



January 30, 2015

Ex Parte Notice

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: *Electric Power Board of Chattanooga, Tennessee, City of Wilson, North Carolina, Petitions, Pursuant to Section 706 of the Telecommunications Act of 1996, Seeking Preemption of State Laws Restricting the Deployment of Certain Broadband Networks, WC Docket Nos. 14-115 and 14-116; Technology Transitions, GN Docket No. 13-5*

Dear Ms. Dortch:

As the Federal Communications Commission (the “Commission”) considers the potential preemption of state laws governing the ability of their political subdivisions to enter the broadband marketplace, and as the Commission also considers the importance of well-managed technology transitions in serving consumers, promoting competition, and ensuring universal service, NTCA–The Rural Broadband Association (“NTCA”) submits into the record of the above-referenced proceedings a letter recently sent by NTCA’s Chief Executive Officer, Shirley Bloomfield, to the Administrator of the National Telecommunications & Information Administration regarding the efforts of small, rural, rate-of-return-regulated local exchange carriers (“RLECs”) to deliver on our nation’s broadband objectives.

Ms. Bloomfield’s letter, which was accompanied by a recent report highlighting the substantial progress of RLECs in deploying fiber-to-the-premises (“FTTP”) networks to vast swaths of rural North Dakota, notes that these locally-owned and operated small businesses are critical linchpins for their neighbors to stay connected and participate meaningfully in regional and national economies. NTCA’s letter to Administrator Strickling also observes that, rather than relying upon untested new policy initiatives and programs, there are proven solutions – and proven solutions providers – already out there, just waiting to be leveraged rather than overbuilt or underutilized. For example, as the North Dakota report indicates, RLECs serve 95% of the state’s challenging rural geography and yet a number of these RLECs are fully FTTP-deployed with others making great progress toward that goal. But this fiber future may be fleeting – or unachievable in the places where it is not already realized – if we neglect the existing programs and initiatives that are essential *both* to enable *and* sustain this success or, worse still, if newly created programs or initiatives create uncertainty or undermine this success. For these reasons, NTCA urges the Commission: (1) to consider how best to leverage existing programs with proven track records in seeking to achieve *and* sustain our shared national broadband objectives; and (2) to avoid hindering the efforts of providers looking to deploy advanced, fiber-based networks consistent again with those shared national broadband objectives.

Marlene H. Dortch
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Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS.

Sincerely,

/s/ Michael R. Romano
Michael R. Romano
Senior Vice President – Policy

cc: Chairman Thomas Wheeler
Commissioner Mignon Clyburn
Commissioner Ajit Pai
Commissioner Jessica Rosenworcel
Commissioner Michael O'Rielly
Jonathan Sallet
Gigi Sohn
Daniel Alvarez
Rebekah Goodheart
Nicholas Degani
Travis Litman
Amy Bender



January 20, 2015

Mr. Lawrence E. Strickling
Assistant Secretary for Commerce and Information
and Administrator,
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, DC 20230

Dear Mr. Strickling:

I am writing as Chief Executive Officer of NTCA–The Rural Broadband Association, the representative of nearly 900 full-service network operators that embody both entrepreneurial spirit and community focus as they serve consumers and businesses in the hardest-to-serve areas of the United States. This letter is spurred by President Obama’s recent announcement of an increased focus on ensuring access to robust and affordable advanced communications for every American.

NTCA shares this vision wholeheartedly. NTCA members have been devoted for decades to fulfilling this mission in rural America. In many respects, NTCA members are the very embodiment of the vision President Obama has communicated. These locally owned and operated small businesses – cooperatives, privately held companies, and municipal operators alike – make it possible for their neighbors to stay connected and participate meaningfully in regional and national economies. NTCA therefore welcomes the president’s attention to the challenges of bringing fast and affordable broadband to every American.

NTCA is concerned, however, about the president’s emphasis on encouraging governments to enter the business of building competitive broadband networks even where private entities are already delivering such services or may be better equipped to do so. The current initiative seems driven by a desire all too often found in D.C. policy circles to come up with “the next big idea” rather than building upon existing programs to make them work even better. Certainly, some municipalities or counties have entered the communications marketplace in the past and helped to fulfill consumer demands. NTCA even counts municipally owned and operated providers among its membership. But there are also many examples of governmental entities, particularly those that are new entrants in a more mature marketplace, that have tried to “go it alone” and have come up short to the detriment of both consumers and taxpayers. Thus, looking to leverage *existing* federal programs and to incent *existing* providers already in the broadband business to invest and upgrade their networks should be the path of first resort. This would represent a much more direct and efficient route toward better broadband than encouraging local governments that already “wear many other hats” to try their hand as start-ups in a communications market that requires great focus and special expertise.

A recent letter from the National Telecommunications and Information Administration (“NTIA”) to the Federal Communications Commission (“FCC”) underscores why the question of whether local governments should get into the business of broadband is best left to states and localities without intervention by or interference from federal policymakers. The NTIA letter rightly starts from the premise that “[w]orking with existing providers is often a very strong option for communities.” Indeed, because nearly all NTCA members are headquartered in the areas they serve and have a vested interest in the development of their communities, they have great familiarity and substantial experience in working with local governments and community leaders to address communications needs, upgrade network plant, and “edge out” broadband where it does not exist today.

But the NTIA letter goes on to say that “where existing providers are *not meeting a community’s needs*, the community should have the flexibility to explore other options, including . . . to build and operate their own broadband infrastructure.” (emphasis added) The phrase “not meeting a community’s needs” is incredibly open-ended and subjective. For example, if a locality already has two broadband providers offering Gigabit speeds, but the local government does not like the prices charged by the providers, would that be an instance of broadband “not meeting a community’s needs”? Or what if three broadband providers are offering 25 Mbps of services at reasonable prices, but the municipal government believes it needs a Gigabit to every home – would that be an instance of “not meeting a community’s needs”? Or consider the example of a high-cost rural area that cannot justify the operations of even one provider without explicit universal service support. If the supported provider is offering 10 Mbps upon reasonable request as contemplated by current FCC requirements, might that still be deemed insufficient to “meet a community’s needs” such that the local government should get into the broadband business too?

The irony is that government broadband entry in any of these instances could actually undermine the availability and sustainability of services – and even *the mere prospect* of such entry may chill private investment. Such challenges require a more granular assessment and solution set than can be fashioned from Washington, D.C. State and local governments are closer to the consumer and conditions on the ground. State and local governments are better equipped to determine the degree to which government competition should be permitted or precluded. Some states have chosen to permit such competition freely at the choosing of the local government, while others have found it best to preclude such activity in the hope of spurring more private investment. Either perspective may be appropriate given differing local conditions – but what is clear is that the federal government need not, should not, and cannot as a matter of law insert itself into those debates.

NTCA therefore urges federal policymakers: (1) to avoid imposing their perspectives on combined state and local decision-making, and (2) to take better stock instead of what existing federal initiatives are *already working* to meet consumer demands for broadband. It is clear that the shortest distance between two points is a straight line, and yet it appears in recent years that federal policymakers prefer to craft complex new initiatives from scratch rather than taking the most direct route of problem-solving. Indeed, even as the FCC is urged by NTIA to engage in a striking reversal of course and preempt state laws, there appears to be little, if any, acknowledgment of the fact that smaller carriers have been leveraging existing federal programs to do precisely what NTIA hopes preemption might yield more indirectly. For example, while a handful of towns or cities may have deployed broadband to date, a recent report (attached to this letter) highlights how small rural carriers have leveraged a mix of private capital, long-standing

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Rural Utilities Service financing programs, and federal universal service support to deploy fiber-to-the-home across much of the entire state of North Dakota; in fact, the report indicates these carriers are on track to provide every consumer in the state with Gigabit access by 2019.

This is the kind of proven success story – the right combination of proven federal programs and proven local enterprise commitment – that federal policymakers should really be looking to as a model for future problem-solving. The roadmap is out there, the programs are already in place, the track record of performance is long and clear, and the goals are achievable. In short, the answers to our nation’s rural broadband deployment challenges are in many respects already right in front of us. We should be looking as a nation to build upon those rather than looking at seemingly every turn to “build better mousetraps” that are untested and may not yield the desired results.

Thank you for your attention to this correspondence. If NTCA or its 900 small business members can be of assistance to you as you consider changes to communications policy, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Shirley Bloomfield".

Shirley Bloomfield
Chief Executive Officer

SB:js
Enclosure



North Dakota Broadband Report

Connecting the World to North Dakota



Internet

connecting our homes, our businesses, our lives

At its best, **human connection** is what the Internet is all about. *It's the video that goes viral* that you can't wait to share with your friends. It's sending *photos of your kids* to your parents, who won't believe how they've grown. It's *catching up with old friends* on Facebook. It's sending that email at work that *helps your business grow*. It's *streaming that movie online* on a Saturday night with your kids and your spouse. It's the attachment that *makes the whole office cheer*. It's the *article* you send to a friend who has just been diagnosed. It's the *video chat* with your son overseas in the military. The Internet is woven into the fabric of our days, and *we can't imagine life without it*.

This North Dakota Broadband Report shares the *good news*: the availability of high-speed broadband Internet and fiber-to-the-home technology is *booming* in North Dakota. The report also tells the stories of *people like you*—businesswomen and men, people working from their homes, people trying to make their lives work, people looking for a *human connection*—and how North Dakota's Internet infrastructure has *changed their lives for the better*. In every case, *the story is the same*: individuals and businesses throughout North Dakota are thriving because of the connection broadband offers.

Your Internet connection isn't something you should have to worry about, or even think about. It should be there for you, like a *reliable friend*. This report shows that, without a doubt, *you have a friend in North Dakota's broadband networks*.

From the Acting Administrator of USDA Rural Utilities Services



We are fortunate to live in a country that has always believed that to have a United States of America, we must have a connected America. Policies have been adopted to join rural and urban areas together through telephone, electricity and interstate highway systems. That tradition continues today in a 21st century context, with the deployment of high-speed broadband Internet.

Substantial investments have been made during the past five years to build out North Dakota's broadband network. The USDA Rural Utilities Service, with our partners, has positioned North Dakota as the leading state in coverage, speeds and fiber-to-the-home access. This cutting edge network doesn't happen alone; it takes a team of partners. As featured in this report, the vision and leadership of the North Dakota Telecommunications providers has prepared the state well for a prosperous future.

Access to a high-speed connection will fundamentally change the way we live, work, and do business. It opens up opportunities to telework or start a business. Our farmers and ranchers have access to real-time market information. Distance learning offers students access to more classes and the chance to obtain a degree from home. The high-speed connection also opens the door to telemedicine opportunities that never existed before. Of course, there are also the social benefits—staying connected to their friends and loved ones.

Please enjoy this North Dakota Broadband Report, which highlights the substantial work already done and the work left to do. Once again, North Dakota is leading the way.

Jasper Schneider
Acting Administrator
USDA Rural Utilities Service

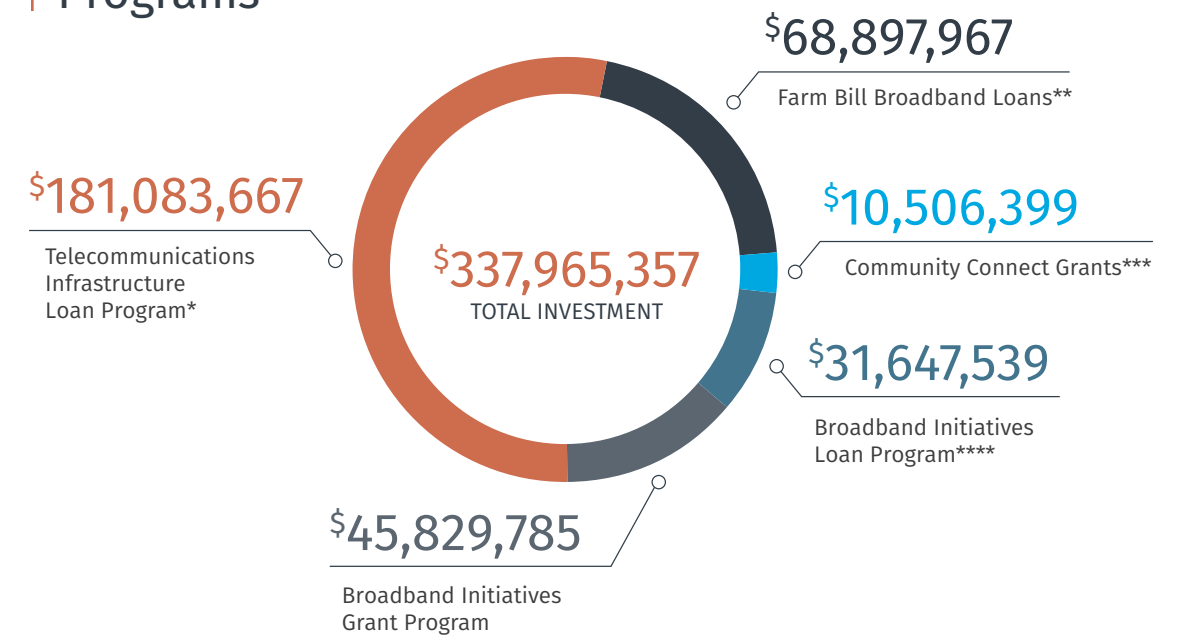
“To have a United States of America, we must have a connected America.”

“Access to a high-speed connection will fundamentally change the way we live, work, and do business.”

Broadband Investments in North Dakota

Broadband is the infrastructure of the 21st century. Since 2009, USDA has invested more than \$330 million in North Dakota telecommunications and broadband projects, of that total investment, more than \$56 million was granted and \$281 million was loaned to local North Dakota Internet service providers to help build out and provide better service to their customers. These investments provide economic development, educational, health care, social and public safety benefits to improve the quality of life for North Dakotans.

USDA Telecommunication Programs



* The Telecommunications Infrastructure Loan Program makes long-term direct and guaranteed loans to qualified organizations for the purpose of financing the improvement, expansion, construction, acquisition, and operation of telephone lines, facilities, or systems to furnish and improve telecommunications service in rural areas.

** The Farm Bill Broadband Program is designed to provide loans for funding, on a technology-neutral basis, for the costs of construction, improvement, and acquisition of facilities and equipment to provide broadband service to eligible rural communities.

*** The Community Connect program serves rural communities where broadband service is least likely to be available, but can make a tremendous difference in the quality of life for citizens. The projects funded by these grants will help rural residents tap into the enormous potential of the Internet.

**** The Broadband Initiatives Program (BIP) was established in response to the American Recovery and Reinvestment Act of 2009 (Recovery Act). The primary goal of the Recovery Act was to provide a fiscal boost to the nation during the economic crisis. Providing access to broadband services will increase economic development and improve the quality of life for all Americans. BIP funding for loans, grants, and loan/grant combinations will help address the challenge of rapidly expanding the access and quality of broadband services across rural America and meeting the objectives of the Recovery Act.

From the Chief Executive Officer of Dakota Carrier Network



Dakota Carrier Network's fiber optic network promotes business opportunities. Dakota Carrier Network (DCN) and its 15 independent rural telephone companies are committed to serving the citizens of North Dakota—it's the reason we have collectively invested more than \$100 million per year in fiber infrastructure for the last decade. This \$1.3 billion investment to put 40,000 miles of fiber optics in the ground extends ultra-high-speed broadband capabilities to every corner of the state. DCN's high-speed network enables businesses to compete on a worldwide stage as data travels across North Dakota or around the world.

The State of North Dakota recognizes this investment in technology and deploys DCN's network to bring gigabit-capable broadband services to 300+ locations across the state including state agencies, higher education institutions, and K-12 school districts.

DCN's fiber optic network is supported 24 hours a day, seven days a week by industry-certified, highly skilled technicians in a state-of-the-art Network Operations Center in Bismarck. DCN's carrier-grade-hardened facility is engineered to meet and exceed high availability standards. This is crucial since DCN provides network connectivity to North Dakota's most critical institutions, including health care, public safety, state government, schools, and financial organizations among others relying on broadband service to perform their daily business activities.

DCN and its member companies will continue to invest, upgrade and provide world-class broadband service to North Dakota consumers.

Seth Arndorfer
Chief Executive Officer
Dakota Carrier Network (DCN)

“DCN's high-speed network enables businesses to compete on a worldwide stage as data travels across North Dakota or around the world.”

“DCN provides network connectivity to North Dakota's most critical institutions.”

From the Executive Vice President of the North Dakota Association of Telecommunications Cooperatives



The 18 independent telecommunications companies in North Dakota have long demonstrated a commitment to meeting the evolving needs of their members and customers. In the past, the telecom cooperatives and small commercial companies satisfied all of their consumers' needs by providing quality, affordable phone service. Those days have long passed—today's rural customer requires an array of sophisticated offerings to access the entertainment, educational and economic opportunities others in the world enjoy.

The challenge is huge—cooperative and small commercial members serve 96 percent of the state's geographic territory—and the investment is substantial. Yet there are no alternatives to this investment: in the past, telecom companies offered a menu of services from which customers could pick and choose. Today, that same consumer determines the services they want and how much they are willing to spend for speed, capacity and content.

North Dakota independent telecom companies have responded aggressively, in many cases with the assistance of USDA Rural Development offices. Each company in the state is committed to building out fiber-to-the-home in the shortest time possible. Several telcos have a 100% fiber network and more will be added each year until—we predict—every rural North Dakotan will have access to gigabit speed by 2019.

Today, our customers hold online livestock auctions, watch movies, participate in classes at top universities and send vast amounts of research data across our networks. We don't know how they will use our network in the future, but we are committed to building the infrastructure that allows them to meet their needs.

David Crothers
Executive Vice President/General Manager
North Dakota Association of Telecommunications Cooperatives (NDATC)

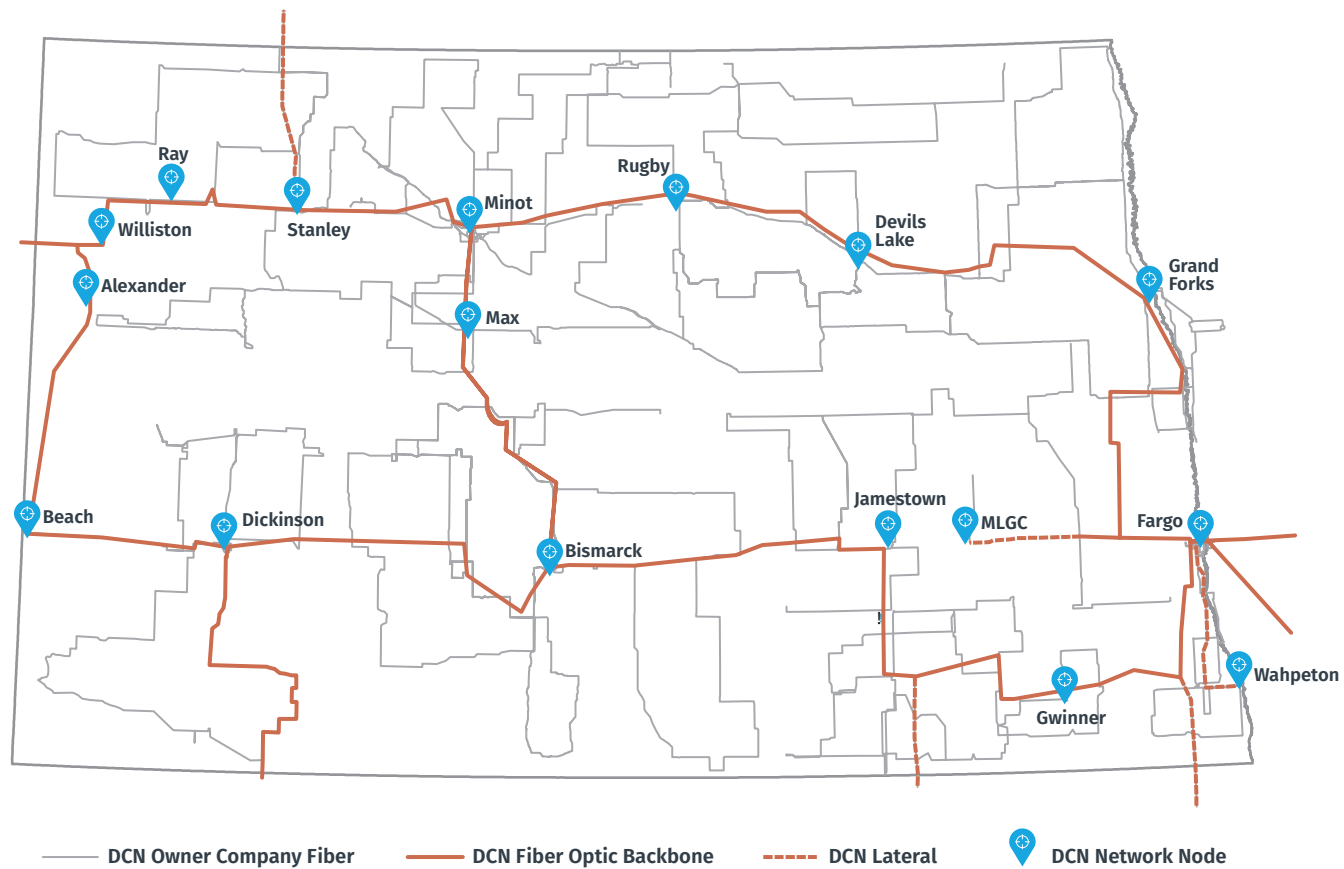
“Today's rural customer requires an array of sophisticated offerings to access the entertainment, educational and economic opportunities others in the world enjoy.”

“Every rural North Dakotan will have access to gigabit speed by 2019.”

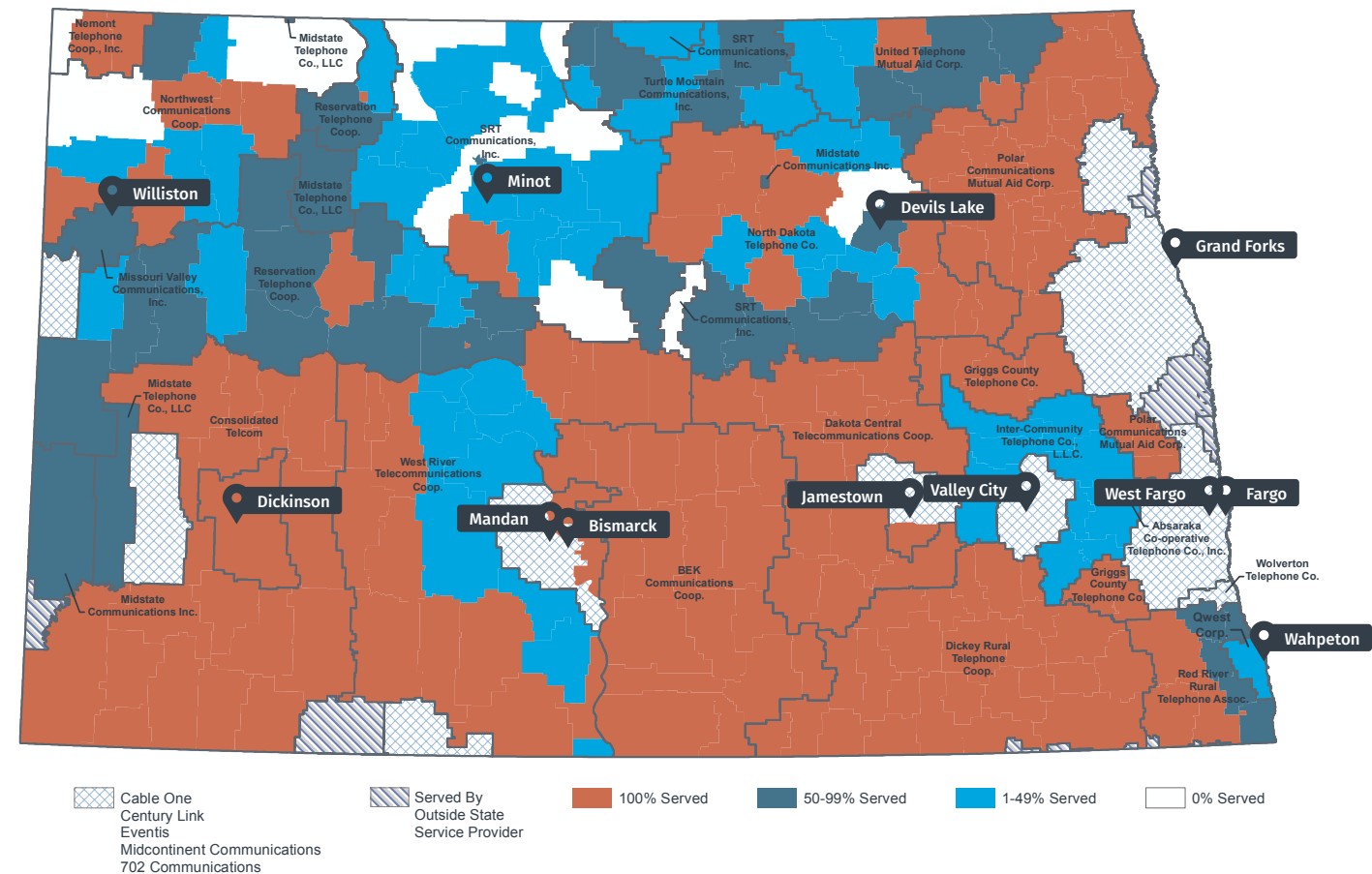
Broadband Capacity Maps

On average in the United States, only 5% of households have fiber Internet, but the maps below illustrate the remarkable coverage of fiber in North Dakota. As the coverage map shows, local telcos provide fiber to most of our state's rural areas, in many areas offering 100% coverage. In other words, in these communities 100% of homes and businesses are fiber-ready. The fiber backbone map reveals the immense network created by these telcos, which branches off the Dakota Carrier Network.

North Dakota- Backbone Fiber



North Dakota- Exchanges Served by Fiber



*Fiber To The Home (FTTH) deployed by end of year 2015. Map data based on area served.

How Broadband *Connects Our Lives*

Connecting to nature: *where the song birds sing and the data streams*



Perched atop 16,000 acres of rolling hills and lush wetlands, the visitors center at the Arrowwood National Wildlife Refuge hosts thousands of schoolchildren, hikers, bird watchers and nature enthusiasts every year. Wetland district manager Stacy Whipp has the best of both worlds: a rewarding career in the great outdoors and a fiber connection to help her track species, report data and preserve natural resources. “Having a broadband connection has been fantastic,” Stacy says, “It’s enabled us to get data from a wide variety of places. Before we had to ship CDs, and now they can drop it right onto our server.” The connection Arrowwood enjoys allows them to link sister stations within the Refuge grounds while connecting beyond its boundaries.

Connecting through education: *head of the class*



The mission of the K-12 Ellendale Public School is to develop adaptive citizens for an ever-changing world by providing challenging opportunities to reach or exceed expectations.

Technology is fully integrated into the learning process, with all levels using tablet computers and programs such as Learn 360, Brain Pop and Ellendale Webcasts. Jeff Fastnacht, Superintendent, says, “We are very proud of our technology integration in our school... Our daily life is filled with the Internet and technology just as much as California or New York, and we have better access.” Even though the median household income of the student population is only \$35,500, these children are using advanced technologies to further their education.

Connecting to new industry: *North Dakota’s black gold*



Enduro Operating, LLC is an oil and gas exploration and acquisition/exploitation company near the town of Newburg, population 100. Their previous T1 connections were costing the company thousands of dollars per month and providing minimal speeds. To conduct their day-to-day operations more efficiently and maintain constant communication with their headquarters in Fort Worth, they upgraded to fiber. “Our entire operation is dramatically faster,” said Rob Braun, Director of Information Technology. “We recently ran speed tests and are showing speeds of up to 300 Mbps – something we’d never seen prior to fiber, nor would we have ever been able to get.” Braun attributes running successful off site backups to fiber.

Connecting to grow: *harvesting the fruits of fiber*



Wade Hohertz’s company in Mott switched from copper cable to fiber optics in June 2010. Previously, with a satellite Internet connection, the company experienced service disruptions on rainy or cloudy days due to weather-related outages. As a crop insurance adjuster, Wade’s work depends on a reliable Internet connection. “We have not had one outage since fiber was installed. All my work is on the Internet uploading and downloading claims. Sending files was so frustrating, because I would try for hours and hours to send my files. My company offers many online training classes, but before fiber it would take forever to participate. Having fiber has changed my life, and I love it!”

Connecting from the home: *international businesswoman and local mom*



North Dakota is the main sunflower-growing region for Technology Crops International, a supply chain management firm for the global distribution of seed oil. As General Manager of the North American Division, Sara Anderson’s job occasionally takes her to South America, Europe, Asia and Africa. However, most of her work is done in her home in Carrington over a fiber connection. “Fiber optics allow me to be on the phone with South Africa or Scotland or Prince Edward Island—the technology allows you to be anywhere,” Sara says. For this mother of two, the ability to telecommute is an ideal solution for staying connected both to her work clients and her most important clients: her family.



Connecting systems: *Internet through the pipes*



BakkenLink Pipeline LLC has worked with their provider to establish fiber connections along their pipeline systems. This connection works through the Dakota Carrier Network, which connects BakkenLink to the world. Darren Snow, Vice President of BakkenLink, says, “These circuits tie into our supervisory control and data acquisition system, which provides oversight of our pipeline. The circuits enable us to run the most current versions of pipeline leak detection software, which allows us to see real-time data on the pipeline and run transient models to look for leaks in real time.”

Connecting for health: *the hospital of the future*



Oakes Community Hospital is a 24-Hour, Emergency Level V Trauma Center, serving approximately 14,000 people in southeastern North Dakota. The medical staff consists of providers who are multi-specialists in family practice, internal medicine, cardiology, sports medicine and geriatrics. The hospital uses fiber optic broadband and other advanced technologies to diagnose conditions and provision services. Oakes Community Hospital was the first North Dakota hospital to roll out and utilize e-emergency—which allows doctors to video conference with other doctors and specialists directly in the treatment room—and other technologies like e-Consultation and PADNet.

Connecting small to large: *big business in a town of 427*



Basin Service Company Inc., located south of Westhope (population 427), is an oil field service company providing a variety of services to the oil industry. The company, founded as Ward Williston in the 1950s, has remained a constant in the small community through the years. Basic switched from copper to fiber, allowing them to have faster Internet speeds than ever, clearer phone calls, and a new way of doing business. Jean Brandt, Human Resources Administrator, says, “In the past, it could take days to do bookkeeping. Some of our employees could only do certain functions at the same time or we’d have too many people on the system and it wouldn’t work.” She noted that though this company chose to locate their office near a small town, they can still conduct business like companies in major cities.

Connecting for livelihood: *three businesses from one home office*



Laura Shipley lives in Kidder County, where she and her family run three businesses from their home: a farm/ranch operation, an electrical contracting business called Shipley Electric, and a small photography business called Snap Shots Photography. Given harsh winters and road closings, being able to work from home is, as Laura puts it, “an awesome benefit – we rely on our high speed Internet for our livelihood. It puts us on a level playing field with cities that have the advantage of advanced technology. We have access to everything they do and we’re able to keep up with them and be competitive!”

Connecting to build: *Bobcat spotted in North Dakota*



A giant animal has been spotted in Gwinner! But don’t worry, it won’t bite. This animal is Bobcat Company, North Dakota’s largest manufacturer, with the most extensive compact equipment distribution network in the world. The low cost of living, abundant community resources and access to a dedicated labor force of more than 1,500 employees are ideal conditions for Bobcat’s production facility in Gwinner to thrive. Their fiber connection links them to other company locations around the world. “We were on copper, and when we switched to fiber the problems went away,” says Tony Barker, Maintenance Manager at Bobcat.



**Connecting for our lives:
mixing office and home to make things work**



Mary Jo Wicks, a nurse practitioner at the women’s clinic of St Joseph’s hospital, was thrilled to get fiber installed in her Richardton home. Before the fiber installation, Mary Jo would stay late at the clinic to finish paperwork because she had no reliable Internet at her home to complete the day’s paperwork. Leaving the clinic around 8 p.m. each evening, Mary Jo would miss dinner with her husband and kids. With fiber-to-the-home, she enjoys a family meal, spends the evening with her husband and children and then takes care of paperwork after the kids are asleep. “Fiber has improved our quality of life 100%!”

**Connecting to family:
from Brazil, with love**



Ultimately, the Internet is about connecting not only our businesses, but our lives as well. When Soraia Henson moved to Carrington, North Dakota from Brazil, she left behind a large circle of family and friends, not to mention the tropical weather. Adjusting to the winters, though, has been easy compared to life without her social network. But today, Soraia sees her friends and family daily using a webcam over a fiber connection. She even organizes video chat rooms, filled with familiar faces, all gabbing together in Portuguese! “It’s the best thing that’s ever happened in our life,” Soraia says, “because it’s easy and you can see just like you’re in the next room.”

**Connecting ecommerce:
business that keeps on truckin’**



RealTruck.com is an online retailer in Jamestown, for aftermarket truck accessories, on a mission to make lives and vehicles better. Along with his crew, owner Scott Bintz strives to keep the workplace fun and exciting, while practicing the six guiding principles of the business: deliver more, transparency rocks, improve, take risks, include fun, and be humble. High-speed broadband and phone service allows RealTruck.com to keep up with the high demand of the industry. As Chief People Officer Lucy Geigle says, “Technology is critical to the success of our ecommerce company. It is important to have reliable and dependable cutting-edge Internet and telephone services. We value having a partner we know and trust.”

Thank You to Our Sponsors

Thank you to the sponsors of the North Dakota Broadband Report—**USDA, NDATC, DCN** and the telecommunications companies that make North Dakota a leader in Internet connectivity.

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