



**NORTH DAKOTA RURAL TELECOM COALITION  
C/O DERRICK BULAWA, GENERAL MANAGER  
BEK COMMUNICATIONS COOPERATIVE, MEMBER  
200 EAST BROADWAY, PO BOX 230  
STEELE, ND 58482  
TEL. (701) 475-2361**

April 5, 2010

Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TW-A325  
Washington, DC 20554

Re: Petitions for Waiver to Deploy 700 MHz Public Safety Broadband Networks  
*Ex Parte* Presentation - PS Docket No. 06-229  
DA 09-1819

It has come to the attention of the North Dakota Rural Telecom Coalition (“RTC”) that the State of North Dakota has officially withdrawn its request for waiver dated August 18, 2009 for authority to utilize the 700 MHz broadband and narrowband public safety spectrum for purposes of deploying a “4G-like” wireless broadband public safety network. A copy of the State’s withdrawal letter, dated March 25, 2010, is attached below.

In light of the State of North Dakota’s action, RTC respectfully requests that the Commission dismiss the related request for waiver that was filed on July 7, 2009 by New EA, Inc. d/b/a Flow Mobile (the “Flow Request”). As a commercial entity that has not been designated as a nongovernment organization for purposes of providing public safety services in the State of North Dakota, Flow Mobile is not eligible to seek a waiver under Section 337 of the Communications Act. Moreover, since the Flow Request is premised on having support from the State of North Dakota, withdrawal of North Dakota’s waiver request eliminates any plausible argument that the State is seeking a waiver on behalf of Flow. A early-use waiver in the 700 MHz band is only justified under extraordinary circumstances, where the spectrum is to be

Marlene H. Dortch, Secretary  
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deployed imminently. There can now be no doubt that these circumstances are not present in this case.

Please contact the undersigned with any questions.

Very truly yours,

**NORTH DAKOTA RURAL TELECOM COALITION**

A handwritten signature in black ink, appearing to read "Derrick Bulawa". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Derrick Bulawa, General Manager  
BEK Communications Cooperative, Member

cc: FCC Commissioners  
Wireless Telecommunications Bureau  
Public Safety & Homeland Security Bureau  
Office of Engineering & Technology  
Sree Tangella, CEO, Flow Mobile

**Attachment A**

**March 25 2010 Letter to Withdraw  
State of North Dakota Request for Waiver**



# ND Department of Emergency Services

PO Box 5511

Tel: (701) 328-8100

Email: [nddes@nd.gov](mailto:nddes@nd.gov)

Bismarck, ND 58506-5511

Fax: (701) 328-8181

Website: [www.nd.gov/des](http://www.nd.gov/des)

*"Ensuring a safe and secure homeland for all North Dakotans"*

March 25, 2010

The Adjutant General

Federal Communications Commission  
Chief of the Public Safety and Homeland Security Bureau  
Mr. Jamie Arden Barnett, Jr.  
445 12th Street, SW  
Washington, DC 20554

Dear Mr. Barnett:

After our recent review of the National Broadband Plan released this month, by this letter the State of North Dakota hereby withdraws their Waiver Request dated 18 August 2009.

The State of North Dakota will continue to look for solutions, using the national Broadband Plan to rapidly move forward with a wireless broadband solution for our public safety responders.

I appreciate your time and attention to this matter. Please feel free to contact me if you have any questions, 701-333-2002.

Sincerely,

David A. Sprynczynatyk  
Major General, ND National Guard  
Director of Emergency Services

John Hoeven  
Governor

Major General David Sprynczynatyk  
Director - Department of Emergency Services

Greg M. Wilz  
Director - Division of Homeland Security

Mike Lynk  
Director - Division of State Radio

**The North Dakota Rural Telecom Coalition**

BEK Communications Cooperative	Steele, ND
Consolidated Telcom	Dickinson, ND
Dakota Central Telecommunications Cooperative	Carrington, ND
Dickey Rural Networks	Ellendale, ND
Griggs County Telephone Co.	Cooperstown, ND
Halstad Telephone Company	Halstad, MN
IdeaOne Telecom	Fargo, ND
Inter-Community Telephone Company	Nome, ND
Midstate Telephone Company	Stanley, ND
Moore & Liberty Telephone Company	Enderlin, ND
Nemont Telephone Cooperative	Scobey, MT
North Dakota Telephone Company	Devils Lake, ND
Northwest Communications Cooperative	Ray, ND
Polar Communications Cooperative	Park River, ND
Red River Rural Telephone Association	Abercrombie, ND
Reservation Telephone Cooperative	Parshall, ND
SRT Communications, Inc.	Minot, ND
United Telephone Mutual Aid Corporation	Langdon, ND
West River Telecommunications Cooperative	Hazen, ND