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December 23, 2024

AFFILIATED SOUTH AMERICAN OFFICES

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RETIRED

**WRITER'S CONTACT INFORMATION**

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VIA EMAIL AND FED-EX

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

RE: Application of Griggs County Telephone Company for Designation as the Incumbent Local Exchange Carrier, Certificate for Public Convenience and Necessity, and Eligible Telecommunications Carrier Designation

Dear Mr.Kahl:

Griggs County Telephone Company (“Griggs”), by its attorneys, hereby files the above-referenced applications. The Applications request (i) designation of Griggs as the incumbent local exchange carrier; (ii) a Certificate of Public Convenience and Necessity; and (iii) Eligible Telecommunications Carrier Designation, all in the Leonard and Kindred exchanges of North Dakota. Enclosed for filing are the original and four (4) copies of the following,<sup>1</sup> which have been redacted to remove trade secret information:

- Application for Certificate of Public Convenience and Necessity and Request for Recognition as an Incumbent Local Exchange Carrier
- Application for Expansion of Eligible Telecommunications Carrier Designation
- Attachment 1: Application for Trade Secret Protection
- Attachment 2: Affidavit of Tyler Kilde, Griggs
- Attachment 3: Griggs Articles of Incorporation
- Attachment 4: Griggs Certificate of Good Standing
- Attachment 5: Maps of the Leonard and Kindred Exchanges
- Attachment 6: Financial Statements – TRADE SECRET

<sup>1</sup> An original plus four have been provided at the request of Commission Staff. Griggs will provide additional copies upon request.

In addition, one unredacted copy of these materials is enclosed under seal.

Please do not hesitate to contact the undersigned with any questions regarding these applications.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Dickens, Jr.", written in a cursive style.

Benjamin H. Dickens, Jr.  
Salvatore Taillefer, Jr.  
Counsel to Griggs County Telephone Company

/encl

**STATE OF NORTH DAKOTA  
BEFORE THE PUBLIC SERVICE COMMISSION**

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**Application for Certificate of Public Convenience and Necessity and Request for  
Recognition as an Incumbent Local Exchange Carrier**

Pursuant to chapter 49-03.1 of the North Dakota Century Code (“NDCC”) and section 69-09-05-11 of the North Dakota Administrative Code (“NDAC”), Griggs County Telephone Company (“Griggs”) hereby submits this application for a Certificate of Public Convenience and Necessity (“CPCN”) as an incumbent local exchange carrier (“ILEC”) for the Kindred and Leonard exchanges (the “Requested Exchanges”). Due to its failure to maintain or upgrade its network in the Requested Exchanges, the Commission should treat the current ILEC – Lumen Technologies, Inc. (“Lumen”) – as having relinquished the Requested Exchanges from its study area and assign them to Griggs as an ILEC. In support hereof, the Griggs states as follows:

1. Griggs is a North Dakota corporation located at 301 Dewey St, Enderlin, ND, 58027. Pursuant to CPCNs issued by this Commission in PU-13-077, 13-251, and 13-330, Griggs has been engaged in the business of providing local exchange telecommunications service, exchange access, and other telecommunications services as an incumbent local exchange carrier (“ILEC”) in the following North Dakota exchange areas:

<b>Exchange Name</b>	<b>Prefix</b>
Binford	676
Cooperstown	797
Enderlin	437
Finley	524
McHenry	785
Sheldon	882

Griggs seeks to provide the same services provided in these exchanges to the Requested Exchanges.

2. Lumen is a Louisiana corporation headquartered at 100 CenturyLink Drive, Monroe, LA, 71203. Pursuant to a CPCN issued by the Commission in PU-00-030/13-235/04-160, Lumen has been engaged in the business of providing local exchange telecommunications service, exchange access, and other telecommunications services in, among other North Dakota exchange areas, the Requested Exchanges:

<b>Exchange Name</b>	<b>Prefix</b>
Leonard	645
Kindred	428

3. As required by Section 69-09-05-11.1 of the NDAC, Griggs attaches hereto as Exhibit 1 its Articles of Incorporation.

4. As required by section 11.2, Griggs attaches hereto as Exhibit 2 its balance sheet, income statement, and an independent accountant's financial opinion.

5. As required by section 11.3, Griggs respectfully submits that its long history of providing exceptional service to the to the exchanges listed in paragraph 1 – beginning as early as 1906 – demonstrates (i) the fitness and ability of the applicant to provide service; (ii) the adequacy of the proposed service; and (iii) the technical, financial, and managerial ability of the applicant to provide service. Griggs respectfully submits these requirements are further demonstrated by the fact that Griggs has 100% overbuilt Lumen in the Requested Exchanges with fiber through its wholly-owned subsidiary, MLGC, LLC (“MLGC”). According to Griggs’ records and market research, it has also captured approximately 95% of wireline voice subscribership<sup>1</sup> in the Requested Exchanges, as well as approximately 66% of the total subscribership (voice and broadband).

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<sup>1</sup> This figure is included to address the fact that a significant portion of the customers in the Requested Exchanges have no landline service, and instead rely entirely on wireless service for voice.

6. The Commission should deem Lumen to have relinquished the Requested Exchanges. Upon information and belief, the vast majority of telecommunications complaints in the Requested Exchanges have historically been regarding Lumen's service, and Lumen has ceased maintaining its plant in the Requested Exchanges. As mentioned previously, Griggs believes it has captured approximately 95% of wireline voice subscribers,<sup>2</sup> and 66% of all subscribers (voice and broadband) in the Requested Exchanges, substantially replacing Lumen. Griggs has an outstanding reputation for customer service, and a demonstrated track record building, maintaining, and upgrading its network – a record that will continue in the Requested Exchanges. Accordingly, there is a demonstrated need for enhanced telecommunications services in the Requested Exchanges and a strong desire by those customers to benefit from Griggs' superior network and service.

7. In addition to the foregoing, the grant of Grigg's application and the treatment of the Requested Exchanges as relinquished by Lumen is in the public interest. As demonstrated, Griggs has substantially replaced Lumen as the ILEC in the Requested Exchanges and consumers' almost total migration from Lumen to Griggs is a testament to the superiority of Griggs' network and services. Furthermore, the FCC has held that ILEC treatment makes the LEC subject to the additional market opening requirements in section 251(c) of the Communications Act, which is objectively in the public interest.<sup>3</sup> Lumen can still continue to operate in the Requested Exchanges as a CLEC.

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<sup>2</sup> This figure is included to address the fact that a significant portion of the customers in the Requested Exchanges have no landline service, and instead rely entirely on wireless service for voice.

<sup>3</sup> *In the Matter of Petition for Mid-Rivers Telephone Cooperative, Inc.*, 21 FCC Rcd 11506, 11514-11515 (2006). As mentioned previously, Griggs currently serves the Requested Exchanges through its unregulated subsidiary, MLGC. Thus, ILEC requirements are not currently applicable to Griggs in the Requested Exchanges.

8. The Commission has authority under section 49-21-01.7(7) of the NDCC to act upon applications for CPCNs as an ILEC.

9. Griggs asks that the Commission grant the instant application without a hearing if no interested party has requested a hearing on this application after receiving at least twenty (20) days' notice of opportunity to request such a hearing.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Tyler Kilde", written over a horizontal line.

Tyler Kilde, President

Griggs County Telephone Company

Dated this 23 day of Dec, 2024

**STATE OF NORTH DAKOTA  
BEFORE THE PUBLIC SERVICE COMMISSION**

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**Application for Expansion of Eligible Telecommunications Carrier Designation**

Pursuant to Chapter 49-21 of the North Dakota Century Code (“NDCC”), and in connection with its Application for Certificate of Public Convenience and Necessity (“CPCN”), Griggs County Telephone Company (“Griggs”) requests an expansion of its designation as an Eligible Telecommunications Carrier (“ETC”) to include the Leonard and Kindred exchanges (the “Requested Exchanges”). In support hereof, Griggs states as follows:

1. Griggs has been designated by the Commission as an ETC to receive universal service support under Section 214 and 254 of the Communications Act of 1934, as amended, (the “Act”) in the Binford, Cooperstown, Enderlin, Finley, McHenry, and Sheldon exchanges of North Dakota, where it is the incumbent local exchange carrier (“ILEC”). Griggs’ study area codes (“SAC”) are 381615 (Binford, Cooperstown, Finley, and McHenry) and 381622 (Enderlin and Sheldon).

2. Griggs has completely overbuilt the incumbent – Lumen Technologies, Inc. (“Lumen”) – in the Requested Exchanges with fiber. Griggs’ records and market research indicate it serves approximately 95% of the wireline voice subscribership<sup>1</sup> and 66% of the overall (voice and broadband) subscribership in these exchanges. Accordingly, the expansion of ETC designation by Griggs does not involve an acquisition of assets.

3. It is in the public interest to expand the Griggs ETC designated service area to incorporate the Requested Exchanges. Griggs already has ETC designation in portions of the

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<sup>1</sup> This figure is included to address the fact that a significant portion of the customers in the Requested Exchanges have no landline service, and instead rely entirely on wireless service for voice.

Requested Exchanges through its wholly-owned subsidiary, MLGC, LLC (“MLGC”), by virtue of its participation in the Federal Communications Commission’s (“FCC”) Rural Digital Opportunity Fund (“RDOF”) program.<sup>2</sup> Furthermore, as indicated, Griggs has expanded its service beyond those portions of the Requested Exchanges for which it is already an ETC and has completely overbuilt Lumen (100%). Customers’ desire to switch to Grigg’s network is amply demonstrated by the fact that to date, Griggs’ records and market research indicates it has captured approximately 95% of the wireline voice subscribership<sup>3</sup> and 66% of the overall subscribership in the Requested Exchanges. Griggs expects this trend to continue. The willingness of customers in the Requested Exchanges to migrate to Griggs for telecommunications services clearly demonstrates the public interest is served through the designation of Griggs as an ETC.

4. Griggs satisfies the requirements of Section 214(e) of the Communications Act for designation as an ETC in the Requested Exchanges because Griggs is a common carrier that will offer voice telephone service supported by universal service over its own facilities and will advertise the availability and rate for such service in the Requested Exchanges, including: (i) voice grade access to the public switched network; (ii) minutes of use for local service provided at no additional charge; (iii) access to emergency service provided by local government or other public safety organizations such as 911 and enhanced 911, to the extent the local government in the Requested Exchanges has implemented 911 or enhanced 911 systems; and (iv) Lifeline support and toll limitation service to qualifying low income consumers.<sup>4</sup>

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<sup>2</sup> MLGC, LLC Designated Eligible Carrier Expansion Application, Order on Eligible Telecommunications Carrier Designation, North Dakota Public Service Commission Case No. PU-21-50, April 14, 2021.

<sup>3</sup> This figure is included to address the fact that a significant portion of the customers in the Requested Exchanges have no landline service, and instead rely entirely on wireless service for voice.

<sup>4</sup> 47 U.S.C. 214(e); Affidavit of Tyler Kilde.

5. The Commission has authority under NDCC § 49-21-01.7(13) to designate geographic service areas for ETCs to receive universal service support under sections 214 and 254 of the Act.

6. Griggs asks that the Commission grant the instant application without a hearing if no interested party has requested a hearing on this application after receiving at least twenty (20) days' notice of opportunity to request such a hearing.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Tyler Kilde", is written over a horizontal line.

Tyler Kilde, President

Griggs County Telephone Company

Dated this 25<sup>th</sup> day of Dec, 2024

# Attachment 1

**STATE OF NORTH DAKOTA**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

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**Application for Trade Secret**

COMES NOW, Griggs County Telephone Company ("Griggs") and respectfully moves the Commission for entry of a trade secret protective order under section 69-02-09-01 of the North Dakota Administrative Code. The purpose of the requested protective order is to protect against public disclosure of trade secret information as defined by section 47-25.1-01 of the North Dakota Century Code. In support of the motion, Griggs states as follows:

**1. A general description of the nature of the information sought to be protected.**

Griggs wishes to protect from the disclosure of financial information contained in the Financial Statement (Attachment 7 in its entirety).

**2. Explanation of why the information derives independent economic value.**

The financial information could have economic value to potential competitors. This type of information in a competitive telecommunications marketplace is highly sensitive, and its public disclosure could place Griggs at an unfair competitive disadvantage.

**3. An explanation of why the information is not readily ascertainable by proper means by other persons.**

Griggs maintains the confidentiality of its financial information and does not make it readily available by proper means to competitors or the general public.

**4. A general description of the persons or entities that would obtain economic value from the disclosure or use of the information.**

If disclosed, Competitive Local Exchange Carriers could use the financial information against Griggs's interests.

**5. A specific description of known competitors and competitors' goods and services that is pertinent to the tariff or rate filing.**

Not Applicable.

**6. A description of the efforts used to maintain the secrecy of the information.**

Griggs's financial information is not disclosed to the public or to persons other than employees or authorized agents of the Company who need to know the information to fulfill their responsibilities or to third persons pursuant to an agreement to maintain the confidentiality of the information.

In accordance with section 69-02-09-02 of the North Dakota Administrative Code, Griggs provides one copy of the trade secret material in the enclosed sealed envelope labeled: ATTACHMENT 6-TRADE SECRET - PRIVATE.

Respectfully submitted,



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Benjamin H. Dickens, Jr.  
Salvatore Taillefer, Jr.

Counsel to Griggs County Telephone Company

Dated this 23 day of Dec., 2024

## Attachment 2

**STATE OF NORTH DAKOTA  
BEFORE THE PUBLIC SERVICE COMMISSION**

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**Affidavit of Tyler Kilde In Support of the Applications for Certificate of Public  
Convenience and Necessity and for Expansion of Eligible Telecommunications Carrier  
Designation**

I, Tyler Kilde, state under oath:

1. My name is Tyler Kilde, and I am the President of Griggs County Telephone Company, ("Griggs").
2. I submit this affidavit in support of Griggs's application for a Certificate of Public Convenience and Necessity ("CPCN") in the Leonard and Kindred exchanges (the "Requested Exchanges"), and to expand Griggs' study area and ETC designated geographic service area to incorporate the Requested Exchanges.
3. I am familiar with Section 69-09-05-12 of the North Dakota Administrative Code ("NDAC") which addresses ETC application requirements.
  - a. In support of NDAC Section 69-09-05-12 2.a: The proposed service area consists of the Requested Exchanges of North Dakota in their entirety. Lumen is the current incumbent local exchange carrier serving the Requested Exchanges, and Griggs has asked this Commission to treat Lumen as having relinquished the Requested Exchanges from its study area.
  - b. In support of section 69-09-05-12 2.b: Griggs currently meets all ETC obligations in its designated service area and will continue to meet those obligations in the Requested Exchanges. Griggs already meets all ETC obligations in portions of the Requested Exchanges due to its designation as an ETC for purposes of the Federal Communications Commission ("FCC") Rural Digital Opportunity Fund ("RDOF") program.

c. In support of section 69-09-05-12 2.c: Griggs will not require a waiver of any ETC requirements.

d. In support of section 69-09-05-12 3.a: Griggs is committed to providing service throughout the proposed service area to all customers making a reasonable request for service. I certify that (1) Griggs will provide service in a timely manner where the network passes the potential customer and (2) Griggs will provide service within a reasonable period of time if the potential customer is within the proposed designated service area but outside existing network coverage, if Griggs can provide service at a reasonable cost. Griggs will continue to provide outstanding customer service, and to upgrade and maintain its network in the Requested Exchanges.

e. In support of section 69-09-05-12 3.b: Griggs does not expect to receive federal high-cost universal service support in the first year following designation as ETC other than the RDOF support it already receives for portions of the Requested Exchanges.

f. In support of section 69-09-05-12 3.c: I certify that Griggs has a reasonable amount of backup power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spike resulting from emergency situations.

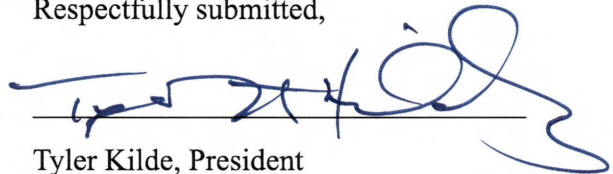
g. In support of section 69-09-05-12 3.d: I certify that Griggs will satisfy applicable consumer protection and consumer standards established by the Commission.

h. In support of section 69-09-05-12 3.e: I certify that Griggs will offer a local usage plan similar to the plan offered by Lumen.

i. In support of section 69-09-05-12 3.f: I acknowledge that the Commission has the authority to require Griggs to provide equal access to long-distance carriers in the event no other ETC is providing equal access in the proposed service area.

4. In consideration of the foregoing, Griggs asks the Commission to grant its request for expansion of its CPCN and ETC designation to incorporate the Requested Exchanges, which Griggs has asked the Commission to treat as having been relinquished by Lumen. Griggs has demonstrated its ability to meet all criteria for an ETC in its currently designated service area and will continue to do so for the expanded service area.

Respectfully submitted,



Tyler Kilde, President

Griggs County Telephone Company

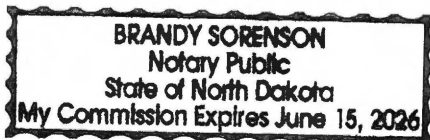
Dated this 23 day of Dec, 2024

STATE of NORTH DAKOTA

COUNTY of Cass

On this 23<sup>rd</sup> day of Dec, 2024, before me, a Notary Public in and for said County and State, personally appeared Tyler Kilde, known to me to be the person described in and executed within instrument and acknowledge to me that he executed the same.

SEAL



Notary Public

My Commission Expires: \_\_\_\_\_

# Attachment 3

**AMENDED AND RESTATED ARTICLES OF INCORPORATION  
OF GRIGGS COUNTY TELEPHONE CO.**

The undersigned, being the Secretary of Griggs County Telephone Co., hereby certify that pursuant to the unanimous vote of the shareholders at a meeting on February 21, 2013, the Corporation has adopted and approved the following:

Article 1. The name of the Corporation is: Griggs County Telephone Co.

Article 2. The name of noncommercial registered agent in North Dakota is:

Tyler Kilde  
301 Dewey Street  
Enderlin, ND 58027

Article 3. These Amended and Restated Articles of Incorporation shall be effective when filed with the Secretary of State.

Article 4. The purpose of the Corporation is to provide telecommunication services and other related business purposes.

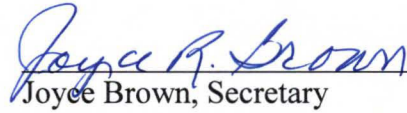
Article 5. The Corporation shall be authorized to issue 500,000 shares with a par value of \$1.00 per share. The Board of Directors shall have the authority to establish one or more classes or series of shares, including the authority to create non-voting shares.

Article 6. The Board of Directors of the Corporation shall be made up of at least three and no more than seven members. The initial Board of Directors and Officers named below shall serve until their successors are duly elected and qualified:

Ray G. Brown, President  
Tyler Kilde, Vice President  
Joyce Brown, Secretary-Treasurer  
Dion Brown, Director

Article 7. These Amended and Restated Articles of Incorporation were adopted by the shareholders on February 21, 2013.

The undersigned, as Secretary and person authorized by the Corporation to sign this amendment, has read the foregoing Amended and Restated Articles of Incorporation, knows the contents thereof, and believes the statements made thereon to be true.

 2/21/13  
Joyce Brown, Secretary Date

Name of person to contact  
about this document:

Timothy G. Richard  
Serkland Law Firm  
10 Roberts Street  
P.O. Box 6017  
Fargo, ND 58108-6017  
(701) 232-8957  
[trichard@serklandlaw.com](mailto:trichard@serklandlaw.com)

# Attachment 4

# *State of North Dakota* SECRETARY OF STATE



## Certificate of Good Standing of GRIGGS COUNTY TELEPHONE CO.

SOS Control ID#: 0000008997

Certificate #: 026366631-1

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that, according to the records of this office,

GRIGGS COUNTY TELEPHONE CO.

a Corporation - Business - Domestic was formed under the laws of NORTH DAKOTA and filed with this office effective November 20, 1906. This entity has, as of the date set forth below, complied with all applicable North Dakota laws.

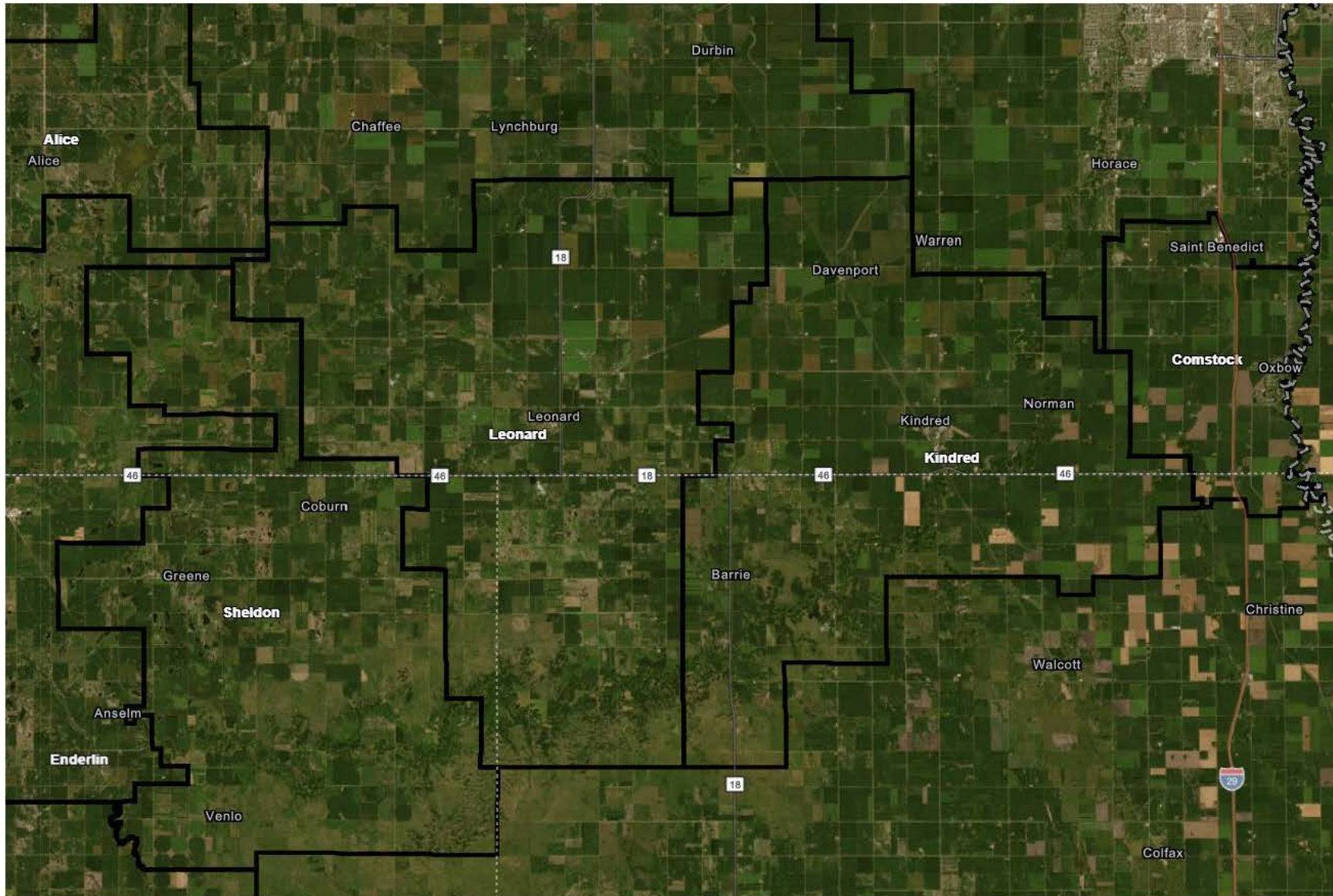
ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing.

DATE: December 23, 2024

A handwritten signature in black ink that reads "Michael Howe".

Michael Howe  
Secretary of State

# Attachment 5



Attachment 6

TRADE SECRET - PRIVATE

[REDACTED]