



Your business is our business.

7852 Walker Drive, Suite 200
Greenbelt, Maryland 20770
phone: 301-459-7590, fax: 301-577-5575
internet: www.jsitel.com, e-mail: jsi@jsitel.com

DOCKET FILE COPY ORIGINAL **ACCEPTED/FILED**

OCT 25 2013

Federal Communications Commission
Office of the Secretary

REDACTED - FOR PUBLIC INSPECTION

October 8, 2013

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 North Dakota Telephone Company
Study Area Code 381447**

Dear Ms. Dortch:

On behalf of North Dakota Telephone Company "North Dakota", 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 North Dakota 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 093
List ABCDE

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
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

FCC Form 481 - Carrier Annual Reporting Data Collection Form	FCC Form 481 OMB Control No. 3060-0986/OMB Control No. 3060-0819 July 2013
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ACCEPTED/FILED

<010> Study Area Code	381447	
<015> Study Area Name	NORTH DAKOTA TEL CO	OCT 25 2013
<020> Program Year	2014	Federal Communications Commission Office of the Secretary
<030> Contact Name: Person USAC should contact with questions about this data	Shawna Senger	
<035> Contact Telephone Number: Number of the person identified in data line <030>	7016626428	
<039> Contact Email Address: Email of the person identified in data line <030>	shawmas@ndtel.com	

ANNUAL REPORTING FOR ALL CARRIERS	54.313 Completion Required	54.422 Completion Required
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		(check box when complete)		
<100> Service Quality Improvement Reporting <i>(complete attached worksheet)</i>		<input type="checkbox"/>		
<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)	0	<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	0.0			
<420> Mobile				
<430> Number of Complaints per 1,000 customers (broadband)				
<440> Fixed				
<450> Mobile				
<500> Service Quality Standards & Consumer Protection Rules Compliance <i>(check to indicate certification)</i>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<510> 381447nd510 <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> 381447nd610 <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 checked="" type="radio"/> <input 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
 Including Rate-of-Return Carriers affiliated with Price Cap Local Exchange Carriers

<2000>	<i>(check to indicate certification)</i>	<input type="checkbox"/>	
<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

381447

<010> Study Area Code

NORTH DAKOTA TEL CO

<015> Study Area Name

2014

<020> Program Year

<030> Contact Name - Person USAC should contact regarding this data Shawna Senger

<035> Contact Telephone Number - Number of person identified in data line <030> 7016626428

<039> Contact Email Address - Email Address of person identified in data line <030> shawna@sndtel.com

<110> Has your company received its ETC certification from the FCC? (yes / no)

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)

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.

<input type="checkbox"/>							
<input type="checkbox"/>							
<input type="checkbox"/>							
<input type="checkbox"/>							
<input type="checkbox"/>							
<input type="checkbox"/>							
<input type="checkbox"/>							
<input type="checkbox"/>							

<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

<010> Study Area Code 381447
 <015> Study Area Name NORTH DAKOTA TEL CO
 <020> Program Year 2014
 <030> Contact Name - Person USAC should contact regarding this data Shawna Senger
 <035> Contact Telephone Number - Number of person identified in data line <030> 701.662.6428
 <039> Contact Email Address - Email Address of person identified in data line <030> shawna@sndtel.com

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

<920> Tribal Government Engagement Obligation 381447nd920
 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:

Select (Yes, No, NA)	Text
Yes	<921> Needs assessment and deployment planning with a focus on Tribal community anchor institutions;
Yes	<922> Feasibility and sustainability planning;
Yes	<923> Marketing services in a culturally sensitive manner;
Yes	<924> Compliance with Rights of way processes
Yes	<925> Compliance with Land Use permitting requirements
Yes	<926> Compliance with Facilities Siting rules
Yes	<927> Compliance with Environmental Review processes
Yes	<928> Compliance with Cultural Preservation review processes
Yes	<929> Compliance with Tribal Business and Licensing requirements.

(1100) No Terrestrial Backhaul Reporting
Data Collection Form

FCC Form 481
OMB Control No. 3060-0986/OMB Control No. 3060-0819
July 2013

<010>	Study Area Code	381447
<015>	Study Area Name	NORTH DAKOTA TEL CO
<020>	Program Year	2014
<030>	Contact Name - Person USAC should contact regarding this data	Shawna Senger
<035>	Contact Telephone Number - Number of person identified in data line <030>	701.662.6428
<039>	Contact Email Address - Email Address of person identified in data line <030>	shawnae@ndtel.com

<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

<010> Study Area Code 381447
 <015> Study Area Name NORTH DAKOTA TEL CO
 <020> Program Year 2014
 <030> Contact Name - Person USAC should contact regarding this data Shawna Senger
 <035> Contact Telephone Number - Number of person identified in data line <030> 7016626428
 <039> Contact Email Address - Email Address of person identified in data line <030> shawmas@ndtel.com

<1210> Terms & Conditions of Voice Telephony Lifeline Plans 381447nd1210
 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
 Including Rate-of-Return Carriers affiliated with Price Cap Local Exchange Carriers

FCC Form 481

OMB Control No. 3060-0986/OMB Control No. 3060-0819

July 2013

<010> Study Area Code 38147
 <015> Study Area Name NORTH DAKOTA TEL CO
 <020> Program Year 2014
 <030> Contact Name - Person USAC should contact regarding this data Shawna Senger
 <035> Contact Telephone Number - Number of person identified in data line <030> 7016626428
 <039> Contact Email Address - Email Address of person identified in data line <030> shawna@ndtel.com

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))
 <2011> 3rd Year Certification (47 CFR § 54.313(b)(2))

Price Cap Carrier Receiving Frozen Support Certification (47 CFR § 54.312(e))
 <2012> 2013 Frozen Support Certification
 <2013> 2014 Frozen Support Certification
 <2014> 2015 Frozen Support Certification
 <2015> 2016 and future Frozen Support Certification

Price Cap Carrier Connect America ICC Support (47 CFR § 54.313(d))
 <2016> Certification Support Used to Build Broadband

Connect America Phase II Reporting (47 CFR § 54.313(e))
 <2017> 3rd year Broadband Service Certification
 <2018> 5th year Broadband Service Certification
 <2019> Interim Progress Certification
 <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.

<2021> Interim Progress Community Anchor Institutions Name of Attached Document Listing Required Information

FCC Form 481
OMB Control No. 3060-0949/OMB Control No. 3060-0819
July 2013

(3000) Rata Of Return Carrier Additional Documentation
Data Collection Form

381447

<010> Study Area Code NORTH DAKOTA TEL CO

<015> Study Area Name 2014

<020> Program Year Shawna Senger

<030> Contact Name - Person USAC should contact regarding this data 701.626428

<035> Contact Telephone Number - Number of person identified in data line <030> shawna@ntel.com

<039> Contact Email Address - Email Address of person identified in data line <030>

CHECK the boxes below to note compliance on its five year service quality plan (pursuant to 47 CFR § 54.202(a)) and, for privately held carriers, ensuring compliance with the financial reporting requirements set forth in 47 CFR § 54.313(f)(2). I further certify that the information reported on this form and in the documents attached below is accurate.

Progress Report on 5 Year Plan

Item	Description	Yes/No	Name of Attached Document Listing Required Information
(3010)	Milestone Certification (47 CFR § 54.313(f)(1)(i)) Please check this box to confirm that the attached PDF, on line 3012, contains the required information pursuant to § 54.313 (f)(1)(i), 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 checked="" type="checkbox"/> (Yes/No) <input type="checkbox"/> (Yes/No)	
(3012)	Community Anchor Institutions (47 CFR § 54.313(f)(1)(ii)) Is your company a Privately Held ROR Carrier (47 CFR § 54.313(f)(2)) If yes, does your company file the RUS annual report Please check these boxes to confirm that the attached PDF, on line 3017, contains the required information pursuant to § 54.313(f)(2) compliance requires: Electronic copy of their annual RUS reports (Operating Report for Telecommunications Borrowers)	<input checked="" type="checkbox"/> (Yes/No) <input type="checkbox"/> (Yes/No) <input type="checkbox"/> <input type="checkbox"/>	
(3016)	PDF of Balance Sheet, Income Statement and Statement of Cash Flows If the response is yes on line 3014, attach your company's RUS annual report and all required documentation	<input checked="" type="checkbox"/> (Yes/No)	
(3018)	If the response is yes on line 3018, please check the boxes below to confirm your submission, on line 3026 pursuant to § 54.313(f)(2), contains: Either a copy of their audited financial statement; or (2) a financial report in a format comparable to RUS Operating Report for Telecommunications PDF of Balance Sheet, Income Statement and Statement of Cash Flows	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
(3021)	Management letter issued by the independent certified public accountant that performed the company's financial audit. If the response is no on line 3018, please check the boxes below to confirm your submission, on line 3026 pursuant to § 54.313(f)(2), contains: Copy of their financial statement which has been subject to review by an independent certified public accountant; or (2) a financial report in a format comparable to RUS Operating Report for Telecommunications Borrowers, Underlying information subjected to a review by an independent certified public accountant	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
(3024)	Underlying information subjected to an officer certification.	<input type="checkbox"/>	
(3025)	PDF of Balance Sheet, Income Statement and Statement of Cash Flows	<input type="checkbox"/>	
(3026)	Attach the worksheet listing required information	<input type="checkbox"/>	381447nd3026

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	381447
<015> Study Area Name	NORTH DAKOTA TEL CO
<020> Program Year	2014
<030> Contact Name - Person USAC should contact regarding this data	Shawna Senger
<035> Contact Telephone Number - Number of person identified in data line <030>	7016626428
<039> Contact Email Address - Email Address of person identified in data line <030>	shawnas@ndtel.com

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. 3060-0986/OMB Control No. 3060-0819 July 2013
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<010> Study Area Code	381447
<015> Study Area Name	NORTH DAKOTA TEL CO
<020> Program Year	2014
<030> Contact Name - Person USAC should contact regarding this data	Shawna Senger
<035> Contact Telephone Number - Number of person identified in data line <030>	7016626428
<039> Contact Email Address - Email Address of person identified in data line <030>	shawmas@ndtel.com

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>Cassandra Heyne</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:	Cassandra Heyne
Name of Reporting Carrier:	NORTH DAKOTA TEL CO
Signature of Authorized Officer:	CERTIFIED ONLINE
Date:	10/07/2013
Printed name of Authorized Officer:	Shawna Senger
Title or position of Authorized Officer:	CFO
Telephone number of Authorized Officer:	701.662.1100
Study Area Code of Reporting Carrier:	381447
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:	NORTH DAKOTA TEL CO
Name of Authorized Agent or Employee of Agent:	Cassandra Heyne
Signature of Authorized Agent or Employee of Agent:	CERTIFIED ONLINE
Date:	10/07/2013
Printed name of Authorized Agent or Employee of Agent:	Cassandra Heyne
Title or position of Authorized Agent or Employee of Agent:	Senior Analyst
Telephone number of Authorized Agent or Employee of Agent:	3014597590
Study Area Code of Reporting Carrier:	381447
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

North Dakota Telephone Company's 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

North Dakota Telephone Company ("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.

North Dakota Telephone Company's Demonstration of Ability to Function in Emergency Situations

North Dakota Telephone Company ("Company") 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 can be supplied with standby generators and has battery back-up that enables 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

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."

number of customers working out of the equipment. Generators are installed at twenty-two of the thirty-one Central Office locations with a mobile power source available at the other nine Central Office locations within four hours. They will continue to run as long as the Company has access to fuel. The Company tests the batteries at least once per year.

ETC Annual Reporting Requirements 47 CFD 54.313(a)(9) – ETCs Serving Tribal Lands

Section 1: Certification of Officer

Sections 54.313(a)(9) of the rules of the Federal Communications Commission ("FCC") requires North Dakota Telephone Company ("NDTC"), SAC381447, to provide documents and information regarding discussions that NDTC had with Tribal governments located within NDTC's service area. NDTC certifies that it followed the guidance outlined in the FCC's July 19, 2012 Public Notice wherein the FCC issued guidance on the Tribal government engagement obligation provisions of the Connect America Fund.

I, Dave Dircks, am an officer of NDTC and hereby certify that NDTC is in compliance with the FCC's Tribal engagement requirements, and the statements made in this report are accurate:

Name of Officer (Print): Dave Dircks
Title: CEO/General Manager
Signature: 
Date: 9/26/13

Section 2: Company and Tribal Information

NDTC is a state-designated ETC serving Tribally owned lands in North Dakota. The Tribally owned lands are in the counties of Benson, Nelson, Eddy and Ramsey and belong to the Spirit Lake Tribe. NDTC serves approximately 405 square miles of Tribally owned lands and has a population of 4238 according to the Census 2010 or 10.5 people per square mile.

As of December 31, 2012, NDTC does provide voice telephone service that is available to 100% of the Spirit Lake Tribal land and presently has 560 residential and 490 business access lines in service on Spirit Lake Tribal lands. NDTC has the ability to provide broadband to about 98% of the Spirit Lake Reservation and currently has 373 broadband customers.

NDTC initiated the engagement process outlined in the Further Guidance in 2012. NDTC contacted Tribal leaders on November 29, 2012 about the Tribal engagement process. The following employees participated in the Tribal engagement:

Rodney Hoffmeyer
Customer/Engineering Manager

Shawna Senger
Chief Financial Officer

NDTC successfully contacted the following individuals:

Monte LeBeau
BIA
Spirit Lake Tribe
816 3rd Ave Fort Totten, ND 58335

Bonita Moran
EPA
Spirit Lake Tribe
816 3rd Ave Fort Totten, ND 58335

Marshal DeMarce
MIS Director
Spirit Lake Tribe
816 3rd Ave Fort Totten, ND 58335

Jessie Bearrunner
Right of Way Agent
Spirit Lake Tribe
816 3rd Ave Fort Totten, ND 58335

Barbara Jackson
Spirit Lake Tribe Sec/Tres
Spirit Lake Tribe
816 3rd Ave Fort Totten, ND 58335
sltsectres@spiritlakenation.com
701-766-1223

Section 3: 54.313(a)(9)(i) A Needs Assessment and Deployment Planning

NDTC staff has taken every opportunity to engage Tribal Leaders. An NDTC Account Executive has been in contact with business leaders regularly to meet their communication needs. All Tribal leaders and business managers are aware of NDTC and the staff they can reach in order to add, change or remove services as needed.

As Tribal leaders and anchor institutions contact NDTC or NDTC finds out about new or changing situations, NDTC has been responsive in adding facilities to meet current and future needs. All new installations are completed using fiber optic facilities.

Today, all of NDTC's central offices that are located on the Spirit Lake Reservation are digital remotes of a Genband C-15 Softswitch located in Devils Lake, ND. Each central office is located on redundant fiber optics route that will remain in service in the event of a cable cut or equipment failure. The Tribally owned Spirit Lake Casino is also served by redundant fiber optics-routes.

NDTC is actively placing fiber optics within the Spirit Lake Reservation as needed. NDTC has deployed fiber optics to the following locations to meet their service needs. They include:

- Four Winds School in Fort Totten
- Chandeska Chikana Community College in Fort Totten
- Sioux Manufacturing Corporation in Fort Totten
- Warwick Public School in Warwick
- Spirit Lake EMS in rural Fort Totten
- Crowhill rural cabinet to supply broadband in the Crowhill area

Section 4: 54.313(a)(9)(ii) Feasibility and Sustainability Planning

As stated above, NDTC is in regular contact with Tribal entities. As NDTC's needs are met in and around Tribal areas, the immediate and future needs are considered in planning and completing facility additions.

Current NDTC facilities in Tribal areas are sufficient to handle the current needs. In any event there is need for new or added capabilities; terrain, remoteness, and poverty are not issues to be considered. No Tribal areas are further than approximately 1 mile from existing facilities. Terrain is not an issue

when it comes to the services that NDTC provides. Poverty is not an item used in any way to determine type or size of facilities to be installed.

In 2012, NDTC invested approximately \$30,000 in new or existing outside plant construction. Investments were used to provide services to old and new locations, along with cable replacements to accommodate road raises due to area flooding. In addition, NDTC has invested \$43,000 in improvements and upgrades to our central offices that serve the Spirit Lake Reservation.

Section 5: 54.313(a)(9)(iii) Marketing Services in a Culturally Sensitive Manner

All marketing and promotions for NDTC services include all exchanges including Tribal lands. NDTC provides customer service, technical assistance and business sales services when requested by our customers. Voice telephone service is available to 100% of Spirit Lake Tribal Lands and NDTC has the ability to provide broadband to 98% of the Spirit Lake Nation. During our engagement with the Tribal leaders, any discussions regarding voice and broadband services were positive.

NDTC has provided \$500 in donations to the Spirit Lake Community during 2012. Also, in coordination with OPATSCO, NDTC nominated the Four Winds Community High School on the Spirit Lake Nation Reservation and was awarded a FRED (Foundation for Rural Education and Development) Technology Grant in the amount of \$5,000. NDTC provided over \$122,000 in security cameras, phone systems, network wiring and installation sales to the Spirit Lake Nation Community and Anchor Institutions during 2012.

North Dakota Telephone Company publicizes LifeLine and LinkUp in a manner that will reach those likely to qualify by publishing announcements, materials, and advertising utilizing Newspapers, Radio Announcements, Local Access Channel, NDTC Telephone Directory, NDTC newsletter and on our website. Brochures and posters of LifeLine and LinkUp are distributed at the Social Services Office and Schools on the Spirit Lake Nation.

Section 6: 54.313(a)(9)(iv) Rights of Way Processes, Land Use Permitting, Facilities Siting, Environmental and Cultural Preservation Review Processes

NDTC representatives met with Spirit Lake Right of Way Department to discuss any concerns with work completed by NDTC on Tribal Lands in 2012. The Right of Way personnel indicated NDTC was in compliance in 2012.

NDTC will continue to work with tribal representatives as needed to meet their telecommunication needs while being in compliance with all permitting rules.

Section 7: 54.313(a)(9)(v) Compliance with Tribal Business Licensing Requirements

NDTC has a Certification of Public Convenience and Necessity for Fort Totten and surrounding rural areas on file with the North Dakota Public Service Commission. NDTC is compliant with existing Tribal Licensing requirements. NDTC currently holds a valid Spirit Lake Business License.

Section 8: Communications with Tribal Leaders

Copies of communication with Tribal Leaders can be provided to the FCC upon request.

Date	Contact Type (in-person, phone, email, etc.)	Employee Contact	Tribal Contact	Successful Attempt? (Y/N)
3/5/12	Email	Craig Harper	Phillip Lewis	Y
4/30/12	Email	Craig Harper	Peggy Cavanaugh	Y
5/14/12	In Person	Craig Harper	Mike Larson	Y
10/31/12	Email	Craig Harper	Peter Owlboy	Y
11/29/12	In Person	Rod Hoffmeyer	Monte LeBeau	Y
11/29/12	In Person	Shawna Senger	Bonita Moran	Y
11/29/12	In Person	Shawna Senger	Marshal DeMarce	Y
11/29/12	In Person	Rod Hoffmeyer	Jessie Berrunner	Y
11/29/12	In Person	Shawna Senger	Barbara Jackson	Y
12/11/12	Phone	Tammy Reierson	Ken Chaske	N
12/19/12	In Person	Craig Harper	Merle Cavanaugh	Y

Exchange and Network Services Tariff

State of North Dakota
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1st Revised Page 11
Replaces Original Page 11

4. LOCAL EXCHANGE SERVICE

4.8 TELEPHONE ASSISTANCE PROGRAMS

A. Link Up Program

(T)

1. Residents of Tribal lands are eligible for Link Up support if served by a high cost recipient based on:
 - a. Income Level
 - b. Participation in any Tribal-specific federal assistance program identified in the FCC rules (See Lifeline/Link Up application)
 - c. Participation in any other program identified in the FCC rules (See Lifeline/Link Up application)

The Link Up Program consists of the following:

- a. A reduction in the installation charge for a single telecommunications connection at a subscriber's principal place of residence.
- b. The reduction shall be 100% of the customary charge.
- c. The reduced connection charge will be payable in the first billing cycle following connection of service.
- d. Charges assessed for commencing service include any charge customarily assessed to connect a subscriber to the network. The charges do not include security deposit requirements.
- e. There is no limit on the number of times the subscriber may use Link Up as long as they haven't received Link Up at the address that they are requesting the benefit for.

(T)

4. LOCAL EXCHANGE SERVICE

4.8 TELEPHONE ASSISTANCE PROGRAMS (CONT'D)

B. Lifeline Program

North Dakota residents who are eligible to receive assistance from one of the following federal assistance programs; Medicaid, Supplemental Nutrition Assistance Program, Supplemental Security Income, Federal Public Housing Assistance, Low Income Home Energy Assistance Program, National School Lunch Program's Free Lunch Program, Temporary Assistance For Needy Families, or the consumer's household income is at or below 135% of the Federal Poverty Guidelines for a household of that size may qualify for the Lifeline Program.

The Federal Lifeline Program consists of the following:

- a. Qualifying low income consumers pay reduced charges for retail local telecommunications service.
- b. Lifeline service includes 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 emergency services, and toll limitation service to qualifying low income consumers.
- c. Toll Limitation Service will be provided at no additional cost to the consumer who qualifies for Lifeline where the ETC still distinguishes between local and long distance.
- d. A deposit may not be collected in order to initiate Lifeline Service for plans that:
 1. Do not charge subscribers additional fees for toll calls; or
 2. That charge additional fees for toll calls, but the subscriber voluntarily elects toll limitation service.
- e. North Dakota Telephone Company will not disconnect Lifeline service if consumer keeps their basic local service in good standing
- f. Only one Federal Lifeline Service is available per household.

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State of North Dakota
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3rd Revised Page 13
Replaces 2nd Revised Page 13

4. LOCAL EXCHANGE SERVICE

4.8 TELEPHONE ASSISTANCE PROGRAMS (CONT'D)

B. Lifeline Program (Cont'd)

- f. Lifeline credits applied to retail residential basic local telecommunication service rates are as follows:

Regular Federal Lifeline Customers	Code	Credits	
Interstate Lifeline Credit	LLCR	\$2.75	
Federal Lifeline Waiver	LLW	\$6.50	(N)
Lifeline Regular Toll Block Credit	BLKLL	\$1.00	

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2nd Revised Page 14
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4. LOCAL EXCHANGE SERVICE

4.8 TELEPHONE ASSISTANCE PROGRAMS (CONT'D)

C. Link Up for Eligible Residents of Tribal Lands

1. North Dakota residents of Tribal lands who are eligible to receive Lifeline for residents of Tribal lands under Section 4.8.D, and make the certification required for Tribal Lifeline are also eligible to receive Link Up.
 - a. Link Up provides eligible residents of Tribal lands with a reduction up to \$100.00 of the customary charge for a single telecommunications connection at a subscriber's principal place of residence. See Section 4, Page 11 for eligibility requirements.

4. LOCAL EXCHANGE SERVICE

4.8 TELEPHONE ASSISTANCE PROGRAMS (CONT'D)

D. Lifeline for Eligible Residents of Tribal Lands

1. North Dakota residents of Tribal lands who are eligible to receive one of the following programs are eligible to receive Tribal Lifeline.

Major assistance programs administered by the North Dakota Department of Human Service:

Temporary Assistance to Needy Families (TANF)
Food Stamps
Low Income Home Energy Assistance Program
Medicaid

Other programs:

Federal public housing assistance
Bureau of Indian Affairs assistance
Tribally administered Temporary Assistance for Needy Families (TANF)
Head Start (only those meeting its income qualifying standard)
National School Lunch Program's free lunch program (NSL)
SSI
Food Distribution Program on Indian Reservations
Income guidelines of 135% of the Federal Poverty Guidelines (Income based eligibility is intended for those that do not otherwise qualify)

- a. A resident of Tribal lands is a consumer living on a reservation as defined by Section 20.1(v) of the Bureau of Indian Affairs regulations (25 C.F.R. § 20.1(v)).
- b. Tribal Lifeline for eligible residents of Tribal lands provides additional Lifeline support above the Lifeline received under the Federal Lifeline program described in Section 4.8.B, of up to \$25.00 per month.

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Exchange and Network Services Tariff**

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4. LOCAL EXCHANGE SERVICE

4.8 TELEPHONE ASSISTANCE PROGRAMS (CONT'D)

D. Tribal Lifeline for Eligible Residents of Tribal Lands (Cont'd)

1. (Cont'd)
 - d. Tribal Lifeline benefits apply to the basic local residential telephone charges.
2. In order to receive Tribal Lifeline for residents of Tribal lands, a consumer must complete and sign a certification form provided by North Dakota Telephone Company as described below. The Tribal Lifeline certification form will include the following:
 - a. a statement that the consumer is certifying the information conveyed in the completed certification under penalty of perjury,
 - b. indication that the consumer is receiving benefits under one of the programs listed under Section 4.8.D.1 for Tribal Lifeline,
 - c. indication that the consumer lives on Tribal lands, and
 - d. a statement that the consumer agrees to notify North Dakota Telephone Company if the consumer ceases to participate in the program or programs.
3. Federal Lifeline credits applied to tribal residential basic local telecommunications service rates are as follows:

Tribal Lifeline Credit Amounts

<u>Exchange with Tribal Land</u>	<u>Code</u>	<u>Credit Amount</u>	
Interstate Lifeline Credit	<u>LLCRX</u>	\$ 2.75	(N)
Federal Lifeline Waiver	<u>LLWX</u>	\$ 6.50	
Additional Federal Tribal Lifeline Amounts			
	<u>LLXTT</u>		
Crary.....		\$15.25	(I) (I)
Fort Totten.....		\$15.25	
Minnewaukan.....		\$15.25	
Oberon.....		\$15.25	
Sheyenne.....		\$15.25	
Tolna.....		\$15.25	
Warwick.....		\$15.25	
Toll Block	<u>BLKEX</u>	\$ 1.00	

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Section 4
 2nd Revised Page 9
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4. LOCAL EXCHANGE SERVICE

4.7 RATES

(M)

A. Local Exchange Service Rates

(T)

The following rate table contains the Local Exchange Service Rates for flat rate local service. Local Exchange Service is described at Section 4.3 preceding. The following Local Exchange Service Rates include Expanded Local Exchange calling and eliminates local toll costs within NDTC exchanges.

(T)

	Individual Line	
<i>BUSINESS SERVICE</i>		
Individual Line	\$ 37.00	(I)
Business Trunk	\$ 53.00	
Key Business Line	\$ 37.00	
<i>RESIDENCE SERVICE</i>		
Individual Line	\$ 18.00	(I)
2-Party-Grandfathered	-----	
<i>CUSTOMER OWNED PAY TELEPHONE SERVICE</i>		
	\$ 37.00	(I)

REDACTED – FOR PUBLIC INSPECTION

NORTH DAKOTA TELEPHONE COMPANY (SAC 381447)

ATTACHMENT - LINE 3019-3021

ATTACHMENT REDACTED IN ENTIRETY