

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Midcontinent Communications/North Dakota
Telephone Company
Rural Exemption
Investigation**

Case No. PU-05-451

NOTICE OF HEARING

July 28, 2005

On May 12, 2005 Midcontinent Communications (Midcontinent) made a bona fide request under 47 U.S.C. § 251(c) for wholesale resold services for the Devils Lake, North Dakota exchange from North Dakota Telephone Company (NDTC). By its filing of July 15, 2005 Midcontinent notified the Commission of its bona fide request.

NDTC claims that under 47 U.S.C. § 251(f) it is exempt from the requirement that incumbent local exchange carriers must offer for resale the telecommunications services that it provides to retail subscribers.

Midcontinent requests that the Commission conduct an inquiry under for the purpose of determining whether to terminate the NDTC's exemption from providing its services for resale. Under 47 U.S.C. § 251(f) the Commission must conduct an inquiry within 120 days after the Commission received notice of the bona fide request.

A public hearing has been scheduled for **October 13, 2005, at 9 a.m. in the Commission Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota.**

The issues to be considered in this matter are:

1. Whether the request of Midcontinent is unduly economically burdensome.
2. Whether the request of Midcontinent is technically feasible.
3. Whether the request of Midcontinent is consistent with 47 U.S.C. § 254 (other than subsections (b)(7) and (c)(1)(D) thereof).
4. The implementation schedule for compliance with the request should the exemption be terminated.

Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify Illona A. Jeffcoat-Sacco, Executive Secretary at least 24 hours in advance.

PUBLIC SERVICE COMMISSION

**Susan E. Wefald
Commissioner**

**Tony Clark
President**

**Kevin Cramer
Commissioner**