



Your business is our business.

REDACTED – FOR PUBLIC INSPECTION

DOCKET FILE COPY ORIGINAL

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ACCEPTED/FILED

October 11, 2013

OCT 21 2013

Federal Communications Commission
Office of the Secretary

By Hand Delivery

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

**Re: WC Docket No. 10-90, WC Docket No. 11-42
2013 ETC Annual Report of BEK Communications Cooperative
Study Area Code 381604**

Dear Ms. Dortch:

On behalf of BEK Communications Cooperative “BEK”, JSI files the attached confidential and redacted versions of the FCC Form 481 ETC annual reporting information pursuant to sections 54.313 and 54.422 of the Commission’s rules.¹ BEK seeks confidential treatment under Protective Order for section 54.313(f)(2) financial information.² The redacted version is also being filed this date via the FCC’s Electronic Comment Filing System.

Please direct any questions regarding the filing to the undersigned.

Sincerely,

John Kuykendall
JSI Vice President
301-459-7590
jkuykendall@jsitel.com

cc: Charles Tyler, Telecommunications Access Policy Division (two copies, confidential)

No. of Copies rec'd 0+3
LISA ABCDF

¹ 47 C.F.R. §§ 54.313, 54.422.

² *Connect America Fund et al.*, WC Docket No. 10-90 *et al.*, Protective Order, DA 12-1857 rel. Nov. 16, 2012 (Protective Order). 47 C.F.R. § 54.313(f)(2).

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
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phone: 801-294-4576, fax: 801-294-512

FCC Form 481 - Carrier Annual Reporting Data Collection Form	FCC Form 481 OMB Control No. 3060-0986/OMB Control No. 3050-0819 July 2013
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<010> Study Area Code	381604
<015> Study Area Name	BEK COMM. COOP.
<020> Program Year	2014
<030> Contact Name: Person USAC should contact with questions about this data	Barry Adair
<035> Contact Telephone Number: Number of the person identified in data line <030>	701-475-2361
<039> Contact Email Address: Email of the person identified in data line <030>	barrya@bektel.coop

ANNUAL REPORTING FOR ALL CARRIERS	54.313	54.422
	Completion	Completion
	Required	Required
	<i>(check box when complete)</i>	

<100> Service Quality Improvement Reporting	<i>(complete attached worksheet)</i>			
<200> Outage Reporting (voice)	<i>(complete attached worksheet)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<210> <input checked="" type="checkbox"/> <-- check box if no outages to report				
<300> Unfulfilled Service Requests (voice)		<input checked="" type="checkbox"/>		
<310> Detail on Attempts (voice)	<i>(attach descriptive document)</i>			
<320> Unfulfilled Service Requests (broadband)				
<330> Detail on Attempts (broadband)	<i>(attach descriptive document)</i>			
<400> Number of Complaints per 1,000 customers (voice)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<410> Fixed	<input type="text" value="0.0"/>			
<420> Mobile	<input type="text"/>			
<430> Number of Complaints per 1,000 customers (broadband)				
<440> Fixed	<input type="text"/>			
<450> Mobile	<input type="text"/>			
<500> Service Quality Standards & Consumer Protection Rules Compliance	<i>(check to indicate certification)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<510> 381604nd510	<i>(attached descriptive document)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<600> Functionality in Emergency Situations	<i>(check to indicate certification)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<610> 381604nd610	<i>(attached descriptive document)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<700> Company Price Offerings (voice)	<i>(complete attached worksheet)</i>			
<710> Company Price Offerings (broadband)	<i>(complete attached worksheet)</i>			
<800> Operating Companies and Affiliates	<i>(complete attached worksheet)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<900> Tribal Land Offerings (Y/N)? <input type="radio"/> <input checked="" type="radio"/>	<i>(if yes, complete attached worksheet)</i>	<input checked="" type="checkbox"/>		
<1000> Voice Services Rate Comparability	<i>(check to indicate certification)</i>			
<1010>	<i>(attach descriptive document)</i>			
<1100> Terrestrial Backhaul (Y/N)? <input checked="" type="radio"/> <input type="radio"/>	<i>(if not, check to indicate certification)</i>			
<1110>	<i>(complete attached worksheet)</i>			
<1200> Terms and Condition for Lifeline Customers	<i>(complete attached worksheet)</i>		<input checked="" type="checkbox"/>	

Price Cap Carriers, Proceed to Price Cap Additional Documentation Worksheet				
<i>Including Rate-of-Return Carriers affiliated with Price Cap Local Exchange Carriers</i>				
<2000>	<i>(check to indicate certification)</i>			
<2005>	<i>(complete attached worksheet)</i>			
Rate of Return Carriers, Proceed to ROR Additional Documentation Worksheet				
<3000>	<i>(check to indicate certification)</i>	<input checked="" type="checkbox"/>		
<3005>	<i>(complete attached worksheet)</i>	<input checked="" type="checkbox"/>		

(100) Service Quality Improvement Reporting Data Collection Form	FCC Form 481 OMB Control No. 3060-0986/OMB Control No. 3060-0819 July 2013
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<010> Study Area Code	381604
<015> Study Area Name	BEK COMM. COOP.
<020> Program Year	2014
<030> Contact Name - Person USAC should contact regarding this data	Barry Adair
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<039> Contact Email Address - Email Address of person identified in data line <030>	barrya@bektel.coop

<110> Has your company received its ETC certification from the FCC?	(yes / no) <input type="radio"/> <input checked="" type="radio"/>
If your answer to Line <110> is yes, do you have an existing §54.202(a) "5 year plan" filed with the FCC?	(yes / no) <input type="radio"/> <input type="radio"/>

If your answer to Line <111> is yes, then you are required to file a progress report, on line <112> delineating the status of your company's existing § 54.202(a) "5 year plan" on file with the FCC, as it relates to your provision of voice telephony service.

<112> Attach Five-Year Service Quality Improvement Plan or, in subsequent years, your annual progress report filed pursuant to 47 C.F.R. § 54.313(a)(1). If your company is a CETC which only receives frozen support, your progress report is only required to address voice telephony service.

Name of Attached Document (.pdf)

Please check these boxes below to confirm that the attached PDF, on line 112, contains a progress report on its five-year service quality improvement plan pursuant to § 54.202(a). The information shall be submitted at the wire center level or census block as appropriate.

- <113> Maps detailing progress towards meeting plan targets
- <114> Report how much universal service (USF) support was received
- <115> How (USF) was used to improve service quality
- <116> How (USF) was used to improve service coverage
- <117> How (USF) was used to improve service capacity
- <118> Provide an explanation of network improvement targets not met in the prior calendar year.

(900) Tribal Lands Reporting Data Collection Form	FCC Form 481 OMB Control No. 3060-0986 / OMB Control No. 3060-0819 July 2013
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<010>	Study Area Code	381604
<015>	Study Area Name	BEK COMM. COOP.
<020>	Program Year	2014
<030>	Contact Name - Person USAC should contact regarding this data	Barry Adair
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<039>	Contact Email Address - Email Address of person identified in data line <030>	barrya@bektel.coop

<910> Tribal Land(s) on which ETC Serves

<920> Tribal Government Engagement Obligation

Name of Attached Document (.pdf)

If your company serves Tribal lands, please select (Yes, No, NA) for each these boxes to confirm the status described on the attached PDF, on line 920, demonstrates coordination with the Tribal government pursuant to § 54.313(a)(9) includes:

- <921> Needs assessment and deployment planning with a focus on Tribal community anchor institutions;
- <922> Feasibility and sustainability planning;
- <923> Marketing services in a culturally sensitive manner;
- <924> Compliance with Rights of way processes
- <925> Compliance with Land Use permitting requirements
- <926> Compliance with Facilities Siting rules
- <927> Compliance with Environmental Review processes
- <928> Compliance with Cultural Preservation review processes
- <929> Compliance with Tribal Business and Licensing requirements.

Select (Yes, No, NA)

(1100) No Terrestrial Backhaul Reporting Data Collection Form	FCC Form 481 OMB Control No. 3060-0986/OMB Control No. 3060-0819 July 2013
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<010>	Study Area Code	381604
<015>	Study Area Name	BEK COMM. COOP.
<020>	Program Year	2014
<030>	Contact Name - Person USAC should contact regarding this data	Barry Adair
<035>	Contact Telephone Number - Number of person identified in data line <030>	701-475-2361
<039>	Contact Email Address - Email Address of person identified in data line <030>	barrya@bektel.coop

<1120> Please check this box to confirm no terrestrial backhaul options exist within the supported area pursuant to § 54.313(G)

<1130> Please check this box to confirm the reporting carrier offers broadband service of at least 1 Mbps downstream and 256 kbps upstream within the supported area pursuant to § 54.313(G)

(1200) Terms and Condition for Lifeline Customers Lifeline Data Collection Form	FCC Form 481 OMB Control No. 3060-0986/OMB Control No. 3060-0819 July 2013
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<010>	Study Area Code	381604
<015>	Study Area Name	BEK COMM. COOP.
<020>	Program Year	2014
<030>	Contact Name - Person USAC should contact regarding this data	Barry Adair
<035>	Contact Telephone Number - Number of person identified in data line <030>	701-475-2361
<039>	Contact Email Address - Email Address of person identified in data line <030>	barrya@bektel.coop

<1210> Terms & Conditions of Voice Telephony Lifeline Plans 381604and1210

Name of attached document (.pdf)

<1220> Link to Public Website HTTP _____

"Please check these boxes below to confirm that the attached PDF, on line 1210, or the website listed, on line 1220, contains the required information pursuant to § 54.422(a)(2) annual reporting for ETCs receiving low-income support, carriers must annually report:

- <1221> Information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers,
- <1222> Details on the number of minutes provided as part of the plan,
- <1223> Additional charges for toll calls, and rates for each such plan.

(2000) Price Cap Carrier Additional Documentation Data Collection Form <i>Including Rate-of-Return Carriers affiliated with Price Cap Local Exchange Carriers</i>	FCC Form 481 OMB Control No. 3060-0986/OMB Control No. 3060-0819 July 2013
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<010>	Study Area Code	381604
<015>	Study Area Name	BEK COMM. COOP.
<020>	Program Year	2014
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<035>	Contact Telephone Number - Number of person identified in data line <030>	701-475-2361
<039>	Contact Email Address - Email Address of person identified in data line <030>	barrya@bektel.coop

CHECK the boxes below to note compliance as a recipient of incremental Connect America Phase I support, frozen High Cost support, High Cost support to offset access charge reductions, and Connect America Phase II support as set forth in 47 CFR § 54.313(b),(c),(d),(e) the information reported on this form and in the documents attached below is accurate.

Incremental Connect America Phase I reporting

<2010>	2nd Year Certification {47 CFR § 54.313(b)(1)}	<input type="checkbox"/>
<2011>	3rd Year Certification {47 CFR § 54.313(b)(2)}	<input type="checkbox"/>

Price Cap Carrier Receiving Frozen Support Certification {47 CFR § 54.312(a)}

<2012>	2013 Frozen Support Certification	<input type="checkbox"/>
<2013>	2014 Frozen Support Certification	<input type="checkbox"/>
<2014>	2015 Frozen Support Certification	<input type="checkbox"/>
<2015>	2016 and future Frozen Support Certification	<input type="checkbox"/>

Price Cap Carrier Connect America ICC Support {47 CFR § 54.313(d)}

<2016>	Certification Support Used to Build Broadband	<input type="checkbox"/>
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Connect America Phase II Reporting {47 CFR § 54.313(e)}

<2017>	3rd year Broadband Service Certification	<input type="checkbox"/>
<2018>	5th year Broadband Service Certification	<input type="checkbox"/>
<2019>	Interim Progress Certification	<input type="checkbox"/>
<2020>	Please check the box to confirm that the attached PDF, on line 2021, contains the required information pursuant to § 54.313 (e)(3)(ii), as a recipient of CAF Phase II support shall provide the number, names, and addresses of community anchor institutions to which began providing access to broadband service in the preceding calendar year.	<input type="checkbox"/>
<2021>	Interim Progress Community Anchor Institutions	Name of Attached Document Listing Required Information _____

Certification - Reporting Carrier Data Collection Form	FCC Form 481 OMB Control No. 3060-0986/OMB Control No. 3060-0819 July 2013
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<010> Study Area Code	381604
<015> Study Area Name	BEK COMM. COOP.
<020> Program Year	2014
<030> Contact Name - Person USAC should contact regarding this data	Barry Adair
<035> Contact Telephone Number - Number of person identified in data line <030>	701-475-2361
<039> Contact Email Address - Email Address of person identified in data line <030>	barrya@bektel.coop

TO BE COMPLETED BY THE REPORTING CARRIER, IF THE REPORTING CARRIER IS FILING ANNUAL REPORTING ON ITS OWN BEHALF:

Certification of Officer as to the Accuracy of the Data Reported for the Annual Reporting for CAF or LI Recipients	
I certify that I am an officer of the reporting carrier; my responsibilities include ensuring the accuracy of the annual reporting requirements for universal service support recipients; and, to the best of my knowledge, the information reported on this form and in any attachments is accurate.	
Name of Reporting Carrier:	
Signature of Authorized Officer:	Date
Printed name of Authorized Officer:	
Title or position of Authorized Officer:	
Telephone number of Authorized Officer:	
Study Area Code of Reporting Carrier:	Filing Due Date for this form:
Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act of 1934, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.	

Certification - Agent / Carrier Data Collection Form	FCC Form 481
	OMB Control No. 3060-0956/OMB Control No. 3060-0819 July 2013

<010> Study Area Code	381604
<015> Study Area Name	BEK COMM. COOP.
<020> Program Year	2014
<030> Contact Name - Person USAC should contact regarding this data	Barry Adair
<035> Contact Telephone Number - Number of person identified in data line <030>	701-475-2361
<039> Contact Email Address - Email Address of person identified in data line <030>	barrya@bektel.coop

TO BE COMPLETED BY THE REPORTING CARRIER, IF AN AGENT IS FILING ANNUAL REPORTS ON THE CARRIER'S BEHALF:

Certification of Officer to Authorize an Agent to File Annual Reports for CAF or LI Recipients on Behalf of Reporting Carrier	
I certify that (Name of Agent) <u>JSI Inc</u> is authorized to submit the information reported on behalf of the reporting carrier. I also certify that I am an officer of the reporting carrier; my responsibilities include ensuring the accuracy of the annual data reporting requirements provided to the authorized agent; and, to the best of my knowledge, the reports and data provided to the authorized agent is accurate.	
Name of Authorized Agent:	JSI Inc
Name of Reporting Carrier:	BEK COMM. COOP.
Signature of Authorized Officer:	CERTIFIED ONLINE Date: 10/11/2013
Printed name of Authorized Officer:	Barry Adair
Title or position of Authorized Officer:	CFO
Telephone number of Authorized Officer:	701-475-1246
Study Area Code of Reporting Carrier:	381604 Filing Due Date for this form: 10/15/2013
Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act of 1934, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.	

TO BE COMPLETED BY THE AUTHORIZED AGENT:

Certification of Agent Authorized to File Annual Reports for CAF or LI Recipients on Behalf of Reporting Carrier	
I, as agent for the reporting carrier, certify that I am authorized to submit the annual reports for universal service support recipients on behalf of the reporting carrier; I have provided the data reported herein based on data provided by the reporting carrier; and, to the best of my knowledge, the information reported herein is accurate.	
Name of Reporting Carrier:	BEK COMM. COOP.
Name of Authorized Agent or Employee of Agent:	John Staurulakis, Inc.
Signature of Authorized Agent or Employee of Agent:	CERTIFIED ONLINE Date: 10/11/2013
Printed name of Authorized Agent or Employee of Agent:	Alice Lewis
Title or position of Authorized Agent or Employee of Agent:	Manager
Telephone number of Authorized Agent or Employee of Agent:	217-498-6863
Study Area Code of Reporting Carrier:	381604 Filing Due Date for this form: 10/15/2013
Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act of 1934, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.	

Attachments

1. Demonstration of Compliance with Applicable Service Quality Standards and Consumer Protection Rules:

In establishing this certification in its *2005 ETC Order*,¹ the FCC found that an ETC must make “a specific commitment to objective measures to protect consumers.”² 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 would be considered on a case-by-case basis.³ 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.”⁴

BEK Communications Cooperative (“Company”) hereby certifies that it is complying with applicable service quality standards and consumer protection rules. The Company is subject to consumer protection obligations under federal law and, to a limited extent under North Dakota state law as a telecommunications carrier subject to North Dakota Public Service Commission regulation. These obligations include, but are not limited to, the following: (1) adherence to state requirements that the Company complies with consumer protection and service quality standards pursuant to North Dakota Administrative Code Article 69, including customer requests for lowest price

¹ *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*”).

² *Id.* at para. 28.

³ *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 service; (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.

⁴ *Id.* at n. 72.

service alternatives (69-09-05-01), discontinuance of telecommunications services (69-09-05-02), deposits and guarantees (69-09-05-03); (2) truth-in-billing requirements, and (3) CPNI, Red Flag Rules and other applicable federal and state requirements governing the protection of customers' privacy.

1. Ability to Function in Emergency Situations

BEK Communications Cooperative hereby certifies that it is able to function in emergency situations as set forth in §54.202(a)(2)¹ and North Dakota Administrative Code 69-09-05-12. The Company's 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 can change call routing translations as needed to reroute traffic around damaged facilities. Changing call routing translations will also allow the Company to manage traffic spikes throughout its network, as emergency situations require.

Specifically, each central office building is supplied with standby generators and battery back-up that 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. The Company's central office can maintain 8 hours, plus or minus 15 percent, of battery reserve rated for peak traffic load requirements, and a permanent auxiliary power unit is installed or a mobile power source is available which can be delivered and connected within four hours. The Company has battery backup at all office locations and in its electronic equipment sites capable of running for a minimum of 8 hours, plus or minus 15 percent. Length of run time is determined by the equipment serving the area and the number of customers working out of the equipment. Generators are installed at all

¹ 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 managing traffic spikes resulting from emergency situations."

Central Office locations. They will continue to run as long as the Company has access to fuel. The Company tests the batteries at least once per year.

Lifeline Discount

Lifeline is a government assistance program that offer discounts to qualified telephone customers on their monthly residential telephone service.

Who qualifies for Lifeline?

You are eligible for Lifeline Service if your total household income is at or below 135% of the Federal Poverty Guidelines; or if you, your dependent, or your household participates in one of the following programs:

- Medicaid
- Supplemental Security Income (SSI)
- Supplemental Nutrition Assistance Program (SNAP) formerly Food Stamps
- Home Energy Assistance Program (HEAP)
- Temporary Assistance for Needy Families (TANF) or Training, Employment, Education Management (TEEM)
- Federal Public Housing Assistance or Section 8
- National School Lunch Program's Free Lunch Program

Are there restrictions?

Lifeline is only available on one wireline or one wireless telephone per household. Customers may not transfer their Lifeline benefits to another person, even if the other person is eligible. Each year, Lifeline customers must certify that they are still eligible for the discount. Customers who willfully make false statements in order to obtain the benefit are subject to fine or imprisonment or may be barred from the program.

How do I apply for Lifeline?

Customers must enroll in Lifeline service and must provide proof of eligibility before receiving support. To apply for Lifeline or for details about these programs, you may print the application or contact us for more information.

13.1 LOCAL EXCHANGE SERVICE

The following rates and charges are made for Local Exchange Service of the Company as identified in Section 6 of this Tariff. Each of the services can be unbundled but only to the extent provided herein.

A. Local Exchange Service – monthly rates

1. EAS Rate Bands

Band 1	Up to 1000 Lines	\$0.50
Band 2	1001-5000 Lines	\$1.50
Band 3	5001 + Lines	\$6.00

<u>EXCHANGE</u>	<u>BANDS</u>
Hazelton (782)	2
Kintyre (332)	2
Lehr (378)	2
Linton (254)	2
McKenzie (673)	3
Napoleon (754)	2
Pettibone (273)	1
Regan (286)	1
Robinson (392)	1
Sterling (387)	3
Steele (475)	1
Strasburg (336)	2
Tappen (327)	1
Tuttle (867)	1
Wilton (734)	3
Wing (943)	1
Wishek (452)	2
Zeeland (423)	2

2. Residential Local Service \$15.95

3. Business Local Service \$22.95

4. Line Extensions

On Premise Extension	\$2.00
Off Premise Extension	\$12.00
Emergency Services Extension	\$2.00
Cable Rent	\$10.00
Emergency Services Cable Rent	\$2.00

13.8 SPECIAL RATES AND CHARGES

- A. Lifeline Discounts
 - 1. Federal baseline deduction - \$6.50
 - 2. Additional Federal Lifeline Assistance Support - \$2.75
- B. Federal Subscriber Line Charge (SLC) - monthly charges per NECA tariff
 - 1. Residence or Single Line Business \$6.50
 - 2. Multiline Business \$9.20
- C. Federal Universal Service Charge (FUSC) – monthly charges per NECA tariff
15.6%
- D. Telecommunications Relay Service – monthly charge per state of ND \$0.04
- E. Emergency 911 – monthly charge as assessed by County gov't. \$1.00
- F. Pay Station Service Provider Charge - monthly charge \$2.93
- G. Digital Subscriber Line service terms and rates per NECA Tariff.
- H. Dark Fiber not available.

REDACTED – FOR PUBLIC INSPECTION

BEK COMMUNICATIONS COOPERATIVE (SAC 381604)

ATTACHMENT - LINE 3017

ATTACHMENT REDACTED IN ENTIRETY