

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

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

**Case No. PU-05-451**

**PREHEARING ORDER**

**December 13, 2005**

Upon a prehearing conference held December 9, 2005, Patrick W. Durick, Pearce & Durick, and J. G. Harrington, Dow, Lohnes & Albertson, PLLC, appearing for Midcontinent Communications; Donald A. Negaard, Pringle & Herigstad, P.C., and Thomas A. Moorman, Kraskin, Moorman & Cosson, LLC, appearing for North Dakota Telephone Company; and William W. Binek, Chief Counsel, and Patrick J. Fahn, Utilities Analyst, appearing for the North Dakota Public Service Commission, and pursuant to a stipulation by and among counsel for Midcontinent Communications and North Dakota Telephone Company, without objection by counsel for the North Dakota Public Service Commission, it is

ORDERED, that upon the completion of all pending discovery (whether "formal" or "informal"), expected to be done December 9, 2005, no further discovery shall be undertaken by Midcontinent Communication (for convenience, sometimes referred to as "Midco") or North Dakota Telephone Company (for convenience, sometimes referred to as "NDTC") except upon motion to the Commission's designated and acting hearing officer and in accordance with an order upon such motion, or otherwise as the Commission may allow; and it is further

ORDERED, that Midco shall serve and file its direct testimony and exhibits for the hearing not later than 4:30 p.m. C.S.T., December 21, 2005; and it is further

ORDERED, that NDTC shall serve and file its direct testimony and exhibits for the hearing not later than 4:30 p.m. C.S.T., January 9, 2006; and it is further

ORDERED, that Midco shall serve and file any rebuttal testimony and exhibits for the hearing not later than 4:30 p.m. C.S.T., January 16, 2006; and it is further

ORDERED, that no other or further filing of testimony or exhibits prior to the hearing shall be permitted except as the Commission may allow; and it is further

ORDERED, that all testimony and exhibits served and filed for the hearing pursuant to this order shall be served and filed electronically, provided, however, that if service and filing electronically cannot reasonably be accomplished service and filing shall be made by facsimile transmission upon advance notice given by telephone to the office of the person upon whom service electronically was attempted and to the offices of the North Dakota Public Service Commission for the attention of Illona A. Jeffcoat-Sacco, Executive Secretary; and it is further

ORDERED, that the hearing of this matter shall commence at 10:00 a.m. C.S.T., January 23, 2006, in the Commission Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota.

Dated at Bismarck, North Dakota this 13th day of December, 2005.

State of North Dakota  
Public Service Commission



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Al Wahl, Administrative Law Judge  
Office of Administrative Hearings  
1707 North 9th Street  
Bismarck, North Dakota 58501  
Telephone: (701) 328-3260



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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the **PREHEARING ORDER** was mailed, regular mail, on the 13 day of December, 2005, to:

Mr. Patrick W. Durick  
Pearce & Durick  
P.O. Box 400  
Bismarck, ND 58502-0400

Mr. Don Negaard  
Pringle & Herigstad, P.C.  
P.O. Box 1000  
Minot, ND 58702-1000

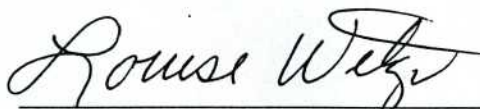
Mr. J. G. Harrington  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Avenue NW  
Suite 800  
Washington, DC 20036

Mr. Thomas J. Moorman  
Kraskin, Moorman & Cosson, LLC  
2120 L Street NW - Suite 520  
Washington, DC 20037

and that a true and correct copy of the above document was mailed, inside mail, at the State Capitol on the 13 day of December, 2005, to:

Mr. William W. Binek  
Chief Counsel  
Public Service Commission  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480

OFFICE OF ADMINISTRATIVE HEARINGS  
Al Wahl, Administrative Law Judge



Louise Wetzel