

**Scott, Sandi L.**

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**From:** Binek, William W.  
**Sent:** Monday, June 05, 2006 7:59 AM  
**To:** Scott, Sandi L.  
**Subject:** FW: Memorandum-Petition for Reconsideration-Midcontinent Communications vs North Dakota Telephone Company, PU-05-451

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**From:** Don Negaard [mailto:[donn@srt.com](mailto:donn@srt.com)]  
**Sent:** Thursday, June 01, 2006 9:57 AM  
**To:** Binek, William W.  
**Cc:** 'Tom Moorman'  
**Subject:** RE: Memorandum-Petition for Reconsideration-Midcontinent Communications vs North Dakota Telephone Company, PU-05-451

Mr. Binek,

Just one item for your attention. In reviewing the staff memo of yesterday, I don't believe the top paragraph on page 3 which says "NDTC argues the law does not permit the Commission to terminate the exemption to only a single competitor." is a correct statement of NDTC's position.

I believe we asserted this issue is also subject to the same due process concerns and that the law does not allow it to be expanded beyond the competitor's request. We also stand by the brief we had filed.

Thank you.

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**From:** Binek, William W. [mailto:[wbinek@nd.gov](mailto:wbinek@nd.gov)]  
**Sent:** Wednesday, May 31, 2006 9:10 AM  
**To:** -Grp-PSC Commissioners  
**Cc:** -Grp-PSC Public Utilities; -Grp-PSC Legal; Don Negaard; Patrick W. Durick  
**Subject:** Memorandum-Petition for Reconsideration-Midcontinent Communications vs North Dakota Telephone Company, PU-05-451

<<Memorandum-Petition for Reconsideration.Doc>>  
Here is the staff memorandum for the 6-01-06 work session.