



October 10, 2025

VIA ELECTRONIC MAIL

Mr. Victor Schock
Director, Public Utilities Division
North Dakota Public Service Commission
600 E. Blvd. Avenue, Dept. 408
Bismarck, North Dakota, 58505-0480

RE: Comments relating to CenturyLink "Petition for Partial Relinquishment of ETC Designation in the Leonard Exchange"

Dear Mr. Schock:

The Broadband Association of North Dakota (BAND) presents these comments in response to the "Notice of Opportunity for Comment" issued by the North Dakota Public Service Commission (Commission) in the above referenced proceeding on August 7, 2025. As indicated by that Notice, the Qwest Corporation d/b/a "CenturyLink" has filed an application requesting a relinquishment of its designation as an Eligible Telecommunications Carrier (ETC) in the area known as the Leonard Exchange.

BAND presents these comments on behalf of all of BAND's cooperative and commercial "rural telephone companies" to support the comments filed in this matter by the Griggs County Telephone Company (Griggs) and to join Grigg's objection to CenturyLink's separate request that the Commission decline any modifications in this proceeding to CenturyLink's existing Certification of Public Convenience of Necessity (CPCN). As to this request, CenturyLink offers very little, stating merely that "[i]t is possible customer needs may arise that require CenturyLink service moving forward and that "it prefers to maintain its ability to serve the [exchange] area in the future." In response to this request that CenturyLink's CPCN should not be affected by this proceeding, BAND would first note that this Commission has already by its "Order" of March 26, 2025 (in case numbers PU-24-386 and PU-24-387) granted both ILEC status and ETC status to Griggs County Telephone, and further ordered that both the Leonard and Kindred exchanges are added to Griggs federally established "study area" and removed from CenturyLink's existing North Dakota study area. Given this prior Commission action and also CenturyLink's admitted plans in this proceeding to abandon its copper network plant and completely discontinue its analog "legacy" telecommunications service in the Leonard exchange, there appears to be no proper basis for CenturyLink to retain its existing CPCN for that exchange. At this point, as to any future communications service to be offered in the exchange area to be relinquished, CenturyLink indicates only that it will be notifying customers who "currently subscribe to its legacy voice service" that they "may be eligible to receive CenturyLink Connect Voice with "Air-Line" (a service which constitutes a wireless, VoIP, non-regulated voice service). Also, as part of this same notice, CenturyLink plans to inform customers that it will discontinue its existing "voice-grade telephonic communications channels" as of October 6, 2025 (or after the date it receives required FCC and state regulatory approvals).

The Petition for relinquishment filed offers absolutely no information suggesting that CenturyLink will either soon or at any time in the foreseeable future offer any non-VoIP, voice telephony service that would require it to hold a certificate of public convenience and necessity under the North Dakota statutes or administrative rules (see NDCC §§ 49-21-01.9 and 49-21-02.4 and NDAC §§ 69-09-05-11 and 69-09-05-10). The Commission's website confirms that

“telecommunications companies that are not incumbent telecommunications companies and are solely providing Internet protocol-enabled service as defined under North Dakota Century Code section 49-21-01(9), or solely providing voice over internet protocol service as defined under North Dakota Century Code section 49-21-01(22), are not required to register with, or obtain a certificate of public convenience and necessity from, the Public Service Commission before providing telecommunications services in North Dakota.” The website also states that any “company reselling local or long-distance telecommunications services and facilities in North Dakota, as defined under North Dakota Administrative Code section 69-09-05-04, is required to register with the Public Service Commission.” If CenturyLink chooses to at some undetermined date in the future a voice service which requires a CPCN they can certainly apply for a CPCN at that point in time. There is no acceptable rationale for keeping CenturyLink’s current CPCN “on the shelf” to make it easier for the company and account for its unspecified and unknown future actions.

If the only service CenturyLink may offer to its existing customers in the Leonard exchange is the wireless, VoIP based, “Connected Voice Service with Airline” this alone does not support CenturyLink retaining its current CPCN authorization for the Leonard exchange. The CPCN authority granted by this Commission to CenturyLink was based on CenturyLink’s status as an “incumbent local exchange carrier” providing fully regulated voice telephony services within its North Dakota exchange areas, including the Leonard exchange. The Commission has already determined that the Leonard exchange is no longer part of CenturyLink’s federally or state recognized “study area” and is now addressing in this proceeding a request by CenturyLink to relinquish its ETC obligations in the Leonard exchange area. If that request is granted by the Commission, it should also in this proceeding clarify, consistent with CenturyLink’s new non-incumbent LEC status and the current administrative rules, that CenturyLink’s CPCN as it relates to the Leonard exchange is abandoned.¹

BAND supports Commission action in this proceeding allowing for the CenturyLink relinquishment of ETC status in the Leonard exchange but also urges the Commission to make it clear within any final order issued in this case that CenturyLink’s existing certificate of public convenience and necessity (which authorized and extended to legacy voice telephony services) will no longer extend to the Leonard exchange area. Like all other companies which serve as Competitive Local Exchange Carriers or provide VoIP services, if CenturyLink does offer its wireless, VoIP Air-Line” services in the Leonard exchange it will instead need to first comply with the Commission’s “registration” requirement applicable to such services.

BAND greatly appreciates the opportunity to comment in this proceeding, thank you.

Sincerely,



Carissa Swenson
Executive Director
BAND

¹ The Commission rule provisions addressing certificates of public convenience and necessity for telephone services, at NDAC § 69-09-05-11, expressly indicate that CPCNs should be issued to an “incumbent local exchange company.” In addition, the rules indicate that the Commission must give its approval to any “abandonment” of a CPCN by an incumbent local exchange company.