

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

**Griggs County Telephone Co.
Leonard and Kindred Exchanges
Public Convenience & Necessity**

Case No. PU-24-386

**Griggs County Telephone Co.
Designated Eligible Carrier
Application**

Case No. PU-24-387

ORDER

March 26, 2025

Preliminary Statement

On December 23, 2024, Griggs County Telephone Co. (Griggs) filed an application requesting authorization to provide local exchange telecommunications services as the incumbent local exchange carrier (ILEC) in the areas currently known as the Leonard exchange and the Kindred exchange in North Dakota. The Leonard and Kindred exchanges are currently served by CenturyLink Communications, LLC (CenturyLink) as the ILEC, Case No. PU-24-386.

Also on December 23, 2024, Griggs filed an application requesting that Griggs be designated as an eligible telecommunications carrier (ETC) in the Leonard and Kindred exchange areas, Case No. PU-24-387.

On January 8, 2025, the Commission issued a Notice of Opportunity for Consolidated Hearing (Notice) that provided until February 21, 2025, 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-24-386 are:

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

4. Whether, upon granting a certificate of public convenience and necessity to Griggs to provide local exchange telecommunication services in the areas currently known as the Leonard and Kindred exchanges, CenturyLink's certificates of public convenience and necessity should be relinquished or transferred to competitive local exchange service?

The Notice identified the issues to be considered in Case No. PU-24-387 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 to be designated.
3. Whether it is in the public interest to designate Griggs as an ETC in the Leonard and Kindred local exchange areas for the purposes of receiving universal service support?
4. Whether, upon designation of Griggs as an ETC for the Leonard and Kindred exchanges, CenturyLink's designation as an ETC for the Leonard and Kindred exchanges should be relinquished or transferred to competitive local exchange service?

On January 22, 2025, the Commission discussed the applications with Griggs during an informal hearing.

Discussion

Griggs is a North Dakota Corporation with offices located at 301 Dewey Street, Enderlin, North Dakota 58027.

In support of the applications, Griggs provided an affidavit of Tyler Kilde, President of Griggs County Telephone Company.

CenturyLink is a foreign Corporation authorized to do business in North Dakota. It has principal offices at 100 CenturyLink Drive, Monroe, Louisiana 71203.

Public Convenience and Necessity

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

Griggs testified during the informal hearing that it has completely overbuilt both the Leonard and Kindred exchanges with its own fiber optic network similar to the other referenced exchanges that it currently operates as the ILEC within. The fiber optic network facilities of Griggs infrastructure are superior to the current ILEC, CenturyLink.

Griggs applications state that they currently provide service to approximately 95% of the wireline subscribers and 66% of the total subscribers (wireline and broadband) in the Leonard and Kindred exchanges.

Griggs applications state that it maintains an office in Kindred, North Dakota staffing four technicians, one plant manager and one networking manager. The Kindred office also serves Leonard as it is within fifteen miles of Kindred.

The Commission finds that Griggs is fit and able to provide telecommunications services to the customers served in the Leonard and Kindred telephone exchange geographic areas.

The Commission finds that the telecommunications services offered by Griggs in the geographic areas currently known as the Leonard and Kindred telephone exchanges are adequate.

The Commission finds that Griggs has the technical, financial and managerial ability to provide telecommunications service to the geographic areas currently known as the Leonard and Kindred telephone exchanges.

Griggs will provide telecommunications service to the geographic areas currently known as the Leonard and Kindred telephone exchanges as an ILEC.

Griggs occupies a market position comparable to a legacy incumbent LEC. Griggs has substantially replaced the legacy incumbent LEC. The reclassification serves the public interest, convenience, and necessity and the purposes of 47 USCA section 251.

CenturyLink filed comments with the Commission supportive of the application, but requesting no findings on its ILEC status.

The Commission does not find it necessary to relinquish nor transfer to a competitive local exchange carrier (CLEC) CenturyLink's certificates of public convenience and necessity for the Leonard and Kindred exchanges.

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 Tyler Kilde, Griggs, affirms that it will continue to meet the obligations of an ETC in the Leonard and Kindred telephone exchanges. Griggs also affirms that no waiver of ETC criteria is requested.

The Commission finds Griggs' 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 Griggs 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 Griggs is a rural study area.

Based on the evidence in this proceeding, Griggs 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 Griggs be designated as an ETC in the requested designated expanded service area.

Based on the evidence in this proceeding including the fact that the overwhelming majority of telephone subscribers in the Leonard and Kindred exchanges are currently served by Griggs, the Commission finds it is in the public interest that the Leonard and Kindred exchanges shall be included within Griggs' rural study area for the purposes of

federal universal service support and therefore be removed from CenturyLink's study area.


The Commission finds that it is in the public interest that CenturyLink will remain as an ETC in the Leonard and Kindred exchanges.


Order


The Commission Orders:

1. Griggs County Telephone Co.'s application for a certificate of public convenience and necessity to provide incumbent local exchange telecommunications services in the areas currently known as the Leonard and Kindred telephone exchanges in North Dakota is approved.
2. Griggs County Telephone Co. is issued Certificate of Public Convenience and Necessity Number 6007 to provide local exchange telecommunications services inside the Leonard, North Dakota telephone exchange.
3. Griggs County Telephone Co. is issued Certificate of Public Convenience and Necessity Number 6008 to provide local exchange telecommunications services inside the Kindred, North Dakota telephone exchange.
4. The Leonard and Kindred telephone exchange areas are hereby relinquished from CenturyLink's study area.
5. The Leonard and Kindred telephone exchange areas are added to Griggs County Telephone Co.'s rural study area.
6. Griggs County Telephone Co.'s request for designation as an eligible telecommunications carrier in the Leonard and Kindred telephone exchanges is granted.

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Jill Kringstad
Commissioner

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 6007

This is to certify that public convenience and necessity require, and permission is granted for Griggs County Telephone Co., to provide local exchange telecommunications services inside the Leonard, North Dakota local exchange area.

This certificate was issued in Case No. PU-24-386, and is conditioned upon Griggs County Telephone Co. 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, March 26, 2025.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary



Commissioner

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Certificate of Public Convenience and Necessity

Certificate Number 6008

This is to certify that public convenience and necessity require, and permission is granted for Griggs County Telephone Co., to provide local exchange telecommunications services inside the Kindred, North Dakota local exchange area.

This certificate was issued in Case No. PU-24-386, and is conditioned upon Griggs County Telephone Co. 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, March 26, 2025.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner