

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
USF Use Certification 47 CFR 54.314 (2022)
Compliance

Case No. PU-21-216

ORDER CERTIFYING USE OF FEDERAL UNIVERSAL SERVICES SUPPORT

September 1, 2021

Section 254(e) of the Telecommunications Act of 1996 (Act) requires that telecommunications carriers use universal service support “only for the provision, maintenance, and upgrading of facilities and services for which support is intended.” Code of Federal Regulations Title 47, Section 54.314 requires: “States that desire eligible telecommunications carriers to receive support pursuant to the high-cost program must file an annual certification with the Administrator and the Commission stating that all federal high-cost support provided to such carriers within that State was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.” State certification must be filed no later than October 1 of each year in order for certified telecommunications carriers to receive support for the following year, 47 C.F.R. § 54.314(d).

On August 28, 2002, the North Dakota Public Service Commission (NDPSC) issued an order in Case No. PU-439-02-441 indicating that any telecommunications carrier providing local exchange service in North Dakota that desires to have NDPSC certification to the FCC under 47 C.F.R. §54.314 shall file an affidavit with the NDPSC as described in the order, certifying that federal support they receive is used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended as required by Section 254(e). The NDPSC further ordered that affidavits filed with the NDPSC will be the basis for the NDPSC’s certification to the FCC.

Affidavits regarding use of federal universal service support were filed with the NDPSC by the companies listed in the ordering clause below.

Under North Dakota law, the NDPSC has limited jurisdiction over rural telecommunications carriers. The FCC in its order recognized that some states have only limited regulatory oversight to ensure that federal universal support is reflected in intrastate rates and concluded that such states may nonetheless certify to the FCC that carriers in the state had accounted to the state commission for receipt of federal support, and that the support will be used as required under Section 254(e). (See Fourteenth R&O at ¶ 188). The FCC also recognized that some carriers may not be subject to the jurisdiction of a state regulatory authority, and in those instances carriers can certify directly to the FCC by means of a sworn affidavit executed by a corporate

officer attesting to the use of the support only for purposes permitted under the Act. (See Fourteenth R&O at ¶ 189).

Based on the discussion above, the NDPSC issues the following:

Order

1. The NDPSC certifies that the following Eligible Telecommunications Carriers providing local exchange service in North Dakota have accounted to the NDPSC by affidavit that all federal support that was used in the preceding calendar year and all federal support that will be used in the coming calendar year will be used for the provision, maintenance, and upgrading of facilities and services for which the support is intended, under and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.101, throughout the company's study area.

Badlands Cellular of North Dakota Limited Partnership	North Dakota 5 – Kidder Limited Partnership
BEK Communications Cooperative	North Dakota RSA No. 3 Limited Partnership
Citizens Telecommunications Company of Minnesota, LLC	North Dakota Telephone Company
Consolidated Communications Networks, Inc.	Northwest Communications Cooperative, A Cooperative Association
Consolidated Telcom	Northwest Dakota Cellular of North Dakota Limited Partnership
Dakota Central Telecom I, Inc.	Polar Communications Mutual Aid Corporation d/b/a Polar Communications
Dakota Central Telecommunications Cooperative	Polar Telcom, Inc.
Daktel Communications LLC	Qwest Communications dba CenturyLink QC
Dickey Rural Telephone Cooperative	RC Technologies Corporation
Griggs County Telephone Co.	Red River Rural Telephone Association, d/b/a Red River Communications
Halstad Telephone Company	Reservation Telephone Cooperative
Inter-Community Telephone Company, L.L.C.	Sagebrush Cellular, Inc.
James Valley Cooperative Telephone Company	SRT Communications, Inc.
Loretel Systems, Inc.	Turtle Mountain Communications, Inc.
Midcontinent Communications	United Telephone Mutual Aid Corporation
Midstate Communications Inc.	Venture Communications Cooperative
Midstate Telephone Company	West River Telecommunications Cooperative
Mid-Rivers Telephone Cooperative, Inc.	Wolverton Telephone Company
Missouri Valley Communications, Inc.	
Nemont Telephone Cooperative, Inc.	
New Cingular Wireless PCS, LLC	
North Central RSA 2 of North Dakota Limited Partnership	

2. The NDPSC certification is based upon the affidavits filed by the foregoing named Eligible Telecommunications Carriers.

3. The North Dakota Public Service Commission will send a copy of each of the filed affidavits to the Federal Communications Commission and the Universal Service Administrative Company.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chair



Brian Kroshus
Commissioner