

**Scott, Sandi L.**

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**From:** Binek, William W.  
**Sent:** Wednesday, May 17, 2006 3:32 PM  
**To:** Scott, Sandi L.  
**Subject:** FW: Midcontinent - NDTC Case No. PU-05-451

Sandi: Please docket this.

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**From:** Patrick W. Durick [mailto:pwd@pearce-durick.com]  
**Sent:** Wednesday, May 17, 2006 2:54 PM  
**To:** Binek, William W.  
**Cc:** Don Negaard; Mary Lohnes; -Grp-PSC Commissioners; -Grp-PSC Public Utilities; Harrington, J.G.  
**Subject:** RE: Midcontinent - NDTC Case No. PU-05-451

Bill:

The service was by mail and electronic transmission and pursuant to Rule 6 I added three days for service by mail. Pursuant to your reading of the rules we will consider May 24<sup>th</sup> as the deadline for filing and serving a response.

Pat Durick

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**From:** Binek, William W. [mailto:wbinek@nd.gov]  
**Sent:** Wednesday, May 17, 2006 2:46 PM  
**To:** Patrick W. Durick  
**Cc:** Don Negaard; Mary Lohnes; -Grp-PSC Commissioners; -Grp-PSC Public Utilities  
**Subject:** RE: Midcontinent - NDTC Case No. PU-05-451

The rule regarding filing of a response to a petition for reconsideration is N.D. Admin. Code §69-02-06-02(4) and provides that a party may file a response within 10 days after service of the petition. The Rules of Civil Procedure are used for computation of time in administrative proceedings. N.D.R.Civ.P 6(a) provides that when the period of time prescribed is less than 11 days, intermediate Saturdays, Sundays and legal holidays must be excluded from the computation. Applying those rules, I come up with the date of May 24<sup>th</sup> as the deadline for filing of Midcontinent's response.

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**From:** Patrick W. Durick [mailto:pwd@pearce-durick.com]  
**Sent:** Wednesday, May 17, 2006 2:04 PM  
**To:** Binek, William W.  
**Cc:** Don Negaard; Mary Lohnes  
**Subject:** Midcontinent - NDTC Case No. PU-05-451

Bill:

The Petition for Rehearing in this matter was served upon Midcontinent by mail and electronic transmission on May 10, 2006. As I understand the applicable rules for service under the North Dakota Rules of Civil Procedure, Midcontinent's response to the Petition pursuant to N.D. Admin. Code § 69-02-06-01(3.) must be filed with the PSC and served upon North Dakota Telephone Company on or before Friday May 26, 2006. If the Commission interprets the rules for service to require a response prior to this date I would appreciate your response.

Thank you for your consideration.

5/22/2006

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