

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

In the Matter of	)	
	)	
Application of Baraga Telephone Company	)	
for Designation As An Eligible	)	Docket No. U-11548
Telecommunications Carrier to Receive	)	
Rural Digital Opportunity Fund Phase I Auction	)	
(Auction 904) Support for Voice And Broadband	)	
Services	)	

**APPLICATION OF BARAGA TELEPHONE COMPANY FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER TO RECEIVE RURAL DIGITAL
OPPORTUNITY FUND PHASE I AUCTION (AUCTION 904) SUPPORT FOR VOICE
AND BROADBAND SERVICES AND
REQUEST FOR EXPEDITED CONSIDERATION**

Baraga Telephone Company (“BTC” or the “Company”) respectfully submits this Application for Expanded Designation as an Eligible Telecommunications Carrier (“ETC”) to the Michigan Public Service Commission (“Commission”) pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”),¹ Sections 54.201 and 54.202² of the rules and regulations of the Federal Communications Commission (“FCC”), and in accordance with the Commission’s requirements as set forth in Sections 201 and 203 of the Michigan Telecommunications Act (“MTA”)³ and the Commission’s October 18, 2005 Order in Case No. U-14530 and December 20, 2012 Order in Case No.’s U-14535, U-16959 and U-17182. BTC, was selected as a winning bidder in Michigan⁴ under the FCC's Rural Digital Opportunity Fund

¹ 47 U.S.C. § 214(e)(2).

² 47 C.F.R §§ 54.201 and 54.202.

³ MCL 484.2201 and MCL 484.2203

⁴ See *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidder Announced; FCC Form 683 Due January 29, 2021*, AU Docket No. 20-34, WC Docket Nos. 19-126 and 10-90, Public Notice, DA 20-1422, (rel. Dec. 7, 2020) (“*Auction 904 Results Notice*”).

(“RDOF”) Phase I Auction (Auction 904) (the “RDOF Auction”).⁵ However, BTC’s receipt of RDOF funding is conditioned upon it obtaining designation as an ETC in the eligible census blocks by June 7, 2021.⁶ Accordingly, BTC seeks to expand its existing ETC designation⁷ to include the census blocks for which it was awarded funding from the RDOF Auction, as identified in **Exhibit A** (“Proposed Service Area”).

The Company is currently designated by the Commission as an ETC in BTC’s traditional incumbent local exchange (“ILEC”) service area. The RDOF Order and FCC Rule Section 54.803 require that any successful bidder must receive an ETC designation in the geographic area for which it was that successful RDOF bidder as a precondition to actual receipt of RDOF funds. The census blocks where BTC is to receive RDOF funding are located within an area where AT&T Michigan is the incumbent price cap carrier. Pursuant to RDOF requirements, these census blocks were determined by the FCC to be eligible for RDOF funding because there currently is no broadband service of 25/3 Mbps or greater available to businesses and residents in the area.

Section 214(e)(2) of the Act authorizes the Commission to designate a company that meets the requirements of Section 214(e)(1) of the Act, such as BTC, as an ETC. As demonstrated in this Application, BTC meets all state and federal requirements for ETC designation, and, as shown by the description herein of BTC’s planned voice and broadband deployment projects, designating the Company as an ETC in the proposed areas would advance the goals of universal service and is in the public interest.

⁵ See *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, Public Notice, FCC 20-77, 35 FCC Rcd 686 (2020) (“*Auction 904 Procedures Public Notice*”).

⁶ *Auction 904 Results Public Notice*, para. 17 on p. 7.

⁷ Baraga was previously granted a license by the Commission to provide basic local exchange service as a CLEC in the AT&T Michigan Upper Peninsula exchanges of Calumet, Houghton Lake, Linden, and Keewenaw. See Commission Order dated September 23, 1998. In Case No. U-11720. Baraga’s CLEC license was expanded to include the entire Upper Peninsula. See Commission Order dated June 5, 2001 in Case No. U-12869.

In support of this Application, BTC states as follows:

I. BACKGROUND

BTC is a Michigan Company headquartered at 204 State Ave Baraga, Michigan, 49908.

BTC is a rate-of-return ILEC founded in 1907 to connect remote areas around the community of Baraga, Michigan. BTC is a family-owned small business with multi-generational ties to the community. Over the decades, BTC grew its telephone exchange in the Upper Peninsula and includes the entire reservation of the Keweenaw Bay Indian Community. BTC became a provider of dial-up Internet service in 1995, and the Company has continued to evolve its internet connectivity through DSL and now FTTH. BTC finds innovative solutions to deploy high-speed broadband to remote areas of the Upper Peninsula despite extreme weather conditions and challenging terrain. BTC is a 50 percent partner in Peninsula Fiber Network, LLC (“PFN”), a middle-mile fiber optic network service provider. PFN serves the State of Michigan as well as parts of Wisconsin and Minnesota. Almost all of Michigan’s 911 call traffic transports through PFN’s and BTC’s collective network. Currently, BTC has about 4,350 telephone lines and over 3,000 internet customers, of which about 500 have FTTH. In addition to expanding its FTTH footprint in CLEC areas, BTC is also rebuilding its older copper cable in its ILEC and CLEC service areas with self-funded deployment plans, as well as with funds from Alternative Connect America Model (“A-CAM”) II and RDOF programs.

II. COMMUNICATIONS AND CORRESPONDENCE

Pleadings, orders, notices, or other correspondence and communications regarding this

Application should be provided to:

M. Koray Inal
Vice President
Baraga Telephone Company
PO Box 9
Baraga, MI 49908
906-353-6644
kinal@up.net

With a copy to:

Paul Stark
President
Baraga Telephone Company
PO Box 9 Baraga, MI 49908
906-353-6644
pwstark@up.net

III. BTC'S PROPOSED PARTICIPATION IN THE FCC'S RDOF AUCTION

A. Background on the RDOF Auction

On January 30, 2020, the FCC adopted the *Rural Digital Opportunity Fund Report and Order*,⁸ establishing the framework for the RDOF including the use of reverse auctions in two phases. The RDOF was implemented to provide \$20.4 billion to connect millions of rural homes and businesses to high-speed broadband networks as part of the FCC's biggest step to close the digital divide.⁹ On July 11, 2020, the FCC adopted final procedures for Phase I of the RDOF Auction, which utilized competitive bidding to allocate up to \$16 billion over ten years to service

⁸ See generally *Rural Digital Opportunity Fund; Connect America Fund*, Order, 35 FCC Rcd 686 (2020) (*Rural Digital Opportunity Fund Order*).

⁹ Id.

providers that commit to offer voice and broadband services to fixed locations in eligible unserved high-cost census blocks.¹⁰

B. BTC's Selection as a Winning Bidder

The RDOF Auction began on October 29, 2020 and completed on November 25, 2020. On December 7, 2020, the FCC issued a Public Notice, officially announcing the results of the competitive bidding.¹¹ The FCC provisionally selected BTC as a winning bidder for a total of 164 locations, with \$44,449.08 annual support amount.¹² As a winner in the RDOF Auction and a recipient of RDOF support, BTC is required to offer at least one standalone voice plan and one service plan providing broadband at speeds of at least 1 Gbps with a latency at or below 100 ms. BTC is required to build out to 40% of the requisite number of locations in Michigan within three years of authorization.¹³ This performance benchmark increases by 20% by the end of the fourth and fifth years of support.¹⁴ By the end of year six, revised location totals will be announced.¹⁵ If there are fewer locations than originally estimated by the cost model, BTC must serve the revised number of locations by the end of the sixth year of support.¹⁶ If there are more locations than originally estimated by the cost model, BTC must serve the original number of locations estimated by the cost-model by the end of the sixth year of support and must serve the rest of the locations by the end of the eighth year of support.¹⁷

C. Need for Expedited ETC Designation

The FCC's rules for the RDOF Auction did not require that participants be an ETC as of the

¹⁰ *Auction 904 Procedures Public Notice*, para. 1.

¹¹ *Auction 904 Results Public Notice*, Attachment A. at p. 18.

¹² *Id.*

¹³ *Auction 904 Procedures Public Notice*, para. 17.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

initial short-form application filing deadline.¹⁸ Instead, a company that is awarded support is expected to obtain an ETC designation (encompassing receipt of high-cost support) for the areas covered by its successful bids within 180 days after being announced as a winning bidder.¹⁹ Winning bidders must submit appropriate documentation of such ETC status to the FCC.²⁰ As noted, BTC has been selected as a winning bidder in the RDOF Auction for three Census Block Groups in Michigan. Because the timeframe for BTC to obtain ETC designation is short and the consequences of failure to do so are severe, BTC respectfully requests that the Commission review this Application promptly and grant BTC ETC designation in the Proposed Service Area on an expedited basis.

The FCC made it clear that it was adopting a flexible approach for state commissions to use in making an ETC determination for RDOF purposes. As the FCC held in the RDOF Order,

81. *Eligible Telecommunications Carrier Designation.* We adopt the same CAF Phase II flexibility with respect to ETC designations and do not require an applicant to obtain its designation as an ETC in the areas where it seeks support prior to bidding in the Rural Digital Opportunity Fund auction. We do, however, require an applicant to disclose in its short-form application its status as an ETC in any area for which it will seek support or if it will become an ETC in any area where it wins support. We are not persuaded that we should require an applicant to secure its ETC designation prior to the auction. As we determined in CAF Phase II, permitting entities to obtain ETC designation *after* the announcement of winning bidders for support, encourages broader participation in the competitive process by a wider range of entities. Additionally, our experience with CAF Phase II indicates that most applicants were ultimately designated within the long form review period, even if it took them longer than the ETC designation proof deadline. We will continue to presume that an entity acted in good faith if it files its ETC application within 30 days of the release of the public notice announcing that it is a winning bidder...

Traditionally, ILECs have sought and received the designation as an ETC for USF high cost support purposes only in their original ILEC service territory, usually the same area as their “study

¹⁸ *Auction 904 Procedures Public Notice*, para. 136.

¹⁹ *Id.*

²⁰ *Id.*

area.” However, the FCC has recognized that flexibility in this approach is required to encourage ILECs, among other entities, to submit bids during the CAF and RDOF Auctions to seek funds to provide broadband service in price cap areas which are outside of the ILECs’ current ETC designative areas. Implicit FCC approval for an ILEC to receive an ETC designation outside its ILEC territory is evident from the fact that ILECs, throughout the country, including BTC in Michigan, were successful bidders during the RDOF auction. This flexible approach to an ETC designation by a state commission for an ILEC in an area outside its traditional ILEC service territory for purpose of eligibility for CAF Phase II funding was recently demonstrated by the Public Service Commission of North Dakota and South Carolina, respectively.

In BEK Communications Cooperative Designated Eligible Carrier Application (Case No. PU-18-342), the North Dakota Public Service Commission (“North Dakota PSC”) was presented with a situation comparable to that of Baraga in the present application. There BEK was the successful bidder during the CAF Phase II auction for specified census blocks in North Dakota outside the BEK ILEC territory, and it was required to obtain ETC status in those census blocks to be eligible for CAF II funds. In concluding that BEK should receive an ETC designation in CAF Phase II outside its ILEC service territory; the North Dakota PSC stated in part as follows in the Order attached as Exhibit D hereto:

A telecommunications carrier is eligible to receive federal universal service support if the company meets the requirements established under 47 USC § 214(e)(1) and defined in 47 CFR Part 54. These requirements are: (1) company must provide each of the supported telecommunication services listed by the Federal Communications Commission (FCC); (2) company must offer and advertise the availability of, and charges for, such services through the supported areas; (2) company must certify that it will comply with the service requirements applicable to the support it received; (4) submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant’s network throughout the supported areas, and (5) demonstrate that it will satisfy consumer protection and service quality standards.

The FCC has specified the geographic areas, CAF Phase II areas, that will receive

funding and BEK was awarded CAF Phase II support for the areas listed in Exhibit B of its September 13, 2018 application...

* * *

It is in the public interest that BEK be designated as an ETC in the CAF Phase II areas as requested. Under North Dakota Administrative Code Section 69-09-05-12, the Commission shall determine that the designation of BEK as an ETC is in the public interest. In doing so, the Commission shall consider the benefit of increased consumer choice and the unique advantages and disadvantages of the applicant's service offering. It is significant that subscribers in these CAF Phase II areas will have access to high speed broadband. The provision of adequate essential and nonessential telecommunications service in these exchanges will be facilitated and supported by the full current technical and financial capabilities of BEK. BEK Order at pp 1 and 2.

Similarly, in *In Re Application of Horry Telephone Cooperative, Inc. for Designation as an Eligible Telecommunications Carrier in Certain Census Blocks...*, Docket No. 2018-346-C, the Public Service Commission of South Carolina ("South Carolina PSC") was asked to designate Horry Telephone Cooperative ("Horry"), as an ETC outside its ILEC service territory in 80 census blocks for which it was the successful bidder in the CAF Phase II auction. The South Carolina PSC painstakingly applied the ETC requirements in Section 214(e) of the Communications Act of 1934, 47 USC § 214(e) as amended, and Section 54.201(d) of the FCC Rules to find that Horry met the ETC requirements in those 80 census blocks outside its ILEC territory. The South Carolina PSC Order granting Horry's requested ETC designation is attached as Exhibit C hereto.

The Commission has customarily granted ETC designation in areas not smaller than an entire exchange or wire center, although there is no specific requirement in Michigan law for such a minimum action. However, it is instructive to note that the South Carolina PSC granted a specific waiver of a PSC rule which would have prohibited an ETC designation in an area smaller than a wire center, finding:

13. HTC also requests a waiver of R. 103-690C(b) to the extent it would prohibit designation of HTC as an ETC in an area smaller than a wire center. The FCC has established a mechanism to ensure the deployment of broadband to unserved and underserved areas. It has done so by undertaking a granular analysis, at the census

block and location level, to target funding to such areas. We find that HTC's request for designation at the census block level is in the public interest, as it will allow HTC to obtain available federal funding to serve the Funded Areas, which otherwise likely would remain unserved or underserved. PSC Order at pp 20-21.

The Commission has taken such a granular approach to ETC designations for successful bidders in other CAF auctions. For example, in Case No. U-17861, the Commission granted an expanded ETC designation to Midwest Energy Cooperative in just the census blocks in which it was a successful CAF II auction bidder. See Commission Order dated February 21, 2019 in Case No. U-17861. BTC represents that the Commission follow the spirit of such a "granular analysis" and grant it an expedited expanded ETC designation in the census blocks which represent an area smaller than an entire exchange or wire center.

IV. BTC AND ITS TECHNICAL QUALIFICATIONS

A. BTC's Expertise and Experience

BTC is qualified to meet applicable RDOF obligations given its proven track record of technical and commercial success operating as a provider of telecommunications services for over 100 years. BTC will leverage its resources and extensive experience as a provider of telecommunications services in the Proposed Service Area. BTC's technical qualifications have been reviewed by the FCC per the RDOF application requirements. BTC is proud to have at its disposal its long-term and experienced employees that are familiar with the residents and businesses in the Proposed Service Area and have established relationships with contractors and officials in the Proposed Service Area. BTC deploys approximately 40 miles of optical fiber in a construction season and adds approximately 40 new high-speed broadband customers per year across its ILEC and CLEC service territories. BTC has its own construction division, and the Company also leverages its expertise from PFN's large-scale fiber build-out projects. This expertise made it possible for BTC to confidently participate in the RDOF Auction with the

certainty that the Company will be able to fulfill its obligations. BTC continually builds on its 100+ year history of providing critical telecommunications services to the rural businesses and residents of the Upper Peninsula and connecting them to the world. BTC has experience managing the technical and customer service-related issues associated with the provision of consumer telecommunications services. BTC will apply this same level of customer service and service quality to its future broadband and voice customers in the Proposed Service Area.

B. BTC's Services and Network Architecture

With RDOF support, BTC will jump-start high-speed Internet service in an area that has been mostly unserved or underserved. BTC will construct a fiber-to-the-home ("FTTH") network to deliver reliable, high-speed broadband to homes and businesses in the Proposed Service Area. BTC will also provide voice services, as required by the terms of the RDOF. BTC will construct its FTTH network as an extension of its existing infrastructure. BTC's proposed network will pass about 200 homes at the end of the ten-year period and the Company expects to have 70 voice and 140 broadband customers. BTC's new subscribers primarily subscribe to a broadband-only service offering, and the company has experienced steady declines in voice-only subscribers and revenue, consistent with prevailing trends in the industry.

As stated, BTC is required to offer at least one service plan providing broadband at speeds of at least 1 Gbps with a latency at or below 100 ms. BTC is currently conducting market research to determine what mix of services potential customers would prefer and the terms upon which the services are offered. BTC will make services available based on customer demand. BTC's initial plans are to utilize its existing plan and pricing structure. However, BTC is still studying its offering details, including whether and, if so, what it will charge for equipment, installation, and other services or equipment for the RDOF funded areas per the RDOF service requirements.

Nonetheless, the following are representative examples of the Internet services BTC will offer customers in the Proposed Service Area. BTC's thus existing FTTH broadband service provides 500/50 Mbps bi-directional speeds at \$49.95 per month with faster speed plans, such as 1 Gbps, also being available. BTC will provide its customers with voice grade access to the Public Switched Telephone Network ("PSTN") at approximately \$30/month. To the extent BTC's contract includes a minimum term, Lifeline subscribers will not be subject to such requirement.

RDOF support will allow BTC to build its fiber optic network throughout the Proposed Service Area, which is geographically adjacent to BTC's existing rural incumbent local service provider study area. Through ongoing construction and installation of its fiber optic network, BTC is a facilities-based provider with a growing footprint in the Upper Peninsula region. BTC's FTTH network will be the backbone of the high-speed, reliable services on which BTC's customers will rely. BTC will provide customers with competitively superior broadband and voice services now and into the future. Accordingly, grant of this Application is vital for consumers in the Proposed Service Area to be able to receive high speed broadband.

V. COMMISSION HAS AUTHORITY TO DESIGNATE BTC AS AN ETC

BTC is an ETC, which the Commission granted in 1997. The Commission has the authority to designate BTC as an ETC in the Proposed Service Area as well, pursuant to Section 214(e)(2) of the Act. Pursuant to Section 214(e)(2) of the Act, a State commission shall, upon its own motion or upon request, designate a common carrier, who meets the requirements of Section 214(e)(1), as an ETC for purposes of receiving universal service support in a service area designated by the State commission.²¹ Sections 54.201(c) and (d) of the FCC's rules reflect the provisions of Section 214(e) of the Act and provide that, "upon request and consistent with the public interest, convenience, and

²¹ 47 U.S.C. §§ 214(e)(1)-(2).

necessity, the state commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the state commission, so long as each additional requesting carrier meets the requirements” of Section 54.201(d) of the FCC’s rules.²² Therefore, the Commission has jurisdiction over BTC’s designation request and has the authority to designate BTC as an ETC for purposes of receiving universal service support in the Proposed Service Area.

VI. BTC MEETS THE STATE AND FEDERAL STATUTORY AND REGULATORY REQUIREMENTS FOR ETC DESIGNATION

BTC meets all applicable federal and state requirements for designation as an ETC in Michigan. As shown below, BTC meets the requirements outlined in Section 214(e)(1) of the Act²³ and Section 54.201(d) of the FCC’s rules,²⁴ as well as the additional requirements for ETC designation under Section 54.202 of the FCC’s rules.²⁵ Furthermore, the Michigan Telecommunications Act encourages “the introduction of new services, the entry of new providers, the development of new technologies, and increase investment in the telecommunication infrastructure.”²⁶ BTC reviewed the ETC Applicant Checklist published by the Commission and this Application complies with all requirements contained therein.²⁷ Therefore, it is appropriate that the Commission designate BTC as an ETC for the Proposed Service Area, as reflected in **Exhibit A**.

A. BTC Meets All Federal Requirements For ETC Designation

²² 47 C.F.R. §§ 54.201(c)-(d).

²³ 47 U.S.C. §§ 214(e)(1).

²⁴ 47 C.F.R. §§ 54.201(d).

²⁵ 47 C.F.R. §§ 54.201(c).

²⁶ Mich. Comp. Laws § 414.2101(2)(c).

²⁷ See Case No. U-17182 *et al*.

BTC meets all criteria for designation as an ETC under federal law. Specifically:

- 1) For purposes of this designation, BTC will provide service on a common carrier basis. BTC will be a common carrier by virtue of its provision of voice service on a common carrier basis. As such, BTC is a common carrier (47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d));
- 2) BTC will provide voice and broadband services using a combination of its own facilities and resale of another carrier's services. Specifically, BTC will be a facilities-based broadband Internet access and voice service provider. With RDOF support, BTC will construct a fiber-optic network to deliver voice and broadband services between BTC's Central Office and the customer premise. Therefore, BTC will offer the supported services using its own facilities (47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1)).
- 3) As required by Section 54.101 of the FCC's rules,²⁸ BTC will offer the voice telephony and broadband services supported by federal universal service support mechanisms, including the following capabilities, beginning in the 2022 construction season.

Voice Grade Access To The Public Switched Telephone Network – BTC will meet this requirement through voice service that includes minutes of use for local service provided at no charge to end users (*i.e.*, plans are generally unlimited usage within the Upper Peninsula of Michigan) and access to emergency services via 911 or E-911, wherever available from local government or public safety organizations. BTC certifies that voice service will satisfy the FCC's definition of voice telephony service.

²⁸ 47 C.F.R. § 54.101

Local usage “means an amount of minutes of use of exchange services, prescribed by the FCC, provided free of charge to end users.”²⁹ The FCC has not specified a minimum amount of local usage that an ETC must offer. BTC will meet the local usage requirement by including local usage in its rate plans. BTC will comply with any minimum local usage requirements adopted by the FCC or this Commission. BTC’s voice service offering will provide customers with access to 911 and enhanced 911 to the extent local governments have implemented such services. Finally, with respect to toll limitation service, BTC offers toll limitation service so that customers can self-regulate their long-distance expenses or minutes of use.³⁰

Broadband Internet Access Services – BTC’s broadband Internet access service will provide the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service. BTC certifies that its provision of high-speed broadband Internet over its fiber-based facilities will satisfy the FCC’s definition of broadband Internet access and it will therefore provide all services designated for support by the FCC (47 C.F.R. § 54.101(a)(2)).

BTC commits to provide these services consistent with applicable high-cost universal service support rules (47 C.F.R. § 54.101(c)). BTC will also offer Lifeline service as required by the FCC’s rules at all locations where it has been awarded support (47 C.F.R. § 54.101(d));

- 4) BTC will offer voice telephony as a standalone service and at rates that are reasonably comparable to urban rates;³¹
- 5) BTC will advertise the availability of its universal service offerings and charges

²⁹ 47 C.F.R. § 54.101(a)(2).

³⁰ 47 C.F.R. § 54.401(a)(2).

³¹ *USF/ICC Transformation Order*, 26 FCC Rcd at 17693, paras. 80-81; *see also* 47 C.F.R. § 54.101(b).

for such offerings using media of general distribution (47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d)(2)), namely through a combination of digital and traditional media, such as the Internet, outbound Email, advertising via radio, newspapers, magazines or other print advertisements, outdoor advertising, or direct marketing, and will also publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service. Specifically, BTC's advertising strategy will build on its expertise in advertising its telecommunications services (47 C.F.R. § 54.405(b));

- 6) BTC will provide the supported services throughout the Proposed Service Area, identified in **Exhibit A** (47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d));
- 7) BTC certifies that, in accordance with 47 U.S.C. § 254(e), it will use federal universal service support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.
- 8) BTC further certifies that it meets all the applicable requirements for designation as an ETC³² under 47 C.F.R. § 54.202 as follows:

Compliance With Applicable Service and Performance Quality Requirements. BTC certifies that it will comply with the service requirements applicable to the support that it receives,³³ including the requirements of the RDOF Auction. BTC's capabilities for providing the services in accordance with these requirements will be detailed in its FCC Form 683 long

³² Auction 904 Procedures Public Notice, para. 136; WCB Reminds Connect America Fund Phase II Applicants of the Process for Obtaining Federal Designation as an Eligible Telecommunications Carrier, Public Notice, 33 FCC Rcd 6696 (WCB 2018) (*Federal ETC Public Notice*)(waiving the FCC requirement for a winning bidder to file a five-year plan (47 C.F.R. § 54.202(a)(1)(ii)) and to demonstrate that it will satisfy applicable consumer protection and service quality standings (47 C.F.R. § 54.202(a)(3))).

³³ 47 C.F.R. § 54.202(a)(1)(i).

form application³⁴ and are incorporated by reference. Additionally, BTC certifies that it will comply with the ETC-specific commitments required by the FCC in its *2005 ETC Order*.³⁵ The FCC has waived the requirement for a winning bidder to file a five-year plan as part of the ETC designation process and to demonstrate that it will satisfy applicable consumer protection and service quality standings.³⁶ BTC is currently subject to and complies with all state and federal consumer protection requirements and service quality standards applicable to its operations. BTC has not been the subject of any serious consumer complaints or investigations. BTC certifies that it will continue to prioritize complying with all applicable consumer protection and service quality standards to satisfy this requirement.

Ability to Remain Functional in Emergency Situations. BTC hereby certifies that its network will be able to function in emergency situations as set forth in Section 54.202(a)(2) of the FCC's rules.³⁷ BTC will also comply with the obligations to provide service and have emergency backup power as required in Section 305(c) of the MTA, as amended by HB 4314, MCL 484.2305c. BTC has established reasonable provisions to meet emergencies occurring during its provision of electric distribution services. BTC will leverage these provisions to ensure that its FTTH network has the ability to remain functional during emergencies resulting from failures of power service, sudden and prolonged increases in traffic, illness of operators or other credible emergency situations. These

³⁴ See BTC's Form 683 Long Form Application, when filed on January 29, 2021.

³⁵ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and order, FCC 05-46 (rel. Mar. 17, 2005) ("2005 ETC Order").

³⁶ *Auction 904 Procedures Public Notice*, para. 136; *WCB Reminds Connect America Fund Phase II Applicants of the Process for Obtaining Federal Designation as an Eligible Telecommunications Carrier*, Public Notice, 33 FCC Rcd 6696 (WCB 2018) (*Federal ETC Public Notice*) (waiving the FCC requirement for a winning bidder to file a five-year plan (47 C.F.R. § 54.202(a)(1)(ii)) and to demonstrate that it will satisfy applicable consumer protection and service quality standings (47 C.F.R. § 54.202(a)(3))).

³⁷ Section 54.202(a)(2) requires ETCs that are designated by the Commission to "demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of maintaining traffic spikes resulting from emergency situations."

plans will include provisions to supply a reasonable amount of emergency power and contain activation, required staffing, escalation, and communication procedures to deal with such emergencies. BTC's voice and broadband network will be designed to remain functional in emergency situations without an external power source, reroute traffic around damaged facilities and manage traffic spikes resulting from emergency situations as required by Section 54.202(a)(2) of the FCC's rules.³⁸

All of BTC's facilities will be equipped with power generators and sufficient fuel to operate for several days so as to mitigate power outages. More specifically, BTC's Central Office building and electric equipment will be supplied with standby generators and battery back-up to enable the Central Office to keep running until power is restored so long as fuel is available or until system changes are made to reroute traffic. BTC's generators and back-up batteries will support both voice and broadband network equipment should an emergency situation occur.

BTC's network will be capable of managing traffic spikes resulting from emergency situations since it can change call routing translations as needed to reroute traffic around damaged facilities. The design of these facilities will contain multiple levels of redundancy and autonomy that also mitigate the need for dedicated human interaction. BTC plans to apply this successful model to its RDOF Auction services and customers.

VII. DESIGNATION OF BTC AS AN ETC IS IN THE PUBLIC INTEREST

Section 54.202(b) of the FCC's rules requires a finding that ETC designation is in the public interest prior to making an ETC designation.³⁹ In the FCC's *RDOF Auction Order* concerning the RDOF program, the FCC stated that the "Rural Digital Opportunity Fund represents the FCC's single biggest step to close the digital divide" and it "will ensure that networks stand the test of time

³⁸ 47 C.F.R. § 54.202(a)(2).

³⁹ 47 C.F.R. § 54.202(b).

by prioritizing higher network speeds and lower latency, so that those benefitting from these networks will be able to use tomorrow's Internet applications as well as today's."⁴⁰ The RDOF Auction is the FCC's next step in reaching "its goal of connecting all Americans, no matter where they live and work."⁴¹ This is especially crucial for residents in rural communities since who "cannot connect to the digital economy and the opportunities for better education, employment, healthcare, and civic and social engagement" without broadband.⁴²

As a winning bidder in the RDOF Auction, BTC is eligible to receive funding support over the next ten years to bring high-quality, innovative voice and broadband services to consumers in locations in Michigan for which it was identified as a winning bidder. As is evidenced herein and will be confirmed by BTC's Form 683 long form application, the voice and broadband services BTC proposes to deploy with the funds would advance the goal of the RDOF Auction and thereby advance the goals of universal service.⁴³

Granting BTC's Application will serve the public interest through the deployment of broadband and voice services to unserved and underserved high-cost areas in Michigan, support investment in facilities and equipment, and expand the number of competitive providers serving rural areas in Michigan. Designating BTC as an ETC will permit the Company to receive RDOF funds designated for Michigan, directly advancing the goals of the FCC's RDOF and RDOF Auction. BTC's resulting deployments will bring expanded voice and broadband connectivity to rural areas in Michigan, helping to close the digital divide for residents of Michigan, and expanding economic opportunity for communities that will benefit from increased connectivity. BTC is engaged with local and county leadership all throughout its serving area, and is actively

⁴⁰ See *Rural Digital Opportunity Fund Order* at para. 3.

⁴¹ Id. at para. 1.

⁴² Id.

⁴³ 47 U.S.C. § 254.

working with the Chassell Planning Commission on how the community can benefit from better broadband, such as the Remote Workforce Keweenaw initiative. Designating BTC as an ETC will also help promote economic and job growth in Michigan through the employment of BTC's network of independent installers and dealers. Because granting BTC's Application will allow it to use the RDOF support as intended to expand voice and broadband service in Michigan, designating BTC as an ETC is in the public interest. BTC has been an exceptional steward of the FCC USF funding it has received in its ILEC service area. BTC accepted A-CAM II funding for its ILEC service area. RDOF funding is structured similarly to A-CAM funding, and Baraga's experience with using A-CAM II support as intended and complying with the FCC's rules demonstrate that it will be an exceptional steward of RDOF funding as well. BTC also has a "clean" record with the FCC and the Commission, receiving no Commission-level complaints about service quality or experiencing network outages that meet reporting criteria. BTC is accustomed to operating a functioning network in difficult weather conditions, a shortened construction season, and rugged terrain.

Furthermore, the funds provisionally awarded to BTC through the RDOF Auction will come directly from the funds annually set aside by the FCC for RDOF support. Therefore, BTC's use of the Universal Service Fund for the provision of the services described herein will have no *per se* impact on the funds. The RDOF funding was awarded pursuant to a competitive bidding process that was designed to allocate this set-aside funding to the service providers that could demonstrate that they could efficiently and cost-effectively provide the desired level of services to the underserved areas. Additionally, any Lifeline support that BTC receives will have *de minimis* impact on the fund, which the FCC has determined would be outweighed by the benefit of increasing participation in the Lifeline program. Finally, all providers are required to contribute a

portion of their interstate revenues to the Universal Service Fund. In accordance with federal regulations, BTC will contribute to the Universal Service Fund based upon the portion of its revenues determined to be interstate. Thus, approving BTC as an ETC will create contributions to the Universal Service Fund that were previously nonexistent.

VIII. REQUEST FOR EX PARTE TREATMENT

This application may be approved without a hearing. Neither the MTA nor federal law requires a hearing. The Commission has previously concluded that it need not solicit comment on an ETC designation. Therefore, BTC respectfully requires approval on an *ex parte* basis.

IX. CONCLUSION

For the reasons stated herein, BTC respectfully requests (i) an expeditious Order designating it as an ETC in Michigan for the purpose of being eligible to receive federal funding pursuant to the RDOF Auction – Phase I, in the area identified in **Exhibit A**; and (ii) such other relief as this Commission deems to be just and equitable

February 8, 2021

Respectfully submitted,

Baraga Telephone Company
204 State Avenue
Baraga, Michigan 49908

By: Michael A. Holmes

Michael A. Holmes

EXHIBIT A

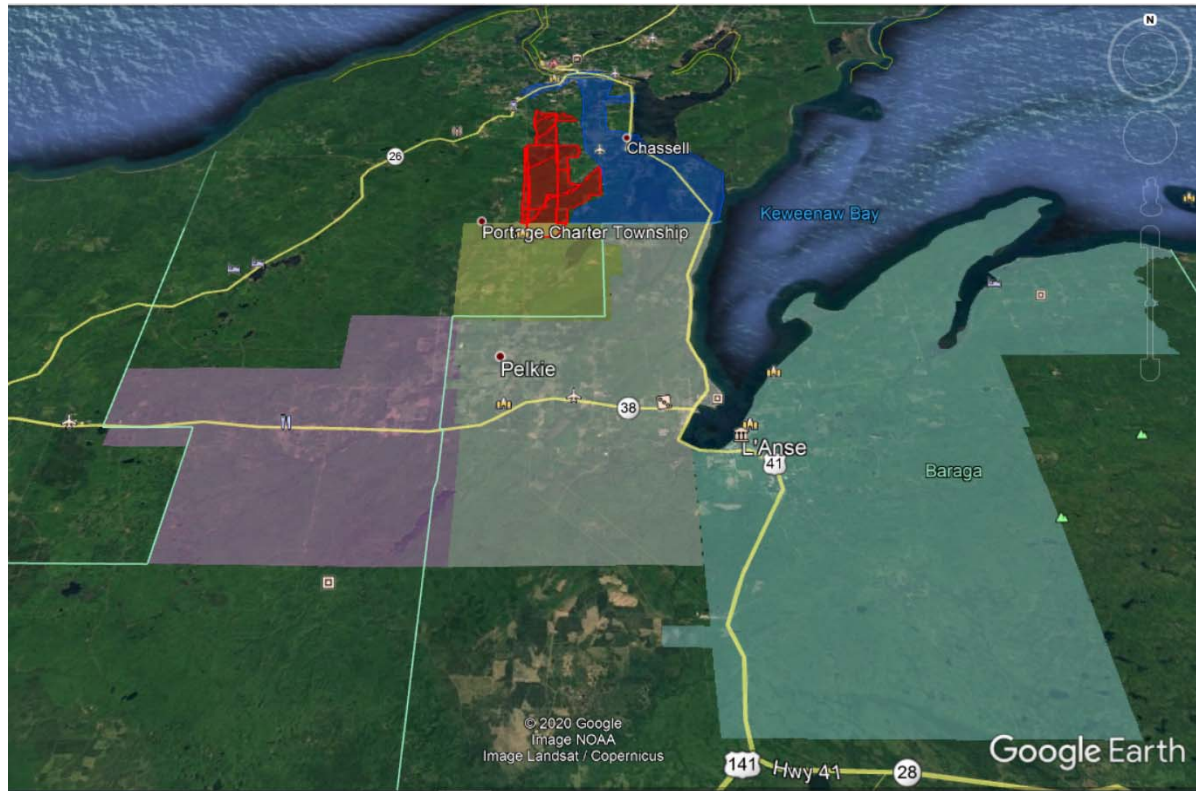


EXHIBIT B

[illegible]

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. 2018-346-C – ORDER NO. 2019-____

JANUARY __, 2019

IN RE:

Application of Horry Telephone Cooperative, Inc. for Designation as an Eligible Telecommunications Carrier In Certain Census Blocks in Georgetown and Marion Counties for Purposes of Receiving Federal Connect America Fund (“CAF”) Phase II Support	) ORDER GRANTING) EXPEDITED REVIEW AND) DESIGNATING HTC AS AN) ELIGIBLE) TELECOMMUNICATIONS) CARRIER IN CERTAIN) CENSUS BLOCKS IN) SOUTH CAROLINA)
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This matter comes before the Public Service Commission of South Carolina (“Commission”) by way of the Amended Application of Horry Telephone Cooperative, Inc. (“HTC” or the “Company”) for designation as an Eligible Telecommunications Carrier (“ETC”) in seventeen eligible census blocks located in Georgetown County and two eligible census block located in Marion County in order to receive federal universal service support under Sections 214 and 254 of the Federal Telecommunications Act of 1996 and pursuant to the Federal Communications Commission’s (“FCC”) Connect America Fund Phase II (“CAF Phase II”) auction (the “Application”).

The Application was filed pursuant to § 214(e) of the Communications Act of 1934, and the rules and regulations of the Commission and the FCC. The Applicant has moved for expedited review of its Application and waiver of the formal evidentiary

hearing. Upon review of the Application and all of the supporting documents submitted by the Applicant, we grant the requested relief.

The Commission's Clerk's Office instructed the Company to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the areas affected by the Amended Application. The purpose of the Notice of Filing was to inform interested parties of the manner and time in which to file the appropriate pleadings for participation in this proceeding. The Company complied with this instruction and provided the Commission with proof of publication of the Notice of Filing.

The South Carolina Office of Regulatory Staff ("ORS") is a statutory party to this action. See S.C. Code Ann. § 58-4-10(B). On January 7, 2019, counsel for the South Carolina Office of Regulatory Staff ("ORS") filed a letter with the Commission stating that ORS has no objection to the Amended Application and does not object to proceeding without a formal hearing in this matter.

No other comments or petitions to intervene were received in response to the notice. Thus, all interested persons have been afforded an opportunity for a hearing, as required by S.C. Code Ann. § 58-9-280(B), Section 1-23-320(a) of the South Carolina Administrative Procedures Act, and constitutional due process. Proceeding without a formal hearing in this matter would serve the public interest in administrative efficiency.

In support of its Application and request for expedited review of this matter, the Applicant has filed the testimony of Brent Groome, along with an Affidavit executed by Carlton Lewis, an officer of the Company, attesting to the truth and accuracy of the

Amended Application and testimony. Mr. Groome’s testimony and the other supporting information included in the Applicant’s filings demonstrate the following:

I. Introduction

HTC is an incumbent local exchange carrier (“ILEC”) and provides local exchange services, both as an ILEC within its ILEC service area and as a competitive local exchange carrier outside its ILEC service area, as well as intrastate exchange access service within geographical areas established by the Public Service Commission of South Carolina (the “Commission”). HTC is an ETC in its ILEC service area.¹ HTC’s former affiliate, HTC Communications, LLC, was previously designated as a competitive ETC within its licensed wireless service territory for purposes of receiving federal high-cost support for its wireless operations.² HTC consolidated its operations on or around January 1, 2011, acquiring its wholly-owned subsidiary HTC Communications, LLC, and assuming all of its assets, liabilities and obligations.³ HTC ceased being an ETC with respect to the provision of wireless services effective October 18, 2013.⁴

The Federal Communications Commission (“FCC”) released the USF/ICC Transformation Order⁵ in an effort to comprehensively reform and modernize the high-cost

¹ See Commission Order No. 1997-958 in Docket No. 1997-239-C.

² See Commission Order No. 2008-273 in Docket No. 2007-402-C.

³ See Commission Order No. 2012-261 in Docket Nos. 1991-514-C, 1998-49-C, and 2007-402-C.

⁴ See Commission Order No. 201-811 in Docket Nos. 2007-402-C and 2013-14-C.

⁵ See *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates*

for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Inter-carrier

Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service

program within the universal service fund and the intercarrier compensation system to reposition support for networks capable of providing both voice and broadband services. The FCC created the Connect America fund and shifted support in price cap areas so that support would be provided through a combination of a forward-looking model of the cost of constructing multi-purpose networks, and established a competitive bidding process for support to these areas. The FCC offered support based on a forward-looking cost model to incumbent price cap carriers serving certain high-cost areas in exchange for committing to offer voice and broadband services meeting certain service requirements in those areas. In those areas where the incumbent price cap carrier declined model-based support and in areas within the incumbent price cap carrier service territories where the FCC did not offer support, the FCC decided to award support through a competitive bidding process. HTC identified service areas in Frontier Communications and AT&T's incumbent markets which were unserved or underserved and which could be serviced by HTC utilizing a fixed wireless application.

HTC participated in the FCC's Connect America Fund Phase II ("CAF II") auction ("Auction 903") and was deemed a winning bidder for 80 locations in the eligible census blocks in the census block groups identified in Exhibit A to the Amended Application (the nineteen census blocks for which funding is available are hereinafter referred to as the

Reform – Mobility Fund; WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN

Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC

Red 17663 (2011) ("*USF/ICC Transformation Order and/or FNPRM*"); *aff'd sub nom.*, *In re: FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014).

“Funded Areas”).⁶ By its Amended Application and supporting documents, Company seeks an Order from the Commission designating Company as an ETC in the Funded Areas, pursuant to § 214(e) of the Communications Act of 1934.

II. Background

On August 28, 2018, the FCC released a Public Notice⁷ announcing the conclusion of Auction 903. Areas that will receive support through this auction are locations in census blocks in rural areas served by price cap carriers that do not have access to broadband at speeds of at least 10 Mbps downstream and 1 Mbps upstream (“10/1”). The FCC has determined that these areas are rural, sparsely populated, and historically, there has not been a viable business case that makes financial and operational sense for investing in state-of-the-art broadband infrastructure in the absence of sufficient and predictable universal service support. The CAF Phase II funding, grant funding, loans and other financial tools, provide sufficient incentives for entities, such as HTC, to expand their existing footprints and serve the rural areas identified for support in Auction 903.

Carriers awarded support in this auction must deploy broadband to the specified number of locations in eligible census blocks in the census block groups in which they bid within a six-year period at the speed tier specified in their bid. HTC’s bid was to provide broadband at speed tiers greater than or equal to 25 Mbps downstream and 3 Mbps

⁶ See Exhibits A and B, list of Census Blocks and total number of locations by Census Block Group, and map showing location of Census Block Groups where HTC was the winning bidder in the CAF Phase II auction.

⁷ Connect America Fund Phase II Auction (Auction 903) Closes; Winning Bidders Announced; FCC Form 683 Due October 15, 2018, Public Notice, AU Docket No. 17-182, WC Docket No. 10-90, DA 18-887 (rel. Aug. 28, 2018) (“Provisional Winners PN”).

upstream within the six-year budget period. Funding in the form of CAF II support will be provided monthly over a ten-year period based upon the amount of their winning bid.

HTC participated in this auction and was among the 103 providers listed as provisional winners. HTC will receive \$233,490 over a ten-year period to build a network capable of delivering 25 Mbps/3 Mbps broadband to the 80 locations in the Funded Areas upon completion of certain post-auction requirements. One of these requirements is for the Company to be designated an ETC in the Funded Areas by February 25, 2019.⁸ In addition to broadband services, customers will also be provided with voice grade access to the public switched network.

III. Requirements for Designation as an ETC

Section 214(e)(1) of the Communications Act of 1934, as amended and Section 54.201(d) of the rules of the FCC require ETCs to, throughout their service areas for which designation is received, (1) offer the services supported by federal universal service support mechanisms, (2) either using its own facilities or a combination of its own facilities and resale of another carrier's services, and to (3) advertise the availability of such services and the charges using media of general distribution.⁹

A. An ETC Must Offer Supported Services Through its Own Facilities or Through a Combination of its Own Facilities and Resale

In order to be designated as an ETC, a carrier must offer the services that are supported by universal support mechanisms, which are voice telephony services and

⁸ *Id.* at p. 6.

⁹ 47 U.S.C. §214(e)(1); 47 C.F.R. § 54.201(d)(1). 47 C.F.R. § 54.201(d)(1) defines the term “facilities” as meaning “any physical components of the telecommunications network that are used in the transmission or routing of the services that are designated for support”

broadband service as defined in Section 54.101 of the FCC's Rules,¹⁰ either through its own facilities or a combination of its own facilities and resale of another carrier's facilities. Section 54.101(a)(1) defines voice telephony services eligible for universal service support as:

services [that] provide 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; and toll limitation services to qualifying low-income consumers as provided in subpart E of this part.¹¹

Section 54.101(a)(2) defines broadband Internet access services eligible for universal service support as:

services [that] provide the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service.¹²

The FCC has additional buildout requirements for carriers that are awarded CAF Phase II auction support. Pursuant to these requirements, HTC has committed and must be able to provide 25 Mbps/3 Mbps broadband to the 80 locations in the Funded Areas within a six-year period.¹³

¹⁰ 47 C.F.R. §54.101.

¹¹ 47 C.F.R. §54.101(a)(1).

¹² 47 C.F.R. §54.101(a)(2). Section 54.101(c) requires ETCs "subject to a high-cost public interest obligation to offer broadband Internet access services" to offer broadband services "within the areas where it receives high-cost support."

¹³ For recipients of CAF Phase II support, the FCC waived the requirement that winning bidders seeking an FCC ETC designation file a five-year improvement plan and demonstrate that it will satisfy applicable consumer protection and service quality standards. *See* WCB Reminds Connect America Fund Phase II

B. HTC Has Demonstrated That It Will Offer and Provide Each of the Above-listed Services Through Its Own Facilities

1. Voice Grade Access to the Public Switched Network or its Functional Equivalent

HTC's Amended Application and testimony provide that voice grade access to the Public Switched Network or its functional equivalent is provided by the Company using its facilities-based network. Users will have equipment installed at their premises which will enable the user to transmit and receive voice communications, including signaling associated with the transmission and receipt of telecommunications traffic. This will enable users to place and receive voice grade calls to and from other HTC customers and from all other users on the public switched network. HTC will provide this voice grade access to its customers through interconnection of HTC facilities and the public switched telephone network via its IP-Enabled/TDM Metaswitch.

2. HTC Has Demonstrated That It Will Offer Minutes of Use for Local Service Provided at No Additional Charge to End Users

HTC's Amended Application and Testimony provide that the Company will offer voice products in the Funded Areas provisionally awarded to the Company. FCC regulations require that an ETC applicant "demonstrate that it offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation."¹⁴ The FCC further defines local usage as a measure of minutes of use of exchange service provided for a fee and without an additional charge to end users. HTC

Auction Applicants of the Process For Obtaining a Federal Designation as an Eligible Telecommunications Carrier, Public Notice, WC Docket Nos. 09-197, 10-90, DA 18-714 (rel. July 10, 2018) at pp 4-5.

¹⁴ 47 C.F.R. 54.202 (a)(1)(ii)(4).

currently offers several bundled calling plans and packages that make no distinction between local and long distance usage. The bundled calling plans HTC currently offers are comparable to those offered by the incumbent local exchange carriers in the areas in which HTC seeks ETC designation, including its incumbent local exchange areas within Horry County and its CLEC exchange areas within Georgetown County.

3. HTC Has Demonstrated That It Will Satisfy the Requirement for Access to Emergency Services

HTC's Amended Application and testimony confirm that HTC will provide access to emergency services through access to public service answering points ("PSAPs") by dialing "911" in order to reach emergency services. The requirement that ETCs offer access to 911 or enhanced 911 ("E911") applies only "to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems."¹⁵ HTC satisfies this requirement by providing its customers with access to enhanced emergency services by dialing "911." HTC, as an ETC, will be able to expand its coverage area to allow greater access to emergency services for its customers in remote and currently unserved and underserved portions of the three census blocks for which it seeks ETC designation.

4. HTC Has Demonstrated That It Will Offer Lifeline and Toll Limitation Services

HTC's Amended Application and testimony provide that it will offer Lifeline discounts to qualifying customers and comply with federal Lifeline requirements in fulfillment of the requirement that ETCs offer Lifeline discounts to qualifying customers.

¹⁵ 47 C.F.R. § 54.101(a)(5).

FCC rules generally require ETCs to offer toll limitation services.¹⁶ However, toll limitation service “does not need to be offered for any Lifeline service that does not distinguish between toll and non-toll calls in the pricing of the service.”¹⁷ Because HTC’s current bundled calling plans do not make a distinction between local and toll calls, HTC customers have little need for toll limitation service. However, HTC states that it will offer toll limitation service to address the needs of qualifying low-income customers interested in obtaining a basic voice connection to the public telephone network, if so requested. Toll limitation service “denotes either toll blocking or toll control service for [ETCs] that are incapable of providing both services” or denotes both toll blocking and toll control service for ETCs that are capable of providing both services.¹⁸ HTC states that it is able to provide both toll blocking and toll control services, or either of those services, and will provide toll limitation service in the Funded Areas.

5. HTC Has Demonstrated That It Will Advertise its Universal Service Offerings

By its Amended Application and testimony, HTC commits to advertise the availability of, and charges for, the supported services using media of general distribution, consistent with its existing advertising practices. The advertising will occur through a combination of media channels, such as the local newspapers in each community, website, TV ads and social media. HTC will advertise these offerings in a manner that is designed

¹⁶ 47 C.F.R. § 54.401(a)(2).

¹⁷ *Id.*

¹⁸ *Id.* 47 C.F.R. § 54.404(b) defines toll blocking as “a service provided by an [ETC] that lets subscribers elect not to allow the completion of outgoing toll calls from their telecommunications channel” while 47 C.F.R. § 54.404(c) defines toll control as “a service provided by an [ETC] that allows subscribers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.”

to fully inform potential customers of the services available to them, to disclose all associated rates, and to insure that qualifying low-income individuals are informed about the availability and cost of Lifeline programs.

C. HTC Has Demonstrated That It Meets the Additional Eligibility Criteria Adopted by the FCC

In its *2005 ETC Order*,¹⁹ the FCC adopted additional criteria that all ETC applicants must satisfy in order to be granted ETC status. The criteria, as set forth in Section 54.202 of the FCC's Rules, require that an ETC applicant must: (1) certify that it will comply with the service requirements applicable to the support that it receives; (2) submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network throughout its proposed service area; (3) demonstrate its ability to remain functional in emergency situations; (4) demonstrate that it will satisfy consumer protection and service quality standards.²⁰ HTC's Amended Application and testimony provide that, to the extent applicable, the Company will meet each of these additional criteria.

1. HTC Has Certified That It Will Comply with Service Requirements Applicable to the Support that it Receives

In its *2005 ETC Order*, the FCC required that an ETC applicant "make specific commitments to provide service to requesting customers in the service areas for which it is designated as an ETC."²¹ Specifically, the FCC found that

if the ETC's network already passes or covers the potential customer's premises, the ETC should provide service immediately. In those instances where a request comes from a potential customer within the applicant's

¹⁹ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 05-46 (rel. Mar. 17, 2005) ("*2005 ETC Order*").

²⁰ *See*, 47 C.F.R. § 54.202.

²¹ *2005 ETC Order* at ¶ 22.

licensed service area but outside its existing network coverage, the ETC applicant should provide service within a reasonable period of time if service can be provided at reasonable cost by: (1) modifying or replacing the requesting customer's equipment; (2) deploying a roof-mounted antenna or other equipment; (3) adjusting the nearest cell tower; (4) adjusting network or customer facilities; (5) reselling services from another carrier's facilities to provide service; or (6) employing, leasing, or constructing an additional cell site, cell extender, repeater, or other similar equipment.²²

The FCC stated that if an ETC applicant determines that it cannot serve the customer using one or more of these methods, “then the ETC must report the unfulfilled request to the [FCC] within 30 days after making such determination.”²³

HTC has certified that it will comply with the service requirements applicable to the supported voice and broadband services that it will be offering in the Funded Areas, including the requirements for the CAF II auction program.

2. Five-Year Plan for Proposed Improvements or Upgrades

As stated in footnote 14 herein, the FCC has waived the requirement that winning bidders seeking an FCC ETC designation file a five-year improvement plan in connection with CAF Phase II funding requests. The FCC found that the more specific measures it had adopted for CAF recipients to track deployment, including annual reporting of service to geocoded locations and certifications of compliance with benchmark milestones, provided a “more defined yardstick by which to measure their progress towards the universal availability of voice and broadband service in their areas.”²⁴ Likewise, HTC

²² *Id.* (footnotes omitted).

²³ *Id.*

²⁴ See WCB Reminds Connect America Fund Phase II Auction Applicants of the Process For Obtaining a Federal Designation as an Eligible Telecommunications Carrier, Public Notice, WC Docket Nos. 09-197, 10-90, DA 18-714 (rel. July 10, 2018) at pp 4-5, and p. 5, fn 34 (*quoting* 2016 Rate-of-Return Reform Order, 31 FCC 3166, 3168, ¶ 216).

requests that the Commission waive the requirements of Reg. 103-690.C.(a)(1)(B) to submit a two-year plan describing the proposed improvements or upgrades. HTC has stated it will comply with the more stringent detailed broadband buildout obligations imposed by the FCC. Specifically, each support recipient must complete construction and begin commercially offering service to 40 percent of the requisite number of locations in a state by the end of the third year of funding, and to an additional 20 percent in each subsequent year, with 100 per cent by the end of the sixth year.²⁵ To monitor compliance, the FCC has adopted reporting requirements which include: “reporting a list of geocoded locations each year to which the support recipient is offering the required voice and broadband services, making a certification when the support recipient has met service milestones, and submitting the annual FCC Form 481 report.”²⁶ If a recipient fails to offer service to the required number of locations by a service milestone, FCC rules require quarterly status reporting and, in some instances, support is withheld until compliance is achieved.²⁷ Recipients are also subject to requirements to conduct quarterly measurements of speed and latency and annually report network performance.²⁸

In lieu of filing the two-year plan provided for in Reg. 103-690.C.(a)(1)(B), HTC has committed to making available to the Commission and ORS all reports it is required to

²⁵ See *Connect America Fund Phase II Auction Scheduled for July 24, 2018; Notice and Filing Requirements and Other Procedures for Auction 903*, Public Notice, 33 FCC Rcd 1428, ¶ 14 (2018).

²⁶ *Id.* at ¶ 17 (citations omitted).

²⁷ *Id.* citing §§ 54.315(c)(4), 54.320.

²⁸ See *Connect America Fund*, WC Docket No. 10-90, Order, DA 18-710 (rel. July 6, 2018).

file with the FCC in connection with the CAF Phase II funding for the Funded Areas, as described above.

3. HTC Has Demonstrated That It Will Remain Functional in Emergency Situations

HTC has certified that it is able to function in emergency situations as set forth in §54.202(a)(2).²⁹ HTC's Amended Application and testimony state that HTC's voice and broadband network is designed to remain functional in emergency situations without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations as required by Section 54.202(a)(2).

The Company's Amended Application and testimony also reveal that HTC complies with the FCC's backup power requirements that became effective in 2015.³⁰

4. HTC Has Demonstrated That It Will Satisfy Consumer Protection and Service Quality Standards

In establishing this certification in its *2005 ETC Order*, the FCC found that an ETC must make "a specific commitment to objective measures to protect consumers."³¹ The FCC found that for wireless ETCs, compliance with CTIA's Consumer Code for Wireless Service would satisfy this requirement, and that the sufficiency of other commitments

²⁹ Section 54.202(a)(2) requires ETCs that are designated by the Commission to "demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of maintaining traffic spikes resulting from emergency situations."

³⁰ 47 C.F.R. § 12.5.

³¹ *2005 ETC Order* at ¶ 28

would be considered on a case-by-case basis.³² In this context, the FCC stated, “to the extent a wireline or wireless ETC applicant is subject to consumer protection obligations under state law, compliance with such laws may meet our requirement.”³³

As stated in footnote 14 herein, the FCC has waived the requirement that winning bidders seeking an FCC ETC designation certify that it will satisfy consumer protection and service quality standards. Nevertheless, HTC has certified that it is complying with applicable service quality standards and consumer protection rules, including complying with Lifeline service standards pursuant to 47 C.F.R. § 54.408 including minimum broadband speed requirements, data usage allowance, and accessibility to WIFI devices.

D. HTC Has Demonstrated That It Will Satisfy Applicable State-Specific ETC Requirements, With Some Requested Exceptions

Commission Regulation 103-690.C. provides the requirements for initial designation as an ETC. The state regulation generally tracked the corresponding federal regulations at the time the state regulation was promulgated in 2008. Since that time, the federal regulations have changed, and HTC avers that some of the state-specific requirements may not be applicable.

³² *Id.* The FCC noted that under the CTIA Consumer Code, wireless carriers agree to: “(1) disclose rates and terms of service to customers; (2) make available maps showing where service is generally available; (3) provide contract terms to customers and confirm changes in service; (4) allow a trial period for new services; (5) provide specific disclosures in advertising; (6) separately identify carrier charges from taxes on billing statements; (7) provide customers the right to terminate service for changes to contract terms; (8) provide ready access to customer service; (9) promptly respond to consumer inquiries and complaints received from government agencies; and (10) abide by policies for protection of consumer privacy.” *Id.* at n. 71.

³³ *Id.* at n. 72.

HTC has committed to providing service throughout its proposed designated service area to all customers making a reasonable request for service, as required by R. 103-690.C.(1)(A).

HTC requests a waiver of the requirement to submit a 2-year plan pursuant to R. 103-690.C.(1)(B) for the reasons stated above. In lieu of filing the two-year plan provided for in Reg. 103-690.C.(a)(1)(B), HTC testified that it will make available to the Commission and ORS all reports it is required to file with the FCC in connection with the CAF Phase II funding for the Funded Areas.

As explained in more detail above, HTC has demonstrated its ability to remain functional in emergency situations, in compliance with R. 103-690.C.(2). HTC has demonstrated that it will satisfy applicable consumer protection and service quality standards, in compliance with R. 103-690.C.(3).

HTC has demonstrated that it offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation, in compliance with R. 103-690.C.(a)(4).

As required by R. 103-690.C.(a)(5)-(7), HTC has provided the Affidavit of Carlton Lewis, an officer of the Company, certifying that the Company acknowledges that the FCC may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access within the service area; that the Company does offer or will offer the services supported by federal universal service support by using its own facilities or a combination of its own facilities and resale of another carrier's services; and that it

does or will advertise in a media of general distribution the availability of such services, including Lifeline services and the applicable charges.

HTC also requests a waiver of R. 103-690.C.(b) to the extent it would prohibit designation of HTC as an ETC in an area smaller than a wire center. As described above, the FCC has established a mechanism to ensure the deployment of broadband to unserved and underserved areas. It has done so by undertaking a granular analysis, at the census block and location level, to target funding to such areas. According to HTC, if the Commission were to deny the ETC designation HTC requests at the census block level in order to obtain available federal funding to serve the Funded Areas, those areas likely would remain unserved or underserved.

E. HTC Has Demonstrated that Granting its Request for ETC Designation Will Serve the Public Interest

HTC's Amended Application and testimony provide that designation as an ETC for the Funded Areas will allow it to build out unserved or underserved areas using federal funding, bringing the benefits of high-speed broadband to these areas. Accordingly, it is in the public interest to designate Company as an ETC in the CAF Phase II Funded Areas. According to HTC, once the Commission grants Company's ETC application and the FCC approves Company for funding, the Company will receive \$233,490 over a ten-year period which it will use to provide 25 Mbps/3 Mbps broadband to those residing and working in the Funded Areas.

After full consideration of the applicable law, the Company's Application, and the evidence of record presented at the hearing, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. HTC is an incumbent local exchange carrier (“ILEC”) and provides local exchange services, both as an ILEC within its ILEC service area and as a competitive local exchange carrier outside its ILEC service area, as well as intrastate exchange access service within geographical areas established by the Commission.

2. HTC participated in the FCC’s Connect America Fund Phase II (“CAF II”) auction (“Auction 903”) and was listed as a provisional winning bidder for 80 locations in the eligible census blocks in the census block groups identified in Exhibit A to the Amended Application.

3. HTC is eligible to receive \$233,490 over a ten-year period to build a network capable of delivering 25 Mbps/3 Mbps broadband to the 80 locations in the Funded Areas upon completion of certain post-auction requirements. One of these requirements is for the Company to be designated an ETC in the Funded Areas by February 25, 2019.

4. Section 214(e)(1) of the Communications Act of 1934, as amended and Section 54.201(d) of the rules of the FCC require ETCs to, throughout their service areas for which designation is received, (1) offer the services supported by federal universal service support mechanisms, (2) either using its own facilities or a combination of its own facilities and resale of another carrier’s services, and to (3) advertise the availability of such services and the charges using media of general distribution.

5. The FCC has additional buildout requirements for carriers that are awarded CAF Phase II auction support. Pursuant to these requirements, HTC has committed to

providing and must be able to provide 25 Mbps/3 Mbps broadband to the 80 locations in the Funded Areas within a six-year period. In addition to broadband services, customers will also be provided with voice grade access to the public switched network.

6. HTC has demonstrated that it will offer and provide each of the services 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.

7. HTC has demonstrated that it offers a local usage plan comparable to the one offered by the incumbent LEC(s) in the service areas for which it seeks designation.

8. HTC has demonstrated that it will satisfy the requirement for access to emergency services by providing its customers with access to enhanced emergency services by dialing "911."

9. HTC has demonstrated that it will offer Lifeline and toll limitation services to qualifying customers and will comply with federal Lifeline requirements.

10. HTC has committed to advertising the availability of, and charges for, the supported services using media of general distribution, in a manner that is designed to fully inform potential customers of the services available to them, to disclose all associated rates, and to insure that qualifying low-income individuals are informed about the availability and cost of Lifeline programs.

11. HTC has demonstrated that it meets the additional eligibility criteria adopted by the FCC. Specifically, HTC has certified that it will comply with applicable service requirements; and that it will remain functional in emergency situations. The FCC has waived the requirement to file a five-year plan for proposed improvements and

upgrades, and the requirement to certify that it will satisfy consumer protection and service quality standards for winning CAF Phase II bidders.

12. HTC has demonstrated that it will satisfy applicable state-specific ETC requirements, with specific waiver requests. HTC requests a waiver of the requirement to submit a 2-year plan pursuant to R. 103-690.C.(1)(B). HTC points to the fact that the FCC has waived the requirement that winning bidders seeking an FCC ETC designation file a five-year improvement plan in connection with CAF Phase II funding requests. The FCC found that the more specific measures it had adopted for CAF recipients to track deployment, including annual reporting of service to geocoded locations and certifications of compliance with benchmark milestones, provided a “more defined yardstick by which to measure their progress towards the universal availability of voice and broadband service in their areas.”³⁴ In lieu of filing the two-year plan provided for in Reg. 103-690.C.(a)(1)(B), HTC testified it will make available to the Commission and ORS all reports it is required to file with the FCC in connection with the CAF Phase II funding for the Funded Areas. We find that providing the referenced reports to the Commission and to ORS is an acceptable alternative to the 2-year plan filing requirement, as it will provide a well-defined yardstick by which to measure HTC’s progress towards the availability of voice and broadband service in the Funded Areas.

13. HTC also requests a waiver of R. 103-690.C.(b) to the extent it would prohibit designation of HTC as an ETC in an area smaller than a wire center. The FCC has

³⁴ See WCB Reminds Connect America Fund Phase II Auction Applicants of the Process For Obtaining a Federal Designation as an Eligible Telecommunications Carrier, Public Notice, WC Docket Nos. 09-197, 10-90, DA 18-714 (rel. July 10, 2018) at pp 4-5, and p. 5, fn 34 (*quoting* 2016 Rate-of-Return Reform Order, 31 FCC 3166, 3168, ¶ 216).

established a mechanism to ensure the deployment of broadband to unserved and underserved areas. It has done so by undertaking a granular analysis, at the census block and location level, to target funding to such areas. We find that HTC's request for designation at the census block level is in the public interest, as it will allow HTC to obtain available federal funding to serve the Funded Areas, which otherwise likely would remain unserved or underserved.

CONCLUSIONS OF LAW

1. The Commission concludes that HTC meets all of the federal requirements for designation as an ETC in the areas for which it requests such designation, *i.e.*, seventeen census blocks in Georgetown County and two census blocks in Marion County as identified in Exhibit A to HTC's Amended Application filed in this docket, a copy of which is attached hereto as Exhibit A.

2. The Commission concludes that HTC meets all of the state requirements for designation as an ETC in the areas for which it requests such designation, with the exception of two requirements for which waiver is requested and granted, as explained below.

3. The Commission grants HTC's request for a waiver of the requirement to file a two-year plan describing proposed improvements or upgrades to HTC's network. The Commission may waive a rule or regulation where circumstances indicate that a waiver is appropriate, upon a finding that such waiver is not contrary to the public interest.³⁵ In lieu of filing the two-year plan provided for in Reg. 103-690.C.(a)(1)(B), HTC shall make

³⁵ See S.C. Code Ann. Regs. 103-803.

available to the Commission and ORS all reports it is required to file with the FCC in connection with the CAF Phase II funding for the Funded Areas, as described above. We conclude that providing the referenced reports to the Commission and to ORS is an acceptable alternative to the 2-year plan filing requirement, as it will provide a well-defined yardstick by which to measure HTC's progress towards the availability of voice and broadband service in the Funded Areas.

4. HTC also requests a waiver of R. 103-690.C.(b) to the extent it would prohibit designation of HTC as an ETC in an area smaller than a wire center. As described above, the FCC has established a mechanism to ensure the deployment of broadband to unserved and underserved areas. It has done so by undertaking a granular analysis, at the census block and location level, to target funding to such areas. According to HTC, if the Commission were to deny the ETC designation HTC requests at the census block level in order to obtain available federal funding to serve the Funded Areas, those areas likely would remain unserved or underserved. Therefore, it is in the public interest to grant a waiver of the portion of R. 103-690.C(b) that provides that the Commission shall not designate an ETC service area smaller than an entire wire center, in order to allow designation of HTC as an ETC at the census block level as described herein.

5. The Commission concludes that HTC has made the certifications required by law. HTC has provided the Affidavit of Carlton Lewis, an officer of the Company, certifying that the Company acknowledges that the FCC may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access within the service area; that the Company does offer or will offer the services supported by

federal universal service support by using its own facilities or a combination of its own facilities and resale of another carrier's services; and that it does or will advertise in a media of general distribution the availability of such services, including Lifeline services and the applicable charges.

6. The Commission concludes that it is in the public interest to grant HTC's request for designation as an ETC in the seventeen census blocks in Georgetown County and two census blocks in Marion County for which it seeks designation. Granting HTC's Amended Application will allow HTC to build out unserved or underserved areas using federal CAF Phase II funding, bringing the benefits of high-speed broadband to citizens residing and/or working in those areas.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. The Commission grants HTC's request for designation as an ETC in the seventeen census blocks in Georgetown County and two census blocks in Marion County for which it seeks designation.

2. The Commission waives the requirement that ETC designation not be granted at a level below the wire center.

3. The Commission grants HTC's request for waiver of the requirement to file a two-year plan describing proposed improvements and upgrades to HTC's network. In lieu of filing the two-year plan, HTC is directed to make available to the Commission and to ORS all reports it is required to file with the FCC in connection with the CAF Phase II funding for the Funded Areas.

DOCKET NO. 2018-306-C – ORDER NO. 2018-_____

JANUARY __, 2019

PAGE 24

4. The requested relief is granted on an expedited basis to allow HTC to meet the federal requirement to be designated as an ETC in the Funded Areas not later than February 25, 2019.

5. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

Comer H. Randall, Chairman

ATTEST:

Elliott F. Elam, Jr., Vice Chairman

(SEAL)

EXHIBIT A**CENSUS BLOCK GROUPS AND NUMBER OF LOCATIONS:**

450439204001	SC	Georgetown	38
450439205051	SC	Georgetown	11
450679505003	SC	Marion	31

ELIGIBLE CENSUS BLOCKS WITHIN THE CENSUS BLOCK GROUPS (I.E. CENSUS BLOCKS FOR WHICH HTC SEEKS ETC DESIGNATION):

block_id	stateabbr	county_name	cbg_id
450439204001015	SC	Georgetown	450439204001
450439204001027	SC	Georgetown	450439204001
450439204001053	SC	Georgetown	450439204001
450439204001100	SC	Georgetown	450439204001
450439204001103	SC	Georgetown	450439204001
450439204001107	SC	Georgetown	450439204001
450439204001113	SC	Georgetown	450439204001
450439204001137	SC	Georgetown	450439204001
450439204001175	SC	Georgetown	450439204001
450439204001178	SC	Georgetown	450439204001
450439204001198	SC	Georgetown	450439204001
450439205051042	SC	Georgetown	450439205051
450439205051057	SC	Georgetown	450439205051
450439205051079	SC	Georgetown	450439205051
450439205051080	SC	Georgetown	450439205051
450679505003026	SC	Marion	450679505003
450679505003037	SC	Marion	450679505003

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**BEK Communications Cooperative
Designated Eligible Carrier
Application**

Case No. PU-18-342

ORDER ON ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION

December 6, 2018

Preliminary Statement

On September 13, 2018, BEK Communications Cooperative (BEK) filed an application for designation as an Eligible Telecommunications Carrier (ETC) as a non-incumbent local exchange carrier (non-ILEC) for the purpose of receiving Federal Communications Commission's Connect America Fund (CAF) Phase II funding in Federal Communications Commission (FCC) specified geographic blocks in rural areas of North Dakota outside of its incumbent local exchange areas. These CAF Phase II areas do not have access to broadband at speeds of at least 10 megabits per second (Mbps) downstream and 1 Mbps upstream.

On October 10, 2018, the Commission issued a Notice of Opportunity for Hearing (Notice) providing until November 21, 2018, for comments and requests for hearing. No comments or requests for hearing were received. The Notice identified the following issues in this matter:

1. Is the applicant qualified under the Telecommunications Act of 1996, section 214(e) for designation as an ETC eligible to receive federal universal service funding?
2. What ETC universal service support area should be designated?
3. Is designation of the additional applicant as an ETC in the public interest?

Discussion

A telecommunications carrier is eligible to receive federal universal service support if the company meets the requirements established under 47 USC § 214(e)(1) and defined in 47 CFR. Part 54. These requirements are: (1) company must provide each of the supported telecommunication services listed by the Federal Communications Commission (FCC); (2) company must offer and advertise the availability of, and charges for, such services throughout the supported areas; (3) company must certify that it will comply with the service requirements applicable to the support it receives; (4) submit a

five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network throughout the supported areas, and (5) demonstrate that it will satisfy consumer protection and service quality standards. In addition, to receive CAF Phase II funding, BEK must deploy 1 gigabit per second broadband in the funded areas within a six-year period. BEK's application states that, to the extent applicable, it will meet each of these criteria.

Both federal law and state law give the Commission the authority to designate a common carrier as an ETC.

BEK is a North Dakota mutual aid corporation with a principal office in Steele, North Dakota. BEK is authorized to do business in the State of North Dakota.

BEK is a common carrier and will offer the services and functionalities detailed in 47 CFR Part 54 in the CAF Phase II areas. The services offered to these subscribers will be the same as BEK provides other customers in its ILEC and non-ILEC operations service areas. These services consist of IP-Voice Services, IP-Television Services, 1 Gbps Broadband service and a variety of Cloud services.

Based on the evidence in this proceeding, BEK is qualified for designation as an ETC eligible to receive federal universal service support under 47 CFR Part 54.

The FCC has specified the geographic areas, CAF Phase II areas, that will receive funding and BEK was awarded CAF Phase II support for the areas listed in Exhibit B of its September 13, 2018 application.

It is in the public interest that BEK be designated as an ETC in the CAF Phase II areas as requested. Under North Dakota Administrative Code Section 69-09-05-12, the Commission shall determine that the designation of BEK as an ETC is in the public interest. In doing so, the Commission shall consider the benefit of increased consumer choice and the unique advantages and disadvantages of the applicant's service offering. It is significant that subscribers in these CAF Phase II areas will have access to high speed broadband. The provision of adequate essential and nonessential telecommunications service in these exchanges will be facilitated and supported by the full current technical and financial capabilities of BEK.

Having allowed all interested persons an opportunity to be heard and having reviewed and considered all evidence presented, the Commission makes the following:

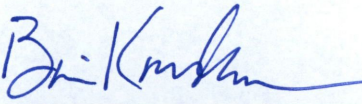
Order

The Commission orders:

1. BEK Communications Cooperative request to be designated as an eligible telecommunications carrier for the purpose of receiving Connect America Fund Phase II

funding in the areas listed in Exhibit B of BEK's September 13, 2018 application, attached to and made part of this Order, is APPROVED.

PUBLIC SERVICE COMMISSION

Handwritten signature of Brian Kroshus in blue ink.

Brian Kroshus
Commissioner

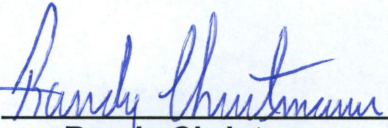
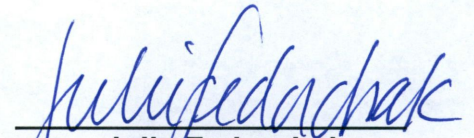
Handwritten signature of Randy Christmann in blue ink.
Randy Christmann
ChairmanHandwritten signature of Julie Fedorchak in blue ink.
Julie Fedorchak
Commissioner

Exhibit B

CAF Phase II Auction BEK Awarded Funded Areas

Item	State	County	Census Block Group ID	Locations
ND-015-0102004	ND	Burleigh	380150102004	1
ND-015-0106003	ND	Burleigh	380150106003	4
ND-015-0108001	ND	Burleigh	380150108001	1
ND-015-0109001	ND	Burleigh	380150109001	5
ND-015-0109002	ND	Burleigh	380150109002	2
ND-015-0110011	ND	Burleigh	380150110011	1
ND-015-0110013	ND	Burleigh	380150110013	2
ND-015-0110021	ND	Burleigh	380150110021	4
ND-015-0110022	ND	Burleigh	380150110022	1
ND-015-0111031	ND	Burleigh	380150111031	1
ND-015-0111051	ND	Burleigh	380150111051	2
ND-015-0111052	ND	Burleigh	380150111052	4
ND-015-0112004	ND	Burleigh	380150112004	2
ND-015-0113003	ND	Burleigh	380150113003	8
ND-059-0202001	ND	Morton	380590202001	5
ND-059-0202002	ND	Morton	380590202002	35
ND-059-0203001	ND	Morton	380590203001	2
ND-059-0203002	ND	Morton	380590203002	3
ND-059-0203003	ND	Morton	380590203003	2
ND-059-0203004	ND	Morton	380590203004	13
ND-059-0204001	ND	Morton	380590204001	330
ND-059-0204002	ND	Morton	380590204002	15
ND-059-0204003	ND	Morton	380590204003	24
ND-065-9612002	ND	Oliver	380659612002	67
Total CBGs		24	Total Locations	534