

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Consolidated Telcom / RTC Networks
Exchange Boundary
Public Convenience & Necessity**

Case No. PU-24-295

ORDER

July 23, 2024

Preliminary Statement

On July 15, 2024, Consolidated Telcom (CT) and Reservation Telephone Cooperative (RTC) filed a joint application requesting authorization for CT to provide local exchange telecommunications services to Chase Wisness in Township 146 North, Range 102 West, Sections 27(all), 28(NE ¼) and 34 (N ½), in North Dakota, which is currently served by RTC.

On July 23, 2024, the Commission issued a Notice of Opportunity for Hearing (Notice) that provided until September 2, 2024, for comments and requests for hearing. The Notice stated that, if deemed appropriate, the Commission can determine the matter without a hearing.

The Notice identified the issues to be considered are:

1. Fitness and ability of CT to provide local exchange telecommunications services.
2. Adequacy of CT's proposed telecommunications services.
3. Technical, financial, and managerial ability of CT to provide telecommunications services.
4. Whether, upon granting a certificate of public convenience and necessity to CT to provide local exchange telecommunications services in Township 146 North, Range 102 West, Sections 27(all), 28(NE ¼) and 34(N ½), RTC's certificate of public convenience and necessity should be relinquished.

Discussion

CT is a foreign corporation authorized to do business in North Dakota. Its principal offices are located at 8113 Ridgepoint Drive, Suite 205, Irving, TX 75063. Its North Dakota registered agent is located at 120 West Sweet Avenue, Bismarck, ND 58504.

In support of the joint application, CT provided copies of two emails from Shane Hart, CEO and General Manager of RTC, suggesting that CT would be able to more efficiently serve Mr. Wisness's location.

CT holds certificates of public convenience and necessity to provide local exchange telecommunications services inside 18 telephone exchanges in North Dakota. CT is designated as an Eligible Telecommunications Carrier (ETC) for the purposes of receiving federal universal service support in a study area that encompasses those North Dakota telephone exchanges.

RTC holds certificates of public convenience and necessity to provide local exchange telecommunications services inside 20 telephone exchanges in North Dakota.

RTC does not currently serve Mr. Wisness's location as it is a new home; however, the location is currently located within RTC's Homesteader's Gap exchange. CT's application is requesting that Mr. Wisness's location be incorporated into CT's Grassy Butte exchange.

RTC would need to extend its system by two miles in order to serve Mr. Wisness, while CT would only need to extend its system by $\frac{1}{4}$ mile.

RTC and CT have similar rate plans and service offerings.

The Commission finds that CT is fit and able to provide telecommunications services to Mr. Wisness.

The Commission finds that the telecommunications services CT proposes to provide to Mr. Wisness is adequate.

The Commission finds that CT has the technical, financial, and managerial ability to provide telecommunications service to Mr. Wisness.

CT will provide telecommunications service to Township 146 North, Range 102 West, Sections 27(all), 28(NE $\frac{1}{4}$) and 34(N $\frac{1}{2}$) as an incumbent local exchange carrier.

RTC's certificate of public convenience and necessity authorizing it to provide local exchange telecommunications services in Township 146 North, Range 102 West, Sections 27(all), 28(NE $\frac{1}{4}$) and 34(N $\frac{1}{2}$) should be relinquished.

Order

The Commission Orders:

1. Consolidated Telcom's application for a certificate of public convenience and necessity to provide incumbent local exchange telecommunications services in Township 146 North, Range 102 West, Sections 27(all), 28(NE ¼) and 34(N ½) in North Dakota is Approved contingent upon the Commission not receiving any comments or request for hearing by September 2, 2024.
2. The exchange boundary between Consolidated Telcom and Reservation Telephone Cooperative is modified to transfer Township 146 North, Range 102 West, Sections 27(all), 28(NE ¼) and 34(N ½) to Consolidated Telcom's Grassy Butte exchange contingent upon the Commission not receiving any comments or requests for hearing by September 2, 2024.
3. In the event no comments or requests for hearing are received by September 2, 2024, the contingencies noted in items one and two above are withdrawn.

PUBLIC SERVICE COMMISSION



Sheri Haugen-Hoffart
Commissioner



Randy Christmann
Chair



Julie Fedorchak
Commissioner