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1914 – 1999

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May 12, 2025

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 Red River Rural Telephone Association d/b/a Red River Communications for Designation as the Incumbent Local Exchange Carrier, Certificate for Public Convenience and Necessity, and Eligible Telecommunications Carrier Designation

Dear Mr. Kahl:

Red River Rural Telephone Association d/b/a Red River Communications (“Red River”), by its attorneys, hereby files the above-referenced applications. The Applications request (i) the designation of Red River as the incumbent local exchange carrier; (ii) a Certificate of Public Convenience and Necessity; and (iii) Eligible Telecommunications Carrier Designation, all in the Wahpeton exchange of North Dakota. Enclosed for filing are the original and four (4) copies of the following,¹ 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 Thomas Steinolfson
- Attachment 3: Red River Articles of Incorporation
- Attachment 4: Red River Certificate of Good Standing
- Attachment 5: Map of the Wahpeton Exchange
- Attachment 6: Financial Statements – TRADE SECRET

¹ An original plus four have been provided at the request of Commission Staff. Red River 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.", with a large, sweeping flourish at the end.

Benjamin H. Dickens, Jr.
Salvatore Taillefer, Jr.
Counsel to Red River Rural Telephone Association

/encl

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

**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”), Red River Rural Telephone Association d/b/a Red River Communications (“Red River”) hereby submits this application for a Certificate of Public Convenience and Necessity (“CPCN”) as an incumbent local exchange carrier (“ILEC”) for the Wahpeton exchange (the “Requested Exchange”). Due to its failure to maintain or upgrade its network in the Requested Exchange, the Commission should treat the current ILEC – Lumen Technologies, Inc. (“Lumen”) – as having relinquished the Requested Exchange from its study area and assign it to Red River as an ILEC. In support hereof, the Red River states as follows:

1. Red River is a North Dakota-based cooperative located at 510 Broadway, Abercrombie, ND, 58001. Pursuant to CPCNs issued by this Commission,¹ Red River has been engaged in the business of providing local exchange telecommunications service, exchange access, and other telecommunications services as an ILEC in the following North Dakota exchange areas:

Exchange Name	Prefix
Abercrombie	701-553
Colfax	701-372
Fairmount	701-474
Great Bend	701-545
Hankinson	701-242
Lidgerwood	701-538
Mooreton	701-274

¹ PSC Case #5053 (1953); PSC Case #6505 (1965); PU-02-053 (2002); PU-02-54 (2002); and PU-05-544 (2005).

Wyndmere	701-439
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Red River seeks to provide the same services provided in these exchanges to the Requested Exchange.

2. Lumen is a Louisiana corporation headquartered at 100 CenturyLink Drive, Monroe, LA, 71203. Pursuant to a CPCN issued by the Commission,² 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 Exchange:

Exchange Name	Prefix
Wahpeton	701-642 & 701-671

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

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

5. As required by section 11.3, Red River respectfully submits that its long history of providing exceptional service to the to the exchanges listed in paragraph 1 – beginning in 1953 – and its provision of comparable service in the Requested Exchange – beginning in 2009 – 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. Red River has overbuilt 98.5% of Lumen’s aging copper network in the Requested Exchange (and anticipates reaching 100% overbuild by the end of construction season

² PU-00-030;PU-04-160; and PU-13-235.

2025) with the same high-quality fiber-to-the-home network it operates in its ILEC territory. Red River subscribers enjoy speeds in excess of 2.5 Gbps (symmetrical), with a maximum network capability of up to 10 Gbps (symmetrical). Red River's core network traverses through the requested exchange with transport capabilities of 400 Gbps. Red River also offers a state of the art managed Wi-Fi service. Furthermore, Red River has already been approved for Rural Digital Opportunity Fund ("RDOF") support for 3 rural locations in the Requested Exchange and has been designated an ETC for that purpose.³ In 2023, Red River was awarded a North Dakota American Rescue Plan Act Broadband Grant which enabled the construction of an entirely fiber network in the rural area of the requested exchange.

6. Red River's CEO, Thomas Steinolfson, has approximately 36 years in telecommunications management positions, and the Red River team consists of 32 employees. Red River maintains a separate office in the Requested Exchange at 7925 180 Ave SE, Wahpeton, ND, 58075. It provides superior customer service in the Requested Exchange, with same-day trouble ticket dispatch and customer call response times within 2 minutes. There have been no customer complaints filed against Red River with the Commission in the past ten years. Finally, Red River's fitness is further demonstrated by the financial investment made in the area as well the earned stellar reputation within the southern Red River Valley.

7. The Commission should deem Lumen to have relinquished the Requested Exchange. As indicated previously, Red River has overbuilt 98.5% of Lumen's network in the Requested Exchange and currently serves approximately 424 access lines and 736 broadband subscribers there, which the Company estimates is approximately 45%⁴ and 23%, respectively.

³ PU-21-088.

⁴ This estimate assumes 30% of households in the Requested Exchange take wireline voice service in any form, based on the most recent FCC voice data showing approximately 2,000 residential wireline voice subscribers (including VoIP) out of 6,764 households in Richland County, ND, where the Requested Exchange sits.

Red River will complete its remaining network deployment by the conclusion of the 2025 construction season, and will pursue an aggressive campaign to continue to transition customers away from Lumen's antiquated infrastructure. Lumen's network within the Requested Exchange consists predominantly of copper facilities with minimal fiber connectivity limited to select business locations. According to the National Broadband Map,⁵ Lumen offers speeds of only 200Kbps within the city limits of Wahpeton — a level of service that has not qualified as "broadband" since the FCC's initial definition established in the 1990s. Moreover, Lumen has been the subject of approximately 80% of all telecommunications complaints filed with the Commission over the past decade. The continued provision of 200 Kbps service, combined with the high volume of complaints, indicates Lumen's abandonment of proper network maintenance in the Requested Exchange. These conditions demonstrate both a substantial need for enhanced telecommunications services in the Requested Exchange and significant consumer demand for Red River's superior network capabilities and customer service offerings..

8. In addition to the foregoing, the grant of Red River's application and the treatment of the Requested Exchange as relinquished by Lumen is in the public interest. As demonstrated, Red River has substantially replaced Lumen as the ILEC in the Requested Exchange and consumers' migration from Lumen to Red River is a testament to the superiority of Red River' 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.⁶ Lumen can still continue to

⁵ See, e.g., Wahpeton City Hall, 1900 4th St N, Wahpeton, ND, National Broadband Map, available at https://broadbandmap.fcc.gov/location-summary/fixed?version=jun2024&location_id=439539b3-e80b-4d8d-bb93-c62422f01cfe&addr1=1900+4TH+ST+N&addr2=WAHPETON%2C+ND+58075&zoom=15.00&vlon=-96.604631&vlat=46.286801&br=r&speed=100_20&tech=1_2_3_4_5_6_7_8, last visited May 2, 2025.

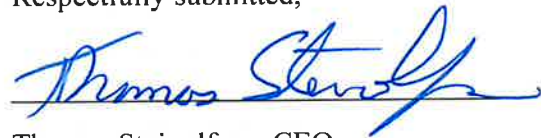
⁶ *In the Matter of Petition for Mid-Rivers Telephone Cooperative, Inc.*, 21 FCC Rcd 11506, 11514-11515 (2006). Red River currently operates as a CLEC in the Requested Exchange; accordingly, ILEC requirements are not currently applicable to Red River in the Requested Exchange.

operate in the Requested Exchange. This Commission has found the grant of a CPCN as an incumbent local exchange under substantially similar circumstances to be in the public interest.⁷

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

10. Red River 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,



Thomas Steinolfson, CEO

Red River Rural Telephone Association

Dated this 12 day of May, 2025

⁷ See, Order of the North Dakota Public Service Commission, Case Nos. PU-24-386 and PU-24-387, adopted March 26, 2025 (finding the application of Griggs County Telephone Co. to provide local exchange telecommunications service as the incumbent in the Leonard and Kindred exchanges to be in the public interest).

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

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”), Red River Rural Telephone Association (“Red River”) requests an expansion of its designation as an Eligible Telecommunications Carrier (“ETC”) to include the Wahpeton exchange (the “Requested Exchange”). In support hereof, Red River states as follows:

1. Red River 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 Abercrombie, Colfax, Fairmount, Great Bend, Hankinson, Lidgerwood, Mooreton, and Wyndmere exchanges, where it is the incumbent local exchange carrier (“ILEC”). Red River’s study area code (“SAC”) is 381631.

2. Red River has substantially overbuilt the incumbent – Lumen Technologies, Inc. (“Lumen”) – in the Requested Exchange with fiber, covering 98.5% of locations. Accordingly, the expansion of ETC designation by Red River does not involve the acquisition of assets.

3. It is in the public interest to expand the Red River ETC designated service area to incorporate the Requested Exchange. As indicated, Red River has substantially overbuilt Lumen (98.5%) and will complete its overbuild by the end of the 2025 construction season. Red River’s network is fully fiber-to-the-home, offering speeds up to 2.5 Gbps, while Lumen’s network consists predominantly of copper facilities that offer a speed of only 200Kbps within the city

6. Red River 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 "Thomas Steinolfson", written over a horizontal line.

Thomas Steinolfson, CEO

Red River Rural Telephone Association

Dated this 12 day of May 2025

limits of Wahpeton.¹ Furthermore, Red River maintains a spotless complaint record, having never been the subject of a telecommunications complaint filed with the Commission. In stark contrast, Lumen has generated approximately 80% of all telecommunications complaints across North Dakota, demonstrating a systemic pattern of service deficiencies throughout its operational territory, including the Requested Exchange. This Commission has granted ETC designation under substantially similar circumstances.²

4. Red River satisfies the requirements of Section 214(e) of the Communications Act for designation as an ETC in the Requested Exchange because Red River 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 Exchange, 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 Exchange has implemented 911 or enhanced 911 systems; and (iv) Lifeline support and toll limitation service to qualifying low income consumers.³

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.

¹ See, e.g., Wahpeton City Hall, 1900 4th St N, Wahpeton, ND, National Broadband Map, available at https://broadbandmap.fcc.gov/location-summary/fixed?version=jun2024&location_id=439539b3-e80b-4d8d-bb93-c62422f01cfe&addr1=1900+4TH+ST+N&addr2=WAHPETON%2C+ND+58075&zoom=15.00&vlon=-96.604631&vlat=46.286801&br=r&speed=100_20&tech=1_2_3_4_5_6_7_8, last visited May 2, 2025.

² See, Order of the North Dakota Public Service Commission, Case Nos. PU-24-386 and PU-24-387, adopted March 26, 2025 (finding the application of Griggs County Telephone Co. to be an ETC in the Leonard and Kindred exchanges to be in the public interest).

³ 47 U.S.C. 214(e); Affidavit of Thomas Steinolfson.

ATTACHMENT 1

STATE OF NORTH DAKOTA
BEFORE THE PUBLIC SERVICE COMMISSION

Application for Trade Secret

COMES NOW, Red River Rural Telephone Association d/b/a Red River Communications (“Red River”) 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, Red River states as follows:

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

Red River 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 Red River at an unfair competitive disadvantage.

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

Red River 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 Red River'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.

Red River'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, Red River provides one copy of the trade secret material in the enclosed sealed envelope labeled: ATTACHMENT 7-TRADE SECRET - PRIVATE.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Salvatore Taillefer, Jr.", written over a horizontal line.

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

Red River Rural Telephone Association

Dated this 12 day of May, 2025

ATTACHMENT 2

**STATE OF NORTH DAKOTA
BEFORE THE PUBLIC SERVICE COMMISSION

Affidavit of Thomas Steinolfson

I, Thomas Steinolfson, state under oath:

1. My name is Thomas Steinolfson, and I am the CEO of Red River Rural Telephone Association, ("Red River").

2. I submit this affidavit in support of Red River's application for a Certificate of Public Convenience and Necessity ("CPCN") in the Wahpeton exchange (the "Requested Exchange"), and to expand Red River' study area and ETC designated geographic service area to incorporate the Requested Exchange.

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 Exchange in its entirety. Lumen is the current incumbent local exchange carrier serving the Requested Exchange, and Red River has asked this Commission to treat Lumen as having relinquished the Requested Exchange from its study area.

b. In support of section 69-09-05-12 2.b: Red River currently meets all ETC obligations in its designated service area and will continue to meet those obligations in the Requested Exchange. Red River already meets all ETC obligations in portions of the Requested Exchange 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: Red River will not require a waiver of any ETC requirements.

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

e. In support of section 69-09-05-12 3.b: Red River 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 Exchange.

f. In support of section 69-09-05-12 3.c: I certify that Red River 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 spikes resulting from emergency situations.

g. In support of section 69-09-05-12 3.d: I certify that Red River 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 Red River 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 Red River 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, Red River asks the Commission to grant its request for expansion of its CPCN and ETC designation to incorporate the Requested Exchange,

which Red River has asked the Commission to treat as having been relinquished by Lumen. Red River 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,



Thomas Steinolfson, CEO

Red River Rural Telephone Association

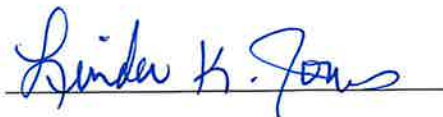
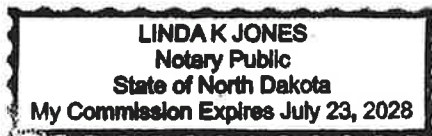
Dated this 12 day of May, 2025

STATE of NORTH DAKOTA

COUNTY of Richland

On this 12 day of May, 2025, before me, a Notary Public in and for said County and State, personally appeared Thomas Steinolfson, 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: July 23, 2028

ATTACHMENT 3

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08/14/2018 BY 60322
UCBAW/STP

ARTICLES OF INCORPORATION

of

RED RIVER RURAL TELEPHONE ASSOCIATION

The following amendments of Articles of Incorporation were adopted by the members of Red River Rural Telephone Association on March 17, 2016.

ARTICLE I

SECTION 1. The name of this Association shall be the Red River Rural Telephone Association.

SECTION 2. Its purpose shall be to conduct a telecommunications and information service business or any other business.

SECTION 3. The principal place of business: 510 Broadway Abercrombie, ND 58001.

ARTICLE II

The period of this Association shall be perpetual from and after the date of filing these Articles with the Secretary of State of the State of Minnesota.

ARTICLE III

The Association shall at all times be operated on a cooperative non-profit basis for the mutual benefit of its members.

ARTICLE IV

Registered Office Address and Agent
Street Address: 207 4th Street, Kent, MN 56553
The Registered Agent at the above address is: Gary Boutiette

ARTICLE V

The government of the Association and the management of its affairs shall be vested in a Board of Directors, which Board shall be elected by members at the Annual Meeting in accordance with the Bylaws.

ARTICLE VI

The names and address of the organizers of this Association are as follows:

Walter W. Garven
Loren Braton
Joesph Briks
D. H. Gunderson
Heye Hinrichs
Geo L. Janecky

Barnesville, Minnesota
Barnesville, Minnesota
Rothsay, Minnesota
Kent, Minnesota
Kent, Minnesota
Barnesville, Minnesota

ATTACHMENT 4

State of North Dakota

SECRETARY OF STATE



Certificate of Good Standing of RED RIVER RURAL TELEPHONE ASSOCIATION

SOS Control ID#: 0000019652

Certificate #: 027074430-1

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

RED RIVER RURAL TELEPHONE ASSOCIATION

a Cooperative Association - Foreign was formed under the laws of MINNESOTA and filed with this office effective July 30, 1953. This entity has, as of the date set forth below, complied with all applicable North Dakota laws.

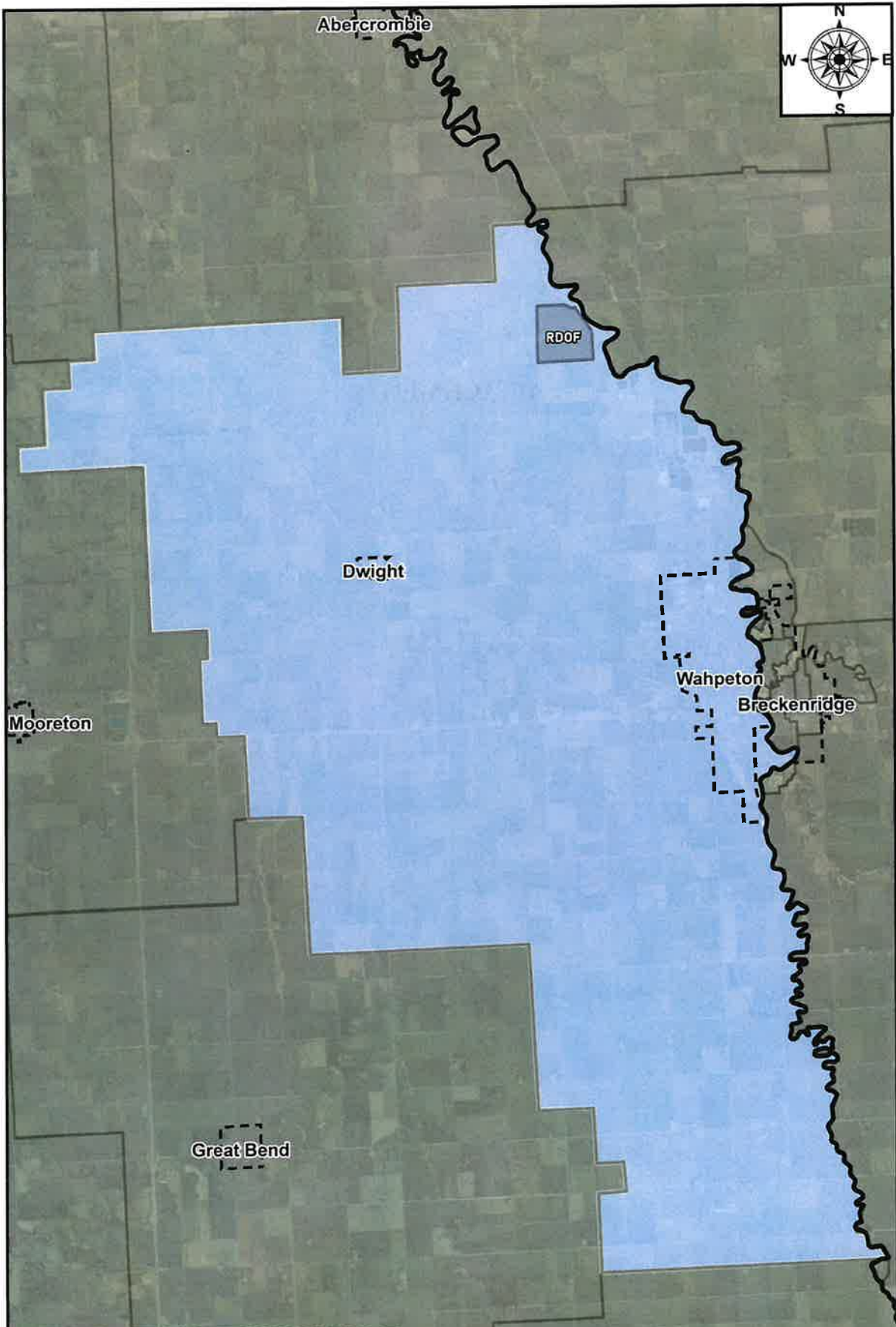
ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing.

DATE: May 2, 2025

A handwritten signature in cursive script that reads "Michael Howe".

Michael Howe
Secretary of State

ATTACHMENT 5



WAHPETON EXCHANGE



GIG-CERTIFIED
PROVIDER

701-553-9309

www.redrivercomm.com

510 Broadway | Abercrombie, ND 58001

Source: Ben Marx, Bartlett Geographics, and the GIS User Community

ATTACHMENT 6

REDACTED IN ENTIRETY