, Hankinson, Kent, Lidgerwood, Mantador, McLeod, Mooreton, Rollag, and Wyndmere. With its headquarters in Abercrombie, ND, Red River is a leading-edge communications cooperative offering Internet, phone, digital TV, wireless Internet, and cellular

⁵ *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced*; Public Notice, DA 20-1422, 35 FCC Rcd 13888 (rel. Dec. 7, 2020) ("RDOF Winning Bids Public Notice").

⁶ *Id.*, para. 17 on p. 7. *See also*, 47 C.F.R. § 54.804(b)(5).

services. Red River serves over 4,000 members across Southeast North Dakota and West-Central Minnesota. It has deployed a fiber optic network spanning nearly 3,000 miles.

Red River intends to deliver broadband and voice service to homes within the Auction 904 awarded area. Red River will leverage its existing fiber-to-the-premises (FTTP) technology capable of delivering up to 1 Gigabit symmetrical service utilizing its own facilities to provide Voice over Internet Protocol (VoIP) and broadband services throughout the requested ETC territory.

All inquiries concerning this application should be made to:

Mikaela Burma
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2211 N. Minnesota St
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(605) 995-1742
Mikaela.Burma@Vantagepnt.com

Red River's name, address, telephone number and officer authorizing this filing are:

Red River Communications
Tom Steinolfson
Chief Executive Officer
510 Broadway
Abercrombie, ND 58001
(701) 553-8309
toms@redrivercomm.com

Upon designation as an ETC, Red River will provide the supported services throughout the requested designated service area as build-out is completed and offer Lifeline to qualified low-income consumers.

II. Authority for Designation of an ETC

Title 47 U.S.C. § 214(e)(2) of the Communications Act of 1934 (the Act) provides that a state commission shall upon request designate a common carrier as an ETC for a service area designated by the state commission. Title 47 U.S.C. § 214(e)(1) provides that an ETC shall be eligible to receive universal service support in accordance with Section 254 of the Act and shall, in the service

area for which the designation is received, offer the services that are supported by federal universal service support mechanisms under Section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services, and shall advertise the availability of such services and their costs using media of general distribution. The FCC has promulgated a list of the services or functionalities that shall be supported by federal universal service support mechanisms at 47 C.F.R. § 54.101. Further, this application is submitted consistent with N.D.C.C. § 49-21-01.7(12) and N.D.A.C. § 69-09-05-12.

III. Red River Will Offer Required Services

Pursuant to 47 U.S.C. § 214(e)(1)(A), 47 C.F.R. § 54.201(d)(1), as well as N.D.A.C. § 69-09-05.12, Red River will, throughout the expanded service area for which ETC designation is received, offer the services that are supported by federal universal service support mechanisms defined in 47 C.F.R. § 54.101(a). These services include: (1) TDM and VoIP voice telephony services providing voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to Red River end users; access to emergency services provided by local government or other public safety organizations, including 911 and enhanced 911; and toll limitation services to qualifying low-income consumers; (2) Eligible broadband Internet access services which will provide the capability to transmit data to and receive data by wire or radio from all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service. As a current ETC, Red River provides all these services today and will provide all these required services through VoIP and high-speed broadband Internet services to the expanded RDOF service area. Existing Voice and Broadband services offerings are listed on Red River's website, <https://redrivercomm.com>.

IV. Red River Will Use Its Own Facilities

Pursuant to 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(d)(1), Red River will use primarily its own facilities, but at times may resell another carrier's services to offer the services that are supported by federal universal service support mechanisms. As a facilities based FTTP carrier, Red River will expand its own state of art facilities into the RDOF areas to provide any requested services.

V. Red River Will Provide Service Throughout the Designated Service Area

Pursuant to 47 U.S.C. § 214(e)(1), 47 C.F.R. § 54.201(d) and N.D.A.C. § 69-09-05-12(3)(a) Red River will offer the services that are supported by federal universal service support mechanisms throughout the service area for which designation is requested, consistent with the FCC RDOF buildout obligations.⁷ In addition, Red River commits to provide service throughout its proposed designated service area to all customers making a reasonable request for service. Red River certifies that it will provide service on a timely basis to requesting customers within Red River's service area where Red River's network already passes the potential customer's premises or will pass consistent with FCC RDOF buildout requirements.⁸

As required by 47 C.F.R. § 54.202(a)(1)(i), Red River further certifies that it will provide service within a reasonable period of time within its designated area, if the potential customer is within Red River's ETC service area but outside its existing network coverage, and if service can be provided at a reasonable cost by: 1) extending, modifying, adjusting, or replacing network or customer facilities; or 2) reselling services from another carrier's facilities to provide service..

VI. Red River Will Advertise

Pursuant to 47 U.S.C. § 214(e)(1)(B), 47 C.F.R. § 54.201(d)(2) and N.D.A.C. § 69-09-05-12(6), Red River will advertise the availability of its services that are supported by federal universal service support mechanisms and the terms of service and charges for such services using media of general distribution. Red River may advertise, among other means, via newspaper, bill inserts, contacts with social service agencies, and its website.

VII. Red River Will Make Available Lifeline Service

Pursuant to 47 C.F.R. § 54.405, Red River will make Lifeline service available to qualifying low-income consumers and publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service. Red River will make a concerted effort to notify municipal, state, tribal and federal governmental agencies whose clientele may likely benefit the most from having Red River designated as an ETC by the Commission. In addition, Red River may advertise, among other means, via newspaper, bill inserts, contacts with social service agencies, phone directory, newsletters, and its website. Red River will indicate on materials

⁷ 47 C.F.R. § 54.802(c).

⁸ 47 C.F.R. § 54.202(a)(1)(i).

describing the service, using easily understood language, that it is a Lifeline service, that Lifeline is a government assistance program, the service is non-transferable, only eligible consumers may enroll in the program, and the program is limited to one discount per household. In the event a subscriber no longer qualifies for the program, Red River will de-enroll the subscriber from the program appropriately as defined within 47 C.F.R. § 54.405(e).

VIII. Service Area for Which Designation Is Requested

Red River requests ETC designation in North Dakota for the census blocks awarded in Auction 904 as listed in Exhibit A. A map of the RDOF awarded areas is also provided in Exhibit B for a visual depiction. The FCC has awarded RDOF support by census blocks. Therefore, this request is consistent with the RDOF Auction 904 and FCC rules.⁹

IX. Emergency Situations

Pursuant to 47 C.F.R. § 54.202(a)(2) and N.D.A.C. § 69-09-05-12(3)(c), a carrier seeking ETC designation must 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 managing traffic spikes resulting from emergency situations.

Red River has a reasonable amount of back-up power to ensure functionality of voice services without a commercial power source. Red River's specific back-up power sources are lead calcium batteries, gel cell batteries, fixed AC and DC natural/LP gas generators, fixed AC and DC gasoline/diesel generators, and portable LP/gasoline generators. Each existing node or central office will contain a reserve battery supply of 8 hours where emergency power generators are not installed and at least 8 hours or more where they are in place. Red River has a fiber optic protected ring as its backbone to each exchange area served and can reroute traffic around damaged facilities. It also has extensive capacity that is capable of managing traffic spikes resulting from emergency situations. If there is a failure of Red River's main route, voice traffic is automatically rerouted to a redundant back-up route.

X. Consumer Protection and Service Quality Standards

⁹ 47 C.F.R. § 54.802(a).

Pursuant to 47 C.F.R. § 54.202(a)(3) and N.D.A.C. § 69-09-05-12(3)(d), a carrier seeking ETC designation must demonstrate that it will satisfy applicable consumer protection and service quality standards.¹⁰ Red River as a current ETC has been doing this for over 23 years and commits to do the same by complying with all applicable Commission and FCC rules concerning consumer protection and service quality throughout the requested designated service area.

XI. Financially and Technically capable of providing Lifeline

Pursuant to 47 C.F.R. 54.202(a)(4) of the Commission's rules requires a common carrier seeking ETC designation for Lifeline support to demonstrate it is financially and technically capable of providing Lifeline service in compliance with the Commission's rules. Red River possesses the financial and technical capabilities to pay for all expenses (*e.g.*, construction, network, hardware, operations, etc.) to get its fiber optic network built and to begin the provision of voice and broadband services throughout its expanded ETC designation area. When and as needed, Red River will be able to obtain the requisite amount of capital or lending under its existing lines of credit. Red River is also able to obtain additional financing, if necessary, in addition to the RDOF Phase I support being made available to Red River to support this request.

XII. Lifeline Service Plans to Eligible Consumers

47 C.F.R. §§ 54.202(a)(5) and (6) of the FCC's rules require a common carrier seeking ETC designation for Lifeline support to submit information describing the terms and conditions of the voice and broadband plans offered. Red River will provide Lifeline local voice grade access. The service will include unlimited local and long-distance minutes of use in the U.S. and Canada at no additional charge to consumers (international will be an additional charge). Access to 911 and enhanced 911, to the extent local governments have implemented it, will also be offered. Since Red River does not distinguish between local and toll calls, Red River is not required to provide toll limitation services. One Lifeline service (Voice or broadband) will be available to a qualifying household. Red River will follow all Lifeline program rules and guidelines including requiring all

¹⁰ *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders 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 n. 71 (rel. Dec. 7, 2020) (extending the waivers of Rules section 54.202 to Auction 904 winners); *WCB Reminds Connect America Fund Phase II Applicants of the Process for Obtaining Federal Designation as an Eligible Telecommunications Carrier*, Public Notice, WC Docket No. 09-197 et al., 33 FCC Rcd 6696 (WCB 2018) (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 it will satisfy applicable consumer protection and service quality standings (47 C.F.R. 54.202(a)(3))).

customers maintain their Lifeline eligibility through the Lifeline National Verifier as defined in 47 §§ C.F.R. 54.404, 54.406 and 54.409.

Red River will provide Lifeline broadband Internet access service with the capability to transmit data to and receive data by wire from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the service.

Red River will offer the following Lifeline supported voice and Internet service plans:

Voice:

- VoIP phone service for \$29.95
- VoIP service includes free local and long distance within the United States and Canada
- Additional services are available including international calling for a fee

Broadband Internet:

- 25/3 Mbps for \$59.95
- Additional Tiers and pricing are available up to Gigabit speeds at the website below

XIII. Designation of Red River as an ETC is in the Public Interest

Designation of Red River as an ETC in the expanded area is in the public interest. Red River has been deploying state of art FTTP services to its customers since 2005. Now with the funding won in the FCC RDOF Auction 904, Red River intends to further deploy FTTP services to the census block listed in Exhibit A, all to better serve these customers and communities. These customers who have been waiting for better broadband for decades will now have access of up to Gigabit speeds and better voice service. Red River will support the FCC's and Commission's goal of ending the digital divide in its designated RDOF territory by ensuring that the federal universal service support is used efficiently and effectively.

The designation of Red River as an ETC will offer Lifeline-eligible customers a greater choice of providers for accessing telecommunications services not available to such customers today and should likely expand participation of qualifying customers in the Lifeline program, which now includes both voice and broadband.

XIV. Service and Performance Quality Requirements

Red River certifies that it will comply with the service requirements applicable to the support that it receives, including the requirements for RDOF Phase I support.¹¹

XV. Annual Reporting Requirements

Red River will comply with all annual reporting requirements for designated ETCs as applicable.¹² Red River has a good understanding of all ETC filings and procedures and has been complying with them for 23 years. Red River hereby certifies under FCC and Commission rules that it will only use any federal universal service support for the purposes intended.

XVI. Conclusion

By the facts and law provided herein, Red River satisfies all the statutory and regulatory requirements for designation as an ETC in the requested designated service area. As explained herein, the public interest would be served by granting this petition. Therefore, Red River respectfully requests Commission designation as an ETC for all the purposes listed above in the census blocks listed in Exhibit A.

Respectfully submitted,

Mikaela Burma

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¹¹ 47 CFR § 805.

¹² NDPSC Order Certifying Use of Federal Universal Services Support, Case No. PU-20-311, Sept. 23 2020.

Exhibit A

RDOF Awarded Census Block

380779708001007

Exhibit B

Map of RDOF Awarded Census Block

