



Your business
is our business.

REDACTED – FOR PUBLIC INSPECTION

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

June 18, 2014

Via 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
2014 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. In addition, attached is a letter requesting confidential treatment under Sections 0.457 and 0.459 of the initial section 54.202(a) Five-Year Service Quality Improvement Plan.³

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)

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).

³ 47 C.F.R. §§ 0.457, 0.459, 54.202(a).



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June 18, 2014

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
2014 ETC Annual Report of North Dakota Telephone Company
Study Area Code 381447
Request for Confidentiality**

Dear Ms. Dortch:

John Staurulakis, Inc. (“JSI”), on behalf of its client North Dakota Telephone Company (the “Company”) hereby requests, pursuant to Sections 0.457 and 0.459 of the Commission’s rules,¹ withholding from public inspection certain information contained in an attachment to the above referenced reporting requirement. The Company provides the following in support of its request, numbered consistent with the subparagraphs of Section 0.459(b).²

1. The information for which the Company is seeking confidential treatment is an attachment to the Company’s annual reporting information pursuant to Sections 54.313 and 54.422 of the Commission’s rules (“Report”).³
2. Rate-of-Return Eligible Telecommunications Carriers (“ETCs”) must file with the Commission an initial section 54.202(a) Five-Year Service Quality Improvement Plan (“Five-Year Plan”) which is contained in the attachment to the 2014 Report.⁴
3. The information contained in attachment for which the Company seeks the withholding from public inspection is the entirety of data pertaining to the Company’s Five-Year Plan provided at FCC Form 481 Line 112 attachment. Information of this nature is confidential commercial information routinely withheld from public inspection.

¹ 47 C.F.R. §§ 0.457, 0.459.

² 47 C.F.R. § 0.459(b)(1) through (9).

³ 47 C.F.R. §§ 54.313, 54.422.

⁴ See *In the Matter of Connect America Fund*, WC Docket No. 10-90, Order DA 14-591 (rel. May 1, 2014).

4. With respect to identifying the degree to which the subject attachment concerns a service that is subject to competition, the information is of a financial and competitive nature regarding the provision of telecommunications services. The Line 112 attachment contains competitively sensitive information related to proposed improvements or upgrades and maintenance the Company's network.

In its *March 5, 2013 Order*, the FCC. The FCC specified that for rate-of-return carriers, the five-year plans "should describe the carrier's network improvement plan, which should provide greater visibility into current plans to extend broadband service to unserved locations in rate-of-return service territories."⁵ Accordingly, because the Company is a rate-of-return carrier, it must file a five-year service improvement plan which contains proprietary, competitively sensitive information related to the Company's existing network including the specific locations of customers as well as describe proposed improvements or upgrades and maintenance of its network throughout its service area. Specifically, this information sets forth services provided by the Company over its existing network including specific locations of customers as well as planned network improvement and maintenance for the years 2015 through 2019 including project start and completion dates, population that will be impacted by the improvements and upgrades at the wire center level and projected capital costs associated with the improvements and upgrades and operating costs associated with maintaining the network including depreciation for investments that have already been made. As such, this information contains competitively sensitive information related to the Company's existing network as well as detailed plans at the wire center level for network upgrades and maintenance projected for the years 2015 through 2019.

5. With respect to identifying possible exposure to competitive harm, the information contained in the Line 112 attachment is information that is not customarily released to the public. This information is proprietary to the Company, is unique to the Company's serving territory and is only known to the Company and its authorized agents. If the Information is not protected, it would have economic value to potential competitors who would be able to target their marketing to specific customers. In a competitive telecommunications marketplace, this type of information is highly sensitive. If publicly disclosed, it would enable competitors to craft business plans that capitalize on their knowledge of the locations of the Company's customers which would place the Company at a competitive disadvantage.
6. With respect to steps the Company has taken to ensure against unauthorized disclosure of the information contained in the attachment, the Company is filing the attachment under seal. The Company uses the information contained in the Five-Year Plan to ensure that its customers continue to receive state-of-the-art high quality telecommunications and broadband services that the Company has

⁵ See *Connect America Fund et al.*, WC Docket 10-90 *et al.*, Order, DA 13-332 (rel. Mar. 5, 2013) ("*March 5, 2013 Order*") at para 9 citing Section 54.202(a) (1) (ii).

been providing to them for many years as well as to satisfy mandatory reporting requirements and does not share the information for which protection is sought. The Company protects the secrecy of this information with a security protocol that ensures the information is not inadvertently disclosed or disseminated. Only directors, managers and employees with a direct need to know are authorized to access the information.

7. Any previous versions of this information are not publicly available.
8. Because the information is not routinely available, a need exists for maintaining the confidentiality of this information permanently.
9. Not applicable.

Based on the preceding, JSI respectfully requests on behalf of the Company that the Commission grant confidential treatment under Section 0.459 to Company's Five-Year Plan provided at FCC Form 481 Line 112 attachment.

Please contact the undersigned with any questions regarding this request.

Sincerely,



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

<010> Study Area Code	381447
<015> Study Area Name	NORTH DAKOTA TEL CO
<020> Program Year	2015
<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 ext.
<039> Contact Email Address: Email of the person identified in data line <030>	shawnas@ndtel.com

ANNUAL REPORTING FOR ALL CARRIERS	54.313	54.422
	Completion Required	Completion Required

			<i>(check box when complete)</i>	
<100> Service Quality Improvement Reporting	<i>(complete attached worksheet)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<200> Outage Reporting (voice)	<i>(complete attached worksheet)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<210> <input checked="" type="checkbox"/> <-- check box if no outages to report		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<300> Unfulfilled Service Requests (voice)	<input type="text" value="0"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<310> Detail on Attempts (voice)	<div style="border: 1px solid black; height: 40px; width: 100%;"></div> <i>(attach descriptive document)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<320> Unfulfilled Service Requests (broadband)	<input type="text" value="0"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<330> Detail on Attempts (broadband)	<div style="border: 1px solid black; height: 40px; width: 100%;"></div> <i>(attach descriptive document)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<400> Number of Complaints per 1,000 customers (voice)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<410> Fixed	<input type="text" value="0.08"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<420> Mobile	<input type="text" value="0.0"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<430> Number of Complaints per 1,000 customers (broadband)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<440> Fixed	<input type="text" value="0.0"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<450> Mobile	<input type="text" value="0.0"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<500> Service Quality Standards & Consumer Protection Rules Compliance	<i>(check to indicate certification)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<510> <div style="border: 1px solid black; padding: 2px;">381447nd510.pdf</div>	<i>(attached descriptive document)</i>	<input checked="" type="checkbox"/>	<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"/>	<input checked="" type="checkbox"/>
<610> <div style="border: 1px solid black; padding: 2px;">381447nd610.pdf</div>	<i>(attached descriptive document)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<700> Company Price Offerings (voice)	<i>(complete attached worksheet)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<710> Company Price Offerings (broadband)	<i>(complete attached worksheet)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<800> Operating Companies and Affiliates	<i>(complete attached worksheet)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<900> Tribal Land Offerings (Y/N)?	<input checked="" type="radio"/> <input type="radio"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<1000> Voice Services Rate Comparability	<i>(check to indicate certification)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<1010> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	<i>(attach descriptive document)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<1100> Terrestrial Backhaul (Y/N)?	<input checked="" type="radio"/> <input type="radio"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<1110>	<i>(complete attached worksheet)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<1200> Terms and Condition for Lifeline Customers	<i>(complete attached worksheet)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<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>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<2005>	<i>(complete attached worksheet)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Rate of Return Carriers, Proceed to ROR Additional Documentation Worksheet

<3000>	<i>(check to indicate certification)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<3005>	<i>(complete attached worksheet)</i>	<input checked="" type="checkbox"/>	<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

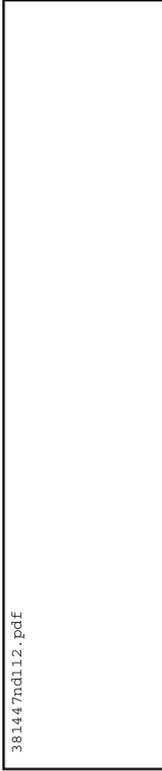
<010>	Study Area Code	381447
<015>	Study Area Name	NORTH DAKOTA TEL CO
<020>	Program Year	2015
<030>	Contact Name - Person USAC should contact regarding this data	Shawna Senger
<035>	Contact Telephone Number - Number of person identified in data line <030>	7016626428 ext.
<039>	Contact Email Address - 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)

<111> If your answer to Line <110> is yes, do you have an existing "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

Please check these boxes below to confirm that the attached document(s), 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

<010>	Study Area Code	381447
<015>	Study Area Name	NORTH DAKOTA TEL CO
<020>	Program Year	2015
<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 ext.
<039>	Contact Email Address - Email Address of person identified in data line <030>	shawnas@ndtel.com

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

Spirit Lake Reservation

<920> Tribal Government Engagement Obligation

381447nd920.pdf

Name of Attached Document

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

Select (Yes, No, NA)
Yes
Yes

- <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.

**(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	2015
<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 ext.
<039>	Contact Email Address - Email Address of person identified in data line <030>	shawnas@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	2015
<030>	Contact Name - Person USAC should contact regarding this data	Shawna Senger
<035>	Contact Telephone Number - Number of person identified in data line <030>	701626428 ext.
<039>	Contact Email Address - Email Address of person identified in data line <030>	shawna@ndtel.com



Name of Attached Document

<1210> Terms & Conditions of Voice Telephony Lifeline Plans

<1220> Link to Public Website

HTTP

http://www.stellarnet.com/phone-res_services.html

"Please check these boxes below to confirm that the attached document(s), 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.

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

(2000) Price Cap Carrier Additional Documentation
Data Collection Form
Including Rate-of-Return Carriers affiliated with Price Cap Local Exchange Carriers

<010> Study Area Code 381447
 <015> Study Area Name NORTH DAKOTA TEL CO
 <020> Program Year 2015
 <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 ext.
 <039> Contact Email Address - Email Address of person identified in data line <030> shawnas@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(a))**
 - <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 document(s), on line 2021, contains the required information pursuant to § 54.313 (e)(3)(iii), 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

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

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

<010> Study Area Code 381447
 <015> Study Area Name NORTH DAKOTA TEL CO
 <020> Program Year 2015
 <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 ext.
 <039> Contact Email Address - Email Address of person identified in data line <030> shawnas@ndtel.com

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.

(3010) **Progress Report on 5 Year Plan**
 Milestone Certification (47 CFR § 54.313(f)(1)(ii))

Name of Attached Document Listing Required Information

(3011) Please check this box to confirm that the attached document(s), on line 3012 contains the required information pursuant to § 54.313(f)(1)(iii), the carrier shall provide the number, names, and addresses of community anchor institutions to which began providing access to broadband service in the preceding calendar year.

(3012) Community Anchor Institutions (47 CFR § 54.313(f)(1)(iii))

Name of Attached Document Listing Required Information

(3013) Is your company a Privately Held ROR Carrier (47 CFR § 54.313(f)(2))

(3014) If yes, does your company file the RUS annual report

Please check these boxes to confirm that the attached document(s), on line 3017, contains the required information pursuant to § 54.313(f)(2) compliance requires:

(3015) Electronic copy of their annual RUS reports (Operating Report for Telecommunications Borrowers)

(3016) Document(s) for Balance Sheet, Income Statement and Statement of Cash Flows

(3017) If the response is yes on line 3014, attach your company's RUS annual report and all required documentation

(3018) If the response is no on line 3014, is your company audited?

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

(3019) Either a copy of their audited financial statement; or (2) a financial report in a format comparable to RUS Operating Report for Telecommunications

(3020) Document(s) for Balance Sheet, Income Statement and Statement of Cash Flows

(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:

(3022) 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,

(3023) Underlying information subjected to a review by an independent certified public accountant

(3024) Underlying information subjected to an officer certification.

(3025) Document(s) for Balance Sheet, Income Statement and Statement of Cash Flows

(3026) Attach the worksheet listing required information

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	381447
<015>	Study Area Name	NORTH DAKOTA TEL CO
<020>	Program Year	2015
<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 ext.
<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	2015
<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 ext.
<039>	Contact Email Address - Email Address of person identified in data line <030>	shawnas@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	
<p>I certify that (Name of Agent) <u>John Staurulakis, 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.</p>	
Name of Authorized Agent: <u>John Staurulakis, Inc.</u>	
Name of Reporting Carrier: <u>NORTH DAKOTA TEL CO</u>	
Signature of Authorized Officer: <u>CERTIFIED ONLINE</u>	Date: <u>06/17/2014</u>
Printed name of Authorized Officer: <u>Shawna Senger</u>	
Title or position of Authorized Officer: <u>Chief Financial Officer</u>	
Telephone number of Authorized Officer: <u>7016621100 ext.6428</u>	
Study Area Code of Reporting Carrier: <u>381447</u>	Filing Due Date for this form: <u>06/30/2014</u>
<small>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.</small>	

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	
<p>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.</p>	
Name of Reporting Carrier: <u>NORTH DAKOTA TEL CO</u>	
Name of Authorized Agent or Employee of Agent: <u>John Staurulakis, Inc.</u>	
Signature of Authorized Agent or Employee of Agent: <u>CERTIFIED ONLINE</u>	Date: <u>06/17/2014</u>
Printed name of Authorized Agent or Employee of Agent: <u>Cassandra Heyne</u>	
Title or position of Authorized Agent or Employee of Agent: <u>Consultant</u>	
Telephone number of Authorized Agent or Employee of Agent: <u>3014597590 ext.</u>	
Study Area Code of Reporting Carrier: <u>381447</u>	Filing Due Date for this form: <u>06/30/2014</u>
<small>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.</small>	

Attachments

REDACTED – FOR PUBLIC INSPECTION

NORTH DAKOTA TELEPHONE COMPANY (SAC 381447)

ATTACHMENT - LINE 112

FIVE YEAR SERVICE QUALITY IMPROVEMENT PLAN

ATTACHMENT REDACTED IN ENTIRETY

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.

The Company is subject to consumer protection obligations for broadband services under federal law. These obligations include, but are not limited to, the following: public disclosure of accurate information regarding network management practices, performance, and commercial terms of broadband internet access services; as a means of providing sufficient information for consumers to make informed choices regarding use of such services, and for content, application, service and device providers to develop, market, and maintain internet offerings as specified in F.C.C. 47 C.F.R. Part 8 §8.3.

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 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 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-three of the thirty-one Central Office locations with a mobile power source available at the other eight 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: General Manager/CEO
Signature: 
Date: 5/12/14

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, 2013, NDTC does provide voice telephone service that is available to 100% of the Spirit Lake Tribal land and presently has 530 residential and 470 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 393 broadband customers.

NDTC initiated the engagement process outlined in the Further Guidance in 2012. NDTC contacted Tribal leaders on December 11, 2013 about the Tribal engagement process. The following employees participated in Tribal engagement:

Rodney Hoffmeyer
Customer/Engineering Manager

Terry Thompson
Network Engineering Supervisor

NDTC successfully contacted the following individuals:

Marshal DeMarce
MIS Director
Spirit Lake Tribe
813 3rd Ave Fort Totten, ND 58335

Jessie Bearrunner
Right of Way Agent
Spirit Lake Tribe
813 3rd Ave Fort Totten, ND 58335

The office of Nancy Green-Robertson
Tribal Secretary/Treasurer
Spirit Lake Tribe
813 3rd Ave Fort Totten, ND 58335

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
- Spirit Lake Tribal Offices
- Sully's Hill National Game Preserve

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 2013, NDTC invested approximately \$35,000 in new or existing outside plant construction. Investments were used to provide services to old and new locations, cable replacements to

accommodate road raises due to area flooding and replacement of bad cable. In addition, NDTC has invested \$25,000 in improvements and upgrades to our central offices that serve the Spirit Lake Reservation.

NDTC also placed fiber optic cable from Fort Totten to Sheyenne. This will allow NDTC to upgrade the redundant fiber optic rings protecting the services to the Spirit Lake Nation. Cable was also sized to provide fiber to rural areas in the future.

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.

In coordination with OPATSCO, NDTC nominated the Tate Topa Tribal School on the Spirit Lake Nation Reservation and was awarded a FRED (Foundation for Rural Education and Development) Technology Grant in the amount of \$4,760. NDTC provided over \$110,000 in security cameras, phone systems, network wiring and installation sales to the Spirit Lake Nation Community and Anchor Institutions during 2013.

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 2013. The Right of Way personnel indicated NDTC was in compliance in 2013.

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

Date of Contact	Contact Type (In-Person, Phone, or Text Messaging)	NDTC Staff Contacted	Tribal Contact	Successful Attempt? (Y/N)
1/3/2013	Phone Call	Craig Harper	Pat Walking Eagle Spirit Lake Head Start	Y
1/10/2013	Phone Call	Craig Harper	Pat Walking Eagle Spirit Lake Head Start	Y
1/15/2013	In-person	Craig Harper	Merle Whitetail Spirit Lake Refuse Control	Y
1/31/2013	Phone Call	Craig Harper	Oliver Goard Spirit Lake EPA	Y
2/7/2013	Phone Call	Craig Harper	Kenny Baker S. L. Housing Authority	Y
2/14/2013	In-Person	Craig Harper	Hyllis Dauphinais S.L. IHS Clinic	Y
2/25/2013	Phone Call	Craig Harper	Pat Walking Eagle Spirit Lake Head Start	Y
2/25/2013	Phone Call	Craig Harper	Denise Jacobson Spirit Lake HIS Clinic	Y
2/27/2013	In-Person	Craig Harper	Peggy Cavanaugh Spirit Lake Health Admin.	Y
3/25/2013	Phone Call	Craig Harper	Peggy Cavanaugh Spirit Lake Health Admin.	Y
4/5/2013	Phone Call	Craig Harper	Frank Blackcloud Spirit Lake Tribe EPA	Y
4/15/2013	Phone Call	Craig Harper	Mary Trottier S.L. Food Distribution	Y
4/25/2013	In-Person	Craig Harper	Marshall Longie Spirit Lake Voc. Rehab.	Y
5/21/2013	In-Person	Steve Kirchgasser	Road const. meeting with TERO officials and Clarence Greene	Y
5/23/2013	Phone Call	Craig Harper	Oliver Gourd Tribal Environmental	Y
6/13/2013	Phone Call	Craig Harper	Frank Blackcloud Spirit Lake Tribe Planning	Y
6/14/2013	Phone Call	Craig Harper	Myra Cavanaugh Spirit Lake CHR Program	Y
6/20/2013	In-Person	Craig Harper	Andrew Morin SLT Fish and Wildlife	Y
6/27/2013	In-Person	Craig Harper/Scott Henry	Hyllis Dauphinais Administrative Officer Spirit Lake Health Center	Y

8/7/2013	Phone Call	Craig Harper	Mark Matheny Spirit Lake Casino	Y
8/20/2013	Phone Call	Craig Harper	Tom Baker Ft. Totten Police	Y
9/24/2013	Phone Call	Craig Harper	Pat Walking Eagle Spirit Lake Head Start	Y
11/20/2013	Phone Call	Craig Harper	Marshall DeMarce SLT IT Department	Y
11/21/2013	Phone Call	Craig Harper	Marshall DeMarce SLT IT Department	Y
12/11/2013	In-Person	Craig Harper/Scott Henry	Reggie Roan Eagle Sioux Manufacturing	Y
12/11/2013	In-person	Terry Thompson/ Rod Hoffmeyer	Marshall DeMarce SLT IT Department	Y
12/11/2013	In-person	Terry Thompson/ Rod Hoffmeyer	Jessie Bearrunner Right of Way Agent	Y
12/11/2013	In-person	Terry Thompson/ Rod Hoffmeyer	Nancy Green- Robertson Tribal Secretary/Treasurer	N

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

REDACTED – FOR PUBLIC INSPECTION

NORTH DAKOTA TELEPHONE COMPANY (SAC 381447)

ATTACHMENT - LINE 3026

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