



REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION
NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS
SFN 17819 (Rev. 03-2001)

Name of Agency, Board, or Commission
Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the hearing in Case No. PU-05-451, Midcontinent Communications/North Dakota Telephone Company, Rural Exemption Investigation. Hearing is set for July 10, 2006, at 9 a.m. in the Commission Hearing Room, 12th Floor, State Capitol.

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in Title 49 (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:

On 4/26/06 the Commission issued its Findings of Fact, etc. in this proceeding. The Commission ordered that a further hearing be held to

determine an interim wholesale discount rate if the parties are can't negotiate a rate/determine the need for associated true-up provision.

It requests designation of an administrative law judge (please check one):

- ☐ To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- ☒ To serve as a procedural administrative law judge only (no recommended decision).
The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- ☐ To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

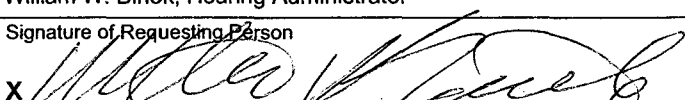
PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY Public Service Commission	Address 600 E Blvd. Ave., Dept. 408, Bismarck, ND	Telephone Number 328-2400
Representation William W. Binek, Chief Counsel	Address Same as above	Telephone Number 328-4088
PARTY See attached	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number

Additional Comments

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person William W. Binek, Hearing Administrator	Date 6-1-06
Signature of Requesting Person 	Telephone Number 328-4088

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

Case No. PU-05-451

List of Parties

Company

Midcontinent Communications
Attn: Mary Lohnes
410 S Phillips Avenue
Sioux Falls, SD 57104-6824

North Dakota Telephone Company
Attn: David Dircks
P. O. Box 180
Devils Lake, ND 58301-0180

Counsel

Patrick Durick
Pearce & Durick
P. O. Box 400
Bismarck, ND 58502
(701) 223-2890

J G. Harrington
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Ave. NW, Ste. 800
Washington, DC 20036

Don Negaard
Scott M. Knudsvig
Pringle & Herigstad, P. C.
P. O. Box 1000
Minot, ND 58702-1000
(701) 852-0381

Thomas J. Moorman
Woods & Aitken LLP
2154 Wisconsin Ave. NW, Suite 200
Washington, DC 20007
(202) 944-9501