

RICHARD A. CUTLER
KENT R. CUTLER
BRIAN J. DONAHOE *
STEVEN J. SARBACKER **
JAYNA M. VOSS
MICHAEL D. BORNITZ †
TRENT A. SWANSON *
RYAN J. TAYLOR °
KIMBERLY R. WASSINK
MEREDITH A. MOORE
DAVID L. EDWARDS
NATHAN S. SCHOEN †
ONNA B. DOMINIACK #
AMY L. ELLIS *
NICHOLE MOHNING ROTHS *
WILLIAM D. SIMS #
BOBBI L. THURY *
DANIEL J. DOYLE

CUTLER & DONAHOE, LLP
ATTORNEYS AT LAW

Telephone (605) 335-4950

Fax (605) 335-4961

www.cutlerlawfirm.com

May 28, 2009

JEAN BROCKMUELLER, CPA (Inactive)
BUSINESS MANAGER

*Also licensed to practice
in Minnesota

#Also licensed to practice
in Iowa

†Also licensed to practice
in Nebraska

+Also licensed to practice
in Missouri

^Also licensed to practice
in Colorado

%Also licensed to practice
in Kansas

‡Admitted to practice in
United States Tax Court

°Also licensed as a
Certified Public Accountant

E-FILING

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501-5070

Re: ETC Certification - Midstate Telecom, Inc.
Our File No. 2003.01

Dear Ms. Van Gerpen:

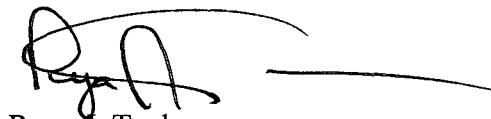
Enclosed for filing is the Annual ETC Certification of Midstate Telecom, Inc., together with Exhibits A, B, and C. Please note that Exhibits A and B are marked as "Confidential." Please treat them accordingly.

Also enclosed for filing is the South Dakota Public Utilities Commission Lifeline/Link up Advertising/Outreach Annual Report June 1, 2009.

If you have any questions, please feel free to contact me at your convenience at (605) 335-4950. Thank you for your assistance in this matter.

Sincerely,

CUTLER & DONAHOE, LLP



Ryan J. Taylor
For the Firm

RJT:dah
Attachments
cc: Mark Benton

**BEFORE THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE REQUEST OF) MIDSTATE TELECOM, INC. FOR) CERTIFICATION REGARDING ITS USE) OF FEDERAL UNIVERSAL SERVICE) SUPPORT.)	ANNUAL ETC CERTIFICATION FILING
---	--

Midstate Telecom, Inc. (the "Company"), by and through its attorney, makes this filing to seek certification from the South Dakota Public Utilities Commission (the "Commission") as is required under 47 C.F.R. § 54.314 and to comply with the provisions of ARSD §§ 20:10:32:52 and 20:10:32:54 of the Commission's rules pertaining to eligible telecommunications carriers ("ETCs").

In accordance with 47 C.F.R. § 54.314, federal universal service support provided to carriers pursuant to 47 C.F.R. §§ 54.301, 54.305 and/or 54.307 and/or Part 36, Subpart F (high-cost loop support, local switching support, safety net additive support and safety valve support) will be made available only if the State Commission files the requisite annual certification with the FCC and USAC. The certification required specifically for rural carriers to receive federal universal service support for all four quarters during calendar year 2010 is currently due to be filed with the FCC and USAC on or before October 1, 2009. The certification may be presented to these entities in the form of a letter from the State Commission. The letter must identify which carriers in the State are eligible to receive federal support during the 12-month period and must certify that the carriers listed will only use the support for the provision, maintenance and upgrading of facilities and services for which the support is intended.

As part of its annual request to the Commission for certification, the Company provides the following information:

1. The Company is a rural telephone company that has previously been designated by this Commission as an ETC. The Company provides local exchange telephone services, including all of the essential services that are included in the federal definition of universal service, to approximately 1,057 access lines within its established rural service area in South Dakota.

2. The provisions of ARSD § 20:10:32:54 addressing the annual "Certification requirements" set forth by this Commission indicate in part that the ETC must show "how much universal service support was received." Accordingly, the Company's 2008 federal universal service receipts are reflected on Exhibit A hereto (presented as part of the Company's "Progress

Report”). This same Exhibit also shows total expenditures of the Company in 2008 related to the provision, maintenance and upgrading of the facilities and services that are supported by federal universal service funding. In addition, to the extent changes have occurred, to date, with respect to the Company’s planned 2009 investments noted in last year’s two-year plan, the changes are referenced in that Exhibit. Estimates of the expenditures to be made by the Company for calendar year 2010, related to the provision, maintenance, and upgrading of facilities and services supported by federal universal service, are provided on Exhibit B hereto as part of the Company’s current Two-Year Plan. Consistent with federal universal service principles, the Company will use federal universal service amounts received in 2010 to offset a portion of these 2010 expenditures. This use of federal universal service support will enable the Company to: (1) maintain rates for its local exchange services that are affordable and reasonably comparable to rates being charged for the same services in urban areas; and (2) to upgrade its telecommunications facilities and equipment as necessary to meet evolving service requirements and maintain high quality service. The use of federal universal service support for these purposes is clearly consistent with the federal universal service provisions.

3. In addition to the information included in Exhibits A and B, the following information is provided to meet the Commission’s “Certification requirements” set forth in § 20:10:32:54:

- During calendar year 2008, the Company experienced no service outages affecting at least 10 percent of its end user customers, for a period lasting longer than 30 minutes.
- The Company was unable to provide facilities based voice service to 5 potential customers that requested service during 2008. The Company does provide high speed internet service to the rural portions of the exchange by means of a wireless canopy and currently has 67 customers receiving high speed internet service by means of this wireless canopy. Due to topographical features of the exchange area, the Company is unable to provide effective coverage to the most remote areas of the exchange. The Company has considered additional tower sites to expand the coverage area of the wireless canopy. However, these efforts have been momentarily place don hold as the Company is in the application process for ARRA Broadband Stimulus Funds which have recently become available.
- During 2008, the Company’s customer service department received an estimated 8 complaints from consumers. Only 1 of these complaints was received by the Company more formally as a written complaint or as a complaint that needed to be resolved with the involvement of other Company representatives outside of the customer service department.
- Also attached as “Exhibit C” is a document containing other certifications, including those required under the provisions of ARSD §§ 20:10:32:54(6), 20:10:32:54(7), 20:10:32:54(8) and 20:10:32:54(9).

4. Based on all of the foregoing information, including the information provided on Exhibits A, B and C, the Company requests that this Commission issue an appropriate

certification to the FCC and USAC indicating that Midstate Telecom, Inc. is in compliance with 47 U.S.C. § 254(e) and should receive all federal universal service support determined for distribution to the Company in 2010. In order to ensure that this certification is issued to the FCC prior to October 1, 2009, the Company would further ask the Commission to expedite the process that is initiated based on this filing.

Dated this 28th day of May, 2009.

CUTLER & DONAHOE, LLP
Attorneys at Law



Attorneys for Midstate Telecom, Inc.
Ryan J. Taylor
Cutler & Donahoe, LLP
100 N. Philips Ave., 9th Floor
Sioux Falls, South Dakota 57104-6725
Telephone (605)335-4950
Facsimile (605)335-4961

