



2200 IDS Center, 80 South 8th Street  
Minneapolis, MN 55402  
Tel: 612.977.8400 | Fax: 612.977.8650  
taftlaw.com

Affirmative Action, Equal Opportunity Employer

**Andrew M. Carlson**  
612.977.8242  
ACarlson@taftlaw.com

October 10, 2022

**VIA FEDEX**

Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard Ave., Dept. 408  
Bismarck, ND 58505-0480

**Re: Application for Modification of Order**  
**Case Nos.: PU-1226-03-597, PU-386-03-598, PU-897-03-599, PU-1225-03-600, PU-338-03-601**

Dear Executive Secretary:

Enclosed for filing in the above-referenced dockets please find an original and seven copies of an Application for Modification of Order from Northwest Dakota Cellular of North Dakota Limited Partnership, North Central RSA 2 of North Dakota Limited Partnership, North Dakota RSA No. 3 Limited Partnership, Badlands Cellular of North Dakota Limited Partnership, and North Dakota 5 – Kidder Limited Partnership, all d/b/a Verizon Wireless. Please contact me if there are any questions.

Sincerely,

Taft Stettinius & Hollister LLP

*/s/ Andrew M. Carlson*

Andrew M. Carlson

AMC:rlh  
Enclosures

3 PU-22-74 Filed 10/10/2022 Pages: 6  
Request to remove E-911 Compliance Requirements  
North Dakota RSA No. 3 Limited Partnership  
Elizabeth Brama / Andrew Carlson

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

Northwest Dakota Cellular of North Dakota  
Limited Partnership d/b/a Verizon Wireless  
Petition for Designation as an Eligible  
Telecommunications Carrier  
Case No. PU-1226-03-597

North Central RSA 2 of North Dakota Limited  
Partnership d/b/a Verizon Wireless  
Petition for Designation as an Eligible  
Telecommunications Carrier  
Case No. PU-386-03-598

North Dakota RSA No. 3 Limited Partnership d/b/a  
Verizon Wireless  
Petition for Designation as an Eligible  
Telecommunications Carrier  
Case No. PU-897-03-599

Badlands Cellular of North Dakota Limited  
Partnership d/b/a Verizon Wireless  
Petition for Designation as an Eligible  
Telecommunications Carrier  
Case No. PU-1225-03-600

North Dakota 5 – Kidder Limited Partnership d/b/a  
Verizon Wireless  
Petition for Designation as an Eligible  
Telecommunications Carrier  
Case No. PU-338-03-601

**APPLICATION FOR MODIFICATION OF ORDER**

**I. INTRODUCTION**

1. In an Order dated February 25, 2004, the North Dakota Public Service Commission (“Commission”) designated the above-identified companies (the “Partnerships”) as eligible telecommunications carriers (“ETCs”), rendering them eligible to receive federal universal service support.<sup>1</sup> The Commission’s *Designation Order* required each of the Partnerships to file quarterly

---

<sup>1</sup> See *Northwest Dakota Cellular of North Dakota Limited Partnership Designated Eligible Carrier Application*, Case No. PU-1226-03-597; *North Central RSA 2 of North Dakota Limited Partnership Designated Eligible Carrier Application*, Case No. PU-386-03-598; *North Dakota RSA No. 3 Limited Partnership Designated Eligible Carrier Application*, Case No. PU-897-03-599; *Badlands Cellular of North Dakota Limited Partnership Designated Eligible Carrier Application*, Case No. PU-1225-03-600; *North Dakota 5 – Kidder Limited Partnership Designated Eligible Carrier Application*, Case No. PU-338-03-601; *Bismarck MSA Limited Partnership Designated Eligible Carrier Application*, Case No. PU-494-03-602, Order, (Feb. 25, 2004) (“*Designation Order*”).

reports with the Commission “describing the status of its wireless E-911 implementation in North Dakota” (the “E-911 Compliance Requirement”). Since 2004, the Partnerships have complied with all applicable ETC compliance requirements in North Dakota. The E-911 Compliance Requirement has been obsolete for quite a while, because the E-911 landscape has matured considerably since 2004. The Partnerships respectfully request that the Commission remove the E-911 Compliance Requirement.

**II. BACKGROUND**

2. Each of the Partnerships is a limited partnership that provides wireless telecommunications services in North Dakota. Each is licensed to provide commercial mobile radio service (“CMRS”) in a specified Rural Service Area (“RSA”) in North Dakota:

<b>Partnership</b>	<b>North Dakota RSA</b>	<b>North Dakota Counties Served</b>
Northwest Dakota Cellular of North Dakota Limited Partnership	1	Divide, Williams, Mountrail, Burke, Renville, McLean, Ward
North Central RSA 2 of North Dakota Limited Partnership	2	Bottineau, Rolette, McHenry, Pierce, Benson, Tower, Cavalier, Ramsey
North Dakota RSA No. 3 Limited Partnership	3	Barnes, LaMoure, Dickey, Pembina, Walsh, Nelson, Griggs, Steele, Traill, Ransom, Sargent, Richland
Badlands Cellular of North Dakota Limited Partnership	4	McKenzie, Dunn, Billings, Golden Valley, Stark, Slope, Bowman, Hettinger, Adams, Grant, Sioux, Mercer, Oliver
North Dakota 5 – Kidder Limited Partnership	5	Kidder, Stutsman, Emmons, Eddy, Foster, Sheridan, Wells, Logan, McIntosh

3. Each of the Partnerships does business in North Dakota as “Verizon Wireless.”

4. Each of the Partnerships was designated as a competitive ETC in specified areas of North Dakota pursuant to the Commission’s 2004 *Designation Order*.<sup>2</sup>

---

<sup>2</sup> Another partnership, Bismarck MSA Limited Partnership, was also designated as an ETC by the Commission in the *Designation Order*. In 2012, Bismarck MSA Limited Partnership relinquished its ETC status in North Dakota. *See Bismarck MSA Limited Partnership Designated Eligible Carrier Cancellation / Application, Case No. PU-12-747, Corrected Order on Eligible Telecommunications Carrier Designation* (Dec. 21, 2012).

5. Enhanced 911 (“E-911”) refers to the capacity for a 911 call to be routed to the geographically appropriate public safety answering point (“PSAP”), with the PSAP automatically seeing the caller’s call-back number and physical location.

6. As of the early 2000s, wireless carriers’ ability to provide E-911 was still evolving. In 1996, the Federal Communications Commission (“FCC”) adopted an order requiring certain wireless carriers to implement E-911.<sup>3</sup> Recognizing that the implementation of E-911 by wireless carriers would take considerable work, the FCC adopted a phased implementation plan. In Phase I implementation, a covered carrier had to be able to transmit a 911 caller’s call-back number and cell site to the appropriate PSAP within six months of the PSAP’s request. *See* 47 C.F.R. § 20.18(d), (j) (2007). Phase II required a covered carrier to transmit a 911 caller’s location information, within specified accuracy and reliability standards, to the appropriate PSAP, within six months of the PSAP’s request for Phase II service. *See* 47 C.F.R. § 20.18 (e), (g), (h) (2007).

7. As of October 2003, when the Partnerships applied for ETC designation in the above-referenced RSAs in North Dakota, they stated in their ETC Petitions that Verizon Wireless had received one request for Phase I E-911 (on a statewide basis) in North Dakota and no requests for Phase II E-911 in North Dakota. In the course of their ETC designation proceedings in the above-referenced dockets, the Partnerships agreed to provide quarterly reports describing the status of E-911 implementation in North Dakota.<sup>4</sup>

8. Presumably in recognition that the deployment of E911 in North Dakota by wireless carriers was, at that time, still in progress, the Commission included the E-911 Compliance

---

<sup>3</sup> *Revision of the Commission’s Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, *Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd 18676 (1996) (“*E911 First Report and Order*”).

<sup>4</sup> *Designation Order* at 4.

Requirement in its *Designation Order*: each of the Partnerships had to “file quarterly reports to the Commission describing the status of its wireless E-911 implementation in North Dakota.”<sup>5</sup>

9. In the years following the issuance of the *Designation Order* in 2004, additional PSAP requests were received by one or more of the Partnerships, and the Partnerships timely implemented Phase I and II E911 as appropriate in response to those requests. The Partnerships filed the required quarterly reports with the Commission, providing updates as to the status of their implementation of E-911 in North Dakota.

10. By around 2007, all PSAPs in the above-referenced RSAs that were going to issue Phase I or Phase II requests had done so, and the Partnerships’ deployment of Phase I and Phase II E-911 in response to North Dakota PSAP requests was complete.

11. The Partnerships have continued to file quarterly reports with the Commission regarding E-911, but for quite a few years, the reports have reported no activity relating to E-911: the reports typically say something like “there have been no additional Phase I or Phase II requests for E-911 service” for the Partnership’s service area.

### **III. REQUEST FOR MODIFICATION OF ORDER**

12. Because the E-911 Compliance Requirement no longer serves any purpose, the Partnerships respectfully request that the Commission issue an order amending the *Designation Order* to remove the E-911 Compliance Requirement.

13. The Commission has the authority to modify its orders to remove obsolete requirements. *See, e.g.*, N.D.C.C. 49-05-09 (“The commission, at any time, upon due notice to the public utility affected and after opportunity to be heard...may rescind, alter, or amend any decision made by it.”).

---

<sup>5</sup> *Designation Order* at 14.

14. The Partnerships have been informed that the relief requested herein is not opposed by the Director of the Commission's Public Utilities Division.

15. The Partnerships are willing to provide additional information relating to this Request, if desired by the Commission.

16. The Commission's rules do not provide clear guidance on precisely how this Request should be submitted or considered to the Commission; the Partnerships are willing to undertake whatever procedure the Commission or its staff recommends.

17. For all of the reasons stated above, the Partnerships respectfully request that the Commission modify the Designation Order to remove the E-911 Compliance Requirement.

**TAFT STETTINIUS & HOLLISTER LLP**

Dated: October 10, 2022

By:   
Andrew M. Carlson (MN # 284828)  
Elizabeth M. Brama (ND # 07502)  
2200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
(612) 977-8400  
acarlson@taftlaw.com  
ebrama@taftlaw.com

*Attorneys for Northwest Dakota Cellular of North Dakota Limited Partnership d/b/a Verizon Wireless, North Central RSA 2 of North Dakota Limited Partnership d/b/a Verizon Wireless, North Dakota RSA No. 3 Limited Partnership d/b/a Verizon Wireless, Badlands Cellular of North Dakota Limited Partnership d/b/a Verizon Wireless, North Dakota 5 – Kidder Limited Partnership d/b/a Verizon Wireless*