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April 18, 2018

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Washington, D.C. 20554

Attention: Wireline Competition Bureau

**RE: Notification of Discontinuance of Common-Carriage Tariffed Wireline
Broadband Internet Access Service ("WBIAS") and Initiation of Provision on
a Permissive Detariffed Common-Carriage Basis by:**

**Turtle Mountain Communications, Inc.
FCC Registration Number 0003740628
Study Area Code 381636**

CC Docket No. 02-33

Dear Ms. Dortch:

John Staurulakis, Inc. (JSI), on behalf of Turtle Mountain Communications, Inc. (Company), an issuing carrier for NECA Tariff F.C.C. No. 5, respectfully files the attached notice pursuant to the *Wireline Broadband Order* of the intent of the Company to discontinue its Wireline Broadband Internet Access Service (WBIAS) offerings under NECA Tariff F.C.C. No. 5 effective July 3, 2018. Upon discontinuance of the tariffed offerings, the Company will provide WBIAS on a common-carriage non-tariffed basis. See *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities, Universal Service Obligations of Broadband Providers*, CC Docket No. 02-33, WC Docket No. 05-271, Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 14853 (2005), FCC 05-150 (Rel. Sept. 23, 2005), (*Wireline Broadband Order*).

Echelon Building II, Suite 200
9430 Research Blvd., Austin, TX 78759
phone: 512-338-0473, fax: 512-346-0822

Eagandale Corporate Center, Suite 310
1380 Corporate Center Curve, Eagan, MN 55121
phone: 651-452-2660, fax: 651-452-1909

6849 Peachtree Dunwoody Road
Bldg. B-3, Suite 200, Atlanta, GA 30328
phone: 770-569-2105, fax: 770-410-1608

547 South Oakview Lane
Bountiful, UT 84010
phone: 801-294-4576, fax: 801-294-5124

Any questions regarding the notice may be directed to me at the address and telephone number listed above or by email at jkuykendall@jsitel.com.

Sincerely,

A handwritten signature in black ink, appearing to read "John Kuykendall". The signature is fluid and cursive, with the first name "John" and last name "Kuykendall" clearly distinguishable.

John Kuykendall
Vice President

Attachment

cc: Turtle Mountain Communications, Inc.
Special Assistant for Telecommunications at the Department of Defense
The Office of the Honorable Doug Burgum, Governor of North Dakota
Jamie Azure, Chairman, Turtle Mountain Band of Chippewa Indians
North Dakota Public Service Commission
National Exchange Carrier Association

**Notice of Permissive Detariffing of Wireline Broadband Internet Access Service
Effective July 3, 2018 by
TURTLE MOUNTAIN COMMUNICATIONS, INC. – SAC 381636
411 7th Avenue
P.O. Box 729
Langdon, ND 58249-0279
(701) 256-5156
CC Docket No. 02-33**

Turtle Mountain Communications, Inc. (“Company”) hereby provides notice that it plans to terminate provision of wireline broadband Internet access service (WBIAS) on a tariffed basis effective July 3, 2018 at which time it plans to offer permissive detariffed WBIAS on a Title II common-carriage basis pursuant to paragraph 94 of the Federal Communications Commission’s *Wireline Broadband Order*.¹ The Company currently offers WBIAS through Asymmetric Digital Subscriber Line (“ADSL”) Access Service and Symmetric Digital Subscriber Line (“SDSL”) Access Service under National Exchange Carrier Association (“NECA”) Tariff F.C.C. No. 5, for which the Company is an issuing carrier.

The Company has requested of NECA that it remove the Company as a carrier listed in NECA Tariff F.C.C. No. 5 as a provider of ADSL and SDSL Access Services (hereinafter “WBIAS”) under the tariff effective July 3, 2018.

Impact on Customers

The only customer for the Company’s WBIAS is the Company’s affiliate nonregulated Internet Service Provider (“ISP”) operation. The affiliate purchases WBIAS for use as a component in its broadband Internet service sold to consumers and business customers. The discontinuance of the tariffed offering of WBIAS will have no effect on the end user service provided by the affiliate.

Serving Area

The company’s provision of WBIAS is limited to its ILEC serving area in North Dakota.

Future Availability of WBIAS on a Permissive-Detariffed Common Carriage Basis

The Company will continue to make WBIAS available on a common-carriage basis through posting of rates, terms and conditions on its Internet web-site in a manner similar to that required for interstate and international interexchange services under Section 42.10 of the FCC’s rules (47 C.F.R. § 42.10).

¹ See *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities, Universal Service Obligations of Broadband Providers*, CC Docket No. 02-33, WC Docket No. 05-271, Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 14853 (2005), FCC 05-150 (Rel. Sept. 23, 2005), (*Wireline Broadband Order*).

TURTLE MOUNTAIN COMMUNICATIONS, INC.

411 7th Avenue
P.O. Box 729
Langdon, ND 58249-0279
(701) 256-5156

WBIAS DETARIFFING TIMELINE

April 18, 2018

30-Day Notice filed with following:

Federal Communications Commission (under CC Docket No. 02-33)
Special Assistant for Telecommunications at the Department of Defense
The Office of the Honorable Doug Burgum Governor of North Dakota
Jamie Azure, Chairman, Turtle Mountain Band of Chippewa Indians
North Dakota Public Service Commission
National Exchange Carrier Association

April 18, 2018

Notice to customers.

As indicated above, the only customer for the Company's wireline broadband Internet Access Service (WBIAS) is the Company's affiliate nonregulated ISP operation. The 30-day notice to the affiliate ISP will be provided by interoffice memorandum cover with this notice attached.

June 18, 2018

Expected filing by NECA on 15-day notice of a tariff transmittal that will include, *inter alia*, removal of Turtle Mountain Communications, Inc. from the list of issuing carriers offering ADSL and SDSL Access Service.

July 3, 2018

Planned NECA tariff filing to become effective. Beginning on this date the Company no longer offers WBIAS under NECA Tariff F.C.C. No. 5.

July 3, 2018 Forward

WBIAS available on common-carriage non-tariffed basis under rates, terms and conditions posted at www.utma.com.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notification of Discontinuance of Common Carrier Tariffed Wireline Broadband Internet Access Service was served this 18th day of April, 2018 by mailing true and correct copies thereof, postage prepaid, to the following persons:

Secretary of Defense
Attn: Special Assistant for Telecommunications
1000 Defense Pentagon
Washington, D.C. 20301-1000

The Honorable Doug Burgum
Office of Governor
State of North Dakota
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0001

Jamie Azure, Chairman
Turtle Mountain Band of Chippewa Indians
PO Box 900
Belcourt, North Dakota 58316

North Dakota Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480

National Exchange Carrier Association
80 South Jefferson Road
Whippany, New Jersey 07981


