

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

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**Red River Rural Telephone Association  
Wahpeton Exchange  
Public Convenience and Necessity**

**Case No. PU-25-185**

**Red River Rural Telephone Association  
Wahpeton Exchange  
Designated Eligible Carrier Application**

**Case No. PU-25-190**

**Comments of Red River Rural Telephone Association**

Red River Rural Telephone Association d/b/a Red River Communications (“Red River”), by its attorneys, hereby files these comments in the above-captioned proceedings. As discussed in its initial applications, Red River has already almost completely overbuilt the Wahpeton exchange of North Dakota (the “Requested Exchange”), currently served by the incumbent Lumen Technologies, Inc. (“Lumen,” previously CenturyLink Communications, LLC), with a state-of-the-art fiber network that is comparable to the network Red River built to serve its own ILEC territory. Accordingly, Red River’s application for a Certificate of Public Convenience and Necessity (“CPCN”) and recognition as an incumbent local exchange carrier (“ILEC”) (the “CPCN Application”) and its application for expansion of its designation as an eligible telecommunications carrier (“ETC”) (the “ETC Application,” together, the “Applications”) meet the respective requirements and should be granted.

**I. Red River Possesses the Necessary Fitness and Ability to Provide Local Exchange Telecommunications Services as an ILEC**

Red River demonstrates exceptional fitness and ability through its 72-year operating history, having provided telecommunications services since 1953.<sup>1</sup> The company currently

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<sup>1</sup> Red River CPCN Application, ¶ 5.

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operates as ILEC in eight North Dakota exchanges: Abercrombie, Colfax, Fairmount, Great Bend, Hankinson, Lidgerwood, Mooreton, and Wyndmere.<sup>2</sup>

Red River's fitness is further evidenced by its actual provision of telecommunications services in the Wahpeton exchange since 2009.<sup>3</sup> The company has successfully served approximately 424 access lines and 736 broadband subscribers in the area,<sup>4</sup> demonstrating actual proven service delivery in the specific exchange at issue.

Red River also maintains an exemplary record with zero customer complaints filed with this Commission in the past ten years.<sup>5</sup> This spotless record stands in stark contrast to Lumen, which is the subject of approximately 80% of customer complaints to the Commission.<sup>6</sup> Moreover, Lumen has also received substantial federal penalties, including a \$16 million FCC fine for 2014 emergency services outages and a \$3.8 million civil penalty for 2020 911 service failures.<sup>7</sup> In 2020, Lumen was ordered to pay nearly \$9 million for overcharging customers in Minnesota.<sup>8</sup> Recent service disruptions include an April 2024 911 outage lasting approximately 50 minutes affecting 102 dispatch centers across multiple states, including North Dakota.<sup>9</sup> This

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<sup>2</sup> Red River CPCN Application, ¶ 1.

<sup>3</sup> Id. at ¶ 5.

<sup>4</sup> Id. at ¶ 7.

<sup>5</sup> Id. at ¶ 6.

<sup>6</sup> Id. at ¶ 7.

<sup>7</sup> In re CenturyLink, Inc., 30 FCC Rcd 2848 (April 6, 2015); In re CenturyLink, Inc. nka Lumen Tech., Inc., 36 FCC Rcd 17113 (December 17, 2021).

<sup>8</sup> Sepic, Matt. "CenturyLink to pay nearly \$9M in Minnesota overcharge case." MPR News, January 8, 2020, available at <https://www.mprnews.org/story/2020/01/08/centurylink-to-pay-nearly-9m-in-minnesota-overcharge-case> (last visited July 9, 2025).

<sup>9</sup> Huber, Makenzie. "Company with \$36 million SD 911 contract says outage caused by Missouri light pole installation," South Dakota Searchlight, April 18, 2024, available at <https://southdakotasearchlight.com/2024/04/18/centurylink-lumen-sd-911-outage-phone-service-missouri-light-pole-installation/> (last visited July 9, 2025).

Commission imposed a \$25,000 fine on Lumen in June of 2018 for 25,701 violations of North Dakota's One Call excavation notification law.<sup>10</sup>

Finally, Red River's management team demonstrates exceptional qualifications through CEO Thomas Steinolfson's approximately 36 years of telecommunications experience, the company's 32 dedicated staff members, and maintenance of a local office in the Wahpeton exchange at 7925 180 Ave SE, Wahpeton, ND.<sup>11</sup> Superior customer service metrics include same-day trouble ticket dispatch and customer call response times within 2 minutes.<sup>12</sup> This local presence and management expertise contrasts sharply with Lumen's documented customer service deficiencies; last year, the Washington Utilities and Transportation Commission filed a complaint against Lumen for excessive wait times to reach a live customer service representative and not providing required documentation to the commission.<sup>13</sup>

## **II. Red River's Telecommunications Services are More than Adequate**

Red River provides the same high-quality services it delivers in its existing ILEC territory.<sup>14</sup> The company has constructed a state-of-the-art fiber-to-the-home network covering 98.5% of the Wahpeton exchange, with completion of the remaining 1.5% planned by the end of the 2025 construction season.<sup>15</sup> Red River's network offers symmetrical speeds exceeding 2.5

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<sup>10</sup> John Hageman, "ND regulators fine CenturyLink after 25,701 One Call violations that company blames on password glitch," Inforum, June 18, 2018, available at <https://www.inforum.com/news/nd-regulators-fine-centurylink-after-25-701-one-call-violations-that-company-blames-on-password-glitch> (last visited July 17, 2025).

<sup>11</sup> Red River CPCN Application, ¶ 6.

<sup>12</sup> *Id.* at ¶ 6.

<sup>13</sup> Statement of the Washington Utilities and Transportation Commission, "UTC staff recommend \$252,000 plus penalty to CenturyLink for lack of documentation and customer service response times," UTC, March 14, 2024, available at <https://www.utc.wa.gov/news/2024/utc-staff-recommend-252000-plus-penalty-centurylink-lack-documentation-and-customer-service-response> (last visited July 18, 2025).

<sup>14</sup> Red River CPCN Application, ¶ 1.

<sup>15</sup> *Id.* at ¶ 5.

Gbps, maximum network capability of up to 10 Gbps (symmetrical), core network transport capabilities of 400 Gbps, and state-of-the-art managed Wi-Fi service.<sup>16</sup>

Lumen's service, on the other hand, fails to meet modern telecommunications adequacy standards. Its network in Wahpeton consists predominantly of aging copper facilities with minimal fiber connectivity limited to select business locations, supporting speeds of only 200 Kbps at many locations within Wahpeton city limits.<sup>17</sup> Multiple review platforms show common complaints about customer service responsiveness, DSL speed consistency, and billing issues.<sup>18</sup>

### **III. Red River Possesses Superior Technical, Financial and Managerial Ability**

Red River's technical ability is demonstrated through complete fiber-to-the-home network deployment covering 98.5% of the Wahpeton exchange, as detailed in Section II above. Red River's financial capability is evidenced by successful completion of substantial infrastructure investment in the Wahpeton exchange, approval for Rural Digital Opportunity Fund (RDOF) support for three rural locations, award of a North Dakota American Rescue Plan Act Broadband Grant in 2023, and required financial documentation provided as Exhibit 2 to the application.<sup>19</sup> Red River's managerial excellence, as detailed in Section I above, includes 36-year management experience under CEO Thomas Steinolfson, combined with local presence and dedicated staffing.

At the same time, Lumen has abandoned rural service obligations and demonstrated financial inability or unwillingness to fulfill federal program commitments. Specifically, Lumen

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<sup>16</sup> Red River CPCN Application, ¶ 5.

<sup>17</sup> *Id.* at ¶ 7.

<sup>18</sup> See, e.g., CompareInternet.com, "CenturyLink Internet Service Review 2025," October 9, 2024, <https://www.compareinternet.com/reviews/centurylink/>, BroadbandNow, "2025 CenturyLink Customer Reviews," August 16, 2023 <https://broadbandnow.com/CenturyLink-reviews>.

<sup>19</sup> Red River CPCN Application, ¶ 4-5.

received a \$262.3 million RDOF award in December 2020 to serve 77,257 locations across 20 states but voluntarily relinquished all awarded locations through defaults between August 2024 and June 2025.<sup>20</sup> Lumen has also maintained a historical pattern of rural exchange sales dating to the 1990s, which continues today with its announcement in May 2025 that it has agreed to sell its consumer fiber business to AT&T for \$5.75 billion.<sup>21</sup>

#### **IV. The Exchange Should Be Relinquished from Lumen's Study Area and its Certificate Should be Transferred to Competitive Local Exchange Service**

Lumen should be deemed to have relinquished the Wahpeton exchange based on its growing trend of service abandonment. As established above, Lumen offers sub-standard service within Wahpeton city limits and has been the subject of the majority of all telecommunications complaints filed with this Commission over the past decade.

The company's \$262.3 million default affecting 77,257 locations in the RDOF program, as discussed in Section III, directly contradicts ILEC service obligations requiring comprehensive service to all locations within an exchange. Lumen's stated reasons for default included "rising deployment costs and inaccurate location counts," demonstrating an inability to fulfill service commitments when economic conditions change.<sup>22</sup>

Lumen's May 2025 agreement to sell its consumer fiber business to AT&T, referenced in Section III above, demonstrates strategic withdrawal from residential and rural markets

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<sup>20</sup> Federal Communications Commission, "Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes," Public Notice DA 20-1422, December 7, 2020; Neenan, Jake, "Lumen Fully Exited from Rural Digital Opportunity Fund," Broadband Breakfast, June 18, 2025, available at <https://broadbandbreakfast.com/lumen-fully-exited-from-rural-digital-opportunity-fund/> (last visited July 18, 2025).

<sup>21</sup> AT&T, "AT&T to Acquire Lumen's Mass Markets Fiber Business," May 21, 2025, available at <https://about.att.com/story/2025/lumen-mass-markets-fiber-business.html> (last visited July 18, 2025).

<sup>22</sup> Federal Communications Commission, "WCB Announces Lumen RDOF Defaults and BDAP Procedures," Public Notice DA 24-899, September 9, 2024

fundamentally incompatible with ILEC service obligations. Its documented pattern of emergency services failures, including the April 2024 911 outage and June 2025 nationwide internet outage referenced in Section I above, demonstrates systemic reliability issues incompatible with ILEC obligations to provide essential communications services.

Finally, consumer migration provides clear market evidence of Lumen's inadequate performance and effective abandonment of the exchange. Red River estimates it currently serves approximately 45% of access lines and 23% of broadband subscribers in the exchange.<sup>23</sup> This substantial customer migration from the incumbent to Red River's superior service offerings demonstrates market rejection of Lumen's inadequate service and customer preference for Red River's modern infrastructure and service quality.

In light of these myriad factors, the Commission should formalize Red River's role as ILEC while transferring Lumen to competitive status, where it can continue to operate without the comprehensive service obligations it has a demonstrated inability to fulfill.

**V. Red River Qualifies Under Section 214(e) for ETC Designation**

Red River satisfies all requirements of Section 214(e) of the Communications Act as a common carrier that will offer voice grade access to the public switched network, minutes of use for local service at no additional charge, access to emergency services (911 and enhanced 911), and Lifeline support and toll limitation service to qualifying low-income consumers.<sup>24</sup> Red River already holds ETC designation in its eight existing ILEC exchanges under Study Area Code 381631, demonstrating proven ability to fulfill ETC obligations and manage universal service

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<sup>23</sup> Red River CPCN Application, ¶ 7

<sup>24</sup> Red River ETC Application, ¶ 4; 47 U.S.C. 214(e)

support.<sup>25</sup> This existing ETC experience provides concrete evidence of Red River's qualification and capability to fulfill Section 214(e) requirements in the Wahpeton exchange.

Red River has been approved for RDOF support and designated as an ETC for three rural locations in the Wahpeton exchange, providing further validation of its ETC qualifications.<sup>26</sup> This federal recognition demonstrates that Red River meets all technical, financial, and operational requirements for ETC status and can effectively manage universal service support mechanisms.

And, as established in Section II above, the company's fiber-to-the-home network covering 98.5% of the Wahpeton exchange ensures Red River can provide universal service supported telecommunications to all locations within the designated area, meeting the fundamental ETC requirement to serve the entire designated service area.

#### **VI. Current Exchange Boundaries are the Appropriate Support Area**

The appropriate ETC universal service support area should encompass the entire Wahpeton exchange as currently defined. This geographic designation aligns with Red River's existing network deployment covering 98.5% of locations, as detailed in Section II above, the current exchange boundaries established for telecommunications service, and Red River's planned completion of network deployment by end of 2025 construction season.

#### **VII. Red River's ETC Designation is in the Public Interest**

Red River's ETC designation objectively serves the public interest. As detailed above, the quality and reliability of Red River's fiber network in Wahpeton is leaps-and-bounds above the existing Lumen infrastructure. This improvement in service quality directly serves the public

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<sup>25</sup> Red River ETC Application, ¶ 1

<sup>26</sup> Red River CPCN Application, ¶ 5; Red River ETC Application footnote 3 (PU-21-088).

interest by ensuring reliable telecommunications service for residential, business, and emergency communications.

At the same time, Red River carries none of the regulatory failings with which Lumen's record is fraught. Red River's spotless complaint record and superior customer service metrics detailed in Section I above will eliminate the service quality issues that have generated 80% of statewide telecommunications complaints against Lumen. Moreover, Red River's ETC designation aligns with federal broadband deployment priorities, as evidenced by the company's successful RDOF participation and ARPA grant award referenced in Section III above, contrasting sharply with Lumen's default on the RDOF program.

Finally, this Commission has recently found ETC designation under substantially similar circumstances to be in public interest. Specifically, on March 26, 2025, the Commission approved Griggs County Telephone Co.'s ETC application for the Leonard and Kindred exchanges, relying on many of the same factors evidenced here.<sup>27</sup>

#### **VIII. Lumen's ETC Designation Should be Transferred to Competitive Service**

Lumen's ETC designation should be relinquished or transferred to competitive service based on the same evidence supporting transfer of its ILEC certificate detailed in Section IV above. If this Commission finds that Lumen should relinquish its ILEC status in favor of Red River, it would be consistent to do the same for its ETC designation. Lumen's systematic divestiture from rural markets and major default in a federal support program, both detailed in Section III above, fundamentally contradict ETC obligations requiring long-term commitment to serve designated areas.

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<sup>27</sup> Griggs' ETC Application, footnote 9 (Order of the North Dakota Public Service Commission, Case Nos. PU-24-386 and PU-24-387, adopted March 26, 2025)

**IX. Conclusion**

For the forgoing reasons, Red River respectfully requests that the Commission grant both applications based on concrete evidence of superior fitness, capability, and public interest benefits. Red River possesses a 72-year history of telecommunications excellence, zero regulatory complaints in ten years, 98.5% fiber-to-the-home coverage in Wahpeton exchange, multi-gigabit service capabilities, successful federal program participation and RDOF/ARPA grant management, superior customer service metrics, and local management presence and commitment. Lumen presents disqualifying factors including \$262.3 million RDOF default affecting 77,257 locations, responsibility for 80% of statewide telecommunications complaints, sub-broadband 200 Kbps service delivery, multiple federal enforcement actions totaling over \$19 million, recent 911 service failures affecting multiple states, and systematic pattern of rural exchange abandonment since the 1990s.

Respectfully submitted,



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

Counsel to Red River Rural  
Telephone Association

## DECLARATION OF THOMAS STEINOLFSON

I, Thomas Steinolfson, hereby declare the following:

1. I am the Chief Executive Officer of Red River Rural Telephone Association.
2. The foregoing **Comments** were prepared under my direction and supervision.
3. I declare under the penalty of perjury that the factual information and representations made in the foregoing are true and correct to the best of my knowledge, information, and belief.

Executed this 19<sup>th</sup> day of July, 2025.

A handwritten signature in black ink, appearing to read "Thomas Steinolfson", written over a horizontal line.

Thomas Steinolfson, CEO

Red River Rural Telephone Association