

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

**Nemont Telephone/Missouri Valley/Northwest Comm
Multiple Exchanges
Public Convenience & Necessity**

Case No. PU-24-322

**Nemont Telephone/Missouri Valley/Northwest Comm
Designated Eligible Carrier
Application**

Case No. PU-24-323

ORDER

November 7, 2024

Preliminary Statement

On August 26, 2024, Nemont Telephone Cooperative, Inc. (NTC), Missouri Valley Communications, Inc. (MVC), and Northwest Communications Cooperative, Inc. (NCC) filed a joint application requesting authorization for NCC to provide local exchange telecommunications services in the areas currently known as the Ambrose exchange, Fortuna exchange, East Westby exchange and the Williston exchange in North Dakota. The Ambrose, Fortuna and East Westby exchanges are currently served by NTC and the Williston exchange is currently served by MVC, Case No. PU-24-322.

Also on August 26, 2024, NTC, MVC and NCC filed a joint application requesting that NCC be designated as an eligible telecommunications carrier (ETC) in the Ambrose, Fortuna, East Westby, and Williston exchange areas, Case No. PU-24-323.

On September 11, 2024, the Commission issued a Notice of Opportunity for Consolidated Hearing (Notice) that provided until October 25, 2024, for comments and requests for hearing. No comments or requests for hearing were received. The Notice stated that, if deemed appropriate, the Commission can determine the matters without a hearing.

The Notice identified the issues to be considered in Case No. PU-24-322 are:

1. Fitness and ability of NCC to provide local exchange telecommunications services.
2. Adequacy of NCC's proposed telecommunications services.
3. Technical, financial and managerial ability of NCC to provide telecommunications services.

4. Whether, upon granting a certificate of public convenience and necessity to NCC to provide local exchange telecommunications services in the areas currently known as the Ambrose, Fortuna and East Westby exchanges, NTC's certificate of public convenience and necessity should be relinquished and in the area known as the Williston exchange if MVC's certificate of public convenience and necessity should be relinquished?

The notice identified the issues to be considered in Case No. PU-24-323 are:

1. Qualification of the applicant under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service funding.
2. The ETC universal service support area to be designated.
3. Whether it is in the public interest to designate NCC as an ETC in the Ambrose, Fortuna, East Westby, and Williston local exchange areas for purposes of receiving universal service support?
4. Whether, upon designation of NCC as an ETC for the Ambrose, Fortuna, East Westby, and Williston exchanges, NTC's designation as an ETC for the Ambrose, Fortuna and East Westby exchanges and MVC's designation as an ETC for the Williston exchange should be relinquished?

Discussion

NCC is a North Dakota Cooperative Association with offices located at 111 Railroad Avenue, Ray, North Dakota 58849.

In support of the joint applications, NCC provided an affidavit of Jeremy Becker, CEO and General Manager of NCC, and an affidavit of Mike Kilgore, CEO of both NTC and MVC.

Public Convenience and Necessity

NCC holds certificates of public convenience and necessity to provide local exchange telecommunications services inside 17 telephone exchanges in North Dakota. NCC is designated as an ETC for the purpose of receiving federal universal service support in a study area that encompasses those North Dakota telephone exchanges.

NTC holds Certificate of Public Convenience and Necessity Number 5737 to provide local exchange telecommunications services inside the Ambrose local exchange area, serving 75 voice and 75 internet access lines in North Dakota. NTC also holds Certificate of Public Convenience and Necessity Number 5738 to provide local exchange

telecommunications services inside the East Westby local exchange area, serving 19 voice and 25 internet access lines in North Dakota. Additionally, NTC holds Certificate of Public Convenience and Necessity Number 5739 to provide local exchange telecommunications services inside the Fortuna local exchange area, serving 61 voice and 70 internet access lines in North Dakota. NTC is designated as an ETC to receive federal universal service support in a study area that encompasses the Ambrose, Fortuna and East Westby local telephone exchanges in North Dakota.

MVC holds Certificate of Public Convenience and Necessity Number 5804 to provide local exchange telecommunications services inside the Williston local exchange area, serving 3,090 voice and 3,436 internet access lines in North Dakota. MVC is designated as an ETC to receive federal universal service support in a study area that encompasses the Williston local telephone exchange in North Dakota.

NTC and MVC will continue to provide local exchange service until all members in the Ambrose, Fortuna, East Westby and Williston exchanges have been connected to NCC.

NTC's Ambrose, Fortuna and East Westby customers and MVC's Williston customers will not experience any immediate change to rates, terms, or conditions of service.

NCC plans to upgrade the Ambrose, Fortuna, East Westby, and Williston exchange networks and bury fiber to the premise for all customers, incorporating the customers into NCC's service area.

The Commission finds that NCC is fit and able to provide telecommunications services to the customers served in the Ambrose, Fortuna, East Westby, and Williston telephone exchange geographic areas.

The Commission finds that the telecommunications services NCC proposes to provide to the geographic areas currently known as the Ambrose, Fortuna, East Westby, and Williston telephone exchanges are adequate.

The Commission finds that NCC has the technical, financial and managerial ability to provide telecommunications service to the geographic areas currently known as the Ambrose, Fortuna, East Westby, and Williston telephone exchanges.

NCC will provide telecommunications service to the geographic areas currently known as the Ambrose, Fortuna, East Westby, and Williston telephone exchanges as an incumbent local exchange carrier.

NTC's certificate of public convenience and necessity authorizing it to provide local exchange telecommunications services in the Ambrose, Fortuna and East Westby exchanges should be relinquished.

MVC's certificate of public convenience and necessity authorizing it to provide local exchange telecommunications services in the Williston exchange should be relinquished.

Designation as an Eligible Telecommunications Carrier

The federal Telecommunications Act of 1996 (Act) provides for financial support to a common carrier that (1) offers the services established by the FCC to be supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services; (2) advertises the availability of such services and the charges for such services using media of general distribution; and (3) is designated as an ETC. An ETC must use that financial support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

To be designated as an ETC, the carrier must (1) under Code of Federal Regulations (CFR) Part 47 Subpart B, offer to telecommunications customers each of the services and functionalities designated for federal universal service support; and (2) under CFR Part 47 § 54.405, make available Lifeline service to qualifying low-income consumers.

For telecommunications customers, the services designated by the FCC for support by universal service support mechanisms include voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems, lifeline support and toll limitation services to qualifying low-income consumers.

The affidavit of Jeremy Becker, NCC, affirms that it will continue to meet the obligations of an ETC in the Ambrose, Fortuna, East Westby, and Williston telephone exchanges. NCC also affirms that no waiver of ETC criteria is requested.

The Commission finds NCC's application for designation as an eligible telecommunications carrier under North Dakota Administrative Code section 69-09-05-12 is complete including the required affirmations and certifications.

The Commission finds NCC is qualified under Section 214(e) of the federal Communications Act of 1934 as amended by the Telecommunications Act of 1996, for designation as an eligible telecommunications carrier for receiving federal universal service funding for the proposed designated service areas.

For purposes of federal universal service funding, the designated expanded service area for NCC is a rural study area.

Based on the evidence in this proceeding, NCC is qualified under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC to receive federal universal service funding and it is in the public interest that NCC be designated as an ETC in the requested designated expanded service area.

Order

The Commission Orders:

1. Northwest Communications Cooperative, Inc.'s application for a certificate of public convenience and necessity to provide incumbent local exchange telecommunications services in the areas currently known as the Ambrose, Fortuna, East Westby, and Williston telephone exchanges in North Dakota is approved.
2. Northwest Communications Cooperative, Inc. is issued Second Amended Certificate of Public Convenience and Necessity Number 5737 to provide local exchange telecommunications services inside the Ambrose, North Dakota telephone exchange.
3. Northwest Communications Cooperative, Inc. is issued First Amended Certificate of Public Convenience and Necessity Number 5738 to provide local exchange telecommunications services inside the East Westby, North Dakota telephone exchange.
4. Northwest Communications Cooperative, Inc. is issued First Amended Certificate of Public Convenience and Necessity Number 5739 to provide local exchange telecommunications services inside the Fortuna, North Dakota telephone exchange.
5. Northwest Communications Cooperative, Inc. is issued First Amended Certificate of Public Convenience and Necessity Number 5804 to provide local exchange telecommunications services inside the Williston, North Dakota telephone exchange.
6. Northwest Communications Cooperative, Inc.'s request for designation as an eligible telecommunications carrier in the Ambrose, Fortuna, East Westby, and Williston telephone exchanges is granted.
7. Nemont Telephone Cooperative, Inc.'s Certificate of Public Convenience and Necessity Number 5737 to provide local exchange telecommunications services inside the Ambrose, North Dakota telephone exchange area is relinquished.

8. Nemont Telephone Cooperative, Inc.'s Certificate of Public Convenience and Necessity Number 5738 to provide local exchange telecommunications services inside the East Westby, North Dakota telephone exchange area is relinquished.
9. Nemont Telephone Cooperative, Inc.'s Certificate of Public Convenience and Necessity Number 5739 to provide local exchange telecommunications services inside the Fortuna, North Dakota telephone exchange area is relinquished.
10. Missouri Valley Communications, Inc.'s Certificate of Public Convenience and Necessity Number 5804 to provide local exchange telecommunications services inside the Williston, North Dakota telephone exchange area is relinquished.
11. Nemont Telephone Cooperative, Inc.'s designation as an eligible telecommunications carrier in the Ambrose, Fortuna and East Westby exchange areas is relinquished and cancelled.
12. Missouri Valley Communications, Inc.'s designation as an eligible telecommunications carrier in the Williston exchange area is relinquished and cancelled.

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Julie Fedorchak
Commissioner

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Second Amended Certificate Number 5737

This is to certify that public convenience and necessity require, and permission is granted for Northwest Communications Cooperative, Inc. to provide local exchange telecommunications services inside the Ambrose, North Dakota local exchange area.

This certificate was issued in Case No. PU-13-238 and amended in Case Nos. PU-16-237 and PU-24-322, and is conditioned upon Northwest Communications Cooperative, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges.

Bismarck, North Dakota, November 7, 2024.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

First Amended Certificate Number 5738

This is to certify that public convenience and necessity require, and permission is granted for Northwest Communications Cooperative, Inc. to provide local exchange telecommunications services inside the East Westby, North Dakota local exchange area.

This certificate was issued in Case No. PU-13-238 and amended in Case No. PU-24-322, and is conditioned upon Northwest Communications Cooperative, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges.

Bismarck, North Dakota, November 7, 2024.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

First Amended Certificate Number 5739

This is to certify that public convenience and necessity require, and permission is granted for Northwest Communications Cooperative, Inc. to provide local exchange telecommunications services inside the Fortuna, North Dakota local exchange area.

This certificate was issued in Case No. PU-13-238 and amended in Case No. PU-24-322, and is conditioned upon Northwest Communications Cooperative, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges.

Bismarck, North Dakota, November 7, 2024.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

First Amended Certificate Number 5804

This is to certify that public convenience and necessity require, and permission is granted for Northwest Communications Cooperative, Inc. to provide local exchange telecommunications services inside the Williston, North Dakota local exchange area.

This certificate was issued in Case No. PU-13-259 and amended in Case No. PU-24-322, and is conditioned upon Northwest Communications Cooperative, Inc. securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges.

Bismarck, North Dakota, November 7, 2024.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner