

DIVIDER

STATE OF NORTH DAKOTA

□ INFORMATION TECHNOLOGY DEPARTMENT

SFN 2053 (4-2002)

PU-05-546

Qwest Corporation vs.

Absaraka Co-operative Telephone Co. Inc. et

Complaint

Filed 9/30/2005

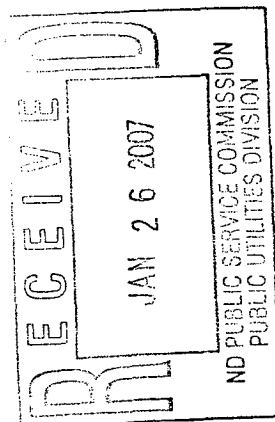
Closed 5/4/2007

05



Public Service Commission
State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480



Refused

TARGET TELECOM INCORPORATED
155 WILLOWBROOK BLVD
WAYNE NJ 07474

PRESORTED
FIRST CLASS



02 1A \$ 00.60⁸
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505

RETURN TO SENDER
REFUSED
UNABLE TO FORWARD

BC: 58505048008 *2835-14712-15-44

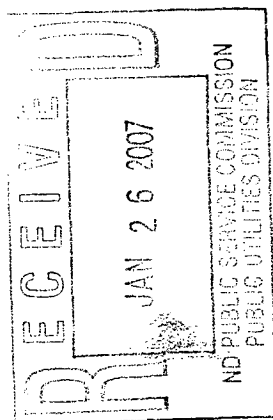


LXSYTNP 07474



Public Service Commission
State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480



KMC TELECOM V INC
1545 ROUTE 206
BEDMINSTER NJ 07921

PRESORTED
FIRST CLASS



02 1A \$ 00.60⁸
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 58505048008 *2835-14881-15-44

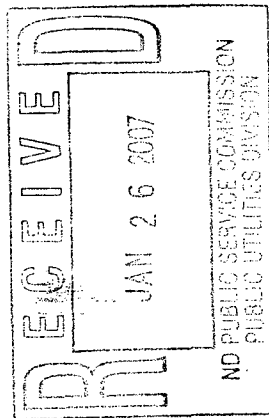


LXSYTNP 07921



Public Service Commission
State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480



KMC DATA LLC
1545 ROUTE 206
BEDMINSTER NJ 07921

PRESORTED
FIRST CLASS



PU-05-546
UNITED STATES POSTAGE
PITNEY BOWES
02 1A \$ 00.60⁸
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505

NIXIE 076 1 00 01/22/07

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

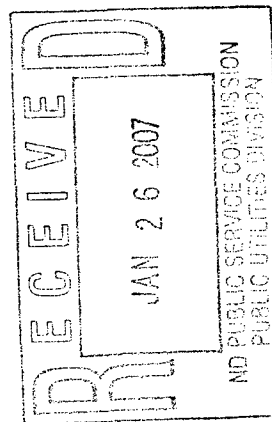
BC: 58505048008 *2835-14880-15-44

585050480
LXSYTAP 0792



Public Service Commission
State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480



NEW EDGE NETWORK INC
3000 COLUMBIA HOUSE BLVD STE 106
SIOUX FALLS SD 57104

PRESORTED
FIRST CLASS



PU-05-546
UNITED STATES POSTAGE
PITNEY BOWES
02 1A \$ 00.60⁸
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505

NIXIE 3040 1 08 01/23/07

RETURN TO SENDER
NO SUCH STREET
UNABLE TO FORWARD
RETURN TO SENDER

57104
58505/0480



- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

GLOBCOM INCORPORATED
2100 SANDERS RD STE 150
NORTHBROOK IL 60062

Sum in error to:
Thief River Falls, MN

THIS

A. Signature: *X [Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name): *MICHAEL KOFMAN*

C. Date of Delivery: *10-31-03*

D. Is delivery address different from item 1? ☐ Yes ☐ No
Address below: ☐ No

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. *[Redacted]* 7005 0390 0001 4590 6698

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

PU-05-546

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*1-800 RECONEX Inc
2500 Industrial Ave
Hulland Ar 97032*

A. Signature: *X [Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name): *ROB KAHLE*

C. Date of Delivery: *10/18/06*

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7005 3110 0003 6265 6717

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

PU-05-546

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Group Long Distance Inc
PO Box 534
Reno NV 89551-0534*

A. Signature: *X [Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name): *[Redacted]*

C. Date of Delivery: *[Redacted]*

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7003 2260 0001 3516 1133

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

PU-05-546

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature ☒ *J. Vicencio* ☐ Agent ☐ Addressee

B. Received by (Printed Name) *J. Vicencio* C. Date of Delivery *11/15*

Different from item 1? ☐ Yes
Address below: ☐ No

UNIVERSAL ACCESS INC
SEARS TOWER 233
S WACKER DR STE 600
CHICAGO IL 60606-6307

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 7299

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

PU-05-546

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature ☒ *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *11/2/02*

Different from item 1? ☐ Yes
Address below: ☐ No

NORTH DAKOTA BIG SKY TELECOM
374 ANSIN BLVD
HALLANDALE FL 33009

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 7046

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

PU-05-546

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature ☒ *S. Mason* ☐ Agent ☐ Addressee

B. Received by (Printed Name) *S. Mason* C. Date of Delivery

Different from item 1? ☐ Yes
Address below: ☐ No

C12 INC
200 GALLERIA PKWY STE 1200
ATLANTA GA 30339

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7004 2890 0000 5450 9904

PS Form 3811, February 2004

4

Domestic Return Receipt

102595-02-M-1540

44-05-535

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <i>Pat McLean</i> ☒ Agent ☐ Addressee B. Received by (Printed Name) <i>Pat McLean</i> C. Date of Delivery <i>11-4-05</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No	
1. Article Addressed to: <i>David Durck</i> <i>North Dakota Telephone Company</i> <i>PO Box 180</i> <i>Devils Lake ND 58301-0180</i>		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Transfer from service label) <u>7003 2260 0001 3516 1058</u>			
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

44-05-534

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <i>John Jochem</i> ☒ Agent ☐ Addressee B. Received by (Printed Name) <i>John Jochem</i> C. Date of Delivery <i>11/4/05</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No	
1. Article Addressed to: <i>Donald Franklund</i> <i>Mr. Gen-Son Electric Corp</i> <i>PO Box 297</i> <i>Flasher ND 58535-0497</i>		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Transfer from service label) <u>7003 2260 0001 3516 0952</u>			
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

44-05-534

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <i>AC Solberg</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>AC Solberg</i> C. Date of Delivery <i>11-4-5</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
1. Article Addressed to: <i>Dan Kuntz</i> <i>Montana-N Dakota Utilities Co</i> <i>400 N 4th St</i> <i>Bismarck ND 58501</i>		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Transfer from service label) <u>7003 2260 0001 3516 0945</u>			
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

TELERA COMMUNICATIONS INC
910 E HAMILTON AVE STE 200
CAMPBELL GA 95008

A. Signature

X *dalger*

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

different from item 1? ☐ Yes
address below: ☐ No

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 7244

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

COMPUTER INTEGRATED COMMUNICATIONS INC
8502 BELLS MILL RD
POTOMAC MD 20854-4071

A. Signature

X *B. Sullivan*

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

different from item 1? ☐ Yes
address below: ☐ No

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7004 2890 0000 5450 9935

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

ICG TELECOM GROUP INC
161 INVERNESS DR W
ENGLEWOOD CO 80112

A. Signature

X *B. Walters*

☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Walters

10/24/05

different from item 1? ☐ Yes
address below: ☐ No

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 6742

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature X <i>[Signature]</i>		☐ Agent ☐ Addressee
B. Received by (Printed Name)		C. Date of Delivery
OCT 24 2005		
Different from item 1? ☐ Yes Address below: ☐ No		

NEXTEL WEST CORP
2001 EDMUND HALLEY DR
RESTON VA 20191

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7005 0390 0001 4590 7022

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature X <i>[Signature]</i>		☒ Agent ☐ Addressee
B. Received by (Printed Name) JIM BROOKER		C. Date of Delivery 10/24/05
Different from item 1? ☐ Yes Address below: ☐ No		

RELIANT COMMUNICATIONS INC.
801 INTERNATIONAL PKWY 5TH FL
LAKE MARY FL 32746

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7005 0390 0001 4590 7169

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature X <i>[Signature]</i>		☐ Agent ☐ Addressee
B. Received by (Printed Name) D. M. IS		C. Date of Delivery
Different from item 1? ☐ Yes Address below: ☐ No		

BT COMMUNICATIONS SALES LLC
11440 COMMERCE PARK DR
RESTON VA 20191

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

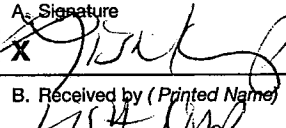
2. Article Number
(Transfer from service label) 7004 2890 0000 5450 9867

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature 		☐ Agent ☐ Addressee
B. Received by (Printed Name) LISA KIM		C. Date of Delivery
Different from item 1? ☐ Yes address below: ☐ No		

BULLSEYE TELECOM INC
25900 GREENFIELD RD STE 330
OAK PARK MI 48237

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes	

2. Article Number
(Transfer from service label)

7004 2890 0000 5450 9881

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature 		☐ Agent ☐ Addressee
B. Received by (Printed Name) SHIRLEY JACKSON		C. Date of Delivery 10/25/06
Different from item 1? ☐ Yes address below: ☐ No		

METROMEDIA FIBER NETWORK SERVICES
360 HAMILTON AVE
WHITE PLAINS NY 10601

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes	

2. Article Number
(Transfer from service label)

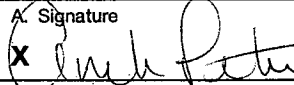
7005 0390 0001 4590 6940

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature 		☐ Agent ☐ Addressee
B. Received by (Printed Name) AMANDA PETERSON		C. Date of Delivery 10/24/05
Different from item 1? ☐ Yes address below: ☒ No		

CONTACT COMMUNICATIONS
937 W MAIN ST
RIVERTON WY 82501

☐ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes	

2. Article Number
(Transfer from service label)

7004 2890 0000 5450 9973

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

COMPUTER NETWORK TECHNOLOGY CORP
6000 NATHAN LANE N
MINNEAPOLIS MN 55442

A. Signature

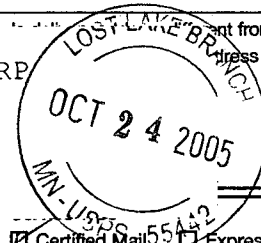
X *[Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery



☒ Certified Mail ☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 2890 0000 5450 9942

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

S

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

MIDCONTINENT COMMUNICATIONS
414 S PHILLIPS AVE
SIOUX FALLS SD 57104

A. Signature

X *[Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 6964

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

LEVEL 3 COMMUNICATIONS LLC
1025 ELDORADO BLVD
BROOMFIELD CO 80021

A. Signature

X *[Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

TERESA PFLUGER

4. Restricted Delivery? (Extra Fee)

☐ Yes

address below: ☐ No

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 6889

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

Tanjie Klinker

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)
Per Mar Courier

C. Date of Delivery
OCT 24 2005

D. Is delivery address different from item 1? ☐ Yes
address below: ☐ No

MCLEODUSA TELECOMMUNICATIONS SERVICES
P O BOX 3177
CEDAR RAPIDS IA 52406-3177

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 6919

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

Valene Landerager

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Valene Landerager

C. Date of Delivery

10-24-05

D. Is delivery address different from item 1? ☐ Yes
address below: ☐ No

MISSOURI VALLEY COMMUNICATIONS INC
NEMONT TELEPHONE COOPERATIVE INC
P O BOX 600
SCOBAY MT 59263-0600

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 6988

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

Cheryl Caplan

- ☒ Agent
☐ Addressee

B. Received by (Printed Name)

Cheryl Caplan

C. Date of Delivery

10/24/05

D. Is delivery address different from item 1? ☐ Yes
address below: ☒ No

COMTECH 21 LLC
1 BARNES PARK S
WALLINGFORD CT 06492

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7004 2890 0000 5450 9959

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature ☐ Agent
☒ Addressee
 Received by (Printed Name) C. Date of Delivery
 Different from item 1? ☐ Yes
 Address below: ☐ No

KMC TELECOM V INC
 1545 ROUTE 206
 BEDMINSTER NJ 07921

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
 (Transfer from service label)

7005 0390 0001 4590 6858

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature ☐ Agent
☒ Addressee
 Received by (Printed Name) C. Date of Delivery
 Different from item 1? ☐ Yes
 Address below: ☐ No

FRANCE TELECOM CORPORATE SOLUTIONS LLC
 2300 CORPORATE PARK DR
 MAILSTOP SPO600
 HERNDON VA 20171

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
 (Transfer from service label)

7005 0390 0001 4590 6674

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature ☐ Agent
☒ Addressee
 Received by (Printed Name) C. Date of Delivery
 Different from item 1? ☐ Yes
 Address below: ☐ No

MATRIX TELECOM INC
 300 N MERIDIAN STE 200-NORTH
 OKLAHOMA CITY OK 73107

☒ Certified Mail ☒ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
 (Transfer from service label)

7005 0390 0001 4590 6926

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

[Signature]

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10/24/05

ifferent from item 1? ☐ Yes
address below: ☐ No

KMC DATA LLC
1545 ROUTE 206
BEDMINSTER NJ 07921

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 6681

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154C

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

X *[Signature]*

☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10/24/05

ifferent from item 1? ☐ Yes
address below: ☐ No

GLOBAL TEL*LINK CORPORATION INC
2609 CAMERON ST
MOBILE AL 36607

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 6681

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154C

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

X *[Signature]*

☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10/24/05

ifferent from item 1? ☐ Yes
address below: ☐ No

1-800 RECONEX INC
2500 INDUSTRIAL AVE
HUBBARD OR 97032

P.O. Box 40

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7004 2890 0000 5450 9836

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154C

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature *[Signature]* ☐ Agent
☐ Addressee
 B. Received by (Printed Name) *A. DeHox*
 C. Date of Delivery *10/24/05*
 D. Is delivery address different from item 1? ☐ Yes
 Address below: ☐ No

DIECA COMMUNICATIONS INC
 3420 CENTRAL EXPRESSWAY
 SANTA CLARA CA 95051-0703

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
 (Transfer from service label)

7004 2890 0000 5451 0009

PS Form 3811, February 2004

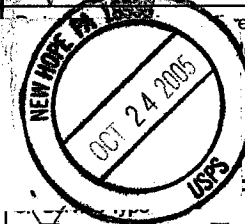
Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature *[Signature]* ☐ Agent
☐ Addressee
 B. Received by (Printed Name) *H. Galsner*
 C. Date of Delivery *10/24*
 D. Is delivery address different from item 1? ☐ Yes
 Address below: ☐ No

TALK AMERICA INC
 6805 ROUTE 202
 NEW HOPE PA 18938



☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
 (Transfer from service label)

7005 0390 0001 4590 7213

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature *Mary Ann Galardi* ☐ Agent
☐ Addressee
 B. Received by (Printed Name) *MARY ANN GALARDI*
 C. Date of Delivery *10-24-05*
 D. Is delivery address different from item 1? ☐ Yes
 Address below: ☐ No

EASTON TELECOM SERVICES INC
 3046 BRECKSVILLE RD #A
 RICHFIELD OH 44286-9399

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
 (Transfer from service label)

7005 0390 0001 4590 6629

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	SECTION ON DELIVERY	
	A. Signature <i>[Signature]</i>	☐ Agent ☐ Addressee
	B. Received by (Printed Name) <i>THOMAS W. K. 117</i>	C. Date of Delivery <i>24 OCT 04</i>
	D. Is delivery address different from item 1? ☐ Yes Address below: ☐ No	

Z-TEL COMMUNICATIONS INC
3340 PEACHTREE RD NE STE 2900
ATLANTA GA 33602

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes	

2. Article Number (Transfer from service label)	7003 2260 0001 3516 1898
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	SECTION ON DELIVERY	
	A. Signature <i>James Speake</i>	☐ Agent ☐ Addressee
	B. Received by (Printed Name) <i>James Speake</i>	C. Date of Delivery <i>10/24/05</i>
	D. Is delivery address different from item 1? ☐ Yes Address below: ☐ No	

VARTEC SOLUTIONS INC
2440 MARSH LANE
CARROLLTON TX 75006

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes	

2. Article Number (Transfer from service label)	7005 0390 0001 4590 7336
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	SECTION ON DELIVERY	
	A. Signature <i>James Speake</i>	☐ Agent ☐ Addressee
	B. Received by (Printed Name) <i>James Speake</i>	C. Date of Delivery <i>10/24/05</i>
	D. Is delivery address different from item 1? ☐ Yes Address below: ☐ No	

EXCEL TELECOMMUNICATIONS INC
2440 MARSH LN
CARROLLTON TX 75006

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes	

2. Article Number (Transfer from service label)	7005 0390 0001 4590 6650
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

BUDGET PHONE INC
6901 W70TH ST
SHREVEPORT LA 71129

A. Signature <i>[Signature]</i>		☐ Agent ☐ Addressee
B. Received by (Printed Name) <i>Carolyn Pickney</i>	C. Date of Delivery <i>10-24</i>	
Different from item 1? ☐ Yes ☐ No		Address below: ☐ Yes ☐ No

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) **7004 2890 0000 5450 9874**

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1541

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

COMMPARTNERS LLC
3291 N BUFFALO DR STE 8
LAS VEGAS NV 89129

A. Signature <i>[Signature]</i>		☐ Agent ☐ Addressee
B. Received by (Printed Name) <i>Michelle Peters</i>	C. Date of Delivery <i>10/24</i>	
Different from item 1? ☐ Yes ☐ No		Address below: ☐ Yes ☐ No

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) **7004 2890 0000 5450 9928**

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

EVERCOM SYSTEMS INC
14651 DALLAS PKWY STE 600
DALLAS TX 75254-7476

A. Signature <i>[Signature]</i>		☐ Agent ☐ Addressee
B. Received by (Printed Name) <i>MAH W Alexander</i>	C. Date of Delivery <i>10-24</i>	
Different from item 1? ☐ Yes ☐ No		Address below: ☐ Yes ☐ No

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) **7005 0390 0001 4590 6643**

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1541

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature ☒ Agent
☒ Addressee
 B. Received by (Printed Name)
 C. Date of Delivery 10/24/05
 D. Is delivery address different from item 1? ☐ Yes
 address below: ☐ No

IP VOICE COMMUNICATIONS INC
 14860 MONTFORT DR STE 210
 DALLAS TX 75254

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
 (Transfer from service label)

7005 0390 0001 4590 6797

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature ☐ Agent
☒ Addressee
 B. Received by (Printed Name)
 C. Date of Delivery 10-24-05
 D. Is delivery address different from item 1? ☐ Yes
 address below: ☐ No

ACCERIS COMMUNICATIONS CORP.
 9775 BUSINESS PARK AVE
 SAN DIEGO CA 92131

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
 (Transfer from service label)

7004 2890 0000 5450 9850

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature ☐ Agent
☒ Addressee
 B. Received by (Printed Name)
 C. Date of Delivery 10/24/05
 D. Is delivery address different from item 1? ☐ Yes
 address below: ☐ No

INTRADO COMMUNICATIONS INC
 1601 DRY CREEK DR
 LONGMONT CO 80503-6493

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
 (Transfer from service label)

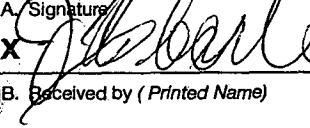
7005 0390 0001 4590 6810

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature 		☐ Agent ☐ Addressee
B. Received by (Printed Name)		C. Date of Delivery 10/20/05
D. Is this item different from item 1?		☐ Yes ☐ No

DICKEY RURAL ACCESS INC
DICKEY RURAL SERVICES
P O BOX 69
ELLENDALÉ ND 58436

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes	

2. Article Number
(Transfer from service label)

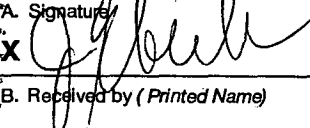
7005 0390 0001 4590 6612

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature 		☐ Agent ☐ Addressee
B. Received by (Printed Name)		C. Date of Delivery 10/20/05
D. Is this item different from item 1?		☐ Yes ☐ No

DICKEY RURAL COMMUNICATIONS INC
DICKEY RURAL TELEPHONE COOPERATIVE
P O BOX 69
ELLENDALÉ ND 58436-0069

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes	

2. Article Number
(Transfer from service label)

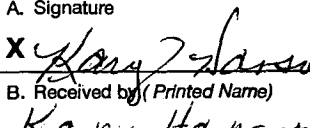
7004 2890 0000 5450 9713

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature 		☐ Agent ☐ Addressee
B. Received by (Printed Name) Kary Hanson		C. Date of Delivery 10/20/05
D. Is this item different from item 1?		☐ Yes ☐ No

GRIGGS COUNTY TELEPHONE CO
P O BOX 506
COOPERSTOWN ND 58425-0506

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes	

2. Article Number
(Transfer from service label)

7004 2890 0000 5450 9720

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

DCN LLC
P O BOX 180
DEVILS LAKE ND 58103-0180

A. Signature X <i>Rose Streifel</i>		☐ Agent ☐ Addressee
B. Received by (Printed Name) <i>Rose Streifel</i>		C. Date of Delivery
Different from item 1? ☐ Yes Address below: ☐ No		

☒ Certified Mail ☐ Registered ☐ Insured Mail		☐ Express Mail ☐ Return Receipt for Merchandise ☐ C.O.D.
4. Restricted Delivery? (Extra Fee)		☐ Yes

2. Article Number (Transfer from service label)	7004 2890 0000 5450 9997
PS Form 3811, February 2004	Domestic Return Receipt 102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

BEK COMMUNICATIONS COOPERATIVE
BEK COMMUNICATIONS I INC
P O BOX 230
STEELE ND 58482-0230

A. Signature X <i>Judi Hintz</i>		☒ Agent ☐ Addressee
B. Received by (Printed Name) <i>Judi Hintz</i>		C. Date of Delivery <i>10-20-05</i>
Different from item 1? ☐ Yes Address below: ☐ No		

☒ Certified Mail ☐ Registered ☐ Insured Mail		☐ Express Mail ☐ Return Receipt for Merchandise ☐ C.O.D.
4. Restricted Delivery? (Extra Fee)		☐ Yes

2. Article Number (Transfer from service label)	7004 2890 0000 5450 9683
PS Form 3811, February 2004	Domestic Return Receipt 102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

NORTH DAKOTA TELEPHONE COMPANY
P O BOX 180
DEVILS LAKE ND 58301-0180

A. Signature X <i>Rose Streifel</i>		☐ Agent ☐ Addressee
B. Received by (Printed Name) <i>Rose Streifel</i>		C. Date of Delivery
Different from item 1? ☐ Yes Address below: ☐ No		

☒ Certified Mail ☐ Registered ☐ Insured Mail		☐ Express Mail ☐ Return Receipt for Merchandise ☐ C.O.D.
4. Restricted Delivery? (Extra Fee)		☐ Yes

2. Article Number (Transfer from service label)	7004 2890 0000 5450 9768
PS Form 3811, February 2004	Domestic Return Receipt 102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

[Signature]

☒ Agent
☐ Addressee

B. Received by (Printed Name)
Shen Simpson

C. Date of Delivery
10-20-02

Different from item 1? ☐ Yes
Address below: ☒ No

NORTHWEST COMMUNICATIONS COOPERATIVE
P O BOX 38
RAY ND 58849-0038

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7004 2890 0000 5450 9775

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

[Signature]

☐ Agent
☐ Addressee

B. Received by (Printed Name)

DAVE GRICKSON

C. Date of Delivery

10-20-05

Different from item 1? ☐ Yes
Address below: ☐ No

KOTANA COMMUNICATIONS INC
1819 1ST AVE W
WILLISTON ND 58801

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 6865

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

[Signature]

☒ Agent
☐ Addressee

B. Received by (Printed Name)

Mary Severance

C. Date of Delivery

OCT 20 2005

Different from item 1? ☐ Yes
Address below: ☐ No

RESERVATION TELEPHONE COOPERATIVE
P O BOX 68
PARSHALL ND 58770-0068

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7004 2890 0000 5450 9775

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

EXTEND AMERICA INC
1101 E FRONT AVE
BISMARCK ND 58501

☐ Agent ☐ Addressee	
B. Received by (Printed Name) MARTY STAGLE	C. Date of Delivery 10-20-05
Different from item 1? ☐ Yes Address below: ☐ No	

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 6667

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

WEST RIVER TELECOMMUNICATIONS
P O BOX 467
HAZEN ND 58545-0467

A. Signature ☒ Jeff Hayden		☐ Agent ☐ Addressee
B. Received by (Printed Name) Jeff Hayden	C. Date of Delivery 10-20-05	
Different from item 1? ☐ Yes Address below: ☐ No		

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7004 2890 0000 5450 9829

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

CONSOLIDATED COMMUNICATIONS NETWORKS
CONSOLIDATED TELCOM
P O BOX 1408
DICKINSON ND 58602-1408

A. Signature ☒ Ray Krenz		☐ Agent ☐ Addressee
B. Received by (Printed Name) RAY KRENZ	C. Date of Delivery 10-20-05	
Different from item 1? ☐ Yes Address below: ☐ No		

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7004 2890 0000 5450 9690

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

ONVOY INC
300 S HIGHWAY 169 STE 700
MINNEAPOLIS MN 55426

A. Signature <i>Nancy Schlusser</i>		☐ Agent ☐ Addressee
B. Received by (Printed Name) <i>Nancy Schlusser</i>	C. Date of Delivery <i>10/21/05</i>	
Different from item 1? ☐ Yes address below: ☒ No		

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7005 0390 0001 4590 7060

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

RED RIVER RURAL TELEPHONE ASSOCIATION
RED RIVER TELECOM INC
P O BOX 136
ABERCROMBIE ND 58001

A. Signature <i>Andrea Hammond</i>		☐ Agent ☐ Addressee
B. Received by (Printed Name) <i>ANDREA HAMMOND</i>	C. Date of Delivery <i>10/21/05</i>	
Different from item 1? ☐ Yes address below: ☒ No		

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7005 0390 0001 4590 7152

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

VENTURE COMMUNICATIONS INC
P O BOX 157
HIGHMORE SD 57345-0157

A. Signature <i>Jennifer Semmler</i>		☐ Agent ☐ Addressee
B. Received by (Printed Name) <i>Jennifer Semmler</i>	C. Date of Delivery	
Different from item 1? ☐ Yes address below: ☐ No		

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7005 0390 0001 4590 7343

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Contact Communications
937 W Main St
Riverton WY 82501

A. Signature
X *Amanda Peterson* ☒ Agent ☐ Addressee
B. Received by (Printed Name) *Amanda Peterson* C. Date of Delivery *10/19*
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7005 3110 0003 6265 6854

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

IP Voice Communications Inc
14860 Montfort Dr Ste 210
Dallas TX 75254

A. Signature
X *Karin Gd* ☐ Agent ☐ Addressee
B. Received by (Printed Name) C. Date of Delivery *10-19-04*
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7005 3110 0003 6265 2733

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Rogelio E. Pena, attorney for
Intrado Communications Inc
1919 14th st ste 610
boulder co 80302

A. Signature
X *Powers* ☐ Agent ☐ Addressee
B. Received by (Printed Name) *Powers* C. Date of Delivery *10/18/02*
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7005 3110 0003 6265 2757

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Legacy Long Distance International Inc
10833 Valley View St Ste 150
Cypress CA 90630

A. Signature ☒ Agent ☐ Addressee
X *[Signature]*
B. Received by (Printed Name) C. Date of Delivery
WMA RIVER 8-2-06
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 2818

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Covista Inc
4803 Hwy 58 N
Chattanooga TN 37416

A. Signature ☐ Agent ☐ Addressee
X *[Signature]*
B. Received by (Printed Name) C. Date of Delivery
10-17
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 6861

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Nextel West Corp
2001 Edmund Halley Dr
Reston VA 20191

A. Signature ☐ Agent ☐ Addressee
X *[Signature]*
B. Received by (Printed Name) C. Date of Delivery
OCT 19 2006
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 2962

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Level 3 Communications LLC
1025 Eldorado Blvd
Broomfield CO 80021

A. Signature ☒ Agent
☒ Addressee
X *[Signature]*
B. Received by (Printed Name) *D. THOMPSON* C. Date of Delivery *10-18-06*
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2825

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DIECA Communications Inc
3420 Central Expressway
Santa Clara CA 95051-0703

A. Signature ☐ Agent
☐ Addressee
X *[Signature]*
B. Received by (Printed Name) *R. De Haan* C. Date of Delivery *10/20/06*
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2528

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

UCN Inc
14870 S Pony Express Rd
Bluffdale UT 84065

A. Signature ☐ Agent
☐ Addressee
X *M Tes*
B. Received by (Printed Name) *M Tes* C. Date of Delivery *10/19*
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 3228

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Matrix Telecom Inc
300 N Meridian Ste 200-North
Oklahoma City OK 73107

A. Signature

X Sarah Noone ☒ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2863

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

U S Link Inc
P O Box 327
Pequot Lakes MN 56472-0327

A. Signature

X Amy Nelson ☒ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 3235

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BT Communications Sales LLC
11440 Commerce Park Dr
Reston VA 20191

A. Signature

X Cindy Foley ☐ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 6748

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Preferred Carrier Services Inc
14681 Midway Rd Ste 105
Addison TX 75001

A. Signature ☒ Agent ☐ Addressee
X *[Signature]*
B. Received by (Printed Name) *JOHN BRITTON* C. Date of Delivery *10/18/06*
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 3051

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mid-Rivers Telephone Cooperative Inc
P O Box 280
Circle MT 59215-0280

A. Signature ☐ Agent ☒ Addressee
X *Vonnie Wagner*
B. Received by (Printed Name) *Vonnie Wagner* C. Date of Delivery *10-19-06*
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 2917

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

New Access Communications LLC
801 Nicollet Ave Ste 350
Minneapolis MN 55402-2519

COMPLETE THIS SECTION ON DELIVERY
A. Signature ☒ Agent ☐ Addressee
X *[Signature]*
B. Received by (Printed Name) *Mike Garver* C. Date of Delivery *10-18-06*
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 2948

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Evercom Systems Inc
14651 Dallas Pkwy Ste 600
Dallas TX 75254-7476

A. Signature

N. Williams

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

N. Williams

C. Date of Delivery

10-18-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2580

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Excel Telecommunications Inc
2440 Marsh Ln
Carrollton TX 75006

A. Signature

James C. P. 10-19-04

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

JAMES C. P. 10-19-04

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2597

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

VarTec Solutions Inc
2440 Marsh Lane
Carrollton TX 75006

A. Signature

James C. P. 10-19-04

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

JAMES C. P. 10-19-04

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 3280

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Missouri Valley Communications Inc
Nemont Telephone Cooperative Inc
P O Box 600
Scobey MT 59263-0600

A. Signature

☒ Agent
☒ Addressee

B. Received by (Printed Name)

Valerie Landauer 10-20-06

C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2924

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ernest Communications Inc
5275 Triangle Pkwy Ste 150
Norcross GA 30092

A. Signature

☐ Agent
☐ Addressee

B. Received by (Printed Name)

10-20-06

C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2573

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Computer Integrated Communications Inc
8502 Bells Mill Rd
Potomac MD 20854-4071

A. Signature

☐ Agent
☐ Addressee

B. Received by (Printed Name)

10-20-06

C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 6816

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Granite Telecommunications LLC
234 Copeland St
Quincy MA 02169

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2641

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

McLeodUSA Telecommunications Services
P O Box 3177
Cedar Rapids IA 52406-3177

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2856

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MCImetro Access Transmission Services
LLC
707 17th St Ste 3600
Denver CO 80202

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2849

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: SBC Long Distance LLC 5850 W Las Positas Blvd Pleasanton CA 94558	A. Signature X <i>Patty Lawless</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>Patty Lawless</i> C. Date of Delivery <i>1/8/19</i> D. Is delivery address different from item 1? ☒ Yes If YES, enter delivery address below: ☐ No 3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
2. Article Number (Transfer from service label) 7005 3110 0003 6265 3112	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: ICG Telecom Group Inc 161 Inverness Dr W Englewood CO 80112	A. Signature X <i>D. Walter</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) C. Date of Delivery <i>10-18-06</i> D. Is delivery address different from item 1? ☒ Yes If YES, enter delivery address below: ☐ No <i>9800 Mt. Pyramid CT # 250 Englewood CO 80112</i> 3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
2. Article Number (Transfer from service label) 7005 3110 0003 6265 2689	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

E ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: QuantumShift Communications Inc 12657 Alcosta Blvd Ste 418 San Ramon CA 94583	COMPLETE THIS A. Signature X <i>Kendis Pitelka</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>Kendis Pitelka</i> C. Date of Delivery <i>10/19/06</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No 3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
2. Article Number (Transfer from service label) 7005 3110 0003 6265 3075	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Global Tel*Link Corporation Inc
2609 Cameron St
Mobile AL 36607

A. Signature

W. L. Cott

☒ Agent
☐ Addressee

B. Received by (Printed Name)

Melanie Cotton

C. Date of Delivery

10/19/06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2627

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

IDT America Corp
520 Broad St
Newark NJ 07102-3111

ELIVER /

A. Signature

Niesha Jackson

☒ Agent
☐ Addressee

B. Received by (Printed Name)

Niesha Jackson

C. Date of Delivery

10/19/06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2696

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Computer Network Technology Corp
6000 Nathan Lane N
Minneapolis MN 55442

A. Signature

Steph Hoxmeier

☐ Agent
☐ Addressee

B. Received by (Printed Name)

Steph Hoxmeier

C. Date of Delivery

10/20/06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 6823

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CommPartners LLC
3291 N Buffalo Dr Ste 8
Las Vegas NV 89129

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 6809

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

A. Signature ☒ Agent ☐ Addressee
X *M. Peters*

B. Received by (Printed Name) C. Date of Delivery
M. Peters 10/19

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Western CLEC Corporation
3650 131st Ave SE #400
Bellevue WA 98006

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 3334

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

A. Signature ☐ Agent ☐ Addressee
X *Rob Oglesby*

B. Received by (Printed Name) C. Date of Delivery
Rob Oglesby 10-19-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

North Dakota Big Sky Telecom
374 Ansinn Blvd
Hallandale FL 33009

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 2986

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

A. Signature ☐ Agent ☐ Addressee
X *[Signature]*

B. Received by (Printed Name) C. Date of Delivery
[Signature] 10/19/06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Citizens Telecommunications Company of
Minnesota
3 High Ridge Park
Stamford CT 06905

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 6793

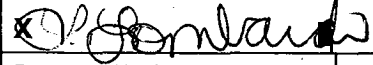
PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

COMPLETE THIS SECTION

A. Signature


☐ Agent
☐ Addressee

B. Received by (Printed Name)

L. Lombardi

C. Date of Delivery

10/19/04

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Talk America Inc
6805 Route 202
New Hope PA 18938

2. Article Number
(Transfer from service label)

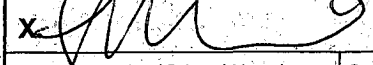
7005 3110 0003 6265 3167

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

A. Signature


☐ Agent
☐ Addressee

B. Received by (Printed Name)

D. Ritchie

C. Date of Delivery

10-19-06

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Easton Telecom Services Inc
3046 Brecksville Rd #A
Richfield OH 44286-9399

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 2566

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

A. Signature


☐ Agent
☐ Addressee

B. Received by (Printed Name)

D. Ritchie

C. Date of Delivery

OCT 18 11:00

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Reliant Communications Inc
801 International Pkwy 5th FL
Lake Mary FL 32746

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 3105

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1541

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10/19/06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WSC Competitive Services Inc
PO Box 270
Park River ND 58270-0270

2. Article Number
(Transfer from service label)

7003 2260 0001 3516 1010

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1541

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10-27-05

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Walworth Telephone Company
PO Box 270
Park River ND 58270-0270

2. Article Number
(Transfer from service label)

7003 2260 0001 3516 1003

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1541

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10-27-05

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature <i>[Signature]</i>		☐ Agent ☒ Addressee
B. Received by (Printed Name) <i>[Signature]</i>	C. Date of Delivery 10-24-05	
D. Is delivery address different from item 1? ☐ Yes Address below: ☐ No		

LEGACY LONG DISTANCE INTERNATIONAL INC
10833 VALLEY VIEW ST STE 150
CYPRESS CA 90630

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 6872

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature <i>[Signature]</i>		☐ Agent ☒ Addressee
B. Received by (Printed Name) T. Tramer	C. Date of Delivery 10-24-05	
D. Is delivery address different from item 1? ☐ Yes Address below: ☐ No		

WESTERN CLEC CORPORATION
3650 131ST AVE SE #400
BELLEVUE WA 98006

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 7381

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature <i>[Signature]</i>		☐ Agent ☒ Addressee
B. Received by (Printed Name) <i>[Signature]</i>	C. Date of Delivery 10/24/05	
D. Is delivery address different from item 1? ☐ Yes Address below: ☐ No		

XO COMMUNICATIONS SERVICES INC
11111 SUNSET HILLS RD
RESTON VA 20190

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 2400

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

☒ *Robert Thoresen* ☐ Agent ☐ Addressee

B. Received by (Printed Name)

Robert Thoresen

C. Date of Delivery

10-21-05

D. Is delivery address different from item 1? ☐ Yes

address below: ☒ No

ROBERTS COUNTY TELEPHONE
COOPERATIVE ASSOC OF NEW EFFINGTON
RC COMMUNICATIONS INC
P O BOX 196
NEW EFFINGTON SD 57255

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 7145

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

☒ *Melissa Aughe* ☐ Agent ☐ Addressee

B. Received by (Printed Name)

Melissa Aughe

C. Date of Delivery

10/22/05

D. Is delivery address different from item 1? ☐ Yes

address below: ☐ No

HOULTON ENTERPRISES INC
2201 W BDWY #1
COUNCIL BLUFFS IA 51501

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 6735

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

☒ *Jim Mahan* ☐ Agent ☐ Addressee

B. Received by (Printed Name)

Jim Mahan

C. Date of Delivery

OCT 21 2005

D. Is delivery address different from item 1? ☐ Yes

address below: ☐ No

BUSINESS PRODUCTIVITY SOLUTIONS INC
730 2ND AVE S STE 900
MINNEAPOLIS MN 55402

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 2890 0000 5450 9898

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

DAKTEL COMMUNICATIONS LLC
P O BOX 299
CARRINGTON ND 58421-0299

A. Signature

X *Deb Gasp*

☒ Agent

☐ Addressee

B. Received by (Printed Name)

Deb Gasp

C. Date of Delivery

10/21/05

D. Is delivery address different from item 1? ☐ Yes

address below: ☐ No

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 6605

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154C

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

DAKOTA CENTRAL TELECOMM COOP
DAKOTA CENTRAL TELECOM I INC
630 5TH ST N
CARRINGTON ND 58421-0299

A. Signature

X *Deb Gasp*

☒ Agent

☐ Addressee

B. Received by (Printed Name)

Deb Gasp

C. Date of Delivery

10/21/05

D. Is delivery address different from item 1? ☐ Yes

address below: ☐ No

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 2890 0000 5450 9706

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

SRT COMMUNICATIONS INC
3615 N BDWY
MINOT ND 58703

A. Signature

X *Conrad Net*

☒ Agent

☐ Addressee

B. Received by (Printed Name)

Conrad Net

C. Date of Delivery

Oct 21 2005

D. Is delivery address different from item 1? ☐ Yes

address below: ☐ No

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 7183

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

NORTH DAKOTA NETWORK CO
P O BOX 2027
MINOT ND 58702-2027

A. Signature

[Signature] ☐ Agent
☐ Addressee

B. Received by (Printed Name)

GERALD NELSON ☐ Date of Delivery *OCT 21 2005*

☐ Is delivery address different from item 1? ☐ Yes
address below: ☐ No

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 7053

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

WEST RIVER COOPERATIVE TELEPHONE CO
801 COLEMAN AVE
BISON SD 57620

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 7374

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

CONSOLIDATED COMMUNICATIONS CORP
P O BOX 1408
DICKINSON ND 58602-1408

A. Signature

[Signature] ☐ Agent
☐ Addressee

B. Received by (Printed Name)

RAY K... ☐ Date of Delivery *OCT 22 2005*

☐ Is delivery address different from item 1? ☐ Yes
address below: ☐ No

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7004 2890 0000 5450 9966

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

[Signature]

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

[Signature] 10-20-05

ent from item 1? ☐ Yes

address below: ☐ No

WEST RIVER COOPERATIVE TELEPHONE CO

P O BOX 39

BISON SD 57620-0039

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 2890 0000 5450 9812

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154C

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

[Signature]

☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

[Signature] 10/21/05

ent from item 1? ☐ Yes

address below: ☐ No

U S LINK INC

P O BOX 327

PEQUOT LAKES MN 56472-0327

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Ar

(M)

PS F

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

[Signature]

☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

[Signature] 10/21/05

ent from item 1? ☐ Yes

address below: ☒ No

INTER-COMMUNITY TELEPHONE COMPANY LLC

P O BOX 8

NOME ND 58062-0008

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 2890 0000 5450 9737

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

VALLEY COMMUNICATIONS INC
P O BOX 8
NOME ND 58062

A. Signature
X *Jill Baarstad* ☒ Agent ☐ Addressee
B. Received by (Printed Name) *Jill Baarstad* C. Date of Delivery *10/21/05*
D. Is delivery address different from item 1? ☐ Yes ☒ No
address below:

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 7329

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

SBC LONG DISTANCE LLC
5850 W LAS POSITAS BLVD
PLEASANTON CA 94558

A. Signature
X *L. Pazzan* ☐ Agent ☐ Addressee
B. Received by (Printed Name) *L. Pazzan* C. Date of Delivery *10-25-05*
D. Is delivery address different from item 1? ☐ Yes ☐ No
address below:

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 7176

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

CITIZENS TELECOMMUNICATIONS COMPANY OF
MINNESOTA
3 HIGH RIDGE PARK
STAMFORD CT 06905

A. Signature
X *Mark Seal* ☐ Agent ☐ Addressee
B. Received by (Printed Name) *Mark Seal* C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes ☐ No
address below:

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7004 2890 0000 5450 9911

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

x *Deb. Ingram*

☒ Agent

☒ Addressee

B. Received by (Printed Name)

Deb. Ingram

C. Date of Delivery

10-25-05

Is delivery address different from item 1? ☐ Yes

Address below: ☐ No

INTRINSIC COMMUNICATIONS INC

601 S HARBOUR ISLAND BLVD STE 220

TAMPA FL 33602-5925

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 7268

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

x *Patti Benson*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

PATTI BENSON

C. Date of Delivery

10/24/05

Is delivery address different from item 1? ☐ Yes

Address below: ☐ No

ORBITCOM INC

1701 N LOUISE AVE

SIOUX FALLS SD 57107

☐ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 7077

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

x *Rajana Larson*

☐ Agent

☒ Addressee

B. Received by (Printed Name)

Rajana Larson

C. Date of Delivery

10-21-05

Is delivery address different from item 1? ☐ Yes

Address below: ☐ No

MID-RIVERS TELEPHONE COOPERATIVE INC

P O BOX 280

CIRCLE MT 59215-0280

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 6971

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

[Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10-21-0

Return from item 1? ☐ Yes

Address below: ☐ No

POLAR TELCOM INC
P O BOX 270
PARK RIVER ND 58270-0270

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 7107

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

[Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Kirsten Gendron

C. Date of Delivery

10-21-05

Return from item 1? ☐ Yes

Address below: ☐ No

TURTLE MOUNTAIN COMMUNICATIONS INC
UNITED TELEPHONE MUT AID CORP
P O BOX 729
LANGDON ND58249-0729

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 2890 0000 5450 9805

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

[Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

BARRY CADEX

C. Date of Delivery

10/24

Return from item 1? ☐ Yes

Address below: ☐ No

PREFERRED CARRIER SERVICES INC
14681 MIDWAY RD STE 105
ADDISON TX 75001

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 7114

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature ☒ Agent
☒ Addressee
 B. Received by (Printed Name) C. Date of Delivery
 Linda Hamers 10-21-05
 Different from item 1? ☐ Yes
 Address below: ☐ No

MIDSTATE COMMUNICATIONS INC
 MIDSTATE TELEPHONE COMPANY
 P O BOX 400
 STANLEY ND 58784-0400

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
 (Transfer from service label)

7004 2890 0000 5450 9744

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature ☐ Agent
☒ Addressee
 B. Received by (Printed Name) C. Date of Delivery
 Stan Cassel 10-21-05
 Different from item 1? ☐ Yes
 Address below: ☐ No

POLAR COMMUNICATIONS MUT AID CORP
 POLAR TELECOMMUNICATIONS INC
 P O BOX 270
 PARK RIVER ND 58270-0270

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
 (Transfer from service label)

7004 2890 0000 5450 9782

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature ☐ Agent
☒ Addressee
 B. Received by (Printed Name) C. Date of Delivery
 Brittany Sedler 10-21-05
 Different from item 1? ☐ Yes
 Address below: ☒ No

IDEAONE TELECOM GROUP LLC
 3239 39TH ST SW
 FARGO ND 58104

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
 (Transfer from service label)

7005 0390 0001 4590 6766

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature  ☐ Agent
☒ Addressee
 B. Received by (Printed Name) C. Date of Delivery 10-21

ifferent from item 1? ☐ Yes
 address below: ☐ No

INTEGRA TELECOM OF NORTH DAKOTA INC
 745 45TH ST SW STE C
 FARGO ND 59103

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

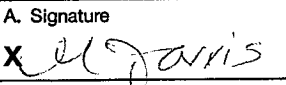
2. Article Number 7005 0390 0001 4590 6780
 (Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154C

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature  ☐ Agent
☒ Addressee
 B. Received by (Printed Name) C. Date of Delivery 10/24/03

ifferent from item 1? ☐ Yes
 address below: ☐ No

COVISTA INC
 4803 HWY 58 N
 CHATTANOOGA TN 37416

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

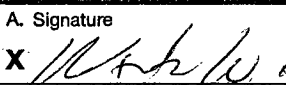
2. Article Number 7004 2890 0000 5450 9980
 (Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154C

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature  ☐ Agent
☒ Addressee
 B. Received by (Printed Name) C. Date of Delivery 10-21

ifferent from item 1? ☐ Yes
 address below: ☐ No

IGNUS INC
 855 45TH ST SW STE 11
 FARGO ND 58103-1036

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number 7005 0390 0001 4590 6773
 (Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154C

COMPLETE	THIS
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature ☒ <i>Kim Peters</i> ☐ Agent ☐ Addressee
	B. Received by (Printed Name) <i>Kim Peters</i>
	C. Date of Delivery <i>10/21/05</i>
	Is delivery different from item 1? ☐ Yes ☐ No
	Address below: ☐ Yes ☐ No

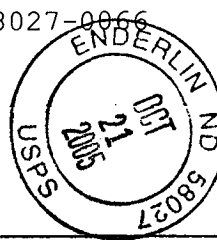
LORETEL SYSTEMS INC
13 E 4TH AVE
ADA MN 56510-1331

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes	

2. Article Number (Transfer from service label)	7005 0390 0001 4590 6896
PS Form 3811, February 2004	Domestic Return Receipt 102595-02-M-154

COMPLETE THIS SECTION	THIS
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature ☒ <i>Shelia Burr</i> ☐ Agent ☐ Addressee
	B. Received by (Printed Name) <i>S BURR</i>
	C. Date of Delivery
	Is delivery different from item 1? ☐ Yes ☐ No
	Address below: ☐ Yes ☐ No

MOORE AND LIBERTY TELEPHONE COMPANY
P O BOX 66
ENDERLIN ND 58027-0066



☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes	

2. Article Number (Transfer from service label)	7004 2890 0000 5450 9751
PS Form 3811, February 2004	Domestic Return Receipt 102595-02-M-154

SENDER: COMPLETE THIS SECTION	THIS
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature ☒ <i>Ann Faught</i> ☐ Agent ☐ Addressee
	B. Received by (Printed Name) <i>Ann Faught</i>
	C. Date of Delivery <i>10/21/05</i>
	Is delivery different from item 1? ☐ Yes ☐ No
	Address below: ☐ Yes ☐ No

ABSARAKA CO-OPERATIVE TELEPHONE CO INC
P O BOX 27
ABSARAKA ND 58002-0027

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes	

2. Article Number (Transfer from service label)	7004 2890 0000 5450 9676
PS Form 3811, February 2004	Domestic Return Receipt 102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature
☒ *Lisa McCullough* ☒ Agent ☐ Addressee
 B. Received by (Printed Name) *LISA MCCULLOUGH* C. Date of Delivery *10-21-05*
 Different from item 1? ☐ Yes
 Address below: ☐ No

VAL-ED JOINT VENTURE LLP
 702 MAIN AVE
 MOORHEAD MN 56560

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
 (Transfer from service label)

7005 0390 0001 4590 7305

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature
☒ *Melanie Nelson* ☒ Agent ☐ Addressee
 B. Received by (Printed Name) *Melanie Nelson* C. Date of Delivery *10/21/05*
 Different from item 1? ☐ Yes
 Address below: ☐ No

HTC SERVICES INC
 HALSTAD TELEPHONE COMPANY
 P O BOX 55
 HALSTAD MN 56548-0055

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
 (Transfer from service label)

7005 0390 0001 4590 6728

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature
☒ *Jami Herron* ☒ Agent ☐ Addressee
 B. Received by (Printed Name) *Jami Herron* C. Date of Delivery *10/21/05*
 Different from item 1? ☒ Yes
 Address below: ☐ No

JAMES VALLEY COOPERATIVE TELEPHONE CO
~~235 E 1ST AVE~~
 GROTON SD 57445

P O Box 260

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
 (Transfer from service label)

7005 0390 0001 4590 6834

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

Henry Clemens ☐ Agent ☒ Addressee

B. Received by (Printed Name)

Henry Clemens

C. Date of Delivery

10/12/05

Is delivery address different from item 1? ☐ Yes

address below: ☒ No

NOONAN FARMERS TELEPHONE COMPANY

P O BOX 39

NOONAN ND 58765

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 7039

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

Marie DeClue ☒ Agent ☐ Addressee

B. Received by (Printed Name)

MARIE DECLUE

C. Date of Delivery

10/10/05

Is delivery address different from item 1? ☐ Yes

address below: ☐ No

MAXCESS INC

P O BOX 951419

LAKE MARY FL 32795-1419

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 6933

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

Robert J. Smith ☒ Agent ☐ Addressee

B. Received by (Printed Name)

Robert J. Smith

C. Date of Delivery

10/19/05

Is delivery address different from item 1? ☐ Yes

address below: ☐ No

PREMIERE NETWORK SERVICES INC
1510 N HAMPTON RD STE 120
DESOTO TX 75115

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 7121

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

PHONE 1 INC
100 N BISCAYNE BLVD STE 1200
MIAMI FL 33132-2011

A. Signature X <i>[Signature]</i>		☐ Agent ☐ Addressee
B. Received by (Printed Name) <i>[Signature]</i>		C. Date of Delivery <i>10/25</i>
D. Is delivery address different from item 1? ☐ Yes Address below: ☐ No		

Stamp: **STAGLER ST 4 REC'D**

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 7091

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

PACIFIC CENTREX SERVICES INC
6855 TUJUNGA AVE
NORTH HOLLYWOOD CA 91605

A. Signature X <i>[Signature]</i>		☐ Agent ☐ Addressee
B. Received by (Printed Name) <i>LUCY CAMPBELL</i>		C. Date of Delivery <i>10-27</i>
D. Is delivery address different from item 1? ☐ Yes Address below: ☐ No		

Stamp: **27 2005**

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 7084

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

METROPOLITAN TELECOMMUNICATIONS OF
NORTH DAKOTA INC
44 WALL ST 6TH FL
NEW YORK NY 10005

A. Signature X <i>[Signature]</i>		☐ Agent ☐ Addressee
B. Received by (Printed Name) <i>K. Hernandez</i>		C. Date of Delivery <i>10/25</i>
D. Is delivery address different from item 1? ☐ Yes Address below: ☐ No		

☐ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article
(Transfer from service label)

PS Form

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature *[Signature]* ☐ Agent ☐ Addressee
 B. Received by (Printed Name) *[Signature]* C. Date of Delivery

different from item 1? ☐ Yes
 address below: ☐ No

SPRINT COMMUNICATIONS COMPANY LP
 6450 SPRINT PKWY
 MAILSTOP: KSOPHN0212-2A511
 OVERLAND PARK KS 66251

OCT 24 2005

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 7206

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

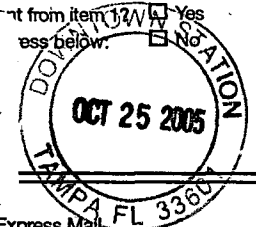
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature *[Signature]* ☐ Agent ☐ Addressee
 B. Received by (Printed Name) *[Signature]* C. Date of Delivery

different from item 1? ☐ Yes
 address below: ☐ No

1.

VERIZON SELECT SERVICES INC
 P O BOX 110
 TAMPA FL 33601-0110



☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 7350

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature *[Signature]* ☐ Agent ☐ Addressee
 B. Received by (Printed Name) *[Signature]* C. Date of Delivery

different from item 1? ☐ Yes
 address below: ☐ No

1

ERNEST COMMUNICATIONS INC
 5275 TRIANGLE PKWY STE 150
 NORCROSS GA 30092

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 6636

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature [Signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) [Signature] C. Date of Delivery 10-25-04

different from item 1? ☐ Yes ☐ No

address below: ☐ Yes ☐ No

IONEX COMMUNICATIONS NORTH INC
2020 BALTIMORE AVE
KANSAS CITY MO 64108-1914

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7005 0390 0001 4590 6827

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature [Signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) [Signature] C. Date of Delivery 10-24

different from item 1? ☐ Yes ☐ No

address below: ☐ Yes ☐ No

GRANITE TELECOMMUNICATIONS LLC
234 COPELAND ST
QUINCY MA 02169

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7005 0390 0001 4590 6704

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature [Signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) Nancy Keenan C. Date of Delivery 10-26

different from item 1? ☐ Yes ☐ No

address below: ☐ Yes ☐ No

DSLNET COMMUNICATIONS LLC
545 LONG WHARF DR
NEW HAVEN CT 06511

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7005 0390 0001 4590 6599

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature ☒ X Kentis Pitelka ☐ Agent ☐ Addressee

B. Received by (Printed Name) Kentis Pitelka C. Date of Delivery 10-29-05

D. Is delivery address different from item 1? ☐ Yes ☐ No
Address below:

QUANTUMSHIFT COMMUNICATIONS INC
12657 ALCOSTA BLVD STE 418
SAN RAMON CA 94583

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 7138

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature ☒ X [Signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) RENARDS C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No
Address below:

TELCOM BILLING SERVICES INC
9243 E RIVER RD NW
COON RAPIDS MN 55433-5722

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 7237

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature ☒ X [Signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) A. McOWEN STAN C. Date of Delivery 10-29-05

D. Is delivery address different from item 1? ☐ Yes ☐ No
Address below:

MCIMETRO ACCESS TRANSMISSION
SERVICES LLC
707 17TH ST STE 3600
DENVER CO 80202

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 6902

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		COMPLETE THIS SECTION ON DELIVERY A. Signature ☒ <i>[Signature]</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) ☐ <i>[Signature]</i> C. Date of Delivery OCT 27 2005	

AT&T COMMUNICATIONS OF THE MIDWEST
1875 LAWRENCE RM 8-19
DENVER CO 80202

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7004 2890 0000 5450 9843

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ <i>[Signature]</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) Michael Garvey C. Date of Delivery 10-21-05	

NEW ACCESS COMMUNICATIONS LLC
801 NICOLLET AVE STE 350
MINNEAPOLIS MN 55402-2519

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 7008

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ <i>[Signature]</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) Bill Anderson C. Date of Delivery 10/25/05	

TRANS NATIONAL COMMUNICATIONS
INTERNATIONAL INC
2 CHARLES GATE W
BOSTON MA 02215

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 7251

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

PU-05-540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *11-7-05*

Is delivery address different from item 1? ☐ Yes ☐ No

INMATE PHONE SYSTEMS CORPORATION
16032 SHERMAN WAY MPB5
VAN NUYS CA 91406

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) **7005 0390 0001 4590 6803**

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PU-05-542

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature *[Signature]* ☒ Agent ☐ Addressee

B. Received by (Printed Name) *STEUB NESS* C. Date of Delivery *11/7/05*

D. Is delivery address different from item 1? ☐ Yes ☐ No

1. Article Addressed to:
Bruce Gerhardtson
Otter Tail Corporation
215 S Cascade St
Fergus Falls MN 56538-0496

3. Service Type
- ☒ Certified Mail ☐ Express Mail
 - ☐ Registered ☐ Return Receipt for Merchandise
 - ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) **7003 2260 0001 3516 1027**

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PU-05-542

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *11-7*

D. Is delivery address different from item 1? ☐ Yes ☐ No

1. Article Addressed to:
Scott Landry
Cass County Electric Corp
4100 32nd Ave SW
Fargo ND 58104

3. Service Type
- ☒ Certified Mail ☐ Express Mail
 - ☐ Registered ☐ Return Receipt for Merchandise
 - ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) **7003 2260 0001 3516 1034**

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540



Public Service Commission

State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
Brian P. Kalk

Executive Secretary
Darrell Nitschke

600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
Web: www.nd.gov/psc
E-mail: ndpsc@nd.gov
TDD 800-366-6888 or 711
Fax 701-328-2410
Phone 701-328-2400

7 May 2009

David J. Hogue
Pringle & Herigstad, P.C.
2525 Elk Drive
P.O. Box 1000
Minot, ND 58702

Re: Case No. PU-08-61
Case No. PU-05-546

Dear Mr. Hogue:

Thank you for your letter of 1 May 2009 requesting certified copies. Enclosed are six certified copies of the Commission's Findings of Fact, Conclusions of Law and Order in Case No. PU-08-61, as well as six certified copies of the Order Dismissing Parties from Case No. PU-05-546.

If you have any questions, please do not hesitate to call or write.

Best regards,

Illona A. Jeffcoat-Sacco
General Counsel

enclosures



Public Service Commission
State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
Brian P. Kalk

Executive Secretary
Darrell Nitschke

600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
Web: www.nd.gov/psc
E-mail: ndpsc@nd.gov
TDD 800-366-6888 or 711
Fax 701-328-2410
Phone 701-328-2400

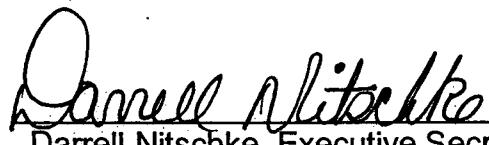
STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

)
)ss CERTIFICATION
)

I, the undersigned, as Executive Secretary of the Public Service Commission of the State of North Dakota and Custodian of the records thereof, do hereby certify that the attached is a true and correct copy of **Findings of Fact, Conclusions of Law and Order in Case No. PU-08-61**, which appears of record and is on file in the office of the Public Service Commission of the State of North Dakota.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the Public Service Commission in the city of Bismarck, North Dakota, this 7th day of May, 2009.


Darrell Nitschke, Executive Secretary
Public Service Commission
State of North Dakota

(SEAL)

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Midcontinent Communications/Missouri Valley
Communications, Inc.
Rural Exemption
Investigation**

Case No. PU-08-61

**Missouri Valley Communications, Inc.
Suspend/Modify Interconnection Requirements
Application**

Case No. PU-08-176

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Appearances

Commissioners Susan E. Wefald, Kevin Cramer, and Tony Clark.

John M. Olson, John M. Olson, P.C., 418 East Broadway, Suite 9, Bismarck, ND 58501, and J.G. Harrington, Dow Lohnes, PLLC, 1200 New Hampshire Ave., NW. Suite 800, Washington, D.C. 20036, on behalf of Midcontinent Communications.

David J. Hogue, Pringle & Herigstad, P.C. 2525 Elk Drive, Minot, ND 58702-1000, on behalf of Missouri Valley Communications, Inc.

Annette Bendish, Public Service Commission, State Capitol, 600 E Boulevard Ave., Bismarck, North Dakota 58505, on behalf of the Public Service Commission.

Allen Hoberg, Office of Administrative Hearings, 1701 North Ninth Street, Bismarck, North Dakota 58501-1882, as Administrative Law Judge.

Preliminary Statement

On November 14, 2007, Midcontinent Communications (Midcontinent) made a request for a facilities based interconnection agreement with local number portability (LNP) services for the Williston North Dakota exchange from Missouri Valley Communications, Inc. d/b/a Nemont (Missouri Valley). On February 8, 2008, Midcontinent filed with the Commission its Notice of Bona Fide Request for Services and Interconnection and Petition to Find Rural Exemption Waived, Case No. PU-08-61.

Midcontinent requests that the Commission determine that Missouri Valley has waived its rural exemption, or in the alternative that the Commission conduct an inquiry under the provisions of 47 USC § 251(f)(1)(A) for the purpose of determining whether to

terminate Missouri Valley's exemption from providing its services as requested by Midcontinent.

On April 9, 2008, Missouri Valley filed an Application for Suspension under 47 USC § 251(f)(2), Case No. PU-08-176. Missouri Valley requests that the Commission grant to Missouri Valley a suspension of the requirements of subsections (b) and (c) of section 251 for Missouri Valley's telephone exchange service facilities in the Williston exchange area for such duration as the Commission determines.

On May 1, 2008, Administrative Law Judge Allen Hoberg issued an Order for Consolidation and Scheduling pursuant to Stipulation for Consolidation filed by the parties consolidating these cases for hearing.

On May 7, 2008, the Commission issued a Notice of Consolidated Hearing scheduling a hearing in Cases No. PU-08-61 and No. PU-08-176 for July 9, 2008, and identifying the following issues:

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 (d)(1)(D) thereof).
4. The implementation schedule for compliance with the request should the exemption be terminated.
5. Whether suspension or modification is necessary.
6. Whether suspension or modification is consistent with public interest, convenience, and necessity.
7. The extent and duration should any suspension or modification be granted.

Having allowed all interested persons an opportunity to be heard and having heard, reviewed, and considered all testimony and evidence presented, the Commission makes the following:

Findings of Fact

The Commission finds:

1. Missouri Valley is an incumbent local exchange carrier authorized by the Commission to provide telecommunications services in the Williston exchange. Missouri Valley is a rural telephone company as defined under 47 U.S.C. § 153(b)(37).

2. Midcontinent is a South Dakota general partnership registered with the Commission to provide local exchange telecommunications services. Midcontinent is a competitive local exchange carrier and is a reseller of telecommunications service in the Williston exchange (Case No. PU-04-638). Midcontinent is also a cable operator providing video programming. Midcontinent has a certificate of public convenience and necessity to provide facilities based competitive local exchange telecommunications services throughout North Dakota (Case No. PU-04-546).

3. Missouri Valley provides the nine services or functionalities designated in Federal Communications Commission (FCC) rules, 47 CFR 54.101. These are: (1) voice grade access to the public switched network; (2) flat rated local service pricing where the incremental cost of local usage to the customer is free; (3) dual tone multi-frequency (DTMF) signaling, commonly referred to as touch tone to support efficient call set up; (4) single party service; (5) access to emergency services through compliance with E911 requirements; (6) access to operator services; (7) 1 plus equal access to interexchange carriers; (8) access to directory assistance through the dialing of 411; and (9) toll limitation for qualifying low-income consumers and the offering of lifeline service. Missouri Valley complies with the requirement to advertise the availability and charges for these nine services.

4. Missouri Valley complies with the requirement to provide the supported services throughout the designated service area of the entire Williston exchange to all customers making a reasonable request for service, including low income, low density, rural insular, and high cost customers in a manner that is reasonably comparable and at rates equivalent to those charged in the municipality of Williston.

5. In April 2008, there were 8,806 access lines in the Williston exchange, including 1,575 lines resold to Midcontinent and 7,231 lines served by Missouri Valley. The Williston exchange area is 390.6 square miles, including approximately 7.3 square miles that comprise the City of Williston. As of April 2008, Missouri Valley served the 8,806 access lines in the area over a network of 933.3 network route miles of telecommunications cable, of which 477 miles are in the City of Williston and 456.3 miles serve the rural portion of the exchange beyond the city limits. Of the 8,806 access lines, approximately 7,065 are inside the Williston City limits, including the lines that are resold to Midcontinent. 1,741 lines served by Missouri Valley are outside of the Williston city limits.

Bona Fide Request

6. Under Section 252(a)(1) of the Telecommunications Act of 1934 as amended by the Telecommunications Act of 1996 (Act), an incumbent local exchange carrier may negotiate and enter into a binding agreement with a requesting telecommunications carrier upon receiving a request for interconnection, service or network elements under Section 251. Section 251(c) requires incumbent local exchange carriers to interconnect

with competitive local exchange carriers and to negotiate the terms of interconnection agreements.

7. Under Section 251(c) of the Act, an incumbent local exchange carrier is obligated to provide (1) good faith negotiation, (2) facilities and equipment interconnection, (3) unbundled network elements, (4) retail services at wholesale rates, (5) notice of network changes, and (6) collocation of equipment.

8. Under Section 251(f)(1)(A) of the Act, a rural telephone company is exempt from the requirements of Section 251(c) until (1) the rural company has received a bona fide request for interconnection, services, or network elements, and (2) the state commission determines (under subparagraph B) that such request is not unduly economically burdensome, is technically feasible, and is consistent with Section 254 of the Act.

9. Missouri Valley acknowledged that Midcontinent's November 14, 2007 request for interconnection is a bona fide request.

10. Midcontinent has made a bona fide request for interconnection, which a local exchange carrier must provide under Section 251(c) of the Act. Midcontinent has specifically requested facilities-based interconnection with local number portability.

Rural Exemption

11. Under Section 251(f)(1)(A) of the Act, Missouri Valley is exempt from the requirement to provide the service requested until Missouri Valley has received a bona fide request from Midcontinent and the Commission determines (under subparagraph B) that such "...request is not unduly economically burdensome, is technically feasible, and is consistent with section 254..." To initiate a Commission proceeding to terminate Missouri Valley's rural exemption, Midcontinent is required to submit to the Commission a Section 251(f)(1)(B) notice of its bona fide request. Under Section 251(f)(1)(C), the rural exemption from interconnection is not available to a rural telephone company if the competitive local exchange carrier that has requested interconnection is a cable operator providing video programming and the rural telephone company also provides video programming. Midcontinent is a cable operator, but Missouri Valley is not, so the exemption remains in effect unless it is terminated under Section 251(f)(1)(B).

12. Under Section 251(f)(1)(B) of the Act and *Iowa Utilities Board v. Federal Communications Commission*, 219 F.3d 744, at 759-763 (8th Cir. 2000) Midcontinent has the burden of proving that Midcontinent's requested interconnection is not unduly economically burdensome, is technically feasible, and is consistent with Section 254.

Undue Economic Burden

13. Shawn Hanson, General Manager of Missouri Valley, testified that the economic impact from Midcontinent's requested interconnection would be a cumulative net

revenue loss over the 2009-2012 timeframe of \$3.58 million due to Missouri Valley customers migrating to Midcontinent as a facilities-based service provider rather than as a service reseller. This impact would be a 31% reduction of annual net revenues in 2009 and a 56% reduction of annual net revenues in 2012. Hanson testified that such a loss of revenues would not damage Missouri Valley's ability to continue to offer service but would damage Missouri Valley's ability to invest in facility upgrades and replacements. Hanson testified that a loss of \$3.58 million would be unduly economically burdensome.

14. Midcontinent witness Scott Lundquist testified that the economic impact from the interconnection would be a cumulative net revenue loss over the 2009-2012 timeframe of \$888,577. The \$2.69 million difference between Lundquist's and Hanson's economic impact is due to four adjustments Lundquist proposed to Missouri Valley's impact analysis. The four adjustments were named and calculated as Migration Timing \$154,300, Resale Line Growth Factors \$572,600, Special Access Revenues \$367,600 and \$2.234 million adjustment to universal service fund (USF) revenue; or \$3.33 million total adjustment. Lundquist's testimony indicated the adjustments "interact" and therefore actually result in the \$2.69 million difference. Lundquist did not explain how the proposed adjustments interact or how much each adjustment contributed to the \$2.69 million.

15. Lundquist based his Migration Timing adjustment of \$154,300 on an assumption that Midcontinent would take six months, from January 1, 2009 through June 2009 to migrate its existing resale-based customers to Midcontinent's facilities. Missouri Valley's analysis assumes Midcontinent would complete the migration by January 1, 2009.

16. Midcontinent has not met its burden of proof on its proposed Migration Timing adjustment of \$154,300. Midcontinent's evidence about migration timing is not more persuasive than Missouri Valley's evidence.

17. Regarding the Resale Line Growth Factors adjustment of \$572,600, Lundquist projected linear growth and Hanson projected compounding growth in the numbers of Missouri Valley customers migrating to taking service from Midcontinent. Linear growth projections produce a lower estimate of the numbers of customers, and that produces a lower estimate of the financial impact of the interconnection. Missouri Valley's Exhibit 1 shows the projected growth in Midcontinent's customer count, beginning at 1,488 in 2007 growing to 3,663 over the study period through 2012, a total growth of about 1,800.

18. Midcontinent has not met its burden of proof on its proposed Resale Line Growth Factors adjustment of \$572,600. Midcontinent's evidence about resale line growth is not more persuasive than Missouri Valley's evidence.

19. Regarding the Special Access Revenues proposed adjustment of \$367,600, Lundquist testified Midcontinent could offer special access services over its existing cable TV facilities without the interconnection, so Missouri Valley's estimate of net

revenue loss due to customer migration to Midcontinent's special access service would not occur because of the interconnection. Therefore, Lundquist's adjustment reflects no net revenue loss to Missouri Valley due to interconnection-related migration of special access service customers.

20. Hanson testified that business customers would move special access service at the same time voice service is moved.

21. Lundquist's testimony that there should be no net revenue loss to Missouri Valley due to migration of its customers to become special access customers of Midcontinent is not more persuasive than Hanson's testimony that there would be a net revenue loss due to migration of its customers to become special access customers of Midcontinent.

22. Midcontinent has not met its burden of proof on its proposed Special Access Revenues adjustment of \$367,600, but Missouri Valley makes a compelling argument that, over time with full facilities-based competition, special access service revenue to Missouri Valley will decline.

23. Lundquist testified that the interconnection-related revenue losses to Missouri Valley could be offset by significant additional federal universal service funding obtained via the safety valve mechanism. Lundquist therefore proposed a \$2.234 million adjustment to Missouri Valley's net revenue loss. Lundquist testified that additional funding under the federal Safety Valve mechanism would be available to Missouri Valley as line and revenue losses drive up per line costs.

24. Hanson testified that Missouri Valley does not qualify for support from the safety valve mechanism. Safety valve is an official shorthand expression to describe a provision of 47 CFR 54.305 that is unofficially referred to as the parent trap rule. The parent trap rule limits a rural telephone company's receipt of universal service funds for an acquired exchange that was not historically qualified under USF rules. Missouri Valley is a rural telephone company affected by the parent trap rule, because the Williston exchange was not qualified under USF rules when it was owned by Citizens Telecommunications Company of North Dakota, Inc. Specifically, the parent trap rule prevents a rural telephone company from receiving universal service funds to support or subsidize old investment in the exchange, investment that was not made by the rural telephone company but was made by the former owner. The safety valve exception permits a rural telephone company that is subject to the parent trap rule to receive some USF support for post-acquisition new investments in rural infrastructure, investments that are made by the rural telephone company. ("Universal Service Order," Fourteenth Report and Order, FCC 01-257 (May 23, 2001) Paragraphs 91-135.) The FCC's explanation of the safety valve exception emphasized that rural telephone companies "will only receive support for new investment in rural infrastructure." *Id.* The FCC also stated that excessive fund growth related to the impact on the fund of competitive entry and incumbent line loss to CLECs in rural areas should be closely monitored (*Id.* Para 101, 124, 131.)

25. Lundquist proposed in his testimony that Missouri Valley apply for USF support under the safety valve rule where the post-acquisition number in the formulae is not new investments made by Missouri Valley, but is a post acquisition per line costs increase, "...which is likely to happen if Missouri Valley loses lines in the case of Midcontinent's entry."

26. The argument that Missouri Valley would be able to receive additional USF subsidies under the safety valve mechanism if Missouri Valley experiences interconnection-related line and revenue losses in the case of Midcontinent's entry is not persuasive.

27. Midcontinent witness Timothy Gates testified that a cumulative net revenue loss over the 2009-2012 timeframe of \$888,577 would not be unduly economically burdensome. Gates' testimony did not speak to whether any amounts larger than \$888,577 were not unduly economically burdensome.

28. Gates testified that unduly economically burdensome is a point at which the competition damages Missouri Valley's ability to operate efficiently or to continue to offer services.

29. The Commission's interpretation is guided by the opinion of the Court in *Iowa Utilities Board v Federal Communications Commission*, 219 F.3d 744 (8th Cir. 2000) which states in pertinent parts:

In the Act, Congress sought both to promote competition and to protect rural telephone companies as evidenced by the Congressional debates. ... There can be no doubt that it is an economic burden on an incumbent local exchange carrier (ILEC) to provide what Congress has directed it to provide to new competitors in 251(b) or 251(c). Because the small and rural ILECs, while they may be entrenched in their markets, have less of a financial capacity than larger and more urban ILECs to meet such a request, the Congress declared that their statutorily granted exemption should continue unless the state commission found all three pre-requisites for terminating the exemption. By limiting the phrase 'unduly economically burdensome' to exclude burdens ordinarily associated with competitive entry, the FCC has impermissibly weakened the broad protection Congress granted to small and rural telephone companies. (*Iowa v FCC*, at 761)

30. The rural exemption is not limited to protection against the most extreme economic burdens such as threats to economic survival. Even though the loss of revenue might not threaten Missouri Valley's ability to offer existing services in the immediate future, its efficiency in offering those services would be damaged because the revenue loss would unduly impair Missouri Valley's ability to invest in facility upgrades and replacements.

31. Gates testified that the impact on the Nemont group of companies in total should be the relevant benchmark for determining undue economic burden. Neither Section 251(f)(1) of the Act, 47 CFR 51.405, nor the FCC's Local Competition Order supports a finding that the impact on the Nemont group of companies in total should be the relevant benchmark. The Commission agrees that consideration as to economic burden that the interconnection would impose must be limited to the economic burden that the interconnection would impose on Missouri Valley.

32. Midcontinent has not proven that a cumulative net revenue loss over the 2009-2012 timeframe of \$3.58 million is not unduly economically burdensome, or that a smaller financial impact is not unduly economically burdensome.

33. Midcontinent's evidence that the economic impact is \$888,577 is not more persuasive than Missouri Valley's evidence that the economic impact is \$3.58 million.

Technical Feasibility

34. Midcontinent presented testimony that the interconnection with number portability is technically feasible. Missouri Valley does not contend that interconnection is not technically feasible.

35. The interconnection, with number portability, is technically feasible.

Consistent with Section 254

36. Under 47 U.S.C. § 254, the policies for the preservation and advancement of universal service are based on the principles that quality services should be available at just, reasonable, and affordable rates; that advanced telecommunications and information services should be provided in all regions of the Nation; that consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services that are reasonable comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas; that elementary and secondary schools and classrooms, health care providers, and libraries should have access to advanced telecommunications services.

37. Gates testified that the "...key issue" of 'unduly economically burdensome' also affects "... whether interconnection will harm Missouri Valley's ability to meet its universal service requirements." Gates testified the interconnection would not be unduly economically burdensome to Missouri Valley and that "Midcontinent's interconnection with Missouri Valley will not harm Missouri Valley's ability to maintain its universal service obligations."

38. Hanson testified that economic burdens of the interconnection would impair Missouri Valley's performance of its universal service obligations. Hanson testified

Midcontinent's impact analysis showed that Missouri Valley's annual net revenues would be substantially reduced as a consequence of the interconnection while its universal service obligations and the expenses to perform those obligations would be unchanged and likely increased. Hanson testified that universal service is being redefined and the new expanded definition of universal service will likely include broadband Internet access. ILECs and eligible telecommunications carriers will likely be required to have reliable, predictable, and sufficient financial resources to upgrade facilities to comply with this revised definition of universal service. Loss of substantial proportions of revenue as a consequence of the interconnection would impair Missouri Valley's ability to perform its universal service obligations in the entire Williston exchange area, including all the area outside the city of Williston where its line costs are far greater and where Midcontinent has no facilities.

39. Hanson testified that Missouri Valley does not have the same financial resources as other rural telephone companies to perform its universal service obligations. There are six universal service support categories that are applicable to rural ILECs. Missouri Valley does not qualify to receive universal service support under five categories. Missouri Valley, designated as an eligible telecommunications carrier in the Williston exchange, is eligible to receive universal service support for providing Lifeline services.

40. Lundquist testified, "... despite the 'parent trap' rule, Missouri Valley may be able to receive significant additional USF subsidies...via the safety valve mechanism," \$2.234 million over the 2009-2012 timeframe. The Commission is not persuaded that Missouri Valley would be able to receive additional USF subsidies under the safety valve mechanism.

41. Missouri Valley provides discounts to Lifeline consumers. Hanson testified that the interconnection resulting in Missouri Valley's declining revenues would have a negative impact on Missouri Valley's ability to continue to offer the Lifeline discount. Midcontinent has not requested and is not designated as an eligible telecommunications carrier to receive universal service support for providing Lifeline services in the Williston exchange (Order, Case No. PU-05-272).

42. Missouri Valley's testimony regarding the parent trap rule and safety valve mechanism are persuasive and Midcontinent has not met its burden of proof that the interconnection would be consistent with 47 U.S.C. § 254 regarding universal service.

Implementation Schedule

43. Midcontinent witness Tom Simmons testified that implementation should allow 30 days for negotiations and 60 days for actual connection and that interconnection could be implemented sooner than 90 days. Missouri Valley testified that interconnection could be implemented within 90 days.

44. An implementation schedule for the interconnection is an issue if the Missouri Valley's rural exemption is terminated, the issue is moot if the rural exemption is not terminated.

Suspension of Interconnection Requirements

45. Suspension of Missouri Valley's interconnection requirements is an issue if the Missouri Valley's rural exemption is terminated, the issue is moot if the exemption is not terminated.

From the foregoing Findings of Fact, the Commission now makes its:

Conclusions of Law

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding.
2. Midcontinent failed to prove that the request of Midcontinent to Missouri Valley for interconnection in the Williston exchange is not unduly economically burdensome.
3. Midcontinent failed to prove that the request of Midcontinent to Missouri Valley for interconnection in the Williston exchange is consistent with 47 U.S.C. §254, regarding universal service.
4. The issue of technical feasibility is moot, where Midcontinent failed to prove that the request of Midcontinent to Missouri Valley for interconnection is unduly economically burdensome and not consistent with 47 U.S.C. §254, regarding universal service.

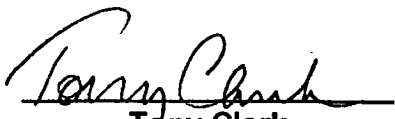
From the foregoing Findings of Fact and Conclusions of Law, the Commission makes the following:

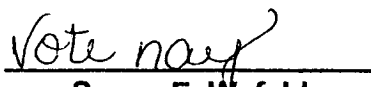
Order

The Commission Orders:

The rural exemption under 47 U.S.C. § 251(f)(1)(A) for interconnection in Missouri Valley's Williston exchange is not terminated.

PUBLIC SERVICE COMMISSION


Tony Clark
Commissioner


Susan E. Wefald
President


Kevin Cramer
Commissioner

DISSENT
Commissioner Susan Wefald

October 8, 2008

**Midcontinent Communications/Missouri
Valley Communications, Inc.
Rural Exemption
Investigation**

Case No. PU-08-61

**Missouri Valley Communications, Inc.
Suspend/Modify Interconnection
Requirements
Application**

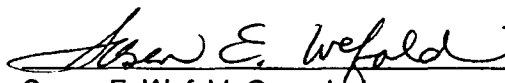
Case No. PU-08-176

I do not agree with Conclusion of Law #2 in this Order which states that "Midcontinent failed to prove that the request of Midcontinent to Missouri Valley for interconnection in the Williston exchange is not unduly economically burdensome."

The Findings of Fact in this Order, #s 14, 15, 17, 19, 23, demonstrate that Midcontinent put forth strong factual arguments on the potential economic impact to Missouri Valley if the rural exemption is lifted. For example, in Finding of Fact #15, the order notes that Midcontinent witness Lundquist based his Migration Timing adjustment of \$154,300 on an assumption that Midcontinent would take six months, from January 1, 2009 through June 2009, to migrate its existing resale-based customers to Midcontinent's facilities. Missouri Valley's analysis assumes Midcontinent would complete the migration by January 1, 2009. I agree with Midcontinent on this matter, since Missouri Valley has a limited ability to handle new orders, and some 1570 customers need to be migrated. Midcontinent's testimony stated that in similar situations in South Dakota, it has taken five to seven months to migrate its embedded customer bases from resold service to Midcontinent's own facilities.

Also, the Commission's Findings of Fact in this Order do not reflect any of the information that was presented by Midcontinent regarding depreciation expenses, and that Missouri Valley did not invest all, most, or even one-third of their cash flow in 2007 (\$2.75 million) in its plant and network. (pages 7 and 8, Reply Brief of Midcontinent Communications dated August 11, 2008.)

My preference in this case, based on the facts, would have been to terminate Missouri Valley's rural exemption and then require a suspension of that termination until Midcontinent met the requirements in 47 USC Section 214 E 1 to be a designated eligible communication carrier. This would require Midcontinent to serve the entire service area (not just the City of Williston) as an eligible communication carrier, just as Missouri Valley does now.


Susan E. Wefald, Commissioner



Public Service Commission
State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
Brian P. Kalk

Executive Secretary
Darrell Nitschke

600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
Web: www.nd.gov/psc
E-mail: ndpsc@nd.gov
TDD 800-366-6888 or 711
Fax 701-328-2410
Phone 701-328-2400

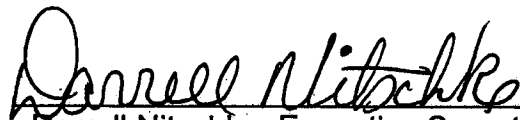
STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

)
)ss CERTIFICATION
)

I, the undersigned, as Executive Secretary of the Public Service Commission of the State of North Dakota and Custodian of the records thereof, do hereby certify that the attached is a true and correct copy of **Order Dismissing Parties in Case No. PU-05-546**, which appears of record and is on file in the office of the Public Service Commission of the State of North Dakota.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the Public Service Commission in the city of Bismarck, North Dakota, this 7th day of May, 2009.


Darrell Nitschke, Executive Secretary
Public Service Commission
State of North Dakota

(SEAL)

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Qwest Corporation vs
Absaraka Co-operative Telephone Co. Inc. et. al.
Complaint**

Case No. PU-05-546

ORDER DISMISSING PARTIES

October 12, 2006

On September 29, 2005, Qwest Corporation ("Qwest") filed a complaint to seek resolution of various disputes arising under a 1999 settlement agreement ("Settlement Agreement") between Qwest and a group of North Dakota rural telephone companies known as the Rural Telephone Company Group ("RTCG").

On October 18, 2005, the Public Service Commission ("Commission") found that the complaint states a prima facie case and it was served on the parties.

On January 3, 2006, the Rural Telephone Company Group filed its answer to the complaint. Other parties that have filed a response to the complaint or otherwise entered an appearance are Acceris Communications Corp. ("Acceris"), Intrado Communications, Inc. ("Intrado"), Sprint Communications, Inc. ("Sprint"), and MCImetro Access Transmission Services LLC ("MCI").

On September 22, 2006, Qwest filed its Motion to Dismiss Parties. Qwest states that the complaint was not filed for the purpose of amending or to assist in the interpretation of existing tariffs or existing contracts (excepting the Settlement Agreement) between Qwest and other carriers, and was not filed for the purpose of amending any existing access rate but rather for establishing a default methodology for measuring access minutes of use for the purpose of applying the access rates otherwise established by law.

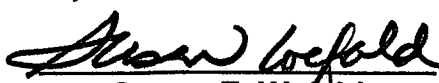
Qwest requests that Intrado, Sprint, MCI, Acceris, and all parties that have been served with the complaint but have not responded or otherwise entered an appearance in this proceeding be dismissed. Qwest is not requesting to dismiss the Rural Telephone Company Group.

Based on the foregoing, the Commission makes the following:

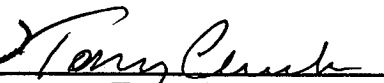
ORDER

The Commission orders that the complaint against Intrado, Sprint, MCI, Acceris, and all parties that have been served with the complaint but have not responded or otherwise entered an appearance is **Dismissed**.

PUBLIC SERVICE COMMISSION



Susan E. Wefald
Commissioner



Tony Clark
President



Kevin Cramer
Commissioner

DONALD A. NEGAARD
JAMES E. NOSTDAHL
CAROL K. LARSON
DAVID J. HOGUE
REED A. SODERSTROM
BRENT M. OLSON
DEBRA L. HOFFARTH
SCOTT M. KNUDSVIG
RYAN D. SANDBERG
MATTHEW H. OLSON
OF COUNSEL
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E-mail: pringle@srt.com

RETIRED
THOMAS A. WENTZ
MARK F. PURDY
JAN M. SEBBY

KENNETH G. PRINGLE
(1914-1983)
MITCHELL H. MAHONEY
(1929-1996)
ROGER O. HERIGSTAD
(1919-2003)

RECEIVED

MAY 04 2009

PUBLIC SERVICE COMMISSION

Ms. Illona Jeffcoat-Sacco
North Dakota Public Service Commission
600 E. Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

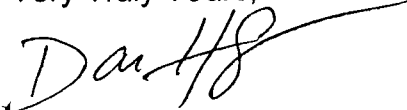
RE: ND PSC case No PU-08-61

Dear Ms. Jeffcoat-Sacco:

For purposes of necessary filing of documents in the pending Federal district court case, Midcontinent Communications vs North Dakota Public Service Commission and Missouri Valley Communications (Case No. 1:09-CV-00017), we request six certified copies of the Commission's Findings of Fact, Conclusions of Law and Order in ND PSC case No PU-08-61 dated October 8, 2008, as well as six certified copies of the Order from case PU-05-546.

If there is a charge for these services, please advise and we will promptly remit. If you have any questions, please do not hesitate to contact me.

Very Truly Yours,



David J. Hogue

cc: Mike Kilgore

64 PU-05-546 Filed: 5/4/2009 Pages: 1
Letter Request for Certified Copies

Pringle & Herigstad

56 PU-08-61 Filed: 5/4/2009 Pages: 1
Letter Request for Certified Copies

Pringle & Herigstad

David Hogue



Public Service Commission
Receipt of Payment

Receipt# 6874

Received: 5/23/2007 Check# 4200049504 for \$57.16
Subject: Utility Valuation

Docket # PU-05-546

Qwest Corporation.
5325 Zuni St Room 728
Denver CO 80221

63 PU-05-546

Pages: 1

Receipt# 6,874 \$57.16 Utility Valuation

by Qwest Corporation.

05/23/2007

MOTION

May 2, 2007

Qwest Corporation vs.
Absaraka Co-operative Telephone Co. Inc. et al.
Complaint

Case No. PU-05-546

I move the Commission bill Qwest Corporation for costs incurred to date in

Case No. PU-05-546, Qwest Corporation vs. Absaraka Co-operative Telephone
Co. Inc. et al., Complaint.



Public Service Commission

State of North Dakota

COMMISSIONERS

Susan E. Wefald, President
Kevin Cramer
Tony Clark

Executive Director
Illona A. Jeffcoat-Sacco

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TTY 800-366-6888 or 711
Fax 701-328-2410
Phone 701-328-2400

May 2, 2007

Scott Macintosh
Qwest Corporation
PO Box 5508
Bismarck ND 58502-5508

RE: Case No. PU-05-546
Qwest Corporation vs.
Absaraka Co-operative Telephone Co. Inc. et al.
Complaint

Enclosed is a copy of the statement approved at the May 2, 2007 Public Service Commission meeting for the expenses incurred to date in Case No. PU-05-546.

Under N.D.C.C. 49-21-01.7, these expenses are billed through the Valuation Fund and must be paid for by the telecommunications company involved.

Please make your check payable to the *Public Service Commission*.

Sincerely,

Gloria Geiger
Admin Staff Officer
701-328-2401

Enc.

Billing Statement

May 2, 2007

Qwest Corporation vs.
Absaraka Co-operative Telephone Co. Inc. et al.
Complaint

Case No. PU-05-546

Bill To:

Qwest Corporation\$57.16

Expenses Incurred to Date:

Office of Administrative Hearings (November 2006)	\$19.05
Office of Administrative Hearings (February 2007)	38.11

Total:	\$57.16

Send Payment and a Copy of this Statement To:

Public Service Commission
600 E Boulevard Ave Dept 408
Bismarck ND 58505-0480

Federal Tax ID 45-0309764



Public Service Commission

State of North Dakota

COMMISSIONERS

Susan E. Wefald, President
Kevin Cramer
Tony Clark

Executive Director
Illona A. Jeffcoat-Sacco

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web: www.nd.gov/psc
e-mail: ndpsc@nd.gov
TTY 800-366-6888 or 711
Fax 701-328-2410
Phone 701-328-2400

April 20, 2007

Allen C. Hoberg
Director
Office of Administrative Hearings
1707 North 9th Street
Bismarck, ND 58501

Re: Qwest Corporation vs. Absaraka Co-operative Telephone Co., Inc., et al.
Complaint
Case No. PU-05-546
OAH File No. 20060205

Dear Mr. Hoberg:

In response to your request for confirmation of the destruction or retention of the prehearing conference tape in the above-named case, there has been no further activity in regard to this matter. The prehearing conference tape may be destroyed.

Sincerely,

William W. Binek
Chief Counsel



OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF NORTH DAKOTA

1707 North 9th Street

Bismarck, North Dakota 58501-1882

Allen C. Hoberg
DIRECTOR

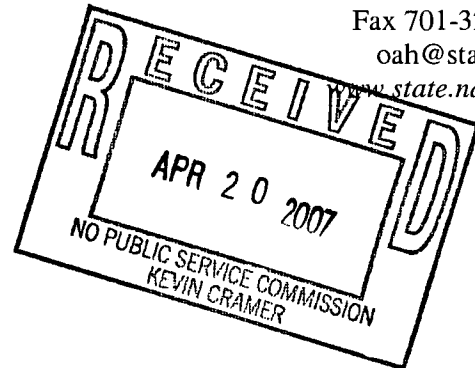
701-328-3260

Fax 701-328-3254

oah@state.nd.us

www.state.nd.us/oah

April 19, 2007



William W. Binek
Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

Re: Qwest Corporation vs. Absaraka Co-operative Telephone Co., Inc., et al.
Complaint
Case No. PU-05-546
OAH File No. 20060205

Dear Mr. Binek:

Our records indicate that on February 6, 2007, our file was closed in the above-titled matter. More than sixty days have passed since its issuance. In reviewing the file in this matter there is no indication that any further action has been requested. Please confirm, in writing, whether your agency has, or has not, received any requests for further action regarding the issue in this matter. If no further action has been requested, the prehearing conference tape for this matter will be destroyed immediately upon receipt of the enclosed confirmation letter, signed by the appropriate person. If a request for further action has been received, and the Office of Administrative Hearings has been informed of such action, the prehearing conference tape will be retained for an additional amount of time.

Thank you for your attention to this matter.

Sincerely,

Allen C. Hoberg
Director

ACH/eap

Encl.

60 PU-05-546

Pages: 1

Letter re: status of case

by Office of Administrative Hearings by A. Hoberg

04/20/2007

CC: Comm Legal Ilona, Pat, Annette



Public Service Commission
Receipt of Payment

Receipt# 6760

Received: 2/13/2007 Check# 4000100316 for \$476.27
Subject: Utility Valuation

Docket # PU-05-546

Qwest Corporation
1801 California Street, Suite
Denver CO 80202

59 PU-05-546

Pages: 1

Receipt# 6,760 \$476.27

by Qwest Corporation

02/13/2007



OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF NORTH DAKOTA

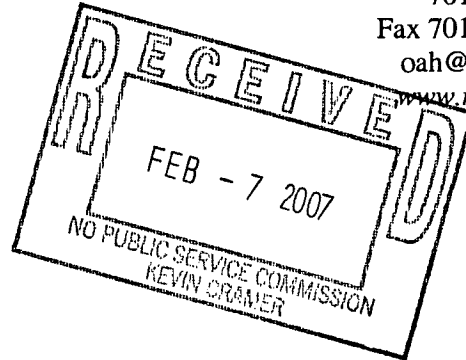
1707 North 9th Street

Bismarck, North Dakota 58501-1882

Allen C. Hoberg
DIRECTOR

February 6, 2007

701-328-3260
Fax 701-328-3254
oah@state.nd.us
www.nd.gov/oah



William W. Binek
Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

Re: Qwest Corporation vs. Absaraka Co-operative Telephone Co., Inc., et al.
Complaint
Case No. PU-05-546
OAH File No. 20060205

Dear Mr. Binek:

On May 31, 2006, you requested the designation of an administrative law judge from this office to preside as hearing officer in the matter of Qwest Corporation vs. Absaraka Co-operative Telephone Co., Inc., et al. Although prehearing conferences were held on the matter, a hearing has not been held. You informed me today that the Commission granted a motion to dismiss this matter on January 10, 2007. Accordingly, I am closing our file on this matter and returning that portion of the record I have in my possession to you. Enclosed are copies of documents that have been transmitted to us, as well as originals and copies of documents received while the file was in our possession, for filing with the official agency record of this matter.

Thank you for your attention to this matter.

Sincerely,

Allen C. Hoberg
Administrative Law Judge

ACH/eap

Encl.

cc: Donald A. Negaard
Pringle & Herigstad, P.C.
Jason Topp
Qwest Corporation
Richard Corbetta
Pogue, Corbetta & O'Leary, P.C.

58 PU-05-546

Pages: 1

OAH file closed

by Office of Administrative Hearings
02/07/2007 CC: Comm Legal Illona, Pat, Annette ALJ

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Qwest Corporation vs
Absaraka Co-operative Telephone Co.,
Inc., et. al.
Complaint

Case No. PU-05-546

AFFIDAVIT OF SERVICE BY ORDINARY MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Patricia Miller deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **5th day of February, 2007**, she deposited in the United States Mail, Bismarck, North Dakota, **1** envelope by first class mail, fully prepaid, securely sealed and each containing a photocopy of:

Order Dismissing Complaint

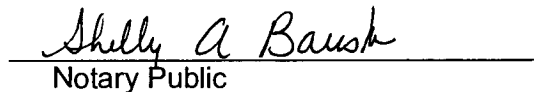
The envelope was addressed as follows:

Uni-Tel Communications Group Inc.
55 S Main #304
Naperville IL 60540

Each address shown is the respective addressee's last reasonably ascertainable post office address.

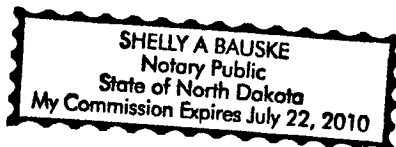


Subscribed and sworn to before me
this **5th day of February, 2007**.



Notary Public

SEAL

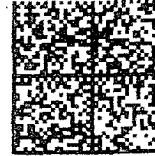




Public Service Commission
State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE

02 1A
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505

\$ 00.371

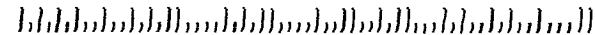
Uni-Tel Communications Group Inc
47 E Chicago Ave St- 220

Naperville IL 601 NIXIE 605 DE 1 00 01/28/07

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 58505048099 *2835-16933-15-44

LXSYTHS 585050480



DONALD A. NEGAARD
JAMES E. NOSTDAHL
CAROL K. LARSON
DAVID J. HOGUE
REED A. SODERSTROM
BRENT M. OLSON
DEBRA L. HOFFARTH
SCOTT M. KNUDSVIG
RYAN D. SANDBERG
OF COUNSEL
HERBERT L. MESCHKE

PH
LAW OFFICES OF
PRINGLE & HERIGSTAD, P.C.

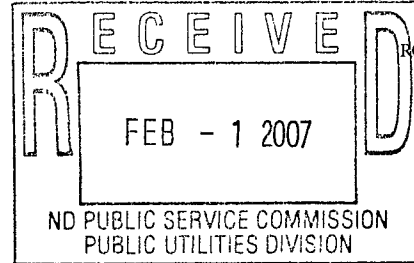
2525 ELK DRIVE
POST OFFICE BOX 1000
MINOT, NORTH DAKOTA 58702
(701) 852-0381
FAX (701) 857-1361
E-mail: pringle@srt.com

RETIRED
THOMAS A. WENTZ
MARK F. PURDY
JAN M. SEBBY

KENNETH G. PRINGLE
(1914-1983)

MITCHELL H. MAHONEY
(1929-1996)

ROGER O. HERIGSTAD
(1919-2003)



January 30, 2007

Illona A. Jeffcoat-Sacco, Executive Secretary
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480

**QWEST CORPORATION V. ABSARAKA CO-OPERATIVE TELEPHONE CO, ET AL
CASE NO. PU-05-546**

Enclosed for filing in the above proceeding is an original and seven copies of an Affidavit of Service by Mail.

An electronic version of this document has also been forwarded to your office.

Thank you,

Don Negaard

jt

Enclosures

cc/enc: Melissa K. Thompson, Qwest Corporation
Richard Corbetta, Corbetta & O'Leary

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Qwest Corporation vs.
Absaraka Co-operative Telephone Co.,
Inc., et al.
Complaint**

Case No. PU-05-546

AFFIDAVIT OF SERVICE

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF WARD)

Jo Thompson, being first duly sworn, deposes and states:

I am over the age of 18 years and not a party to this action; on the 30th day of January, 2007, I deposited in the United States Mail, Minot, North Dakota, sealed envelopes with postage thereon duly prepaid, containing a true and correct copy of the following document in the above-captioned action:

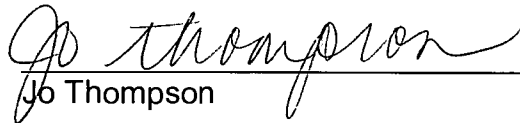
ORDER TO DISMISS PARTIES

The envelopes were addressed as follows:

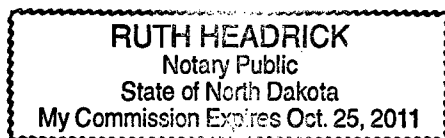
Richard Corbetta
Pogue, Corbetta & O'Leary, P.C.
821 Seventeenth Street, Suite 600B
Denver, CO 80202

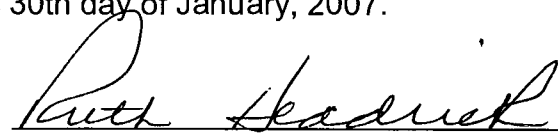
Melissa K. Thompson
Qwest Services Corporation
1801 California Street, 10th Floor
Denver, Co 80202

Each address shown is the respective addressee's last reasonably ascertainable post office address.


Jo Thompson

Subscribed and sworn to before me this 30th day of January, 2007.




Ruth G. Headrick, Notary Public
For the State of North Dakota
My commission expires: 10/25/11

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Qwest Corporation vs.
Absaraka Co-operative Telephone Co.,
Inc., et al.
Complaint**

Case No. PU-05-546

AFFIDAVIT OF SERVICE

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF WARD)

Jo Thompson, being first duly sworn, deposes and states:

I am over the age of 18 years and not a party to this action; on the 30th day of January, 2007, I deposited in the United States Mail, Minot, North Dakota, sealed envelopes with postage thereon duly prepaid, containing a true and correct copy of the following document in the above-captioned action:

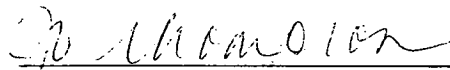
ORDER TO DISMISS PARTIES

The envelopes were addressed as follows:

Richard Corbetta
Pogue, Corbetta & O'Leary, P.C.
821 Seventeenth Street, Suite 600B
Denver, CO 80202

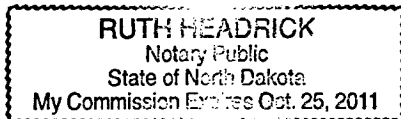
Melissa K. Thompson
Qwest Services Corporation
1801 California Street, 10th Floor
Denver, Co 80202

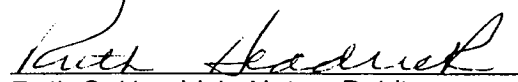
Each address shown is the respective addressee's last reasonably ascertainable post office address.



Jo Thompson

Subscribed and sworn to before me this 30th day of January, 2007.





Ruth G. Headrick, Notary Public
For the State of North Dakota
My commission expires: 10/25/11



Public Service Commission

State of North Dakota

COMMISSIONERS

Tony Clark, President
Susan E. Wefald
Kevin Cramer

Executive Secretary
Illona A. Jeffcoat-Sacco

600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
web: www.psc.state.nd.us
e-mail: ndpsc@state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

January 30, 2007

Don Negaard
Pringle and Herigstad P C
PO Box 1000
Minot ND 58702-1000

Dear Mr. Negaard,

Enclosed is the copy of the Affidavit of Service by Certified and Ordinary Mail mailed on January 15, 2007 for the Order to Dismiss Parties, Case No. PU-05-546 Qwest Corporation vs Absaraka Co-operative Telephone Co., Inc.

Sincerely,

Patricia Miller
Public Utilities Division

Enclosure

Miller, Patricia A.

From: Miller, Patricia A.
Sent: Tuesday, January 30, 2007 2:52 PM
To: 'donn@srt.com'; Fahn, Patrick J.
Subject: RE: Qwest Complaint

Mr. Negaard

A hard copy of the Affidavit of Service by Certified and Ordinary Mail for the Order to Dismiss Parties, Case No. PU05-546 mailed on the 15th day of January, 2007, this did include Qwest Services Corporation, has been mailed to you today January 30, 2007.

Thank you
Pat Miller
Public Utilities Division

From: Fahn, Patrick J.
Sent: Tuesday, January 30, 2007 1:20 PM
To: Miller, Patricia A.
Subject: FW: Qwest Complaint

Patrick J. Fahn
Chief Engineer, North Dakota Public Service Commission
600 East Boulevard
Bismarck ND 58505-0480
701-328-4077
701-328-2410 (fax)
pfahn@nd.gov

From: Don Negaard [mailto:donn@srt.com]
Sent: Tuesday, January 30, 2007 9:56 AM
To: 'Don Negaard'; Fahn, Patrick J.; Binek, William W.
Cc: Jeffcoat-Sacco, Illona
Subject: RE: Qwest Complaint

In today's mail I received a certificate of service in PU-05-546. I don't see that the Certificate of Service included Qwest. Can you please advise me if Qwest has been served? If so, I would like a copy of the certificate. If they have not been served, I would request that they be served.

Thank you.

Don Negaard
Pringle & Herigstad, P.C.
2525 Elk Drive
PO Box 1000
Minot, ND 58702-1000
701-852-0381

53 **PU-05-546**

Pages: 2

E-mail to D. Negaard re copy of affidavit of service
by Public Service Commission

01/30/2007 CC: Comm Legal Illona, Pat, Annette ALJ

1/30/2007

Fax 857-1361
donn@srt.com

The information contained in this message is confidential and may be attorney/client privileged. It is intended for the recipient/client. If you are not the intended recipient you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. If you have received this message in error please do not open any attachments. Please notify Pringle & Herigstads, P.C. by telephone at 800-735-4064, send an email to the sender advising him of the error and destroy all copies of this message, replies and any attachments. Thank you.

From: Don Negaard [mailto:donn@srt.com]
Sent: Friday, January 26, 2007 5:32 PM
To: 'Fahn, Patrick J.'; William Binek
Subject: Qwest Complaint

I have looked through my records here and do not see that I have a signed copy of the order dismissing the complaint. I have heard from a client that they received a signed copy, but I don't have one. As such I am wondering if Qwest was served with a certificate of service.

Thanks.

Don Negaard
Pringle & Herigstad, P.C.
2525 Elk Drive
PO Box 1000
Minot, ND 58702-1000
701-852-0381
Fax 857-1361
donn@srt.com

The information contained in this message is confidential and may be attorney/client privileged. It is intended for the recipient/client. If you are not the intended recipient you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. If you have received this message in error please do not open any attachments. Please notify Pringle & Herigstads, P.C. by telephone at 800-735-4064, send an email to the sender advising him of the error and destroy all copies of this message, replies and any attachments. Thank you.

1/30/2007

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Qwest Corporation vs
Absaraka Co-operative Telephone Co.,
Inc., et. al.
Complaint**

Case No. PU-05-546

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Patricia Miller deposes and says that:

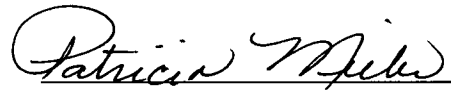
she is over the age of 18 years and not a party to this action and, on the **29th day of January, 2007**, she deposited in the United States Mail, Bismarck, North Dakota, **1** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Order to Dismiss Parties

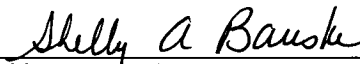
The envelope was addressed as follows:

Don Negaard
Pringle and Herigstad P C
PO Box 1000
Minot ND 58702-1000
Cert. No. 7006 0100 0003 7161 3351

Each address shown is the respective addressee's last reasonably ascertainable post office address.

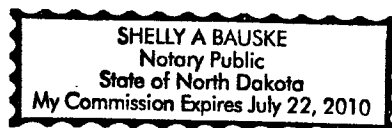


Subscribed and sworn to before me
this **29th day of January, 2007**.



Notary Public

SEAL



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Qwest Corporation vs
Absaraka Co-operative Telephone Co.,
Inc., et. al.
Complaint

Case No. PU-05-546

AFFIDAVIT OF SERVICE BY ORDINARY MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Patricia Miller deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **26th day of January, 2007**, she deposited in the United States Mail, Bismarck, North Dakota, **6** envelopes by first class mail, fully prepaid, securely sealed and each containing a photocopy of:

Order Dismissing Complaint

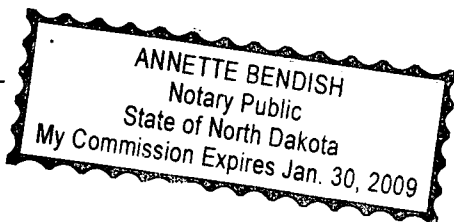
The envelopes were addressed as follows:

AT&T
2535 E 40th Ave
Denver CO 80205-3601

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **26th day of January, 2007**.

SEAL



Patricia Miller

Annette Bendish
Notary Public



Public Service Commission
State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480

04-05-546

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
PITNEY BOWES
02 1A \$ 00.60⁸
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505

AT&T COMMUNICATIONS OF THE MIDWEST
INC
1875 LAWRENCE RM 8-19
DENVER CO 80202

X 802 N1 1 B05 C 74 01/20/07
FORWARD TIME EXP RTN TO SEND
:ATT
2535 E 40TH AVE
DENVER CO 80205-3601

RETURN TO SENDER

LXSYTHP 585050480



APPROVED

DATE: 1-24-07
SAB

MOTION

January 24, 2007

Qwest Corporation vs.
Absaraka Co-operative Telephone Co. Inc. et al.
Complaint

Case No. PU-05-546

I move the Commission bill Qwest Corporation for costs incurred to date
in Case No. PU-05-546, Qwest Corporation vs. Absaraka Co-operative
Telephone Co. Inc. et al., Complaint.



Public Service Commission

State of North Dakota

COMMISSIONERS

Tony Clark, President
Susan E. Wefald
Kevin Cramer

Executive Secretary
Illona A. Jeffcoat-Sacco

600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
web: www.psc.state.nd.us
e-mail: ndpsc@nd.gov
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

January 24, 2007

Scott Macintosh
Qwest Corporation
PO Box 5508
Bismarck ND 58502-5508

RE: Case No. PU-05-546
Qwest Corporation vs.
Absaraka Co-operative Telephone Co. Inc. et al.
Complaint

Enclosed is a copy of the statement approved at the January 24, 2007 Public Service Commission meeting for the expenses incurred to date in Case No. PU-05-546.

Under N.D.C.C. 49-21-01.7, these expenses are billed through the Valuation Fund and must be paid for by the telecommunications company involved.

Please make your check payable to the *Public Service Commission*.

Sincerely,

Gloria Geiger
Admin Staff Officer
701-328-2401

Enc.

Billing Statement

January 24, 2007

Qwest Corporation vs.
Absaraka Co-operative Telephone Co. Inc. et al.
Complaint

Case No. PU-05-546

Bill To:

Qwest Corporation\$476.27

Expenses Incurred to Date:

Office of Administrative Hearings\$476.27

Send Payment and a Copy of this Statement To:

Public Service Commission
600 E Boulevard Ave Dept 408
Bismarck ND 58505-0480

Federal Tax ID 45-0309764

Note to File 1/22/07:

Case No. PU-05-546

The whole utility valuation amount for this case is being billed to Qwest per Illona. She visited with Scott Macintosh from Qwest and he agreed to pay the whole amount due to the number of parties involved in this case (approximately 130). The usual method of billing this type of case would be to bill $\frac{1}{2}$ to Qwest and split the remaining half among the other parties.

Shelly Bauske

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Qwest Corporation vs
Absaraka Co-operative Telephone Co.,
Inc., et. al.
Complaint**

Case No. PU-05-546

AFFIDAVIT OF SERVICE BY ORDINARY MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Patricia Miller deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **22nd day of January, 2007**, she deposited in the United States Mail, Bismarck, North Dakota, **6** envelopes by first class mail, fully prepaid, securely sealed and each containing a photocopy of:

Order Dismissing Complaint

The envelopes were addressed as follows:

Francetelecom
2355 Dulles Corner Blvd Ste 300
Herndon VA 20171-6127

Globcom Inc
1371 Longacre Ln
Wheeling IL 60090-5931

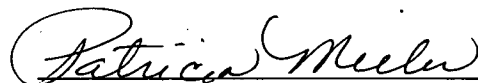
Premiere Network Services
500 N Akard St Ste 2980
Dallas TX 75201-6604

Budget Phone Inc
1325 Barksdale Blvd Ste 200
Bossier City LA 71111-4600

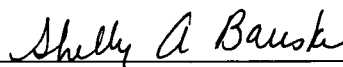
WTC Competitive Services Inc
P O Box 270
Park River ND 58270-0270

Wolverton Telephone Company
P O Box 270
Park River ND 58270-0270

Each address shown is the respective addressee's last reasonably ascertainable post office address.

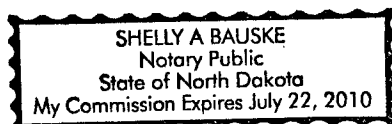


Subscribed and sworn to before me
this **22nd day of January, 2007**.



Notary Public

SEAL





Public Service Commission

State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480

PU-05-546

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
FITNEY BOWES
02 1A
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505

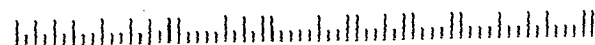
\$ 00.60⁸

PREMIERE NETWORK SERVICES INC
1510 N HAMPTON RD STE 120
DESOTO TX 75115

FORWARD X 752 NO 1 805 1 23 01/17/07
TIME EXP RTN TO SEND
PREMIERE NETWORK SERVICES
500 N AKARD ST STE 2900
DALLAS TX 75201-6604

RETURN TO SENDER

5850520480
LXSYTNP 75115



Public Service Commission

State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480

PU-05-546

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
FITNEY BOWES
02 1A
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505

\$ 00.60⁸

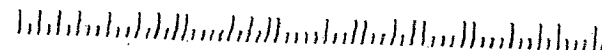
FRANCE ~~21100 MCGUIRE~~

2300 CORPORATE PARK DR
MAILSTOP SPO600
HERNDON VA

FORWARD X 201 21 1 005 0 08 01/18/07
TIME EXP RTN TO SEND
FRANCE TELECOM
2385 DULLES CORNER BLVD STE 300
HERNDON VA 20171-6127

RETURN TO SENDER

5850520480
LXSYTNP 20171





Public Service Commission
State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480

PU-05-546

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
PITNEY BOWES
02 1A \$ 00.608
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505

GLOBCOM INCORPORATED
2100 SANDERS RD STE 150
NORTHBROOK IL 60062

X 500 NO 1 805 I 72 01/17/07
FORWARD TIME EXP RTN TO SEND
:GLOBCOM INC
1371 LONGACRE LN
WHEELING IL 60090-5931

RETURN TO SENDER

LXSYTMP 60052
5850500480



Public Service Commission
State of North Dakota

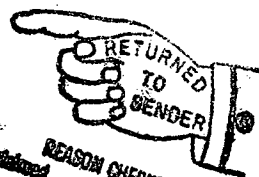
Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480

PU-05-546

PRESORTED
FIRST CLASS

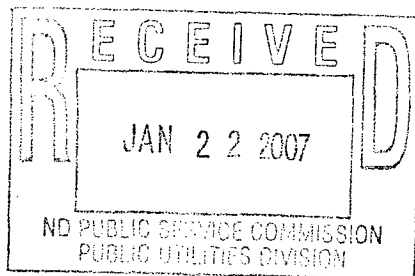


UNITED STATES POSTAGE
PITNEY BOWES
02 1A \$ 00.608
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505



REASON CHECKED
☐ Questioned
☐ Address unknown
☒ Insufficient Address
☐ No such street
☐ No such office in state
☐ Do not remain in this country
☐ Refused

WOLVERTON TELEPHONE COMPANY
P O BOX 129
WOLVERTON MN 56594



58270 10270

LXSYTMP 56594

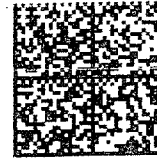




Public Service Commission
State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480

PU-05-546
PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
PITNEY BOWES
02 1A
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505

\$ 00.60⁸

BUDGET PHONE INC
6901 W70TH ST
SHREVEPORT LA 71129

X 711 NO 1 COS I 00 01/17/07
FORWARD TIME EXP RTN TO SEND
BUDGET PHONE INC
1325 BARKSDALE BLVD STE 200
BOSSIER CITY LA 71111-4600

RETURN TO SENDER

7112932708 8011
585050480



Public Service Commission
State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480

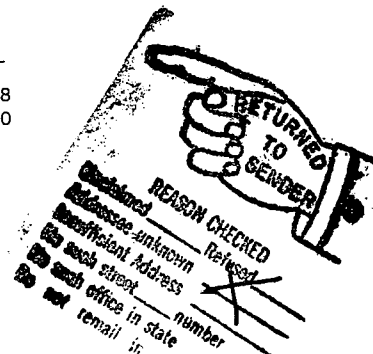
PU-05-546

PRESORTED
FIRST CLASS

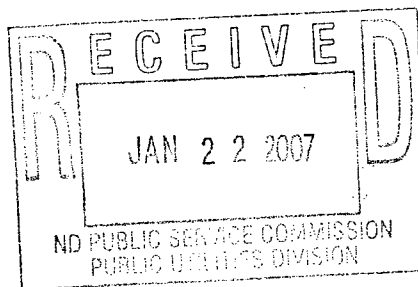


UNITED STATES POSTAGE
PITNEY BOWES
02 1A
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505

\$ 00.60⁸



WTC COMPETITIVE SERVICES INC
329 HIGHWAY 75
WOLVERTON MN 56594



PO Box 270
PARK River ID
58270-0270

Miller, Patricia A.

From: System Administrator
To: jp@ethoscommunications.net
Sent: Monday, January 15, 2007 8:31 AM
Subject: Undeliverable: Order Dismissing Complaint, PU-05-546

Your message did not reach some or all of the intended recipients.

Subject: Order Dismissing Complaint, PU-05-546
Sent: 1/15/2007 8:31 AM

The following recipient(s) could not be reached:

jp@ethoscommunications.net on 1/15/2007 8:31 AM

The destination server for this recipient could not be found in Domain Name Service (DNS). Please verify the email address and retry. If that fails, contact your administrator.
<itdemailfe1.nd.gov #5.4.0>

Miller, Patricia A.

From: -Adm-ITD Email
Sent: Monday, January 15, 2007 8:32 PM
To: Miller, Patricia A.
Subject: Delivery Status Notification (Delay)

Attachments: ATT2262215.txt; Order Dismissing Complaint, PU-05-546



ATT2262215.t
xt (518 B)



Order
Dismissing Complaint,

This is an automatically generated Delivery Status Notification.

THIS IS A WARNING MESSAGE ONLY.

YOU DO NOT NEED TO RESEND YOUR MESSAGE.

Delivery to the following recipients has been delayed.

CEO@ABLAZETECHNOLOGIES.COM

Miller, Patricia A.

From: -Adm-ITD Email
Sent: Monday, January 15, 2007 8:33 PM
To: Miller, Patricia A.
Subject: Delivery Status Notification (Delay)

Attachments: ATT2262203.txt; Order Dismissing Complaint, PU-05-546



ATT2262203.t Order
xt (509 B) ising Complaint,

This is an automatically generated Delivery Status Notification.

THIS IS A WARNING MESSAGE ONLY.

YOU DO NOT NEED TO RESEND YOUR MESSAGE.

Delivery to the following recipients has been delayed.

treschl1@attbi.com

Miller, Patricia A.

From: -Adm-ITD Email
Sent: Monday, January 15, 2007 8:42 PM
To: Miller, Patricia A.
Subject: Delivery Status Notification (Delay)

Attachments: ATT2262190.txt; Order Dismissing Complaint, PU-05-546



ATT2262190.t Order
xt (506 B) ssing Complaint,

This is an automatically generated Delivery Status Notification.

THIS IS A WARNING MESSAGE ONLY.

YOU DO NOT NEED TO RESEND YOUR MESSAGE.

Delivery to the following recipients has been delayed.

greg@dizip.com

Miller, Patricia A.

From: System Administrator
To: scott.kitchen@consolidated.com
Sent: Monday, January 15, 2007 8:31 AM
Subject: Undeliverable: Order Dismissing Complaint, PU-05-546

Your message did not reach some or all of the intended recipients.

Subject: Order Dismissing Complaint, PU-05-546
Sent: 1/15/2007 8:31 AM

The following recipient(s) could not be reached:

scott.kitchen@consolidated.com on 1/15/2007 8:31 AM

The destination server for this recipient could not be found in Domain Name Service (DNS). Please verify the email address and retry. If that fails, contact your administrator.

<itdemailfe1.nd.gov #5.4.0>

Miller, Patricia A.

From: System Administrator
To: mario.soto@bellsouth.com
Sent: Monday, January 15, 2007 8:31 AM
Subject: Undeliverable: Order Dismissing Complaint, PU-05-546

Your message did not reach some or all of the intended recipients.

Subject: Order Dismissing Complaint, PU-05-546
Sent: 1/15/2007 8:31 AM

The following recipient(s) could not be reached:

mario.soto@bellsouth.com on 1/15/2007 8:31 AM

There was a SMTP communication problem with the recipient's email server. Please contact your system administrator.
<itdemailfe1.nd.gov #5.5.0 smtp;550 Mailbox unavailable or access denied - <mario.soto@bellsouth.com>>

Miller, Patricia A.

From: System Administrator
To: kimberly.k.bennett@alltel.com; robert.g.priebe@alltel.com
Sent: Monday, January 15, 2007 8:31 AM
Subject: Undeliverable: Order Dismissing Complaint, PU-05-546

Your message did not reach some or all of the intended recipients.

Subject: Order Dismissing Complaint, PU-05-546
Sent: 1/15/2007 8:31 AM

The following recipient(s) could not be reached:

kimberly.k.bennett@alltel.com on 1/15/2007 8:31 AM

The message cannot be delivered due to a configuration error on the server. Please contact your Administrator.
<itdemailfe1.nd.gov #5.3.0 smtp;553 5.3.0 <kimberly.k.bennett@alltel.com>... User unknown>

robert.g.priebe@alltel.com on 1/15/2007 8:31 AM

The message cannot be delivered due to a configuration error on the server. Please contact your Administrator.
<itdemailfe1.nd.gov #5.3.0 smtp;553 5.3.0 <robert.g.priebe@alltel.com>... User unknown>

Miller, Patricia A.

From: System Administrator
To: daniel.meldazis@broadwing.com
Sent: Monday, January 15, 2007 8:31 AM
Subject: Undeliverable: Order Dismissing Complaint, PU-05-546

Your message did not reach some or all of the intended recipients.

Subject: Order Dismissing Complaint, PU-05-546
Sent: 1/15/2007 8:31 AM

The following recipient(s) could not be reached:

daniel.meldazis@broadwing.com on 1/15/2007 8:31 AM

There was a SMTP communication problem with the recipient's email server. Please contact your system administrator.
<itdemailfe1.nd.gov #5.5.0 smtp;550-Invalid recipient <daniel.meldazis@broadwing.com>>

Miller, Patricia A.

From: System Administrator
To: rekane@continentaltel.com
Sent: Monday, January 15, 2007 8:31 AM
Subject: Undeliverable: Order Dismissing Complaint, PU-05-546

Your message did not reach some or all of the intended recipients.

Subject: Order Dismissing Complaint, PU-05-546
Sent: 1/15/2007 8:31 AM

The following recipient(s) could not be reached:

rekane@continentaltel.com on 1/15/2007 8:31 AM

There was a SMTP communication problem with the recipient's email server. Please contact your system administrator.
<itdemailfe1.nd.gov #5.5.0 smtp;553 sorry, relaying denied from your location [165.234.92.113] (#5.7.1)>

Miller, Patricia A.

From: System Administrator
To: mybyrnes@tminc.com
Sent: Monday, January 15, 2007 8:31 AM
Subject: Undeliverable: Order Dismissing Complaint, PU-05-546

Your message did not reach some or all of the intended recipients.

Subject: Order Dismissing Complaint, PU-05-546
Sent: 1/15/2007 8:31 AM

The following recipient(s) could not be reached:

mybyrnes@tminc.com on 1/15/2007 8:31 AM

The e-mail account does not exist at the organization this message was sent to. Check the e-mail address, or contact the recipient directly to find out the correct address.

<itdemailfe1.nd.gov #5.1.1 smtp;550 5.1.1 <mybyrnes@tminc.com>: Recipient address rejected: User unknown in relay recipient table>

Miller, Patricia A.

From: System Administrator
To: gary.barlow@flyingj.com
Sent: Monday, January 15, 2007 8:31 AM
Subject: Undeliverable: Order Dismissing Complaint, PU-05-546

Your message did not reach some or all of the intended recipients.

Subject: Order Dismissing Complaint, PU-05-546
Sent: 1/15/2007 8:31 AM

The following recipient(s) could not be reached:

gary.barlow@flyingj.com on 1/15/2007 8:31 AM

You do not have permission to send to this recipient. For assistance, contact your system administrator.

<itdemailfe1.nd.gov #5.7.1 smtp;554 5.7.1 Message rejected because of unacceptable content. For help, please quote incident ID 1712767. (

*** SMTP Denied; Seems to be non business related email; Flying J ***)>

Miller, Patricia A.

From: System Administrator
To: michael tu
Sent: Monday, January 15, 2007 8:31 AM
Subject: Undeliverable: Order Dismissing Complaint, PU-05-546

Your message did not reach some or all of the intended recipients.

Subject: Order Dismissing Complaint, PU-05-546
Sent: 1/15/2007 8:31 AM

The following recipient(s) could not be reached:

michael tu on 1/15/2007 8:27 AM

The message reached the recipient's e-mail system, but delivery was refused. Attempt to resend the message. If it still fails, contact your system administrator.

<attemail.asiatalktelecom.com #5.2.1>

Miller, Patricia A.

From: System Administrator
To: JarettJ@Jaroth-pts.com
Sent: Monday, January 15, 2007 8:31 AM
Subject: Undeliverable: Order Dismissing Complaint, PU-05-546

Your message did not reach some or all of the intended recipients.

Subject: Order Dismissing Complaint, PU-05-546
Sent: 1/15/2007 8:31 AM

The following recipient(s) could not be reached:

JarettJ@Jaroth-pts.com on 1/15/2007 8:29 AM

The e-mail account does not exist at the organization this message was sent to. Check the e-mail address, or contact the recipient directly to find out the correct address.

<PTS-S05.Jaroth-PTS.com #5.1.1>

Miller, Patricia A.

From: Miller, Patricia A.
Sent: Monday, January 15, 2007 8:31 AM
Subject: Order Dismissing Complaint, PU-05-546

Attachments: 45.doc



45.doc (59 KB)

"NEWS ITEM ONLY, NOT FOR LEGAL PUBLICATION"

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Qwest Corporation vs
Absaraka Co-operative Telephone Co.,
Inc., et. al.
Complaint**

Case No. PU-05-546

AFFIDAVIT OF SERVICE BY CERTIFIED AND ORDINARY MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Patricia Miller deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **15th day of January, 2007**, she deposited in the United States Mail, Bismarck, North Dakota, **15** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Order to Dismiss Parties

The envelopes were addressed as follows:

Jason Topp
Qwest Services Corporation
200 S 5th St 395
Minneapolis MN 55402

Cert. No. 7006 0100 0003 7161 2699

Absaraka Co-operative Telephone Co Inc
P O Box 27
Absaraka ND 58002-0027

Cert. No. 7006 0100 0003 7161 3214

Consolidated Communications Networks Inc
Consolidated Telcom
P O Box 1408
Dickinson ND 58602-1408
Cert. No. 7006 0100 0003 7161 3238

Griggs County Telephone Co
P O Box 506
Cooperstown ND 58425-0506
Cert. No. 7006 0100 0003 7161 3252

Marilyn Foss
Attorney for MCImetro Access
Transmission Services LLC
PO Box 2216
Bismarck ND 58502-2216
Cert No. 7006 0100 0003 7161 2705

BEK Communications Cooperative
BEK Communications I Inc
P O Box 230
Steele ND 58482-0230
Cert. No. 7006 0100 0003 7161 3221

Dakota Central Telecomm Coop
Dakota Central Telecom I Inc
630 5th St N
Carrington ND 58421-0299
Cert. No. 7006 0100 0003 7161 3245

Inter-Community Telephone Company LLC
P O Box 8
Nome ND 58062-0008
Cert. No. 7006 0100 0003 7161 3269

Midstate Communications Inc
Midstate Telephone Company
P O Box 400
Stanley ND 58784-0400
Cert. No. 7005 1820 0002 3242 9539

Moore and Liberty Telephone Company
P O Box 66
Enderlin ND 58027-0066
Cert. No. 7006 0100 0003 7161 3276

North Dakota Telephone Company
P O Box 180
Devils Lake ND 58301-0180
Cert. No. 7005 1820 0002 3242 9546

Northwest Communications Cooperative
P O Box 38
Ray ND 58849-0038
Cert. No. 7005 1820 0002 3242 9553

Reservation Telephone Cooperative
P O Box 68
Parshall ND 58770-0068
Cert. No. 7005 1820 0002 3242 9560

Turtle Mountain Communications Inc
United Telephone Mut Aid Corp
P O Box 729
Langdon ND 58249-0729
Cert. No. 7006 0100 0003 7161 3146

West River Telecommunications
P O Box 467
Hazen ND 58545-0467
Cert. No. 7006 0100 0003 7161 2682

Patricia Miller further deposes and says that on the **15th day of January, 2007**, she deposited in the United States Mail, Bismarck, North Dakota, 104 envelopes by regular mail, with postage fully prepaid, securely sealed and each containing a photocopy of the same.

1-800 RECONEX Inc
2500 Industrial Ave
Hubbard OR 97032

AT&T Communications of the Midwest Inc
1875 Lawrence Rm 8-19
Denver CO 80202

Acceris Communications Corp
9775 Business Park Ave
San Diego CA 92131

BT Communications Sales LLC
11440 Commerce Park Dr
Reston VA 20191

Budget Phone Inc
6901 W70th St
Shreveport LA 71129

BullsEye Telecom Inc
25900 Greenfield Rd Ste 330
Oak Park MI 48237

Business Productivity Solutions Inc
730 2nd Ave S Ste 900
Minneapolis MN 55402

C12 Inc
200 Galleria Pkwy Ste 1200
Atlanta GA 30339

Citizens Telecommunications Company of
Minnesota
3 High Ridge Park
Stamford CT 06905

CommPartners LLC
3291 N Buffalo Dr Ste 8
Las Vegas NV 89129

Computer Integrated Communications Inc
8502 Bells Mill Rd
Potomac MD 20854-4071

Comtech 21 LLC
1 Barnes Park S
Wallingford CT 06492

Contact Communications
937 W Main St
Riverton WY 82501

DCN LLC
P O Box 180
Devils Lake ND 58103-0180

DSLnet Communications LLC
545 Long Wharf Dr
New Haven CT 06511

Dickey Rural Access Inc
Dickey Rural Services
P O Box 69
Ellendale ND 58436

Ernest Communications Inc
5275 Triangle Pkwy Ste 150
Norcross GA 30092

Excel Telecommunications Inc
2440 Marsh Ln
Carrollton TX 75006

France Telecom Corporate Solutions LLC
2300 Corporate Park Dr
Mailstop SPO600
Herndon VA 20171

Globcom Incorporated
2100 Sanders Rd Ste 150
Northbrook IL 60062

Group Long Distance Inc
400 E Atlantic Blvd
Pompano Beach FL 33060

Houlton Enterprises Inc
2201 W Bdwy #1
Council Bluffs IA 51501

Computer Network Technology Corp
6000 Nathan Lane N
Minneapolis MN 55442

Consolidated Communications Corp
P O Box 1408
Dickinson ND 58602-1408

Covista Inc
4803 Hwy 58 N
Chattanooga TN 37416

DIECA Communications Inc
3420 Central Expressway
Santa Clara CA 95051-0703

DakTel Communications LLC
P O Box 299
Carrington ND 58421-0299

Easton Telecom Services Inc
3046 Brecksville Rd #A
Richfield OH 44286-9399

Evercom Systems Inc
14651 Dallas Pkwy Ste 600
Dallas TX 75254-7476

Extend America Inc
1101 E Front Ave
Bismarck ND 58501

Global Tel*Link Corporation Inc
2609 Cameron St
Mobile AL 36607

Granite Telecommunications LLC
234 Copeland St
Quincy MA 02169

HTC Services Inc
Halstad Telephone Company
P O Box 55
Halstad MN 56548-0055

ICG Telecom Group Inc
161 Inverness Dr W
Englewood CO 80112

IDT America Corp
520 Broad St
Newark NJ 07102-3111

IdeaOne Telecom Group LLC
3239 39th St SW
Fargo ND 58104

Ignus Inc
855 45th St SW Ste 11
Fargo ND 58103-1036

Integra Telecom of North Dakota Inc
745 45th St SW Ste C
Fargo ND 58103

IP Voice Communications Inc
14860 Montfort Dr Ste 210
Dallas TX 75254

Inmate Phone Systems Corporation
16032 Sherman Way MPB5
Van Nuys CA 91406

Rogelio E Pena Atty for Intrado
Communications Inc
Pena & Associates LLC
1919 14th St Ste 610
Boulder CO 80302

Ionex Communications North Inc
2020 Baltimore Ave
Kansas City MO 64108-1914

James Valley Cooperative Telephone Co
235 E 1st Ave
Groton SD 57445

KMC Data LLC
1545 Route 206
Bedminster NJ 07921

KMC Telecom V Inc
1545 Route 206
Bedminster NJ 07921

Kotana Communications Inc
1819 1st Ave W
Williston ND 58801

Legacy Long Distance International Inc
10833 Valley View St Ste 150
Cypress CA 90630

Level 3 Communications LLC
1025 Eldorado Blvd
Broomfield CO 80021

Loretel Systems Inc
13 E 4th Ave
Ada MN 56510-1331

MCImetro Access Transmission Services LLC
707 17th St Ste 3600
Denver CO 80202

McLeodUSA Telecommunications Services
Inc
P O Box 3177
Cedar Rapids IA 52406-3177

Matrix Telecom Inc
300 N Meridian Ste 200-North
Oklahoma City OK 73107

Maxcess Inc
P O Box 951419
Lake Mary FL 32795-1419

Metromedia Fiber Network Services Inc
360 Hamilton Ave
White Plains NY 10601

Metropolitan Telecommunications of North
Dakota Inc
44 Wall St 6th Fl
New York NY 10005

Mid-Rivers Telephone Cooperative Inc
P O Box 280
Circle MT 59215-0280

Net-tel Corporation
11921 Freedom Dr Ste 550
Reston VA 20190

New Edge Network Inc
3000 Columbia House Blvd Ste 106
Sioux Falls SD 57104

Noonan Farmers Telephone Company
P O Box 39
Noonan ND 58765

North Dakota Network Co
P O Box 2027
Minot ND 58702-2027

OrbitCom Inc
1701 N Louise Ave
Sioux Falls SD 57107

Phone 1 Inc
100 N Biscayne Blvd Ste 1200
Miami FL 33132-2011

Preferred Carrier Services Inc
14681 Midway Rd Ste 105
Addison TX 75001

QuantumShift Communications Inc
12657 Alcosta Blvd Ste 418
San Ramon CA 94583

Red River Rural Telephone Association
Red River Telecom Inc
P O Box 136
Abercrombie ND 58001

Midcontinent Communications
414 S Phillips Ave
Sioux Falls SD 57104

Missouri Valley Communications Inc
Nemont Telephone Cooperative Inc
P O Box 600
Scobey MT 59263-0600

New Access Communications LLC
801 Nicollet Ave Ste 350
Minneapolis MN 55402-2519

Nextel West Corp
2001 Edmund Halley Dr
Reston VA 20191

North Dakota Big Sky Telecom
374 Ansin Blvd
Hallandale FL 33009

Onvoy Inc
300 S Highway 169 Ste 700
Minneapolis MN 55426

Pacific Centrex Services Inc
6855 Tujunga Ave
North Hollywood CA 91605

Polar Telcom Inc
P O Box 270
Park River ND 58270-0270

Premiere Network Services Inc
1510 N Hampton Rd Ste 120
DeSoto TX 75115

Roberts County Telephone Cooperative
Association of New Effington
RC Communications Inc
P O Box 196
New Effington SD 57255

Reliant Communications Inc
801 International Pkwy 5th FL
Lake Mary FL 32746

SBC Long Distance LLC
5850 W Las Positas Blvd
Pleasanton CA 94558

ServiSense.com Inc
115 Shawmut Rd
Canton MA 02021

Talk America Inc
6805 Route 202
New Hope PA 18938

Telcom Billing Services Inc
9243 E River Rd NW
Coon Rapids MN 55433-5722

Trans National Communications International
Inc
2 Charlesgate W
Boston MA 02215

UCN Inc
14870 S Pony Express Rd
Bluffdale UT 84065

Universal Access Inc
Sears Tower 233
S Wacker Dr Ste 600
Chicago IL 60606-6307

VCI Company
3875 Steilacoom Blvd SW #A
Lakewood WA 98499

VarTec Solutions Inc
2440 Marsh Lane
Carrollton TX 75006

Verizon Select Services Inc
P O Box 110
Tampa FL 33601-0110

West River Cooperative Telephone Company
801 Coleman Ave
Bison SD 57620

Wolverton Telephone Company
P O Box 129
Wolverton MN 56594

SRT Communications Inc
3615 N Bdwy
Minot ND 58703

Sprint Communications Company LP
6450 Sprint Pkwy
Mailstop: KSOPHN0212-2A511
Overland Park KS 66251

Target Telecom Incorporated
155 Willowbrook Blvd
Wayne NJ 07474

Telera Communications Inc
910 E Hamilton Ave Ste 200
Campbell GA 95008

Trinsic Communications Inc
601 S Harbour Island Blvd Ste 220
Tampa FL 33602-5925

U S Link Inc
P O Box 327
Pequot Lakes MN 56472-0327

VAL-ED Joint Venture LLP
702 Main Ave
Moorhead MN 56560

Valley Communications Inc
P O Box 8
Nome ND 58062

Venture Communications Inc
P O Box 157
Highmore SD 57345-0157

WTC Competitive Services Inc
329 Highway 75
Wolverton MN 56594

Western CLEC Corporation
3650 131st Ave SE #400
Bellevue WA 98006

XO Communications Services Inc
11111 Sunset Hills Rd
Reston VA 20190

Z-Tel Communications Inc
3340 Peachtree Rd NE Ste 2900
Atlanta GA 33602

Dickey Rural Communications Inc
Dickey Rural Telephone Cooperative
P O Box 69
Ellendale ND 58436-0069

Polar Communications Mut Aid Corp
Polar Telecommunications Inc
P O Box 270
Park River ND 58270-0270

West River Cooperative Telephone Co
P O Box 39
Bison SD 57620-0039

Each address shown is the respective addressee's last reasonably ascertainable post office address.

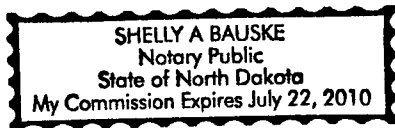


Subscribed and sworn to before me
this **15th day of January, 2007.**



Notary Public

SEAL



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Qwest Corporation vs.
Absaraka Co-operative Telephone Co.,
Inc., et. al.
Complaint**

Case No. PU-05-546

AFFIDAVIT OF SERVICE BY ORDINARY MAIL OR E-MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Patricia Miller deposes and says that:

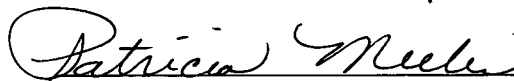
she is over the age of 18 years and not a party to this action and, on the **15th day of January, 2007**, she deposited in the United States Mail, Bismarck, North Dakota, 249 envelopes by first class mail, fully prepaid, securely sealed, each containing a photocopy of:

Order to Dismiss Parties

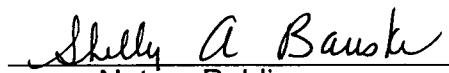
The envelopes were addressed as follows:

See Attached List

Each address shown is the respective addressee's last reasonably ascertainable post office address.

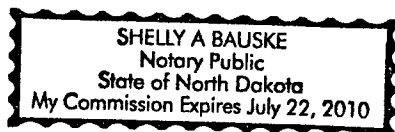


Subscribed and sworn to before me
this **15th day of January, 2007**.



Notary Public

SEAL



1 Plus Savings Inc
36072 Jefferson Ave
Harrison Township MI 48045

Patrick Summers
360NETWORKS (USA) INC.
867 COAL CREEK CIRCLE SUITE 160
LOUISVILLE CO 80027

800 Response Information Services LLC
200 Church St
Burlington VT 05402

Accessline Communications Corporation
11201 SE 8th St Ste 200
Bellevue WA 98004

Acomm Inc
5701 Shingle Crk Pkwy Ste 550
Brooklyn Center MN 55430-2467

Airespring Inc
6060 Sepulveda Blvd Ste 220
Van Nuys CA 91411-2512

Alliance Group Services Inc
1221 Post Rd E
Westport CT 06880-5430

All-Star Acquisition Corporation
7361 Calhoun Pl Ste 650
Derwood MD 20855-2775

Alternate Communications Technology Inc
1398 N Shadeland Ave Ste 2233
Indianapolis IN 46219

Kelly Franks
Amerivision Communications Inc
201 NW 63rd St Ste 200
Oklahoma City OK 73116

Jennifer Sikes
1-800 Reconex
2500 Industrial Ave
Hubbard OR 97032

3U Telecom Inc
1802 N Carson St Ste 212-2683
Carson City NV 89701

Access Point Inc
1100 Crescent Green Ste 10 9
Cary NC 27511

ACCXX Communications LLC
4035 Tampa Rd Ste 6000
Oldsmar FL 34677

Affinity Network Incorporated
4380 Boulder Hwy
Las Vegas NV 89121

Airnex Communications Inc
3000 Executive Pkwy Ste 230
San Ramon CA 94583

JESS DIPASQUALE
ALLIANCE GROUP SERVICES, INC.
1221 POST ROAD E
WESTPORT CT 06880

Alltel Communications Inc
1 Allied Dr
Little Rock AR 72202

Americatel Corporation
4045 NW 97th Ave
Miami FL 33178

Arch Communications Enterprises LLC
6910 Richmond Hwy #80
Alexandria VA 22306-1801

Arch Wireless Inc
6910 Richmond Hwy #80
Alexandria VA 22306-1801

ASC Telecom Inc
6391 Sprint Pkwy
Overland Park KS 66251-6100

Associated Network Partners Inc
3130 Pleasant Run
Springfield IL 61707-6347

Association Administrators Inc
180 E Main St
Smithtown NY 11787

Kimberly Nielsen
AT&T Wireless
P O Box 3611
Bothell WA 98073-9761

ATX Telecommunications Services Ltd
50 Monument Rd
Bala Cynwyd PA 19004

BCN Telecom Inc
550 Route 202-206 2nd Fl
Bedminster NJ 07921

VINCENT WOODBURY
BELL ATLANTIC COMMUNICATIONS, INC.
1 VERIZON WAY VC11E207
BASKING RIDGE NJ 07920

Robin H Taylor
BellSouth Long Distance Inc
400 Perimeter Ctr Terr Ste 350
Atlanta GA 30346

Angel Sotomayer
Bismarck MSA Limited Partnership
180 Washington Valley Rd
Bedminster NJ 07921-2120

Blackstone Communications Company
11600 NW 34th St
Miami FL 33178

Broadwing Communications LLC
1122 Capital of Texas Highway S
Austin TX 78746

Budget Phone, Inc.
6901 W 70th St
Shreveport IL 71129

BullsEye Telecom, Inc.
25900 Greenfield Rd Ste 330
Oak Park MI 48237

Craig Konrad
Business Discount Plan Inc
1 World Trade Ctr Ste 800
Long Beach CA 90831

CRAIG KONRAD
BUSINESS DISCOUNT PLAN, INC.
ONE WORLD TRADE CENTER SUITE 800
LONG BEACH CA 90831

Business Network Long Distance Inc
1400 16th St Ste 400
Denver CO 80202

Buzz Telecom Corporation
8380 Louisiana St
Merrillville IN 46410

Scott Geston
Cable One of Fargo
P O Box 10757
Fargo ND 58106-0757

Century Telecommunications Inc
P O Box 4065
Monroe LA 71211-5065

Cincinnati Bell Any Distance Inc
201 E 4th St
Cincinnati OH 46202

Clear World Communications Corporation
3601 S Harbor Blvd
Santa Ana CA 92704

Cognigen Networks Inc
6405 218th St SW Ste 305
Mountlake Terrace WA 98043-2180

Coleman Enterprises Inc
6053 Hudson Rd #110
Woodbury MN 55125

Beth Choroser
Comcast Business Communications Inc
1500 Market St
Philadelphia PA 19102

CommPartners LLC
3291 N Buffalo Dr Ste 8
Las Vegas NV 89129

Courtney Maroon
Communications Billing Inc
P O Box 40149
Bay Village OH 44140-0149

C Hurley Cox
Communications Network Billing Inc
6701 Democracy Blvd Ste 300
Bethesda MD 20817

CommuniGroup of K C Inc
6950 W 56th St
Mission KS 66202

Computer Integrated Communications Inc
8502 Bells Mill Rd
Potomac MD 20854-4071

Computer Network Technology Corp
6000 Nathan Ln N
Minneapolis MN 55442

Comtech 21 LLC
1 Barnes Park S
Wallingford CT 06492

Consolidated Billing Provider LLC
7 Shingle Oak Dr
Voorhees NJ 08043

Scott Kitchen
Consolidated Comm Operator Services Inc
350 S Loop 336 W
Conroe TX 77304

Consolidated Comm Telecom Services Inc
121 S 17th St
Mattoon IL 61938

Consolidated Communications Corp
P O Box 1408
Dickinson ND 58602-1408

Consolidated Communications Networks In
507 S Main
Dickinson ND 58601

Consolidated Telcom
PO Box 1077
Dickinson ND 58601-1077

Contact Communications
937 W Main St
Riverton WY 82501

Convergia Inc
237 Hymus Blvd
Point-Claire Quebec CA H9R 5C7

Corporate Calling Services Inc
3960 Howard Hughes Pk 5th Fl #5001F
Las Vegas NV 89109-5972

Corporate Communications Inc
2150 32nd Ave S
Grand Forks ND 58201

Custom Teleconnect Inc
3111 S Valley View Ste E-120
Las Vegas NV 89102

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Dakota Justice
38 8th Ave W
Dickinson ND 58601

Dave Dircks
DCN LLC
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Devils Lake ND 58301-0180

Dial-Thru Inc
17383 Sunset Blvd Ste 350
Pacific Palisades CA 90272-4195

Eagle Telecom Inc
614 S 8th St Ste 335
Philadelphia PA 19147

Easton Telecom Services LLC
Summit II Unit A 3406 Brecksville Rd
Richfield OH 44286

Enhanced Communications Group LLC
312 E Delaware Ave
Bartlesville OK 74003-3630

Entrix Telecom Inc
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Newark NJ 07102

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Carrington ND 58421-0299

DeITel Inc
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Aliso Viejo CA 92656-5323

Digital Telecommunications Inc
111 Riverfront Ste 305
Winona MN 55987

Easton Telecom Services Inc
3046 Brecksville Rd #A
Richfield OH 44286-9399

Encompass Communications LLC
119 W Tyler Ste 260
Longview TX 75601

Enhanced Communications Network Inc
1031 S Glendora Ave
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Epixtar Communications Corp
11900 Biscayne Blvd Ste 262
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Ernest Communications Inc
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Gold Line Telemanagement Inc
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Ringoes NJ 08551-0534

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Level 3 Communications LLC
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Broomfield CO 80021

Lightyear Network Solutions LLC
201 E Main St Ste 1000
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Local Telcom Holdings LLC
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New York NY 10022-5803

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New York NY 10005

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Mobile AL 36670-0461

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Network Service Billing Inc
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Carmel IN 46032

OLS Inc
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One Call Communications Inc
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Carmel IN 46032

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Quick Tel Inc
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Qwest Interprise America Inc
1801 California St Ste 5100
Denver CO 80202

Qwest LD Corp
1801 California St Ste 5100
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R2C Communications Inc
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Radiant Telecom Inc
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Miami FL 33169

RCC Network Inc
3905 Dakota St SW
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Dean Polkow
RCC Network Inc
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RCC Paging Inc
P O Box 2000
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Reduced Rate Long Distance LLC
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Orlando FL 32810

Reliance Telephone Systems Inc
118 Gateway Dr
East Grand Forks ND 56721

Reliant Communications Inc
801 International Pkwy 5th Fl
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Ridley Telephone Company LLC
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Smartstop Inc
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Portland OR 97204-2446

Snip Link LLC
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Pennsauken NJ 08110

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Toucbtone Communications Inc
16 S Jefferson Rd
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Trans National Comm Internat'l Inc
2 Charlesgate West
Boston MA 02215

Transcom Communications Inc
1925 W John Carpenter Frwy Ste 500
Irving TX 75063

Tri-M Communications Inc
125 E DeLaGuerra Ste 203
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Trinsic Communications Inc
601 S Harbour Island Blvd Ste 220
Tampa FL 33602-5925

U S South Communications Inc
250 Williams St Ste M-100
Atlanta GA 30303-1032

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47 E Chicago Ave Ste 328
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US LEC Communications Inc
6801 Morrison Blvd Morrocroft III
Charlotte NC 28211

USA Digital Communications Inc
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APPROVED

MOTION

DATE: 1-10-07
893

January 10, 2007

**Qwest Corporation vs
Absaraka Co-operative Telephone Co. Inc. et. al.
Complaint**

Case No. PU-05-546

I move the Commission adopt the Order Dismissing Complaint in this proceeding.

PJF

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Qwest Corporation vs
Absaraka Co-operative Telephone Co. Inc. et. al.
Complaint**

Case No. PU-05-546

ORDER DISMISSING COMPLAINT

January 10, 2007

Preliminary Statement

On September 30, 2005 Qwest Corporation (Qwest) filed a complaint against Absaraka Co-operative Telephone Co., Inc.; BEK Communications Cooperative; BEK Communications I, Inc.; Consolidated Telecom, Inc.; Consolidated Communications Networks; Consolidated Telephone Cooperative; Dakota Central Telecommunications Cooperative; Dakota Central Telecom, Inc.; Dickey Rural Telephone Cooperative; Dickey Rural Communications, Inc.; Griggs County Telephone Co.; Inter-Community Telephone Company; Inter-Community Telephone Co. II; Midstate Telephone Company; Midstate Communications, Inc.; Moore & Liberty Telephone Co.; North Dakota Telephone Company; Northwest Communications Cooperative; Polar Communications Mutual Aid Corporation; Polar Telecommunications, Inc.; Reservation Telephone Cooperative; Turtle Mountain Communications, Inc.; United Telephone Mutual Aid Corporation; West River Communications, Inc.; West River Telecommunications Cooperative, 1-800-RECONEX, Inc. d/b/a US Tel; AT&T Communications of the Midwest, Inc.; Acceris Communications Corp. d/b/a Acceris Communications Partners & Acceris Communication Solutions; BT Communications Sales, LLC; Budget Phone, Inc.; C12, Inc.; Citizens Telecommunications Company of Minnesota, Inc.; CommPartners, LLC; Computer Intergrated Communications, Inc.; Computer Network Technology Corporation; Comtech 21, LLC; Consolidated Communications Corporation; Contact Communications; Covista Inc.; DCN, LLC; DIECA Communications, Inc. d/b/a Covad Communications Company; DSLnet Communications, LLC; DakTel Communications, LLC; Dickey Rural Access, Inc.; Dickey Rural Services, Inc.; EASTON TELECOM SERVICES, INC.; Ernest Communications, Inc.; Evercom Transmission Services LLC Systems, Inc.; Excel Telecommunications, Inc.; Extend America, Inc.; France Telecom Corporate Solutions, LLC; Global Tel*Link Corporation, Inc.; GLOBCOM INCORPORATED; Granite Telecommunications, L1C; GROUP LONG DISTANCE, INC.; HTC Services, Inc.; Halstad Telephone Company; Houlton Enterprises, Inc.; ICG Telecom Group, Inc.; IDT America, Corp.; IdeaOne Telecom Group LLC; Ignus, Inc.; Integra Telecom of North Dakota, Inc.; IPVoice Communications, Inc.; Inmate Phone Systems Corporation; Intrado Communications Inc.; Ionex Communications North, Inc.; James Valley Cooperative Telephone Company; KMC Data LLC; KMC Telecom V, Inc.; Kotana

Communications, Inc.; Legacy Long Distance International, Inc.; Level 3 Communications, LLC; Loretel Systems, Inc.; MCI Metro Access Transmission Services, LLC; McLeodUSA Telecommunications Services, Inc.; Matrix Telecom, Inc.; Maxccss, Inc.; Metromedia Fiber Network Services, Inc.; Metropolitan Telecommunications of North Dakota, Inc.; Midcontinent Communications; Mid-Rivers Telephone Cooperative, Inc.; Missouri Valley Communications, Inc.; NET-tel Corporation; Nemont Telephone Cooperative, Inc.; New Access Communications, LLC; New Edge Network Inc.; Nextel West Corp.; Noonan Farmers Telephone Company; North Dakota Big Sky Telecom A Partnership; North Dakota Network Co.; Onvoy, Inc.; OrbitCom, Inc.; Pacific Centrex Services, Inc.; Phonetel, Inc.; Polar Telcom, Inc.; PREFERRED CARRIER SERVICES, INC.; Premier Network Services, Inc.; QuantumShift Communications, Inc. d/b/a VCOM Solutions; RC Communications, Inc.; Red River Rural Telephone Association; Red River Telecom, Inc.; Reliant Communications, Inc.; Roberts County Telephone Cooperative Association of New Effington; SBC Long Distance, LLC d/b/a Southwestern Bell Long Distance; d/b/a Nevada Bell Long Distance; d/b/a Pacific Bell Long Distance; SRT Communications, Inc.; ServiSense.com, Inc.; Sprint Communications Company L.P. d/b/a US Sprint Communications Limited Partnership; Talk America, Inc. d/b/a New Hope Network Services; TARGET TELECOM INCORPORATED; Telcom Billing Services, Inc.; Telera Communications, Inc.; Trans National Communications International, Inc.; Trinsic Communications, Inc.; UCN, Inc.; U.S. Link, Inc. d/b/a TDS Metrocom; Universal Access, Inc.; VALED Joint Venture, LLP d/b/a 702 Communications; VCI Company; Valley Communications, Inc.; VarTec Solutions, Inc.; VarTec Telecom, Inc. d/b/a Clear Choice Communications; Venture Communications, Inc.; Verizon Select Services, Inc.; WTC Competitive Services, Inc.; West River Cooperative Telephone Company; Western CLEC Corporation; Wolverton Telephone Company; XO Communications Services, Inc.; and Z-Tel Communications, Inc. (Respondents).

On October 18, 2005, the Public Service Commission ("Commission") found that the complaint states a prima facie case and it was served on the parties.

On January 3, 2006, the Rural Telephone Company Group filed its answer to the complaint. Other parties that have filed a response to the complaint or otherwise entered an appearance are Acceris Communications Corp. ("Acceris"), Intrado Communications, Inc. ("Intrado"), Sprint Communications, Inc. ("Sprint"), and MCI Metro Access Transmission Services LLC ("MCI").

On September 22, 2006, Qwest filed its Motion to Dismiss Intrado, Sprint, MCI, Acceris, and all parties that had been served with the complaint but had not responded or otherwise entered an appearance in this proceeding.

On October 12, 2006 the Commission issued an order granting Qwest's Motion to Dismiss.

On September 19, 2006, Absaraka Co-operative Telephone Company; BEK Communications Cooperative; BEK Communications I, Inc.; Consolidated Telecom,

Inc.; Consolidated Communications Networks; Consolidated Telephone Cooperative; Dakota Central Telecommunications Cooperative; Dakota Central Telecom, Inc.; Griggs County Telephone Company; Inter-Community Telephone Company; Inter-Community Telephone Co. II; Midstate Telephone Company; Midstate Communications, Inc.; Moore and Liberty Telephone Company; North Dakota Telephone Company; Northwest Communications Cooperative; Reservation Telephone Cooperative; Turtle Mountain Communications, Inc.; United Telephone Mutual Aid Corporation; West River Telecommunications Cooperative (RTCG Defendants) filed a Motion for Dismissal of Complaint in this proceeding for failure to state a claim upon which relief can be granted. The RTCG's motion is based on two separate and distinct grounds, (1) that the Commission has no jurisdiction to grant the relief requested by Qwest; and (2) that the Commission has no legal authority or ability to "re-write" the contract between Qwest and the RTCG Defendants.

Discussion

Qwest's Complaint is for a Declaratory Order arising out of a Settlement Agreement dated July 14, 1999 executed by Qwest (then known as U S WEST) and the group referred to as the Rural Telephone Company Group (RTCG) in Case No. PU-2026-99-241. Qwest requests the Commission to issue a declaratory order holding (1) that paragraph 6(d) of the Settlement Agreement obligates the parties to the Settlement Agreement to meet and negotiate in good faith a methodology for measuring, for billing purposes, the toll traffic terminated by Qwest; (2) that paragraph 6(d) provides that the methodology agreed upon by the parties applies retroactively to January 1, 2000; (3) that in accordance with paragraph 6(d) and N.D.C.C. § 49-21-06, the Commission find that use of the residual method is unreasonable or unfair and that the most reasonable and fair methodology for the parties to use to measure minutes of use for purposes of billing terminating access charges to Qwest on a going-forward basis is the volume produced by Qwest's Clearinghouse for Access Revenue Distribution System (CARDS); and (4) that the most fair and reasonable methodology for the parties to use to true up the billing records of the 1999 Settlement Agreement Defendants to Qwest from January 1, 2000 to the present is the Toll Usage Tracking (TUT) system.

On September 19, 2006, the RTCG Defendants filed a Motion for Dismissal of Complaint in this proceeding for failure to state a claim upon which relief can be granted. The RTCG's motion is based on two separate and distinct grounds, (1) that the Commission has no jurisdiction to grant the relief requested by Qwest; and (2) that the Commission has no legal authority or ability to "re-write" the contract between Qwest and the RTCG Defendants.

The RTCG's motion for dismissal is based on Rules 12 and 56 of the North Dakota Rules of Civil Procedure. Rule 12(b) permits dismissal in a case where the Complaint fails to state a claim upon which relief can be granted. A motion to dismiss a complaint for failure to state a claim upon which relief can be granted is treated as a motion for summary judgment under Rule 56 where matters outside the pleading are

presented to the Commission. The RTCG suggest that since the RTCG Defendants ask the Commission to take notice of a Qwest Brief filed with the Commission on July 2, 1999, that Rule 56 is more appropriate for this Motion.

The RTCG relies on *Williams Electric Cooperative v. Montana-Dakota Utilities Co.*, 79 N.W.2d 508, 517-518 (N.D. 1956) as authority for its argument that the Commission lacks jurisdiction to resolve this matter because the Commission has no power to enforce contractual obligations. The Williams case involved a dispute between two electric utilities regarding the provision of electric service where the Public Service Commission was asked to adjudicate the rights and responsibilities arising out of a contract involving service territories. The Supreme Court determined that the Public Service Commission had no power to construe, enforce or adjudicate the validity or effect of a contract between parties regarding the provision of electric service except as to its effects upon matters within the Public Service Commission's jurisdiction, and that Commission jurisdiction is dependent upon the statutes.

The RTCG also contends that what Qwest is requesting of the Commission is that the Commission "re-write the Settlement Agreement between Qwest and the RTCG Defendants. The RTCG states that Qwest relies on the language contained in Paragraph 6(d) of the Settlement Agreement for Commission authority to impose Qwest's to impose the TUT and CARDS systems as terms of the contract between Qwest and the RTCG Defendants. The RTCG contends that this constitutes an agreement to agree which is unenforceable under North Dakota law. The North Dakota Supreme Court has ruled that generally an agreement to agree is unenforceable because its terms are so indefinite it fails to show a mutual intent to create an enforceable obligation. *Stout v. Fisher Industries, Inc.*, 1999 N.D. 218 ¶12, 603 N.W.2d 52, 57 (N.D. 1999) and *Kuntz v. Kuntz*, 1990 N.D. 114 ¶14, 595 N.W.2d 292, 296 (N.D. 1999).

Qwest argues that the legal arguments advanced by the RTCG are basically correct statements of law, but that they do not apply to this case and therefore are not grounds for dismissal. Qwest contends that the RTCG applies the two settled legal principles in the wrong context in its motion. Qwest argues that the Commission has statutory jurisdiction over the subject matter of Qwest's Complaint. The dispute according to Qwest, concerns the interconnection between telephone companies as relates to measuring and billing regulated intrastate switched access services. Qwest contends that the relief requested has nothing to do with "re-writing" a contract.

We find that Qwest's complaint for a declaratory order is based on requirements set forth in the July 14, 1999 Settlement Agreement between the parties. The Settlement Agreement was never officially filed with nor approved by the Commission. Neither the Commission nor Commission staff were parties to the Settlement Agreement and did not participate in negotiations leading up to the Settlement Agreement. The parties filed with the Commission a Stipulation for Dismissal of Case No. PU-2026-99-241 requesting that the case be dismissed with prejudice. The

Settlement Agreement between the parties is not referenced in the Stipulation for Dismissal.

While Qwest argues that the relief requested has nothing to do with “re-writing” the Settlement Agreement, Qwest’s description of “The Dispute” between the parties¹ and Qwest’s claims for relief² are all specifically related to the Settlement Agreement. In its claims for relief in its Complaint, Qwest requests the Commission to (1) hold that paragraph 6(d) of the “Settlement Agreement” obligates the parties to the Settlement Agreement to meet and negotiate in good faith a methodology to replace the interim methodology established in paragraph 5 for measuring, for billing purposes, the toll traffic terminated by Qwest;³ (2) hold that paragraph 6(d) of the “Settlement Agreement” provides that methodology agreed upon by the parties applies retroactively to January 1, 2000;⁴ (3) find that, in accordance with paragraph 6(d) and North Dakota Century Code Section 49-21-06, that the Settlement Defendants’ use of variations of the residual method for measurement of minutes of use for billing terminating access charges to Qwest is unreasonable or unfair, and that the most reasonable and fair methodology to use on a going-forward basis is volume produced by Qwest’s CARDS system;⁵ and (4) find that, in accordance with Paragraph 6(d), the most fair and reasonable methodology for use to true-up the billing records from January 1, 2000 to the present is the TUT system;⁶ Qwest follows the same line of argument in its Response Brief.⁷

The only statutory authority asserted by Qwest in its Complaint is in Paragraph (iii) of its Claim for Relief where Qwest requests that, in accordance with Paragraph 6(d) (of the Settlement Agreement) and North Dakota Century Code Section 49-21-06, the Commission find that use by the Settlement Agreement Defendants of variations of the residual method is unreasonable or unfair and that the most reasonable and fair methodology to utilize to measure minutes of use for billing terminating access charges to Qwest on a going-forward basis is volume data produced by Qwest’s CARDS system. N.D.C.C. § 49-21-06 is the statute that provides for a complaint against prices. Nowhere in the Complaint does Qwest complain about prices. Qwest’s complaint is about the methodology used for measurement of minutes for billing terminating access charges.

We find the Commission lacks jurisdiction to resolve disputes under the Settlement Agreement because the Commission is not a court. Whatever rights Qwest has under the contract to negotiate the measurement method for terminating toll traffic are contractual rights that are enforceable in a civil action.

We find the Complaint fails to state a claim upon which relief can be granted.

¹ See Qwest’s Response to Motion to Dismiss Complaint (“Qwest Brief”) 6-9.

² See Qwest Corporation’s Complaint for a Declaratory Order (“Qwest Complaint”) 42

³ Qwest Complaint at 42.

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Qwest Brief at 6-9.

Based on the foregoing, the Commission makes the following:

Order

The RTCG Defendants' Motion for Dismissal of Complaint is granted.

PUBLIC SERVICE COMMISSION

		
Tony Clark	Susan E. Weisald	Kevin Cramer
Commissioner	President	Commissioner

MEMORANDUM

TO: Commissioners Clark, Wefald and Cramer

FROM: Bill Binek and Pat Fahn

DATE: November 28, 2006

RE: Qwest Corporation vs. Absaraka Co-operative Telephone Co., Inc. et al,
Motion to Dismiss, Case No. PU-05-546

Staff recommends that the Commission grant the Motion for Dismissal of Complaint for failure to state a claim upon which relief can be granted.

Discussion of the positions supporting and opposing dismissal of the Complaint

On September 30, 2005, Qwest Corporation (Qwest) filed a Complaint for a Declaratory Order arising out of a Settlement Agreement dated July 14, 1999 executed by Qwest (then known as U S WEST) and the group referred to as the Rural Telephone Company Group (RTCG). Qwest requests the Commission to issue a declaratory order holding (1) that paragraph 6(d) of the Settlement Agreement obligates the parties to the Settlement Agreement to meet and negotiate in good faith a methodology for measuring, for billing purposes, the toll traffic terminated by Qwest; (2) that paragraph 6(d) provides that the methodology agreed upon by the parties applies retroactively to January 1, 2000; (3) that in accordance with paragraph 6(d) and N.D.C.C. § 49-21-06, the Commission find that use of the residual method is unreasonable or unfair and that the most reasonable and fair methodology for the parties to use to measure minutes of use for purposes of billing terminating access charges to Qwest on a going-forward basis is the volume produced by Qwest's Clearinghouse for Access Revenue Distribution System (CARDS); and (4) that the most fair and reasonable methodology for the parties to use to true up the billing records of the 1999 Settlement Agreement Defendants to Qwest from January 1, 2000 to the present is the Toll Usage Tracking (TUT) system.

At the time the Settlement Agreement was executed, there were several proceedings before the Commission relating to intraLATA dialing parity. Case Nos. PU-99-204 thru 224 were implementation plans and amended petitions for suspension and modification of the intraLATA dialing parity requirements of the FCC. Case No PU-2096-99-241 was a complaint by RTCG members requesting the Commission to issue an order requiring Qwest to continue providing message toll service originating from the RTCG exchanges.

On September 19, 2006, the RTCG Defendants filed a Motion for Dismissal of Complaint in this proceeding for failure to state a claim upon which relief can be granted. The RTCG's motion is based on two separate and distinct grounds, (1) that the Commission has no jurisdiction to grant the relief requested by Qwest; and (2) that

the Commission has no legal authority or ability to “re-write” the contract between Qwest and the RTCG Defendants.

The RTCG’s motion for dismissal is based on Rules 12 and 56 of the North Dakota Rules of Civil Procedure. Rule 12(b) permits dismissal in a case where the Complaint fails to state a claim upon which relief can be granted. A motion to dismiss a complaint for failure to state a claim upon which relief can be granted is treated as a motion for summary judgment under Rule 56 where matters outside the pleading are presented to the Commission. The RTCG suggest that since the RTCG Defendants ask the Commission to take notice of a Qwest Brief filed with the Commission on July 2, 1999, that Rule 56 is more appropriate for this Motion.

The RTCG relies on *Williams Electric Cooperative v. Montana-Dakota Utilities Co.*, 79 N.W.2d 508, 517-518 (N.D. 1956) as authority for its argument that the Commission lacks jurisdiction to resolve this matter because the Commission has no power to enforce contractual obligations. The *Williams* case involved a dispute between two electric utilities regarding the provision of electric service where the Public Service Commission was asked to adjudicate the rights and responsibilities arising out of a contract involving service territories. The Supreme Court determined that the Public Service Commission had no power to construe, enforce or adjudicate the validity or effect of a contract between parties regarding the provision of electric service except as to its effects upon matters within the Public Service Commission’s jurisdiction, and that Commission jurisdiction is dependent upon the statutes.

Staff agrees that the Commission lacks jurisdiction to resolve disputes under the Settlement Agreement because the Commission is not a court. Whatever rights Qwest has under the contract to negotiate the measurement method for terminating toll traffic are contractual rights that are enforceable in a civil action. Because no judicial power is vested in the Public Service Commission, it has no jurisdiction to adjudicate contractual rights of the parties. *Id.* at 517.

The RTCG also contends that what Qwest is requesting of the Commission is that the Commission “re-write the Settlement Agreement between Qwest and the RTCG Defendants. The RTCG states that Qwest relies on the language contained in Paragraph 6(d) of the Settlement Agreement for Commission authority to impose Qwest’s to impose the TUT and CARDS systems as terms of the contract between Qwest and the RTCG Defendants. The RTCG contends that this constitutes an agreement to agree which is unenforceable under North Dakota law. The North Dakota Supreme Court has ruled that generally an agreement to agree is unenforceable because its terms are so indefinite it fails to show a mutual intent to create an enforceable obligation. *Stout v. Fisher Industries, Inc.*, 1999 N.D. 218 ¶12, 603 N.W.2d 52, 57 (N.D. 1999) and *Kuntz v. Kuntz*, 1990 N.D. 114 ¶14, 595 N.W.2d 292, 296 (N.D. 1999).

Qwest argues that the legal arguments advanced by the RTCG are basically correct statements of law, but that they do not apply to this case and therefore are not

grounds for dismissal. Qwest contends that the RTCG applies the two settled legal principles in the wrong context in its motion. Qwest argues that the Commission has statutory jurisdiction over the subject matter of Qwest's Complaint. The dispute according to Qwest, concerns the interconnection between telephone companies as relates to measuring and billing regulated intrastate switched access services. Qwest contends that the relief requested has nothing to do with "re-writing" a contract.

Qwest's complaint for a declaratory order is based on requirements set forth in the July 14, 1999 Settlement Agreement between the parties. Under the terms of the Settlement Agreement, the RTCG members agreed to withdraw their complaint in Case No. PU-2026-99-241. The Settlement Agreement was never officially filed with nor approved by the Commission. Neither the Commission nor Commission staff were parties to the Settlement Agreement and did not participate in negotiations leading up to the Settlement Agreement. The parties filed with the Commission a Stipulation for Dismissal of Case No. PU-2026-99-241 requesting that the case be dismissed with prejudice. The Settlement Agreement between the parties is not referenced in the Stipulation for Dismissal.

While Qwest argues that the relief requested has nothing to do with "re-writing" the Settlement Agreement, Qwest's description of "The Dispute" between the parties¹ and Qwest's claims for relief² are all specifically related to the Settlement Agreement. In its claims for relief in its Complaint, Qwest requests the Commission to (1) hold that paragraph 6(d) of the "Settlement Agreement" obligates the parties to the Settlement Agreement to meet and negotiate in good faith a methodology to replace the interim methodology established in paragraph 5 for measuring, for billing purposes, the toll traffic terminated by Qwest;³ (2) hold that paragraph 6(d) of the "Settlement Agreement" provides that methodology agreed upon by the parties applies retroactively to January 1, 2000;⁴ (3) find that, in accordance with paragraph 6(d) and North Dakota Century Code Section 49-21-06, that the Settlement Defendants' use of variations of the residual method for measurement of minutes of use for billing terminating access charges to Qwest is unreasonable or unfair, and that the most reasonable and fair methodology to use on a going-forward basis is volume produced by Qwest's CARDS system;⁵ and (4) find that, in accordance with Paragraph 6(d), the most fair and reasonable methodology for use to true-up the billing records from January 1, 2000 to the present is the TUT system;⁶ Qwest follows the same line of argument in its Response Brief.⁷

The only statutory authority asserted by Qwest in its Complaint is in Paragraph (iii) of its Claim for Relief where Qwest requests that, in accordance with Paragraph 6(d) (of the Settlement Agreement) and North Dakota Century Code Section 49-21-06, the

¹ See Qwest's Response to Motion to Dismiss Complaint ("Qwest Brief") 6-9.

² See Qwest Corporation's Complaint for a Declaratory Order ("Qwest Complaint") 42

³ Qwest Complaint at 42.

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Qwest Brief at 6-9.

Commission find that use by the Settlement Agreement Defendants of variations of the residual method is unreasonable or unfair and that the most reasonable and fair methodology to utilize to measure minutes of use for billing terminating access charges to Qwest on a going-forward basis is volume data produced by Qwest's CARDS system. N.D.C.C. § 49-21-06 is the statute that provides for a complaint against prices. Nowhere in the Complaint does Qwest complain about prices. Qwest's complaint is about the methodology used for measurement of minutes for billing terminating access charges.

Other discussion

Qwest cites several statutes in its Response to Motion to Dismiss Complaint (but not in its Complaint) in support of its argument that the Commission has jurisdiction to grant the relief requested in its Complaint. However, as noted previously, the Complaint is all about enforcement of the provisions of the Settlement Agreement.

For purposes of discussion only, staff will comment on the statutory authority Qwest sets forth in its Response Brief regarding Commission jurisdiction and authority to grant the relief requested in its Complaint. First, Qwest argues that the Commission has general jurisdiction over telephone companies in North Dakota including the jurisdiction to investigate all methods and practices of telecommunications companies, and jurisdiction to require telecommunications companies to conform to the law and to perform those functions in the context of a complaint case under N.D.C.C. §§ 49-02-01, 49-21-01.7 and 49-21-10.3, as well as N.D. Admin. Code § 69-02-02-02.

N.D.C.C. § 49-02-01(2) simply states that the Commission has general jurisdiction over telecommunications companies "as provided for in chapter 49-21."

N.D.C.C. § 49-21-01.7(1) provides that the Commission has the power to investigate all methods and practices of telecommunications companies. However, N.D.C.C. § 49-02-01.1 provides that the Commission's jurisdiction is limited in the case of telephone cooperatives and small companies (telephone companies having fewer than eight thousand local exchange subscribers) and that nothing in Chapters 49-02 or 49-21 authorizes the Commission to make any order affecting rates, contracts, services rendered, adequacy, or sufficiency of services except that those entities are subject to certain sections including subsections 6 through 14 (but not subsection 1 which is the power to investigate all methods and practices of telecommunications companies) of section 49-21-01.7. It should be noted that one of the Settlement Defendants, North Dakota Telephone Company, is not a telephone cooperative and does not qualify as a small company and has elected Commission rate of return regulation for all services. It should also be noted that some of the telephone cooperatives and small companies have elected under N.D.C.C. § 49-21-01.2 to be subject to rate and rate of return regulation under Commission jurisdiction for switched access services.

N.D.C.C. § 49-21-10.3 provides that any person may complain concerning any violation of law, rule, or order of the Commission. The Complaint in this case does not

complain about any violation of any law, rule or order of the Commission. Furthermore, pursuant to N.D.C.C. § 49-02-01.1, the Commission has no jurisdiction over complaints under section 49-21-10.3 against the Settlement Defendants except as noted in the previous paragraph.

N.D. Admin. Code § 69-02-02-02 simply sets forth the Commission's procedures for filing a formal complaint.

Next, Qwest asserts that the Commission has jurisdiction over disputes regarding facilities interconnection, intercarrier compensation and switched access, and specifically the manner in which switched access traffic is measured by the RTCG for the purpose of assessing jurisdictional switched access rates against Qwest under N.D.C.C. §§ 49-21-06, 49-21-09 and 49-21-04, and pricing under N.D.C.C. §§ 49-21-01(4)(a) and 49-21-01.3.

N.D.C.C. § 49-21-06 is the only statutory authority cited in Qwest's Complaint for the relief requested in the Complaint, and as pointed out previously, it is the statute that provides for a complaint against prices. N.D.C.C. § 49-21-04 requires filing of price schedules with the Commission. Section 49-21-01(4)(a) defines switched access as an essential telecommunications service. N.D.C.C. § 49-21-01.3 prohibits changes in essential telecommunications services prices except as specifically provided for in Chapter 49-21 and N.D.C.C. § 49-02-01.1. Since Qwest's Complaint is not about prices, N.D.C.C. §§ 49-21-06 49-21-04, 49-21-01(4)(a) and 49-21-01.3 are irrelevant.

Qwest, in its Response Brief, argues that N.D.C.C. § 49-21-09 authorizes the Commission to mandate interconnection for the transfer of telecommunications services and to prescribe reasonable compensation for the interconnection if the parties fail to agree upon terms and conditions of compensation for the use of their services or facilities. While there arguably may be some jurisdiction to address issues of interconnection terms and conditions under section 49-21-09, Qwest's Complaint does not request relief under that section nor does the Complaint allege issues other than those involving alleged violations by the RTCG Defendants of provisions of the Settlement Agreement and Qwest's alleged rights under the Settlement Agreement.

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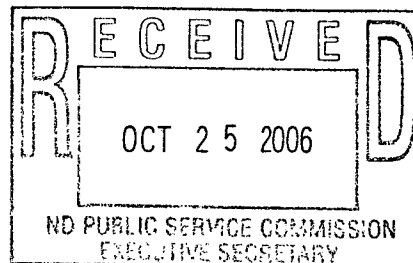
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October 25, 2006



Illona A. Jeffcoat-Sacco, Executive Secretary
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480

QWEST CORPORATION V. ABSARAKA CO-OPERATIVE TELEPHONE CO, ET AL
CASE NO. PU-05-546
OAH NO. 20060205

Enclosed for filing in the above proceeding is an original and seven copies of the Reply Brief of Rural Telephone Company Group, including Certificate of Service.

An electronic version of this document has also been forwarded to your office.

Thank you.

A handwritten signature in black ink, appearing to be "Don Negaard", written over the "Thank you." text.

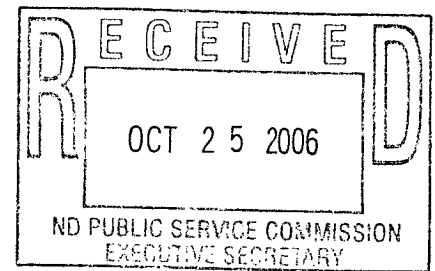
Don Negaard

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Enclosures

cc/enc: Melissa K. Thompson, Qwest Corporation
Richard Corbetta, Corbetta & O'Leary
William W. Binek
Honorable Allen C. Hoberg, Administrative Law Judge

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION



**Qwest Corporation vs.
Absaraka Co-operative Telephone Co.,
Inc., et al.
Complaint**

**Case No. PU-05-546
OAH No. 20060205**

REPLY BRIEF
OF RURAL TELEPHONE COMPANY GROUP

This Reply Brief of the Rural Telephone Company Group (RTCG) is filed as a reply to the Response Brief of Qwest Corporation (Qwest) in this matter. Qwest filed its Response Brief on October 16, 2006, in opposition to the RTCG Motion for Summary Judgment (the Motion).

As was previously stated by the RTCG, a motion for summary judgment is a procedural device to dismiss claims upon which no relief can be granted as a matter of law. The RTCG suggested there is a serious issue about jurisdiction in this matter, especially given Qwest's previous position on the issue. The RTCG also demonstrated that the 1999 Settlement Agreement cannot be used as a basis to grant Qwest's request for retroactive relief.

Qwest advises the Commission that the Motion applies two legal principles in "the wrong context" and states that the legal principles advanced by the RTCG do not apply to this case. After making this statement, Qwest never explains these assertions and provides no legal citations to binding authority which support its assertions. The two central issues now before the Commission are set forth below.

I. Jurisdiction.

A. Authority under Contract. The RTCG demonstrated in its Motion that Qwest previously disputed the jurisdiction of the Commission. The agreement now before the Commission was arrived at to resolve this prior 1999 disputed proceeding. The prior dispute was not a matter initiated by the Commission but was a result of proceedings initiated by telecommunications companies over their duties and obligations in and under a previous contract. That this was a dispute between parties is apparent by who is absent from the dispute. Some local carriers, such as Souris River Telecommunications (SRT), are not a party to the 1999 Settlement Agreement. A number of other local North Dakota carriers are being dismissed from this proceeding by Qwest. The only parties who remain are the parties to the 1999 Settlement Agreement. The 1999 Settlement Agreement was a contract to resolve a dispute under a previous contract which Qwest said, in 1999, was a mere contract dispute between private parties.

The RTCG has raised this jurisdictional issue for the Commission to decide because it is important to note that Qwest is now attempting to cast this case as some sort of ratemaking proceeding by the Commission. If that were the case, Qwest should have requested that the Commission open a docket to study the issue and request an order and a methodology to move forward. Instead, Qwest relies upon a contract it entered into in 1999 in an attempt to get retroactive relief under the contract and confer jurisdiction on the Commission.

B. Authority under Law. Qwest has argued for a deregulation of the telecommunications industry in North Dakota for years and now argues that the statement of general powers of the Commission contained in section 49-02-01 of the North Dakota Century Code vests the Commission with necessary jurisdiction. While that section does contain general powers of the Commission, it has been eviscerated by other statutes contained elsewhere in the Century Code. As such, specific authority must be found elsewhere.

Qwest cites sections 49-21-01.7 and 49-21-10.3 of the North Dakota Century Code as authorizing the Commission to investigate methods of telecommunications companies. Taken together, these sections do authorize the Commission to investigate methods, but they do not authorize relief unless the Commission finds there has been a violation of a "law, rule or order of the Commission." Qwest fails to state what law, rule, or order it is that the RTCG is claimed to have violated. The truth is that Qwest wishes the Commission to investigate the failure of the RTCG to comply with Qwest orders, not Commission orders.*

Qwest then relies on section 49-21-06 which gives the Commission authority to investigate "prices" for essential telecommunications services while Qwest specifically states in its Complaint (Qwest prayer for relief on page 42 of its Complaint does not request a change in prices) that its claim for relief in this case is about measurement methods. It nowhere references a dispute about prices. Again, Qwest tries to utilize

* Contrast this to the CallSmart matter cited by Qwest wherein certain RTCG members brought a complaint based on a violation of Commission tariff orders.

Commission investigation authority to impose a retroactive measurement method that Qwest claims is authorized by contract.

Qwest cites section 49-21-09 which gives the Commission jurisdiction over “connections” but fails to explain how this gives the Commission authority to order retroactive adjustments under its contract with the RTCG. Qwest next argues that section 49-21-04, which requires companies to file price schedules for essential services with the Commission, somehow vests the Commission with jurisdiction to impose a retroactive measurement method on the RTCG to replace a method that Qwest had contractually agreed to.

In summary, the RTCG raised the jurisdictional issue for the Commission because Qwest had previously asserted the Commission had no jurisdiction over the contractual dispute that resulted in the 1999 Settlement Agreement which is now in dispute. The RTCG is concerned about this issue and wishes to have this issue resolved so that any resolution of the instant matter is binding on the parties. The insincerity of the Qwest position that the Commission should use statutory authority and a private contractual framework to impose its will on the RTCG is incongruous when taken together with Qwest assertions that the Commission had no such authority in earlier proceedings.

II. Contract.

Qwest’s Response Brief insists that Qwest is not asking the Commission to “rewrite” the 1999 Settlement Agreement, but the Complaint filed by Qwest cannot be viewed in any other light. If Qwest was not attempting to garner Commission assistance in rewriting the 1999 Settlement Agreement and instead was asking for Commission

rulemaking, Qwest could have referenced the 1999 Settlement Agreement as a matter of historical importance only and as a footnote in its Complaint. Qwest did not do so and in its Complaint alleges that the contract allows the Commission to retroactively impose a new Qwest measurement method on the RTCG.

Again, the RTCG is prepared to show the Commission that the RTCG has devoted considerable time and effort toward resolution of the issue at hand, but it is Qwest insistence that Qwest's desires be implemented and that they be implemented retroactively that has caused this impasse. Qwest asserts that the Commission has the power to order that a new method be applied retroactively under section 49-21-01.7 but provides no clear evidence for this grant of authority. Absent a clear directive from the legislature, the RTCG believes that the Commission should dismiss Qwest's unsupported notion that the Commission should engage in retroactive rulemaking. It is a settled principle of law that an attempt of an administrative agency to implement retroactive rulemaking is subject to stringent scrutiny. See Motor Vehicle Manufacturers Association of the United States v. State Farm Mutual Insurance Company, 463 U.S. 29, 103 S. Ct. 2856, 77 L. Ed. 2d 443 (1983). See also Greene v. United States, 376 U.S. 149, 84 S. Ct. 615, 11 L. Ed. 2d 576 (1964). The RTCG has clearly demonstrated that retroactive changes under a contractual pretext are not possible and this principle cannot be circumvented by an unsubstantiated argument that the North Dakota legislature has somehow authorized such an outcome.

CONCLUSION

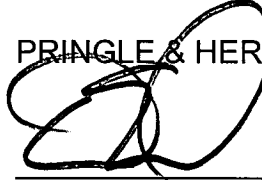
The Motion for Summary Judgment filed by the RTCG is well founded by law. Qwest's previous assertions that the Commission did not have jurisdiction over these types of contractual matters between these parties raise a concern that must be resolved.

While Qwest now attempts to cast the contractual dispute as some investigative and rulemaking proceeding by the Commission which should be implemented retroactively, Qwest fails to state how the Commission should interpret the statement of legislative intent in section 49-21-10.1 of the North Dakota Century Code. That section limits any complaint over excessive charges to two years before the date a complaint is filed. The legislature, in section 49-21-10.1, has clearly and most recently indicated that the Commission should not investigate complaints over charges which are more than two years old. Qwest supported this legislation. This is totally contrary to Qwest's assertions that retroactive rulemaking would be sound public policy. Qwest also has failed to demonstrate how the Commission is charged with the ability to retroactively rewrite contracts when the parties to the contract are unable to agree on measurement methodology themselves.

For these reasons, the Qwest Complaint should be dismissed.

Dated at Minot, North Dakota, this 25th day of October, 2006.

PRINGLE & HERGISTAD, P.C.



By: Don Negaard, ND Bar ID #03598

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Communications Networks, and

Consolidated Telephone Cooperative;

Dakota Central Telecommunications

Cooperative and Dakota Central

Telecom, Inc.; Griggs County

Telephone Company; Inter-Community

Telephone Company and Inter-

Community Telephone Co. II; Midstate

Telephone Company and Midstate

Communications, Inc.; Moore and

Liberty Telephone Company; North

Dakota Telephone Company; Northwest

Communications Cooperative;

Reservation Telephone Cooperative;

Turtle Mountain Communications, Inc.;

United Telephone Mutual Aid

Corporation; and West River

Telecommunications Cooperative

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing Reply Brief of Rural Telephone Company Group was mailed on the 25th day of October, 2006, to the following:

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A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a smaller, looped 'N' and a final flourish.

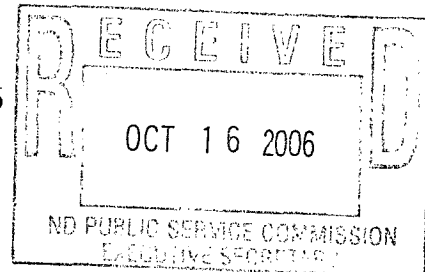
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October 16, 2006



Ms. Illona Jeffcoat-Sacco
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue – Dept. 408
Bismarck, ND 58505-0480

Re: Qwest's Response Motion to Dismiss Complaint; Docket No. PU 05-546

Dear Ms. Jeffcoat-Sacco:

Enclosed are an original and seven (7) hard copies of Qwest's Response to Motion to Dismiss Complaint that was submitted electronically to you for filing on October 16, 2006 in the above-referenced docket.

Sincerely,

Richard Corbetta by *MAO*

Richard Corbetta

Attorney for Qwest Corporation

**STATE OF NORTH DAKOTA
BEFORE THE PUBLIC SERVICE COMMISSION**

Qwest Corporation,

PU 05-546

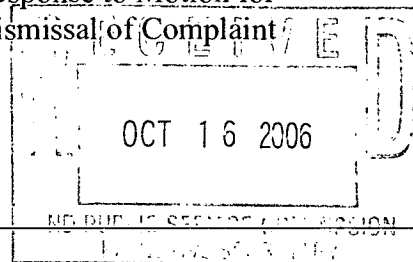
Complainant,

v.

Response to Motion for
Dismissal of Complaint

Absaraka Co-operative Telephone Co., Inc. et al.

Defendants.



QWEST'S RESPONSE TO MOTION TO DISMISS COMPLAINT

Qwest Corporation ("Qwest"), through undersigned counsel and pursuant to the Order of the Administrative Law Judge dated July 18, 2006, responds to the Motion for Dismissal of Complaint (the "Motion") filed by the RTCG Defendants as follows.

INTRODUCTION

The Motion mischaracterizes the relief requested in Qwest's Complaint in order to set up the alternative argument that, either this Commission has no jurisdiction over the subject matter of the Complaint or, if jurisdiction exists, that the Commission should refuse to exercise its jurisdiction on the grounds that it cannot "re-write" a contract. As a result, the Motion applies two settled legal principles in the wrong context in an effort to convince the Commission to dismiss this entire docket in lieu of deciding the dispute on the merits. Put another way, the legal principles advanced by the RTCG Defendants in the Motion are, insofar as they go, correct statements of the law, they simply do not apply to this case and therefore are not grounds for dismissal.

The Commission plainly has statutory jurisdiction over the subject matter of Qwest's Complaint - disputes concerning interconnection between telephone companies as relates to measuring and billing regulated intrastate switched access services. And the relief requested has nothing to do with "re-writing" a contract. Rather, the Complaint requests that the Commission act within the scope of its jurisdiction to resolve the instant disputes by ordering a methodology by which interconnecting telecommunication companies measure traffic for the purpose of charging jurisdictional intrastate switched access rates. The Motion should be denied so that this matter can proceed to hearing.

The facts underlying the Complaint and set forth therein are incorporated by reference and, for the benefit of the Commission are repeated here.¹

I. Facts

A. Regulatory Background

Before July 1999, Qwest was designated "1+" retail intraLATA toll provider for certain local exchanges in North Dakota. IntraLATA toll services are long-distance telecommunications services offered within Local Access Transport Area ("LATA") boundaries established as a result of the divestiture of the Bell system in 1984. *See 47 U.S.C. § 153 (25)*. InterLATA toll services are long-distance telecommunications services that cross LATA boundaries. There is one LATA boundary in North Dakota, and there are two LATAs. Thus, long-distance calls made within each LATA in North Dakota are intraLATA toll calls and long-distance calls that cross the LATA boundary in North Dakota are interLATA toll calls.

¹ In effect, the Motion is a motion for summary judgment. Therefore, the Commission must construe the evidence in Qwest's favor. *Mondy v. Gjesdal*, 123 N.W.2d 33 (N.D. 1963); *Stout v. Fisher Industries, Inc.*, 603 N.W.2d 52 (N.D. 1999). As a practical matter, resolution of the Motion is more similar to *Zueger v. Carlson*, 542 N.W.2d 92 (N.D. 1996) since the Motion raises purely legal arguments. In any event, Qwest does not address the facts recited in the Motion other than to reserve the right to challenge them at the appropriate time.

As of 1999, the federal regulatory regime applicable to all regional bell operating companies, including Qwest, prohibited Qwest from providing InterLATA toll service in North Dakota and elsewhere.² But Qwest at one time was the universal IntraLATA toll provider in North Dakota and, in effect, before July 1999, was the default intraLATA toll service provider in North Dakota. This means that when customers of local telephone companies throughout North Dakota dialed “1” for the purpose of obtaining intraLATA long-distance telecommunications services, they would automatically be connected to Qwest to obtain that service.

Long distance carriers, such as Qwest in this case, carry and deliver long distance calls for the end-user customers of local telephone companies for ultimate delivery to the end-user customers of other local telephone companies. Local telephone companies charge long distance companies a per-minute fee both for “originating: (i.e., initiating) and for “terminating” (i.e., delivering) those long-distance calls to and from its own end-user customers. This fee is known as “switched access” or simply an “access” charge. For example, if a local telephone company’s customer uses Qwest’s long-distance services to place an intraLATA toll call to a friend in a distant part of North Dakota, Qwest would be charged a per-minute originating access fee by the local telephone company for originating (initiating) that call for its customer; if that same friend from the other side of the state was served by another non-Qwest local telephone company, Qwest would be charged a per-minute terminating access fee by the local telephone company for terminating (delivering) that call to its customer. These switched access charges are assessed on a per-minute basis and generally are published in tariffs filed by the local telephone company with the Commission.

² This has changed. In 2002, a Qwest affiliate was given permission to enter the interLATA long-distance market pursuant to 47 U.S.C. § 271 of the Telecommunications Act of 1996. *See in the Matter of the Application by Qwest Communications International, Inc. to Provide in-Region IntraLATA services. WC Docket No. 02-314, FCC 02-332, released December 23, 2002.*

This billing arrangement is commonly known in the industry as “Calling Party Pays.” That is, the company who has the retail toll relationship with the customer who places the toll call (and who receives the retail toll revenues for the toll call) is the party that is responsible for paying all access providers for the access service they render to originate from or deliver the call to its destination.

B. Regulatory Changes

There were dramatic changes to state and federal law in 1999 relating to the regulatory structure described above. The Federal Communications Commission (the “FCC”) mandated dialing parity, i.e., competition, in the intraLATA toll markets. *See CC Docket No. 96-98, FCC 99-54*, released March 23, 1999, implementing *47 U.S.C. § 251(b)(3) of the Telecommunications Act of 1996*. In addition, North Dakota law was amended in 1999 to require every local exchange provider to provide intraLATA dialing parity no later than January 1, 2000. *See North Dakota Century Code § 49-21-08.1*. As a result of this regulatory overhaul, Qwest made the business decision to exit the intraLATA toll market in parts of North Dakota. Qwest gave notice in April 1999 that it would discontinue altogether the provision of intraLATA toll service in certain areas of North Dakota. Because of this decision, Qwest obviously could no longer serve as the designated 1+ intraLATA toll provider in those areas.

As a result of the foregoing legislative and regulatory activity and Qwest’s subsequent decision to exit parts of the North Dakota intraLATA toll market, the local telephone companies in rural North Dakota who are named 1999 Settlement Agreement Defendants filed a complaint at the Commission to compel Qwest to continue to provide intraLATA toll service in their serving areas. In a separate docket, other members of the 1999 Settlement Agreement Defendants filed plans with the Commission to implement the mandated dialing parity and, at the

same time, requested that the Commission act upon its jurisdiction over the North Dakota telecommunications markets to suspend and modify certain of the requirements imposed by the FCC in its dialing parity mandate. Qwest intervened as a party in that docket. In short, there were two separate but related dockets filed at the Commission in 1999 both involving the 1999 Settlement Agreement Defendants and Qwest and each arising out of the mandated implementation in North Dakota of a new intraLATA long-distance regulatory regime. The parties in both dockets executed the Settlement Agreement to resolve the two cases.³

Qwest still provides some intraLATA toll service in North Dakota. While Qwest is no longer a retail toll carrier for calls originated by end-user customers of the 1999 Settlement Agreement Defendants, it continues to terminate calls to those end-user customers in its capacity as an intraLATA toll services provider for those Qwest local exchange customers who have selected Qwest as their retail intraLATA toll carrier. Using the example above, today, a customer of a 1999 Settlement Agreement Defendant cannot use Qwest's retail intraLATA long distance services to initiate an intraLATA toll call to a distant friend, but it is possible for the distant friend (if the friend is a customer who has chosen Qwest as his/her intraLATA toll carrier) to use Qwest long distance services to make an intraLATA toll call to the 1999 Settlement Agreement Defendant customer. Once the parties executed the Settlement Agreement, Qwest was no longer liable to local telephone companies for originating access charges, but it could be liable to those companies for terminating access charges for calls originated by callers using Qwest's intraLATA long-distance services.

In order for a local telephone company to bill terminating access charges accurately, it is necessary to measure terminating minutes of use accurately. In this case, that means the parties

³ The complaint case was *Rural Telephone Company Group v. US WEST*, Case No. PU-2096-99-241; the RTCG-initiated filing was *AT&T Communications of the Midwest, Inc.*, Case No. PU-453-99-201.

each month must accurately measure the number of minutes that customers who use Qwest's intraLATA toll services spend on the phone to place long-distance calls to customers of the 1999 Settlement Agreement Defendants. These minutes are known as "conversation minutes of use" and form the basis for the volumes used in calculating terminating access charges. Once the number of intraLATA toll minutes originated by Qwest customers and terminated by customers of the 1999 Settlement Agreement Defendants are measured, the monthly terminating access payment due to 1999 Settlement Agreement Defendants from Qwest is determined by the simple calculation of multiplying the number of minutes originated by Qwest and terminated by the Defendants each month by the per-minute terminating access charge rates usually as set forth in the relevant ILEC tariffs. It is, of course, of paramount importance to measure the terminating minutes of use accurately if the parties hope to assess, in the case of the 1999 Settlement Agreement Defendants, and pay, in the case of Qwest, accurate terminating access bills.

C. The Dispute

Paragraph 5 of the Settlement Agreement sets forth the interim methodology by which intraLATA toll traffic originated by Qwest and terminated to the 1999 Settlement Agreement Defendants (under the intraLATA toll regime in place after 1999) is identified and measured so that the 1999 Settlement Agreement Defendants can bill Qwest terminating access charges. Qwest and the 1999 Settlement Agreement Defendants dispute whether paragraph 5 of the Settlement Agreement has been implemented properly by the parties.

Paragraph 6(d) of the Settlement Agreement obligates the parties to the Settlement Agreement to meet and negotiate in good faith a permanent methodology agreed upon by the parties applies retroactively to January 1, 2000.

The 1999 Settlement Agreement Defendants insist upon continuing to use variations of the residual method, rather than the more accurate call information that Qwest can provide, to measure traffic and to bill terminating access charges to Qwest. The various residual methods used by the 1999 Settlement Agreement Defendants do not precisely measure actual minutes of use attributable to each retail toll carrier and unfairly requires Qwest to pay access charges for unidentified minutes of use. The residual methods used by the 1999 Settlement Agreement Defendants measure the volume of terminating traffic (delivered to the 1999 Settlement Agreement Defendants on certain non-local trunks that connect Qwest's network and the network(s) of the 1999 Settlement Agreement Defendants) for which the terminating company cannot identify the "Calling Party" company whose end user customer originated the calls. The "residual" traffic billed to Qwest may in fact not even be Qwest's wireline intraLATA toll, but may be wireless traffic or interexchange carrier traffic. The residual method forces Qwest to guarantee payment of the terminating access charges to the 1999 Settlement Agreement Defendants even for traffic for which Qwest receives no retail toll revenues. The problem with residual billing is made worse because the method provides an incentive to other toll carriers to misidentify or to fail to include information that would allow incumbent local exchange carriers to bill them for terminating access charges. They know that, in effect, the local exchange carriers will look to Qwest, and not to them, to pick up the tab.

Currently in its 14-state region, Qwest uses a "Toll Usage Tracking" system ("TUT") or a "Clearinghouse for Access Revenue Distribution System" ("CARDS") to determine the total volumes of Qwest-originated, CLEC or ILEC-terminated toll traffic. Both the TUT and CARDS systems derive their volume information from the end user customer billing system used by Qwest to render a message toll services bill to Qwest's retail intraLATA toll customers. TUT

and CARDS measure call detail precisely for all Feature Group D access traffic originated from a Qwest facility. Although very similar, Qwest considers the CARDS system to be superior to TUT for measuring toll traffic volumes. In addition to retail toll traffic, CARDS measures 1-800 calls and operator-service calls separately from the retail toll traffic. For purposes of the Settlement Agreement and Qwest's prayer for relief, it is important to note that because of system limitations Qwest can store CARDS data for three months, whereas it can archive information from TUT for five years.

The 1999 Settlement Agreement Defendants are familiar with TUT reports that Qwest produces because Qwest has supplied monthly reports of the TUT volumes to representatives of the Defendants for over two years. Qwest believes that the reason that the 1999 Settlement Agreement Defendants insist upon continuing to use variations of the residual method for measuring traffic is because it allows the 1999 Settlement Agreement Defendants to charge Qwest terminating access charges for traffic that they otherwise would not be able to bill to the true originator of the traffic, i.e., the "Calling Party." At stake also for the 1999 Settlement Agreement Defendants are claims by some for inflated backbilled amounts. In some cases, Qwest has refused to pay the full amount of invoices issued by certain of the 1999 Settlement Agreement Defendants when it believed those invoices were inflated and inconsistent with the terms of the Settlement Agreement. The Settlement Agreement provides for true-up back to January 1, 2000 using the forward-looking methodology that the parties agree upon. It is Qwest's position that once an accurate measurement methodology is in place and can be applied retroactively as required by the Settlement Agreement, most, if not all, of the backbilling claims asserted by some of the 1999 Settlement Agreement Defendants will disappear. Therein lies the

impasse at issue here. Qwest does not believe that resolution of the disputed issue concerning a forward-looking methodology is possible without Commission involvement.

ARGUMENT

II. The Commission has jurisdiction over this dispute.

Without doubt, the Commission has general jurisdiction over telephone companies engaged in the furnishing of telecommunications services in North Dakota, including the jurisdiction to investigate all methods and practices of telecommunications companies, and jurisdiction to require telecommunications companies to conform to the law and to perform these functions in the context of a complaint case. *See North Dakota Cent. Code § 49-02-01; § 49-21-01.7; § 49-21-10.3; North Dakota Administrative Code § 69-02-02-02.*

While the RTCG Defendants do not dispute the Commission's complaint jurisdiction, they rest their jurisdictional argument on the well settled, but inapposite, proposition that the Commission is not a court of general jurisdiction authorized to settle contract disputes. RTCG Defendants quote at length *Williams Electric Cooperative v. Montana-Dakota Utilities Company*, 79 N.W.2d 508 (N.D. 1956). *Williams Electric Cooperative* stands for the proposition that the Commission is not vested with judicial power and is not charged with the enforcement of private contracts. If this were merely a contract dispute involving telephone companies, the *Williams Electric Cooperative* case might well dispose of the matter in RTCG Defendants' favor. In fact, however, the reverse is true. *Williams Electric Cooperative* supports the exercise of jurisdiction in this case. The North Dakota Supreme Court stated in *Williams Electric Cooperative* at pp. 517-518, "The Public Service Commission has no power to construe, enforce or adjudicate the validity or effect on the contract between the parties in question *except as to its*

effect upon matters within the jurisdiction. That jurisdiction is dependent upon the statutes”
(italics added).

The instant dispute does not arise solely out of rights and obligations created by private contract. Rather, Qwest’s complaint concerns disputes over facilities interconnection, intercarrier compensation and switched access. Specifically at issue is the manner in which intrastate switched access traffic is measured by the RTCG Defendants for the purpose of assessing jurisdictional switched access rates against Qwest – all issues within the Commission’s statutory jurisdiction. *See North Dakota Cent. Code §49-21-06; North Dakota Cent. Code §49-21-09; North Dakota Cent. Code §49-21-04.*⁴

North Dakota Cent. Code § 49-21-06 expressly authorizes the Commission to set aside any “unreasonable, unfair or inadequate” price set by a telecommunications company for the connection between facilities of two or more telecommunications companies. *North Dakota Cent. Code § 49-21-09* authorizes the Commission to mandate interconnection for the transfer of telecommunications services and to prescribe reasonable compensation for the interconnection if the parties fail to agree upon terms and conditions of compensation for the use of their services or facilities.⁵ Significantly, this entire dispute relates to and revolves around intrastate switched access services. Switched access services are an essential telecommunications service, the

⁴ Discussion in the Motion concerning the position taken by Qwest in the earlier Commission dockets that led to the Settlement Agreement can be disregarded as irrelevant. *See* Appendix to the Motion, Tab 2. In that docket, Qwest argued that intraLATA toll, not switched access, had been designated a nonessential service in North Dakota. Further, Qwest’s statement in its earlier brief that Commission approval was not required to terminate the contracts at issue was based on language in the contracts permitting termination. The statement had nothing to do with the question of Commission jurisdiction. A review of the brief attached to the Motion demonstrates that Qwest’s position in this case is entirely consistent with the position it took in the earlier dockets that led to the Settlement Agreement.

⁵ The Commission recently relied on § 49-21-09 as a basis for asserting jurisdiction over a dispute concerning switched access issues. Interestingly, many of the RTCG Defendants were complainants in that case arguing that the Commission has exclusive jurisdiction to resolve an intrastate switched access compensation dispute. *North Dakota Public Service Commission Case No. 2967-03-666, Orders dated June 22, 2005, June 29, 2005, August 10, 2005 and September 21, 2005, copies attached.*

pricing of which is subject to Commission jurisdiction and scrutiny. *North Dakota Cent. Code* § 49-21-01(4)(a); § 49-21-01.3. The methodology by which intrastate switched access minutes are measured necessarily drives the total charges for these services. Qwest asserts that the RTCG Defendants' insistence on using the "residual" methodology to bill intrastate switched access is unreasonable, unfair, inadequate and is the direct cause of inflated switched access charges. Qwest further asserts that the parties are at impasse over switched pricing access, *i.e.*, compensation related to the terms of interconnection and the transfer of traffic. As a result, and as noted above, the parties are in a perpetual billing dispute over the terminating volumes that form the basis for the terminating access charges by the RTCG Defendants for intrastate switched access services.

Admittedly, the dispute relates to issues addressed in Settlement Agreement and, any relief ordered, could affect the parties' rights under that agreement. This does not, however, in any way divest the Commission of its jurisdiction to hold an evidentiary hearing and enter an order resolving the parties dispute. *See Williams Electric Cooperative* at pp. 517-518. The statutes make clear that this case falls squarely within the Commission's subject matter jurisdiction as prescribed by the North Dakota legislature. Accordingly, the Commission's exercise of jurisdiction is entirely consistent with its statutory authority and the North Dakota Supreme Court's holding in *Williams Electric Cooperative*.

In fact, having addressed the legal argument raised by the RTCG Defendants, the jurisdictional argument raised in the Motion could be rejected based on one simple observation. Qwest could have requested the relief sought in the Complaint without even referring to the Settlement Agreement except as a background fact. The rights, obligations and disputes that require resolution arise, not from the Settlement Agreement, but from the statutes that confer

upon the Commission the plenary authority to regulate telecommunications in the state of North Dakota. Absent Commission involvement, Qwest and the RTCG Defendants will remain at impasse over the proper methodology by which intrastate switched access traffic is measured for billing purposes. If the Commission declines jurisdiction, it will have abdicated its statutory role to resolve this fundamental dispute concerning the interconnection of telecommunications companies and the pricing structure of an essential telecommunications service.

III. The Commission has the Authority to Resolve the Parties' Dispute Regarding the Methodology by Which Intrastate Switched Access Services are Measured and Billed.

Having established jurisdiction, the RTCG Defendants' second ground for dismissal can be considered and rejected. Once again the RTCG Defendants state a basic principle of law – that agreements to agree may be unenforceable – and then go on to argue that this unremarkable proposition somehow compels the Commission to dismiss this entire docket.⁶ This argument, intentionally or not, fails to address the entire premise of Qwest's Complaint. Qwest is not asking the Commission to “re-write” the Settlement Agreement to “impose” Qwest's will on the RTCG Defendants. Rather, Qwest asserts that, after seven years of futile negotiation, the parties are at impasse in their efforts to negotiate a new methodology by which the RTCG Defendants measure intrastate switched access traffic for billing purposes. As noted above, this has created a dispute related to fundamental jurisdictional activity within the scope of the Commission's oversight. The Settlement Agreement, at paragraph 6 (the clause requiring the parties to negotiate in good faith a new methodology) expressly reserves to the parties the “right to seek resolution of these issues in a manner provided by law if the parties are otherwise unable to reach

⁶ RTCG Defendants cite *Stout Industries, Inc.*, 603 N.W.2d 52 (N.D. 1999) and the cases cited therein in support of this point. While *Stout* undoubtedly summarizes North Dakota law on the issue under review in that case -- a failed employment arrangement -- those facts and North Dakota law as applied to those facts have absolutely nothing to do with the dispute now before the Commission.

agreement on an issue or an alternative resolution mechanism before January 1, 2000 or 2001 as the case may be.”⁷ Thus, the parties did not waive the right to seek Commission intervention by entering the Settlement Agreement, they expressly reserved the right. In recognition of the impasse and frustrated by what has become a perpetual access billing dispute, Qwest filed its Complaint requesting that the Commission exercise its statutory authority to resolve the dispute by way of an evidentiary hearing involving all interested parties.

In its Complaint, Qwest set forth the position it would prefer the Commission adopt, well aware that the Commission might reject its position after a hearing on the merits. The fact that the RTCG Defendants disagree with Qwest’s position demonstrates conclusively that a dispute exists. However, that disagreement with the relief requested by Qwest is not grounds for dismissing the Complaint, rather, it is grounds for conducting an evidentiary hearing so that the parties may be heard and the Commission may exercise its jurisdictional authority in an informed manner.

As a related matter and perhaps illustrative of the intent underlying the Motion, Qwest notes that the Settlement Agreement, obviously intended to be interim in nature, expressly requires that the new methodology to be negotiated be made retroactive to January 1, 2000. Retroactive application is an aspect of the Settlement Agreement to which the RTCG Defendants now object. The RTCG Defendants’ expressly stated concern with the retroactivity clause, coupled with their argument that “an agreement to agree” is too vague to be enforceable demonstrates perfectly why the Commission must step into this dispute and exercise its authority to resolve it. Under the RTCG Defendants’ theory, the parties are required to negotiate in perpetuity (since the rule against enforcing an agreement to agree apparently precludes any action to resolve the dispute) and, as a result the RTCG Defendants can forestall the retroactive

⁷ See Appendix to the Motion, Tab 1a.

application of a new methodology forever by simply refusing to agree to a new methodology.⁸

Qwest is not seeking an order that the parties negotiate further, nor an order enforcing the parties' agreement to agree, nor an order imposing Qwest's will on the RTCG Defendants.

Rather, Qwest is seeking an order, after an evidentiary hearing, resolving a fundamental jurisdictional dispute because the provisions of the Settlement Agreement obviously cannot.

Contrary to the assertions of the RTCG Defendants, the Commission's exercise of jurisdiction over the Complaint would not be a bad policy choice. Rather, the bad policy choice would be for the Commission to decline to involve itself in this dispute thereby allowing this unresolved situation to go on, perhaps perpetually, in a manner that adversely affects the provision and billing of intrastate switched access services over which the Commission has statutory jurisdiction.

Finally, concerning the issue of the retroactive nature of the relief requested, Qwest asserts that the Commission has jurisdiction to order the relief requested and good policy reasons for doing so. Specifically, once the Commission establishes the appropriate methodology for measuring intrastate switched access minutes for billing purposes (and regardless of whether Qwest's position ultimately prevails) the new methodology would be the law of the state. Accordingly, the Commission should order compliance with the law of the state retroactive to 2000 as permitted by *North Dakota Cent. Code* § 49-21-01.7 and as contemplated by the express terms of the Settlement Agreement. In fact, the retroactive billing was agreed to in effort to encourage the parties to negotiate in good faith in a timely manner. If the RTCG Defendants are allowed to walk away from that provision they will be rewarded for their dilatory negotiating

⁸ Perhaps lost in the Motion is the fact that the parties both allege that the other is not performing as required by the Settlement Agreement. This is not a case where Qwest is unhappy with the contract it entered and now wants out. This is a case where the Settlement Agreement, meant to be a stopgap measure, has, in effect, become permanent and, as a result, there exists a perpetual intrastate switched access billing dispute that requires Commission involvement.

tactics. If, however, the Commission declines to address retroactivity, Qwest could still pursue a claim in state court based on the Commission's order. In and of itself, any reluctance to order retroactive payments as a result of its decision in this case should not cause the Commission to dismiss the case in its entirety thereby leaving the underlying dispute unresolved, perhaps forever.

CONCLUSION

Qwest brings to the Commission a dispute that goes directly to the core of regulatory issues within the jurisdictional authority and policy reach of the Commission's statutory mandate. At issue is the manner in which telecommunications carriers interconnect and exchange switched access traffic, the methodology by which they measure switched access traffic and, as a result, the manner and level at which they bill each other for switched access services. The fact that the dispute arises out of a contract – a Settlement Agreement entered in 1999 to settle Commission litigation – does not strip the Commission of its statutory jurisdiction over the subject matter of the dispute or compel the Commission to decline to exercise its statutory obligation to resolve the dispute.

The Motion should be dismissed so that this matter may proceed to an evidentiary hearing where all parties may be heard thereby permitting the Commission to exercise its duty to resolve this ongoing dispute by establishing a lawful methodology by which intrastate switched access traffic is measured and by which intrastate switched access services are billed.

RESPECTFULLY SUBMITTED this 16TH day of October, 2006.

Richard Corbetta / by me

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Attorneys for Qwest Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 16TH day of October, 2006, an original and seven (7) copies, of the foregoing **QWEST'S RESPONSE TO MOTION TO DISMISS COMPLAINT** was served upon the following party:

Ms. Illona Jeffcoat-Sacco
Executive Secretary
North Dakota Public Utilities Commission
600 East Boulevard Avenue – Dept. 408
Bismarck, ND 58505-0480

and copies were sent electronically or via U.S. mail, addressed to the following:

William Binek
Chief Counsel
North Dakota Public Utilities Commission
600 East Boulevard Avenue – Dept. 408
Bismarck, ND 58505-0480

Mr. Donald A. Negaard
Pringle & Heirgstad, P.C.
P.O. Box 100
Minot, ND 58702-10000

A handwritten signature in black ink, appearing to read "Illona Jeffcoat-Sacco", written in a cursive style.

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*2006 N.D. PUC LEXIS 11, **

BEK Communications Cooperative, et al. vs. SmartNET, Inc., Complaint

Case No. PU-**2967-03-666**

North Dakota Public Utility Commission

2006 N.D. PUC LEXIS 11

June 22, 2006

PANEL: [*1] Susan E. Wefald, Commissioner; Tony Clark, President; Kevin Cramer, Commissioner

OPINION: ORDER DENYING MOTION FOR CONTINUANCE

Preliminary Statement

On June 29, 2005 the Commission issued its Findings of Fact, Conclusions of Law and Order in this proceeding.

On September 21, 2005 the Commission granted a Second Petition for Reconsideration from BEK Communications Cooperative, Consolidated Telecom, Dakota Central Telecommunications Cooperative, Dickey Rural Telephone Cooperative, Griggs County Telephone Company, Inter-Community Telephone Company, LLC, Missouri Valley Communications, Inc., Moore and Liberty Telephone Company, Nemont Telephone Cooperative, Inc., North Dakota Telephone Company, Northwest Communications Cooperative, Polar Communications Mutual Aid Corporation, and Reservation Telephone Cooperative (Complainants) to the extent that the Commission would schedule and notice a further hearing at a future date. In its decision, the Commission found the record is lacking information to determine whether SmartNET, Inc. (SmartNET) is using Complainants' facilities, and therefore to determine whether SmartNET is liable to Complainants for compensation, and therefore to determine **[*2]** the types of compensation due the Complainants. A public hearing was scheduled beginning January 13, 2006.

On December 8, 2005 the Commission was advised that the parties were engaged in discussions to reach an agreement and the parties requested that the hearing be postponed to allow time for negotiations.

On December 14, 2005 the Commission postponed indefinitely the January 13, 2006 hearing.

On March 27, 2005 Complainants' counsel filed a letter advising the Commission that it is necessary to reschedule the hearing originally scheduled for January 13, 2006.

On May 24, 2006 the Commission issued a Notice of Rescheduled Hearing for July 19, 2006 beginning at 9 a.m.

On June 7, 2006 the Commission issued an Order to Amend Complaint adding Consolidated Communications Networks, Inc. as an additional complainant party to this action.

On June 12, 2006 SmartNET filed a Motion for Continuance together with a Brief in Support of Motion for Continuance. SmartNET requests that the Commission continue the hearing to allow the parties and the Commission the benefit of rulings in the pending court case before the Eighth Circuit Court of Appeals, the pending FCC action, and pending legislation. **[*3]** The court case referenced by SmartNET is *Minnesota Public Utilities Commission v. FCC*, Case Nos. 05-1069, 05-1122, and 05-3118. The FCC proceedings referred to by SmartNET include the *IP Enabled Services Rulemaking*, FCC Docket WC 04-36 (released March 10, 2004) and the petition of a *Development Unified Intercarrier Compensation Regime*, FCC Docket 01-92 (released March 3, 2005) as well as other pending petitions relating to VoIP. SmartNET also stated that both houses of Congress are considering substantive telecommunications legislation that would, among other things, define certain VoIP services and specify the rights and obligations of VoIP service providers.

On June 19, 2006 the Complainants filed a Brief in Opposition to Motion for Continuance. The Complainants urge the Commission to deny SmartNET's Motion for Continuance. Complainants state that the current list of pending decisions in other jurisdictions or in Washington, D.C. offer no more promise of resolving this matter than has occurred over the past 2 1/2 years. Complainants state that the Commission has the sole jurisdiction to determine issues related solely to intrastate access charges, which are the crux of **[*4]** this matter.

The Commission has reviewed the record and considered the arguments of the parties. The Commission has already determined that the service being provided by SmartNET is a telecommunications service under North Dakota law. The purpose of the July 19th hearing is to determine whether SmartNET is liable to Complainants for compensation, and to determine the types of compensation due the Complainants. There is no indication when any of the pending cases before the courts, pending matters before the FCC or legislation in Congress will be resolved or whether any of those pending matters or federal legislation will resolve the issue before the Commission.

Order

The Commission orders that SmartNET's Motion for Continuance is **DENIED**.

PUBLIC SERVICE COMMISSION

Susan E. Wefald

Commissioner

Tony Clark

President

Kevin Cramer

Commissioner

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2005 N.D. PUC LEXIS 16, *

BEK Communications Cooperative, et al. Vs SmartNET, Inc., Complaint

Case No. PU-2967-03-666

North Dakota Public Utility Commission

2005 N.D. PUC LEXIS 16

June 29, 2005

CORE TERMS: telecommunications, customer, internet, provider, network, user, phone, destination, termination, originate, telephone, functionality, telephony, switched, protocol, enhanced, gateway, dial-up, offering, distance, dialing, dial, furnishing, phone-to-phone, terminated, adjacent, public utility, insufficient evidence, public convenience, required to obtain

[*1] APPEARANCES: Don Negaard, Attorney, Pringle & Herigstad, P.C., PO Box 1000, Minot ND 58702, appearing for the Complainants; Glenn S. Richards, Attorney, Shaw Pittman, LLP, 2300 N St NW, Washington DC 20037, appearing for the Respondent; Bruce A. Selinger, Attorney, Kubik, Bogner, Ridl & Selinger, P.L.L.P., PO Box 1173, Dickinson, ND 58602-1173, appearing for the Respondent; William W. Binek, Chief Counsel, Public Service Commission, State Capitol, 600 East Boulevard, Bismarck, ND 58505, appearing for the Public Service Commission; Allen C. Hoberg, Director, Office of Administrative Hearings, 1707 North 9<th> Street -- Lower Level, Bismarck, ND 58501-1882, appearing as procedural Hearing Officer.

PANEL: Commissioners: Tony Clark; Susan E. Wefald; Kevin Cramer

OPINION: FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Preliminary Statement

On November 25, 2003, BEK Communications Cooperative, Consolidated Telecom, Dakota Central Telecommunications Cooperative, Dickey Rural Telephone Cooperative, Griggs County Telephone Company, Inter-Community Telephone Company, LLC, Missouri Valley Communications, Inc., Moore and Liberty Telephone Company, Nemont Telephone Cooperative, Inc., North Dakota Telephone **[*2]** Company, Northwest Communications Cooperative, Polar Communications Mutual Aid Corporation, and Reservation Telephone Cooperative (complainants) filed a complaint against SmartNET, Inc. (SmartNET or respondent).

On December 24, 2003 the SmartNET filed its Answer and Reply to Complaint.

On January 28, 2004 the Commission issued a Notice of Hearing setting the hearing for March 30, 2004.

The issues to be considered in this matter include:

1. Whether the respondent is subject to the jurisdiction of the Commission.

2. Whether the services provided by the respondent are subject to the jurisdiction of the Commission.
3. If the respondent and services provided by the respondent are subject to the jurisdiction of the Commission, whether respondent is properly authorized to provide such services.
4. Whether respondent is using the local service facilities of the complainants.
5. If respondent is using the local service facilities of the complainants, whether respondent is liable to the complainants for compensation for the use of those facilities.

On March 23, 2004 the Administrative Law Judge issued an Order for Indefinite Continuance.

On April 14, 2004 the Commission issued [*3] a Notice of Rescheduled Hearing setting the hearing for May 25, 2004. The hearing was held as scheduled.

On October 20, 2004, the Commission issued an Order postponing the final decision in this proceeding pending Federal Communications Commission (FCC) decisions on issues relevant to the merits of this proceeding.

Findings of Fact

1. Complainants are North Dakota corporations operating as local exchange carriers in North Dakota.
2. SmartNET, d/b/a CallSmart, is a North Dakota corporation with offices at 288 First Avenue West, Dickinson, North Dakota 58601.
3. Complainants allege that SmartNET (1) operates as an intrastate long distance telecommunications provider without authority from the Commission in violation of North Dakota law including North Dakota Century Code Chapter 49-21, Chapter 49-02, and Chapter 49-03.1 and lawful regulations and orders of the Commission and (2) operates as an intrastate long distance telecommunications provider without paying the Complainants for access fees for the use of their local switched network facilities in accordance with North Dakota law and prior Commission rules and orders.
4. SmartNET asserts that it is not providing a telecommunications [*4] service as defined by the Federal Communications Commission and is not required to obtain a certificate of public convenience and necessity from the Commission. SmartNET contends it is not required to pay access fees since it is not providing a telecommunications service.
5. Commission jurisdiction over the matters in this proceeding is predicated upon a determination that the service provided by SmartNET is telecommunications rather than a form of internet broadband service subject to the jurisdiction of the FCC.
6. Under North Dakota Century Code Section 49-03.1-01 public utilities must obtain a certificate of public convenience and necessity from the Commission before beginning operation of a public utility. North Dakota Century Code Section 49-03.1-02 defines a public utility to include persons furnishing product or service to the public generally which is statutorily subject to the jurisdiction of the Commission. Under North Dakota Century Code Section 49-02-01 the general jurisdiction of the Commission includes telecommunications companies furnishing [*5] telecommunications services as provided for in North Dakota

Century Code Chapter 49-21. A "telecommunications company" means a person engaged in the furnishing of telecommunications. n1 "Telecommunications service," under North Dakota law "means the offering for hire of telecommunications facilities, or transmitting for hire telecommunications by means of such facilities whether by wire, radio, lightwave, or other means." n2 North Dakota law provides no definition for the term "telecommunications."

- - - - - Footnotes - - - - -

n1 N.D.C.C. § 49-21-01(19).

n2 N.D.C.C. § 49-21-01(20).

- - - - - End Footnotes- - - - - 7. SmartNet operates at three physical locations in North Dakota, those being Bismarck, Fargo and Dickinson. CallSmart's residence and business subscribers can originate a voice communication to destinations anywhere in the 48 states and Canada and anywhere in the world. SmartNET's customers simply use a plain dial-up phone to originate a call using SmartNET's network. The plain **[*6]** dial-up phone is an ordinary customer premises equipment (CPE) with no enhanced functionality.

8. The customer dials the local seven digit number associated with the SmartNET service. SmartNET customers in certain towns adjacent to Fargo, Bismarck and Dickinson are able to dial SmartNET's seven digit number as a local phone call because of arrangements the adjacent local exchange companies have with Qwest Communications, called extended area service. SmartNET's customers are using their local lines to access SmartNET's network.

9. All SmartNET customer calls originate from the public switched telephone network (PSTN) and are transported to a SmartNET gateway. The customer then dials the long distance telephone number associated with the destination of the call. The gateway then attaches Internet protocol to the transmission before it enters the Internet.

10. On the Internet, calls that do not have termination destinations in Qwest's Bismarck, Fargo or Dickinson local exchanges are sent to SmartNET's two voice-over-internet protocol (VoIP) termination providers who make arrangements for terminating the calls. SmartNET does not know whether those calls are terminated on the PSTN. **[*7]** Calls that have termination destinations in Qwest's Bismarck, Fargo or Dickinson local exchanges return from the Internet to a SmartNET gateway where the Internet protocol is removed from the transmission so the call can be terminated on the public switched telephone network to a dial-up phone. For these calls, the voice information received at the call destination is in the same form and content as sent by the call originator.

11. SmartNET asserts it is an Internet Protocol (IP) communications service provider, and therefore is really an internet service provider and consequently is not providing telecommunications. The design of SmartNET's network is the same as any dial-up internet service provider infrastructure with a PSTN connection for customer access to the Internet service provider facility, a router or some type of gateway device, an authentication server, a billing server, a router to the Internet, and an Internet connection. End users access the Internet service provider either via dial-up connection or broadband connection. Dial-up connection uses the local loop access facility which is generally a copper two-wire pair provided by the local phone company, a residence **[*8]** or business line. Generally, the ISP will contract with the local phone company for some method of connecting the local switch to the ISP, and then the end user will access the ISP's facility by dialing a local directory number with the computer.

12. In its 1998 *Stevens Report*, n3 to Congress the FCC stated that deciding whether any IP telephony providers meet the statutory definitions of offering "telecommunications" or "telecommunications service" depends on the functional nature of the end-user offering. The FCC noted that "telecommunications" is defined as a form of "transmission." Companies that only provide software and hardware installed at customer premises do not fall within this category, because they do not transmit information and only offer customer premises equipment (CPE) that enables end users to engage in telecommunications by purchasing local exchange and interexchange service from carriers. These CPE providers transport no traffic themselves. The FCC stated that Internet service providers, over whose networks "computer-to-computer" IP telephony passes, do not appear to be "providing" or "offering" telecommunications to subscribers because individuals use software [*9] and hardware at their premises to place calls between two computers connected to the Internet. The IP telephony software is an application that the subscriber runs, using Internet access provided by its Internet service provider. However, the FCC stated that "phone-to-phone" IP telephony lacks the characteristics that would render them "information services" within the meaning of the statute, and instead bear the characteristics of "telecommunications services" if the provider (1) holds itself out as providing voice telephony service, (2) allows the customer to place a call using an ordinary touch-tone phone over the PSTN, (3) allows the customer to call telephone numbers assigned under the NANP, and (4) transmits customer information without net change in form or content. The FCC further stated that it would not be appropriate to make any definitive pronouncements in the absence of a more complete record focused on individual service offerings.

- - - - - Footnotes - - - - -

n3 *Federal-State Joint Board on Universal Service*, CC Docket No 96045, Report to Congress, 13 FCC Rcd 11501 (1998) (*Stevens Report*).

- - - - - End Footnotes- - - - - [*10]

13, SmartNET holds itself out as providing voice telephony service, allows the customer to place a call using an ordinary touch-tone phone over the PSTN, allows the customer to call telephone numbers assigned under the NANP, and transmits customer information without net change in form or content service.

14. Since the *Stevens Report*, the FCC has issued three decisions in an attempt to establish regulatory certainty to providers of IP-enabled services -- the *Pulver Declaratory Ruling* n4, the *AT&T Declaratory Ruling* n5 and the *Vonage Declaratory Ruling* n6. In addition the FCC has a pending *IP-Enabled Services Proceeding* n7 to address remaining questions regarding the regulatory treatment of IP-enabled services. The FCC ruling in the *AT&T Declaratory Ruling* provides guidance to the Commission in this proceeding. AT&T's service was determined to be a telecommunications service because: (1) it uses ordinary customer premises equipment (CPE) with no enhanced functionality; (2) it originates and terminates on the public switched telephone network (PSTN); and (3) it undergoes no net protocol conversion and provides no enhanced functionality to end users due to [*11] the provider's use of IP technology.

- - - - - Footnotes - - - - -

n4 *Petition for Declaratory Ruling that pulver.com's Free World Dialup is Neither Telecommunications Nor a Telecommunications Service*, WC Docket No. 03-45, Memorandum Opinion and Order, 19 FCC Rcd 3307 (2004) (*Pulver Declaratory Ruling* or *Pulver*).

n5 *Petition for Declaratory Ruling that AT&T's Phone-to-Phone IP Telephony Services are*

Exempt from Access Charges, WC Docket No. 02-361, Order, 19 FCC Rcd 7457 (2004) (AT&T Declaratory Ruling).

n6 *Vonage Holdings Corporation Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, WC Docket No. 03-211, Memorandum Opinion and Order, FCC Rcd (2004) (*Vonage Declaratory Ruling*).

n7 *IP-Enabled Services*, WC Docket No. 04-36, Notice of Proposed Rulemaking, 19 FCC Rcd 4863 (2004) (*IP-Enabled Services Proceeding*).

----- End Footnotes-----15. SmartNET's service is similar to the **[*12]** service provided by AT&T in that it uses ordinary CPE with no enhanced functionality, originates and terminates on the PSTN, and undergoes no net protocol conversion and provides no enhanced functionality to end users due to the provider's use of IP technology. The calling sequence is slightly different for a SmartNET call than a call using the AT&T service. With AT&T's service the customer dials only a long distance number, so from the customer perspective, the call is made just like a regular long distance call with no service difference. With SmartNET, the call is initiated as a local call, and the customer is prompted by SmartNET's equipment to dial the long distance number. With AT&T's service, the portion of the call route that involves the IP is owned by AT&T (a private facility), with SmartNET's service, that portion of the call route is on the public Internet. With AT&T IP service, end users do not order a service other than AT&T's traditional long distance service and they do not pay different rates, so the end users had no knowledge of receiving an IP-enabled instead of traditional circuit-switched long distance service.

16. Even though the SmartNET service dialing pattern **[*13]** is not exactly the same as the AT&T service dialing pattern, SmartNET's dialing pattern includes 1+ dialing as does AT&T's service. Even though AT&T uses a private IP network while SmartNET uses the public Internet, the functional nature of the end-user offering is the same for both companies. We find that SmartNET's service is telecommunications because it uses ordinary CPE with no enhanced functionality, originates and terminates on the PSTN, the protocol processing that takes place incident to SmartNET's phone-to-phone IP telephony results in no net protocol conversion to the end user, and SmartNET's service provides no enhanced functionality to end users due to the provider's use of IP technology. We find that the phone-to-phone IP services provided by the SmartNET are subject to the jurisdiction of the Commission.

17. As noted earlier, all SmartNET customer calls originate from the public switched telephone network (PSTN) and are transported to a SmartNET gateway. From SmartNET's gateway the call enters the Internet. Calls that do not have termination destinations in Qwest's Bismarck, Fargo or Dickinson exchanges are sent to the call destination by VoIP termination providers **[*14]** contracted by SmartNET. SmartNET does not know whether those calls are terminated on the PSTN. Calls that do have termination destinations in Qwest's Bismarck, Fargo or Dickinson exchanges return from the Internet to a SmartNET gateway and the call is terminated on the PSTN to a dial-up phone. SmartNET customers in certain towns adjacent to Fargo, Bismarck and Dickinson are able to originate a local call to SmartNET's seven digit number because of extended area service arrangements that some of the complainants have with Qwest Communications.

18. Complainants allege that SmartNET uses the PSTN without paying access fees for the use of their local switched network facilities.

19. SmartNET witness, Bruce Burke, testified that Complainants are compensated by the end users for the use of the local lines, and SmartNET compensates the local exchange companies for the connections from SmartNET's internet access point to the local telephone company central office. SmartNET also compensates Dakota Carrier Network (DCN) for

transport services between Dickinson and Bismarck. Complainants agreed that ISPs generally contract with the local phone company for some method of connecting the local [*15] switch to the ISP, and then the end user will access the ISP's facility by dialing a local directory number with the computer. ISPs do not pay intrastate originating access charges back to the ILECs. Burke did not know whether VoIP termination providers are paying some form of access charge.

20. Burke testified that SmartNET received a bill from Consolidated setting forth originating switched access charges for calls placed by SmartNET customers in Consolidated's exchanges to SmartNET's local telephone number at Qwest's Dickinson office. Burke believes that Consolidated Telecom (the incumbent local exchange company serving adjacent local exchange with EAS to Dickinson) and Consolidated Communications Networks, Inc. (the competitive local exchange company within Dickinson) are able to measure the amount of traffic (minutes) originating from Consolidated's networks to SmartNET's local telephone number at Qwest's Dickinson office. However, neither of the Consolidated companies has a way to determine whether the calls are going to Bismarck, to Fargo, or to New York, because it's just a local phone call. He didn't think either of the Consolidated companies would know if a SmartNET call [*16] is terminating into their network.

21. We find there is insufficient evidence to determine whether SmartNET's traffic can be measured with the specificity required for billing purposes. It appears that Consolidated, for example, would be unable to determine whether interLATA access charges or intraLATA access charges, or interstate access charges would be applied to a specific call. We also find there is insufficient evidence to determine if compensation is due the complainants.

From the foregoing Findings of Fact, the Commission makes the following:

Conclusions of Law

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding.
1. General jurisdiction of the Public Service Commission extends to and includes telecommunications companies engaged in the furnishing of telecommunications services as provided for in chapter 49-21.
2. A service being provided by SmartNET is a telecommunications service under North Dakota Century Code Section 49-21-01(20).
3. SmartNET is a telecommunications company under North Dakota Century Code Section 49-21-01(19).
4. SmartNET [*17] is a public utility under North Dakota Century Code Section 49-03.1-02 (2).
5. SmartNET is therefore required to obtain a certificate of public convenience and necessity from the Commission under North Dakota Century Code Section 49-03.1-01.
6. SmartNET is providing a telecommunications service to end users located in separate local exchange areas and is an interexchange telecommunications company under 49-21-01(8).
7. Under North Dakota Century Code Section 49-21-09 the Commission may prescribe reasonable compensation, terms, and conditions for the connection made between the facilities of telecommunications companies for the transfer of telecommunications.

From the foregoing Findings of Fact and Conclusions of Law, the Commission issues the

following:

Order

The Commission orders:

1. SmartNET is required to obtain a Certificate of Public Convenience and Necessity from the Commission for the provision of telecommunications services.
2. The Commission has insufficient evidence of record to determine whether SmartNET's has a liability to pay access **[*18]** charges to the Complainants for the origination or termination of interexchange telecommunications services.
3. This order applies only to SmartNET's phone-to-phone services as discussed in this order.

PUBLIC SERVICE COMMISSION

Susan E. Wefald

Commissioner

Tony Clark

President

Kevin Cramer

Commissioner

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*2005 N.D. PUC LEXIS 23, **

BEK Communications Cooperative, et al.
Vs SmartNET, Inc., Complaint

Case No. PU-**2967-03-666**

North Dakota Public Utility Commission

2005 N.D. PUC LEXIS 23

August 10, 2005

CORE TERMS: reconsideration, amount of compensation, findings of fact, ordering, insufficient evidence

PANEL: [*1] Susan E. Wefald, Commissioner; Tony Clark, President; Kevin Cramer, Commissioner

OPINION: ORDER ON RECONSIDERATION

Preliminary Statement

On June 29, 2005 the Commission issued its Findings of Fact, Conclusions of Law, and Order in this proceeding.

On July 14, 2005 the Commission received a Petition for Reconsideration from SmartNET, Inc. (SmartNET).

On July 14, 2005 the Commission received a Petition for Reconsideration from BEK Communications Cooperative, Consolidated Telecom, Dakota Central Telecommunications Cooperative, Dickey Rural Telephone Cooperative, Griggs County Telephone Company, Inter-Community Telephone Company, LLC, Missouri Valley Communications, Inc., Moore and Liberty Telephone Company, Nemont Telephone Cooperative, Inc., North Dakota Telephone Company, Northwest Communications Cooperative, Polar Communications Mutual Aid Corporation, and Reservation Telephone Cooperative (complainants).

On July 22, 2005 complainants filed a response to SmartNET's Petition for Reconsideration.

On July 27, 2005 SmartNET filed a response to complainant's Petition for Reconsideration.

SmartNET argues that the AT&T decision relied on by the NDPSC is not applicable to SmartNET's VoIP phone [*2] to phone service. SmartNET claims its service is an information service that is not telecommunications service and is not subject to access charges.

The NDPSC finds that SmartNET's arguments provide no grounds upon which the requested relief can be granted. SmartNET's arguments are a restatement of arguments presented at the hearing.

Complainants argue that the NDPSC Order includes a finding concerning the amount of

compensation due the complainants, but that the NDPSC never advised the parties that it was going to determine the amount of compensation due.

One of the issues stated by the NDPSC in this proceeding was: "if respondent is using the local service facilities of the complainants, whether respondent is liable to the complainants for compensation for the use of those facilities." The NDPSC agrees with complainants that the NDPSC's does not specifically set forth as an issue the *amount* of compensation.

Complainants request that the Commission's June 29, 2005 Order be amended by deleting paragraph 21 of the findings of fact and revising paragraph 2 of the ordering clauses concerning the amount of compensation.

Complainants interpret the NDPSC order to state that intrastate [*3] access charges are appropriate. SmartNET interprets the NDPSC order to state that SmartNET is not liable for access charges at this time. The Commission clarifies that neither interpretation is accurate. The Commission was not provided sufficient evidence to determine whether SmartNET is liable for compensation for use of complainant's facilities.

Order

The Commission orders:

1. SmartNET's petition for reconsideration is DENIED.
2. Complainant's petition for reconsideration is GRANTED to the extent that paragraph 21 of the findings of fact and paragraph 2 of the ordering clauses should not address the amount of compensation due complainants.
3. Paragraph 21 of the findings of fact contained in the NDPSC's June 29, 2005 Order is amended to state: We find there is insufficient evidence to determine whether respondent is liable to the complainants for compensation for the use of complainant's facilities.
4. Paragraph 2 of the ordering clauses contained in the NDPSC's June 29, 2005 Order is amended to state: The Commission has insufficient evidence of record to determine whether SmartNET is liable to the complainants for compensation for the use of complainant's facilities. [*4]

PUBLIC SERVICE COMMISSION

Susan E. Wefald

Commissioner

Tony Clark

President

Kevin Cramer

Commissioner

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2005 N.D. PUC LEXIS 25, *

BEK Communications Cooperative, et al.

vs

SmartNET, Inc. Complaint

Case No. PU-**2967-03-666**

North Dakota Public Utility Commission

2005 N.D. PUC LEXIS 25

September 21, 2005

CORE TERMS: reconsideration, interexchange, insufficient evidence, telecommunications, enabled, tariff

PANEL: [*1] Susan E. Wefald, Commissioner; Tony Clark, President; Kevin Cramer, Commissioner

OPINION: ORDER ON COMPLAINANTS' SECOND PETITION FOR RECONSIDERATION

Preliminary Statement

On June 29, 2005 the Commission issued its Findings of Fact, Conclusions of Law, and Order in this proceeding.

On July 14, 2005 the Commission received a Petition for Reconsideration from SmartNET, Inc. (SmartNET) and a Petition for Reconsideration from BEK Communications Cooperative, Consolidated Telecom, Dakota Central Telecommunications Cooperative, Dickey Rural Telephone Cooperative, Griggs County Telephone Company, Inter-Community Telephone Company, LLC, Missouri Valley Communications, Inc., Moore and Liberty Telephone Company, Nemont Telephone Cooperative, Inc., North Dakota Telephone Company, Northwest Communications Cooperative, Polar Communications Mutual Aid Corporation, and Reservation Telephone Cooperative (Complainants).

On August 10, 2005 the Commission issued its Order on Reconsideration denying SmartNET's Petition for Reconsideration and granting in part the Complainants' Petition for Reconsideration. In its order, the Commission found there was insufficient evidence to determine whether SmartNET is [*2] liable to the Complainants for compensation for the use of Complainants' facilities.

On August 24, 2005, the Complainants filed a second Petition for Reconsideration. The Complainants' contend that the finding of insufficient evidence is contrary to the evidence and record in the case and is inconsistent with the Commission's own conclusion that SmartNET is providing a telecommunications service to end users located in separate local exchange areas and is an interexchange telecommunications company. The Complainants' assert that by the virtue of the fact that SmartNET is found to be an interexchange carrier, it is responsible for or is liable for access charges by virtue of prior Commission orders. The Complainants request that the Commission reconsider its order to find that SmartNET is liable to the Complainants for origination and termination of interexchange traffic in

accordance with prior Commission orders on intrastate access.

On September 9, 2005, SmartNET filed a Reply Brief in Opposition to Complainant's Petition for Reconsideration. SmartNET asserts that the tariff approvals and rate approval cases cited by the Complainants do not address VoIP or apply specifically to IP [*3] enabled services. SmartNET also asserts that the Complainants have not established how or why those access cases should apply to VoIP or IP enabled services. SmartNET states that VoIP is a completely different service from long distance services for which the original tariffs were intended regarding access charges. SmartNET continues to request that the Commission await direction from the FCC in this proceeding.

One of the issues stated by the Commission in its Notice of Hearing in this proceeding was: "if respondent is using the local service facilities of the complainants, whether respondent is liable to the complainants for compensation for the use of those facilities."

The Commission has reviewed the record and finds it is lacking information to determine whether SmartNET is using Complainants' facilities. Therefore, the Commission cannot determine whether SmartNET is liable to Complainants for compensation and therefore cannot determine types of compensation due the Complainants.

North Dakota Century Code Section 28-32-40(4) provides that the Commission may deny the petition for consideration or may grant the petition on such terms as [*4] it may prescribe and may limit the hearing as appropriate. In order to provide opportunity for additional evidence by the parties to supplement the record in this proceeding, the Commission finds it necessary to schedule a hearing.

Order

The Commission orders:

1. Complainants' second petition for reconsideration is granted to the extent that the Commission will schedule and notice a further hearing at a future date.

PUBLIC SERVICE COMMISSION

Susan E. Wefald

Commissioner

Tony Clark

President

Kevin Cramer

Commissioner

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Qwest Corporation vs
Absaraka Co-operative Telephone Co.,
Inc., et. al.
Complaint**

Case No. PU-05-546

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **16th day of October, 2006**, she deposited in the United States Mail, Bismarck, North Dakota, **117** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Order to Dismiss Parties

The envelopes were addressed as follows:

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P O Box 27
Absaraka ND 58002-0027

Cert. No. 7005 3110 0003 6265 6557

Consolidated Communications Networks Inc
Consolidated Telcom
P O Box 1408
Dickinson ND 58602-1408

Cert. No. 7005 3110 0003 6265 6571

Dickey Rural Communications Inc
Dickey Rural Telephone Cooperative
P O Box 69
Ellendale ND 58436-0069

Cert. No. 7005 3110 0003 6265 6595

Inter-Community Telephone Company LLC
P O Box 8
Nome ND 58062-0008

Cert. No. 7005 3110 0003 6265 6618

BEK Communications Cooperative
BEK Communications I Inc
P O Box 230
Steele ND 58482-0230

Cert. No. 7005 3110 0003 6265 6564

Dakota Central Telecomm Coop
Dakota Central Telecom I Inc
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Carrington ND 58421-0299

Cert. No. 7005 3110 0003 6265 6588

Griggs County Telephone Co
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Cooperstown ND 58425-0506

Cert. No. 7005 3110 0003 6265 6601

Midstate Communications Inc
Midstate Telephone Company
P O Box 400
Stanley ND 58784-0400

Cert. No. 7005 3110 0003 6265 6625

Moore and Liberty Telephone Company
P O Box 66
Enderlin ND 58027-0066
Cert. No. 7005 3110 0003 6265 6632

Northwest Communications Cooperative
P O Box 38
Ray ND 58849-0038

Cert. No. 7005 3110 0003 6265 6656

Reservation Telephone Cooperative
P O Box 68
Parshall ND 58770-0068

Cert. No. 7005 3110 0003 6265 6670

West River Cooperative Telephone Co
P O Box 39
Bison SD 57620-0039
Cert. No. 7005 3110 0003 6265 6694

1-800 RECONEX Inc
2500 Industrial Ave
Hubbard OR 97032
Cert. No. 7005 3110 0003 6265 6717

Acceris Communications Corp
9775 Business Park Ave
San Diego CA 92131
Cert. No. 7005 3110 0003 6265 6731

Budget Phone Inc
6901 W70th St
Shreveport LA 71129
Cert. No. 7005 3110 0003 6265 6755

Business Productivity Solutions Inc
730 2nd Ave S Ste 900
Minneapolis MN 55402
Cert. No. 7005 3110 0003 6265 6779

Citizens Telecommunications Company of
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Stamford CT 06905
Cert. No. 7005 3110 0003 6265 6793

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P O Box 180
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Polar Communications Mut Aid Corp
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Park River ND 58270-0270
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Turtle Mountain Communications Inc
United Telephone Mut Aid Corp
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Langdon ND 58249-0729
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West River Telecommunications
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Hazen ND 58545-0467
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AT&T Communications of the Midwest Inc
1875 Lawrence Rm 8-19
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Oak Park MI 48237
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C12 Inc
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Cert. No. 7005 3110 0003 6265 6786

CommPartners LLC
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Computer Integrated Communications Inc
8502 Bells Mill Rd
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Comtech 21 LLC
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Contact Communications
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DCN LLC
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Cert. No. 7005 3110 0003 6265 2511

DSLnet Communications LLC
545 Long Wharf Dr
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Dickey Rural Access Inc
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DIECA Communications Inc
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DakTel Communications LLC
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Cert. No. 7005 3110 0003 6265 2542

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Evercom Systems Inc
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Dallas TX 75254-7476
Cert. No. 7005 3110 0003 6265 2580

Extend America Inc
1101 E Front Ave
Bismarck ND 58501
Cert. No. 7005 3110 0003 6265 2603

Global Tel*Link Corporation Inc
2609 Cameron St
Mobile AL 36607
Cert. No. 7005 3110 0003 6265 2627

Globcom Incorporated
2100 Sanders Rd Ste 150
Northbrook IL 60062
Cert. No. 7005 3110 0003 6265 2634

Group Long Distance Inc
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Pompano Beach FL 33060
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Houlton Enterprises Inc
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Cert. No. 7005 3110 0003 6265 2672

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Newark NJ 07102-3111
Cert. No. 7005 3110 0003 6265 2696

Ignus Inc
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 Fargo ND 58103-1036
Cert. No. 7005 3110 0003 6265 2719

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KMC Telecom V Inc
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Halstad Telephone Company
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Cert. No. 7005 3110 0003 6265 2689

IdeaOne Telecom Group LLC
3239 39th St SW
 Fargo ND 58104
Cert. No. 7005 3110 0003 6265 2702

Integra Telecom of North Dakota Inc
745 45th St SW Ste C
 Fargo ND 59103
Cert. No. 7005 3110 0003 6265 2726

Inmate Phone Systems Corporation
16032 Sherman Way MPB5
Van Nuys CA 91406
Cert. No. 7005 3110 0003 6265 2740

Ionex Communications North Inc
2020 Baltimore Ave
Kansas City MO 64108-1914
Cert. No. 7005 3110 0003 6265 2764

KMC Data LLC
1545 Route 206
Bedminster NJ 07921
Cert. No. 7005 3110 0003 6265 2788

Kotana Communications Inc
1819 1st Ave W
Williston ND 58801
Cert. No. 7005 3110 0003 6265 2801

Legacy Long Distance International Inc
10833 Valley View St Ste 150
Cypress CA 90630
Cert. No. 7005 3110 0003 6265 2818

Loretel Systems Inc
13 E 4th Ave
Ada MN 56510-1331
Cert. No. 7005 3110 0003 6265 2832

McLeodUSA Telecommunications Services
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Cedar Rapids IA 52406-3177
Cert. No. 7005 3110 0003 6265 2856

Maxcess Inc
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Lake Mary FL 32795-1419
Cert. No. 7005 3110 0003 6265 2870

Metropolitan Telecommunications of North
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New York NY 10005
Cert. No. 7005 3110 0003 6265 2894

Mid-Rivers Telephone Cooperative Inc
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Circle MT 59215-0280
Cert. No. 7005 3110 0003 6265 2917

Net-tel Corporation
11921 Freedom Dr Ste 550
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Cert. No. 7005 3110 0003 6265 2931

New Edge Network Inc
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Sioux Falls SD 57104
Cert. No. 7005 3110 0003 6265 2955

Noonan Farmers Telephone Company
P O Box 39
Noonan ND 58765
Cert. No. 7005 3110 0003 6265 2979

Level 3 Communications LLC
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Broomfield CO 80021
Cert. No. 7005 3110 0003 6265 2825

MCImetro Access Transmission Services LLC
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Denver CO 80202
Cert. No. 7005 3110 0003 6265 2849

Matrix Telecom Inc
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Cert. No. 7005 3110 0003 6265 2863

Metromedia Fiber Network Services Inc
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Cert. No. 7005 3110 0003 6265 2887

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Sioux Falls SD 57104
Cert. No. 7005 3110 0003 6265 2900

Missouri Valley Communications Inc
Nemont Telephone Cooperative Inc
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Scobey MT 59263-0600
Cert. No. 7005 3110 0003 6265 2924

New Access Communications LLC
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Cert. No. 7005 3110 0003 6265 2948

Nextel West Corp
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Reston VA 20191
Cert. No. 7005 3110 0003 6265 2962

North Dakota Big Sky Telecom
374 Ansin Blvd
Hallandale FL 33009
Cert. No. 7005 3110 0003 6265 2986

North Dakota Network Co
P O Box 2027
Minot ND 58702-2027
Cert. No. 7005 3110 0003 6265 2993

OrbitCom Inc
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Cert. No. 7005 3110 0003 6265 3013

Phone 1 Inc
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Miami FL 33132-2011
Cert. No. 7005 3110 0003 6265 3037

Preferred Carrier Services Inc
14681 Midway Rd Ste 105
Addison TX 75001
Cert. No. 7005 3110 0003 6265 3051

QuantumShift Communications Inc
12657 Alcosta Blvd Ste 418
San Ramon CA 94583

Cert. No. 7005 3110 0003 6265 3075

Red River Rural Telephone Association
Red River Telecom Inc
P O Box 136
Abercrombie ND 58001
Cert. No. 7005 3110 0003 6265 3099

SBC Long Distance LLC
5850 W Las Positas Blvd
Pleasanton CA 94558
Cert. No. 7005 3110 0003 6265 3112

ServiSense.com Inc
115 Shawmut Rd
Canton MA 02021

Cert. No. 7005 3110 0003 6265 3143

Talk America Inc
6805 Route 202
New Hope PA 18938
Cert. No. 7005 3110 0003 6265 3167

Onvoy Inc
300 S Highway 169 Ste 700
Minneapolis MN 55426
Cert. No. 7005 3110 0003 6265 3006

Pacific Centrex Services Inc
6855 Tujunga Ave
North Hollywood CA 91605
Cert. No. 7005 3110 0003 6265 3020

Polar Telcom Inc
P O Box 270
Park River ND 58270-0270
Cert. No. 7005 3110 0003 6265 3044

Premiere Network Services Inc
1510 N Hampton Rd Ste 120
DeSoto TX 75115
Cert. No. 7005 3110 0003 6265 3068

Roberts County Telephone Cooperative
Association of New Effington
RC Communications Inc
P O Box 196
New Effington SD 57255
Cert. No. 7005 3110 0003 6265 3082

Reliant Communications Inc
801 International Pkwy 5th FL
Lake Mary FL 32746

Cert. No. 7005 3110 0003 6265 3105

SRT Communications Inc
3615 N Bdwy
Minot ND 58703
Cert. No. 7005 3110 0003 6265 3129

Sprint Communications Company LP
6450 Sprint Pkwy
Mailstop: KSOPHN0212-2A511
Overland Park KS 66251
Cert. No. 7005 3110 0003 6265 3150

Target Telecom Incorporated
155 Willowbrook Blvd
Wayne NJ 07474
Cert. No. 7005 3110 0003 6265 3174

Telcom Billing Services Inc
9243 E River Rd NW
Coon Rapids MN 55433-5722
Cert. No. 7005 3110 0003 6265 3181

Trans National Communications International
Inc
2 Charlesgate W
Boston MA 02215
Cert. No. 7005 3110 0003 6265 3204

UCN Inc
14870 S Pony Express Rd
Bluffdale UT 84065
Cert. No. 7005 3110 0003 6265 3228

Universal Access Inc
Sears Tower 233
S Wacker Dr Ste 600
Chicago IL 60606-6307
Cert. No. 7005 3110 0003 6265 3242

VCI Company
3875 Steilacoom Blvd SW #A
Lakewood WA 98499
Cert. No. 7005 3110 0003 6265 3266

VarTec Solutions Inc
2440 Marsh Lane
Carrollton TX 75006
Cert. No. 7005 3110 0003 6265 3280

Verizon Select Services Inc
P O Box 110
Tampa FL 33601-0110
Cert. No. 7005 3110 0003 6265 3303

West River Cooperative Telephone Company
801 Coleman Ave
Bison SD 57620
Cert. No. 7005 3110 0003 6265 3327

Wolverton Telephone Company
P O Box 129
Wolverton MN 56594
Cert. No. 7005 3110 0003 6265 3341

Telera Communications Inc
910 E Hamilton Ave Ste 200
Campbell GA 95008
Cert. No. 7005 3110 0003 6265 3198

Trinsic Communications Inc
601 S Harbour Island Blvd Ste 220
Tampa FL 33602-5925
Cert. No. 7005 3110 0003 6265 3211

U S Link Inc
P O Box 327
Pequot Lakes MN 56472-0327
Cert. No. 7005 3110 0003 6265 3235

VAL-ED Joint Venture LLP
702 Main Ave
Moorhead MN 56560
Cert. No. 7005 3110 0003 6265 3259

Valley Communications Inc
P O Box 8
Nome ND 58062
Cert. No. 7005 3110 0003 6265 3273

Venture Communications Inc
P O Box 157
Highmore SD 57345-0157
Cert. No. 7005 3110 0003 6265 3297

WTC Competitive Services Inc
329 Highway 75
Wolverton MN 56594
Cert. No. 7005 3110 0003 6265 3310

Western CLEC Corporation
3650 131st Ave SE #400
Bellevue WA 98006
Cert. No. 7005 3110 0003 6265 3334

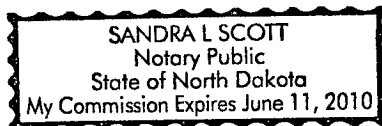
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11111 Sunset Hills Rd
Reston VA 20190
Cert. No. 7005 3110 0003 6265 3358

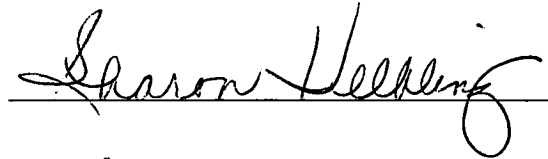
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Atlanta GA 33602
Cert. No. 7005 3110 0003 6265 3365

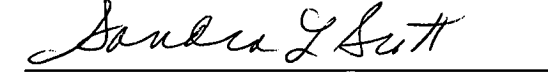
Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **16th day of October, 2006.**

SEAL







Notary Public

APPROVED

DATE: 10-12-06
ASJ

MOTION

October 12, 2006

**Qwest Corporation vs
Absaraka Co-operative Telephone Co. Inc. et. al.
Complaint**

Case No. PU-05-546

I move the Commission adopt the Order to Dismiss Parties in this proceeding.

PJF/sdh

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Qwest Corporation vs
Absaraka Co-operative Telephone Co. Inc. et. al.
Complaint**

Case No. PU-05-546

ORDER DISMISSING PARTIES

October 12, 2006

On September 29, 2005, Qwest Corporation ("Qwest") filed a complaint to seek resolution of various disputes arising under a 1999 settlement agreement ("Settlement Agreement") between Qwest and a group of North Dakota rural telephone companies known as the Rural Telephone Company Group ("RTCG").

On October 18, 2005, the Public Service Commission ("Commission") found that the complaint states a prima facie case and it was served on the parties.

On January 3, 2006, the Rural Telephone Company Group filed its answer to the complaint. Other parties that have filed a response to the complaint or otherwise entered an appearance are Acceris Communications Corp. ("Acceris"), Intrado Communications, Inc. ("Intrado"), Sprint Communications, Inc. ("Sprint"), and MCImetro Access Transmission Services LLC ("MCI").

On September 22, 2006, Qwest filed its Motion to Dismiss Parties. Qwest states that the complaint was not filed for the purpose of amending or to assist in the interpretation of existing tariffs or existing contracts (excepting the Settlement Agreement) between Qwest and other carriers, and was not filed for the purpose of amending any existing access rate but rather for establishing a default methodology for measuring access minutes of use for the purpose of applying the access rates otherwise established by law.

Qwest requests that Intrado, Sprint, MCI, Acceris, and all parties that have been served with the complaint but have not responded or otherwise entered an appearance in this proceeding be dismissed. Qwest is not requesting to dismiss the Rural Telephone Company Group.

Based on the foregoing, the Commission makes the following:

ORDER

The Commission orders that the complaint against Intrado, Sprint, MCI, Acceris, and all parties that have been served with the complaint but have not responded or otherwise entered an appearance is **Dismissed**.

PUBLIC SERVICE COMMISSION



Susan E. Weirald
Commissioner

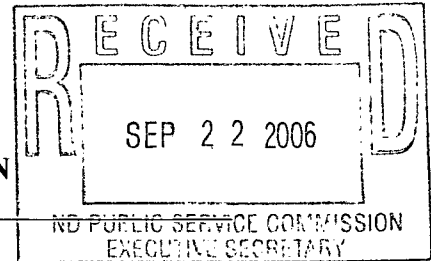


Tony Clark
President



Kevin Cramer
Commissioner

**STATE OF NORTH DAKOTA
BEFORE THE PUBLIC SERVICE COMMISSION**



Qwest Corporation,

PU 05-546

Complainant

Motion to Dismiss Parties

v.

Absaraka Co-operative Telephone Co., Inc. et al.

Defendants.

Qwest Corporation ("Qwest"), by undersigned counsel, states as follows in support of this Motion to Dismiss Parties:

1. Qwest Corporation ("Qwest") filed its complaint for a declaratory order on September 29, 2005 requesting certain relief as specifically stated therein. In summary, Qwest filed the complaint to seek resolution of various pending disputes arising under a 1999 settlement agreement (the "Settlement Agreement") between Qwest and a group of North Dakota rural telephone companies known as the Rural Telephone Company Group ("RTCG"). In addition, Qwest filed the complaint to request that the Commission establish a generally applicable methodology for carriers to use to measure minutes of use in calculating and billing terminating access charges to Qwest.

2. Because the complaint was styled as a request for declaratory relief and because certain of the relief requested, as noted in the preceding paragraph, could have prospective and general application to any North Dakota carrier terminating access minutes of use, Qwest named in its complaint every registered North Dakota telecommunications carrier as a defendant and the Commission served the complaint on each named defendant. The only parties to date that have filed a response to the complaint or otherwise entered an appearance are ("RTCG"), Acceris, Communications Corp. ("Acceris"), Intrado Communications Inc. ("Intrado"), Sprint Communications Company LP ("Sprint"), and MCImetro Access Transmission Services LLC ("MCI").

3. At a prehearing conference held on July 17, 2006, attended by representatives of the Commission, Qwest, RTCG, Intrado, Sprint, and MCI, Qwest was asked to clarify the relief requested. Qwest hereby clarifies the relief requested in this docket as follows:

a. The complaint was filed to obtain resolution of several outstanding disputed issues under the Settlement Agreement and to establish a default methodology for the calculation of terminating access minutes of use insofar as any North Dakota carrier is bound by the Settlement Agreement, purports to be bound by the Settlement Agreement, or purports to use the "Residual Method" (or some other similar method to which Qwest has never agreed) for measuring, calculating and billing terminating access minutes of use to Qwest on both a forward-looking basis and, as to the parties to the Settlement Agreement, retroactively;

b. The complaint was not filed for the purpose of amending existing tariffs or existing contracts (excepting the Settlement Agreement), if any, between Qwest and other carriers or to assist in the interpretation of existing tariffs or contracts (excepting the Settlement Agreement), if any, between Qwest and other carriers;

c. The complaint was not filed for the purpose of amending any existing access rate but rather (and in addition to resolving issues under the Settlement Agreement) for establishing a default methodology for measuring access minutes of use for the purpose applying access rates otherwise established by law.

4. Qwest understands that, based on and subject to, the clarifications stated above, Intrado, Sprint, and MCI have no objection to being dismissed from this docket and Qwest therefore requests their dismissal accordingly.¹

¹ This request does not apply to RTCG. RTCG has filed its own motion for summary disposition of this matter.

5. Qwest further requests that all parties that have been served with the complaint but that have not responded or otherwise entered an appearance in this docket be dismissed from this docket. Qwest does not object to their participation in this docket and if any such party files a response to this motion stating a desire to remain a participant in the docket, Qwest will not object. However, since these parties have not appeared as of yet, their lack of interest in further participation in this proceeding can be presumed. Absent an affirmative statement from any affected party to the contrary, dismissal of these parties does not prejudice any party and serves the purpose of administrative efficiency.²

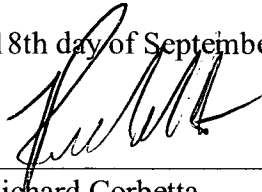
6. This Motion has been served on all parties that have entered an appearance in this docket as well as on the entire service list maintained by the Commission.

WHEREFORE, Qwest hereby requests that:

1. Having an entered an appearance in this docket, Intrado, Sprint, and MCI be dismissed, with their consent, as parties to this docket;
2. All parties served with the complaint that have not, as of yet, entered an appearance in this docket, as well as Acceris, be dismissed from this docket;
3. Such other and further relief as the Commission deems just and appropriate.

² Acceris falls within this category. At the request of the ALJ Qwest attempted to contact Acceris to determine its interest in this docket but what was unable to do so.

RESPECTFULLY SUBMITTED this 18th day of September, 2006.



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Jason Topp
QWEST SERVICES CORPORATION
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Minneapolis, MN
Telephone: (612) 672-
Facsimile: (612) 672-
Email: Jason.Topp@qwest.com

Attorneys for Qwest Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of September, 2006, an original and 7 copies, of the foregoing **QWEST CORPORATION'S MOTION TO DISMISS PARTIES**, was served upon the following party:

Ms. Ilona Jeffcoat-Sacco
Executive Secretary
North Dakota Public Utilities Commission
600 East Boulevard Avenue – 12th Floor
Bismarck, ND 58505-0480

and copies sent electronically or via U.S. mail, addressed to the following:

William Binek
Chief Counsel
North Dakota Public Utilities Commission
600 East Boulevard Avenue – Dept. 408
Bismarck, ND 58505-0480

Mr. Donald A. Negaard
Pringle & Heirgstad, P.C.
P.O. Box 1000
Minot, ND 58702-1000

Mr. Thomas Dixon
707 17th Street-Suite3600
Denver, CO 80202

Ms. Marilyn Foss
Attorney at Law
P.O. Box 2216
Bismark, ND 58502-2216

Acceris Communications Corp.
Attn: Abby Knowlton
9775 Business Park Avenue
San Diego, CA 92131

Absaraka Co-operative Telephone Co Inc
P O Box 27
Absaraka ND 58002-0027

Consolidated Communications Networks Inc
Consolidated Telcom
P O Box 1408
Dickinson ND 58602-1408

Dickey Rural Communications Inc
Dickey Rural Telephone Cooperative
P O Box 69
Ellendale ND 58436-0069

Inter-Community Telephone Company LLC
P O Box 8
Nome ND 58062-0008

Moore and Liberty Telephone Company
P O Box 66
Enderlin ND 58027-0066

Northwest Communications Cooperative
P O Box 38
Ray ND 58849-0038

Reservation Telephone Cooperative
P O Box 68
Parshall ND 58770-0068

Ms. Diane Browning
Sprint Communications Company, L.P.
6450 Sprint Parkway
Mailstop KSOPHNO212-2A511

Mr. Rogelio E. Pena
Pena & Associates, LLC
1919 14th Street-Suite 610
Boulder, CO 80302

Z-Tel Communications Inc
3340 Peachtree Rd NE Ste 2900
Atlanta GA 33602

BEK Communications Cooperative
BEK Communications I Inc
P O Box 230
Steele ND 58482-0230

Dakota Central Telecomm Coop
Dakota Central Telecom I Inc
630 5th St N
Carrington ND 58421-0299

Griggs County Telephone Co
P O Box 506
Cooperstown ND 58425-0506

Midstate Communications Inc
Midstate Telephone Company
P O Box 400
Stanley ND 58784-0400

North Dakota Telephone Company
P O Box 180
Devils Lake ND 58301-0180

Polar Communications Mut Aid Corp
Polar Telecommunications Inc
P O Box 270
Park River ND 58270-0270

Turtle Mountain Communications Inc
United Telephone Mut Aid Corp
P O Box 729
Langdon ND58249-0729

West River Cooperative Telephone Co
P O Box 39
Bison SD 57620-0039

1-800 RECONEX Inc
2500 Industrial Ave
Hubbard OR 97032

Acceris Communications Corp
9775 Business Park Ave
San Diego CA 92131

Budget Phone Inc
6901 W70th St
Shreveport LA 71129

Business Productivity Solutions Inc
730 2nd Ave S Ste 900
Minneapolis MN 55402

Citizens Telecommunications Company of
Minnesota
3 High Ridge Park
Stamford CT 06905

Computer Integrated Communications Inc
8502 Bells Mill Rd
Potomac MD 20854-4071

Comtech 21 LLC
1 Barnes Park S
Wallingford CT 06492

Contact Communications
937 W Main St
Riverton WY 82501

DCN LLC
P O Box 180
Devils Lake ND 58103-0180

DSLnet Communications LLC
545 Long Wharf Dr
New Haven CT 06511

Dickey Rural Access Inc
Dickey Rural Services
P O Box 69
Ellendale ND 58436

West River Telecommunications
P O Box 467
Hazen ND 58545-0467

AT&T Communications of the Midwest Inc
1875 Lawrence Rm 8-19
Denver CO 80202

BT Communications Sales LLC
11440 Commerce Park Dr
Reston VA 20191

BullsEye Telecom Inc
25900 Greenfield Rd Ste 330
Oak Park MI 48237

C12 Inc
200 Galleria Pkwy Ste 1200
Atlanta GA 30339

CommPartners LLC
3291 N Buffalo Dr Ste 8
Las Vegas NV 89129

Computer Network Technology Corp
6000 Nathan Lane N
Minneapolis MN 55442

Consolidated Communications Corp
P O Box 1408
Dickinson ND 58602-1408

Covista Inc
4803 Hwy 58 N
Chattanooga TN 37416

DIECA Communications Inc
3420 Central Expressway
Santa Clara CA 95051-0703

DakTel Communications LLC
P O Box 299
Carrington ND 58421-0299

Easton Telecom Services Inc
3046 Brecksville Rd #A
Richfield OH 44286-9399

Ernest Communications Inc
5275 Triangle Pkwy Ste 150
Norcross GA 30092

Excel Telecommunications Inc
2440 Marsh Ln
Carrollton TX 75006

France Telecom Corporate Solutions LLC
2300 Corporate Park Dr
Mailstop SPO600
Herndon VA 20171

Globcom Incorporated
2100 Sanders Rd Ste 150
Northbrook IL 60062

Group Long Distance Inc
400 E Atlantic Blvd
Pompano Beach FL 33060

Houlton Enterprises Inc
2201 W Bdwy #1
Council Bluffs IA 51501

IDT America Corp
520 Broad St
Newark NJ 07102-3111

Ignus Inc
855 45th St SW Ste 11
Fargo ND 58103-1036

IP Voice Communications Inc
14860 Montfort Dr Ste 210
Dallas TX 75254

Intrado Communications Inc
1601 Dry Creek Dr
Longmont CO 80503-6493

James Valley Cooperative Telephone Co
235 E 1st Ave
Groton SD 57445

KMC Telecom V Inc
1545 Route 206
Bedminster NJ 07921

Evercom Systems Inc
14651 Dallas Pkwy Ste 600
Dallas TX 75254-7476

Extend America Inc
1101 E Front Ave
Bismarck ND 58501

Global Tel*Link Corporation Inc
2609 Cameron St
Mobile AL 36607

Granite Telecommunications LLC
234 Copeland St
Quincy MA 02169

HTC Services Inc
Halstad Telephone Company
P O Box 55
Halstad MN 56548-0055
ICG Telecom Group Inc
161 Inverness Dr W
Englewood CO 80112

IdeaOne Telecom Group LLC
3239 39th St SW
Fargo ND 58104

Integra Telecom of North Dakota Inc
745 45th St SW Ste C
Fargo ND 58103

Inmate Phone Systems Corporation
16032 Sherman Way MPB5
Van Nuys CA 91406

Ionex Communications North Inc
2020 Baltimore Ave
Kansas City MO 64108-1914

KMC Data LLC
1545 Route 206
Bedminster NJ 07921

Kotana Communications Inc
1819 1st Ave W
Williston ND 58801

Legacy Long Distance International Inc
10833 Valley View St Ste 150
Cypress CA 90630

Loretel Systems Inc
13 E 4th Ave
Ada MN 56510-1331

McLeodUSA Telecommunications Services Inc
P O Box 3177
Cedar Rapids IA 52406-3177

Maxcess Inc
P O Box 951419
Lake Mary FL 32795-1419

Metropolitan Telecommunications of
North Dakota Inc
44 Wall St 6th Fl
New York NY 10005

Mid-Rivers Telephone Cooperative Inc
P O Box 280
Circle MT 59215-0280

Net-tel Corporation
11921 Freedom Dr Ste 550
Reston VA 20190

New Edge Network Inc
3000 Columbia House Blvd Ste 106
Sioux Falls SD 57104

Noonan Farmers Telephone Company
P O Box 39
Noonan ND 58765

OrbitCom Inc
1701 N Louise Ave
Sioux Falls SD 57107

Phone 1 Inc
100 N Biscayne Blvd Ste 1200
Miami FL 33132-2011

Preferred Carrier Services Inc
14681 Midway Rd Ste 105
Addison TX 75001

Level 3 Communications LLC
1025 Eldorado Blvd
Broomfield CO 80021

MCImetro Access Transmission Services LLC
707 17th St Ste 3600
Denver CO 80202

Matrix Telecom Inc
300 N Meridian Ste 200-North
Oklahoma City OK 73107

Metromedia Fiber Network Services Inc
360 Hamilton Ave
White Plains NY 10601

Midcontinent Communications
414 S Phillips Ave
Sioux Falls SD 57104

Missouri Valley Communications Inc
Nemont Telephone Cooperative Inc
P O Box 600
Scobey MT 59263-0600

New Access Communications LLC
801 Nicollet Ave Ste 350
Minneapolis MN 55402-2519

Nextel West Corp
2001 Edmund Halley Dr
Reston VA 20191

North Dakota Big Sky Telecom
374 Ansin Blvd
Hallandale FL 33009

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North Hollywood CA 91605

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New Hope PA 18938

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Coon Rapids MN 55433-5722

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Bluffdale UT 84065

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Lakewood WA 98499

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2440 Marsh Lane
Carrollton TX 75006

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Tampa FL 33601-0110

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P O Box 196
New Effington SD 57255

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Campbell GA 95008

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P O Box 157
Highmore SD 57345-0157

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Bison SD 57620

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P O Box 129
Wolverton MN 56594

Western CLEC Corporation
3650 131st Ave SE #400
Bellevue WA 98006

XO Communications Services Inc
11111 Sunset Hills Rd
Reston VA 20190

A handwritten signature in cursive script, reading "Shannon Dean Phelps". The signature is written in black ink and is positioned above a horizontal line.

DONALD A. NEGAARD
JAMES E. NOSTDAHL
CAROL K. LARSON
DAVID J. HOGUE
REED A. SODERSTROM
BRENT M. OLSON
DEBRA L. HOFFARTH
SCOTT M. KNUDSVIG
RYAN D. SANDBERG
OF COUNSEL
HERBERT L. MESCHKE

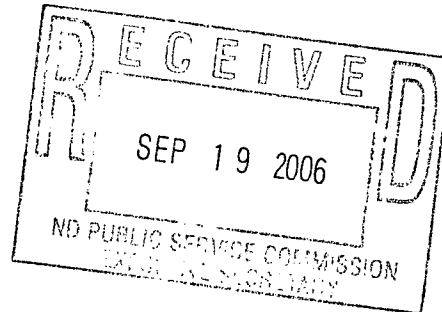
PH
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RETIRED
THOMAS A. WENTZ
MARK F. PURDY
JAN M. SEBBY

KENNETH G. PRINGLE
(1914-1983)
MITCHELL H. MAHONEY
(1929-1996)
ROGER O. HERIGSTAD
(1919-2003)

September 15, 2006



Illona A. Jeffcoat-Sacco, Executive Secretary
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480

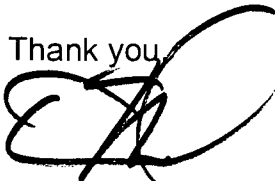
QWEST CORPORATION V. ABSARAKA CO-OPERATIVE TELEPHONE CO, ET AL
CASE NO. PU-05-546
OAH NO. 20060205

Enclosed for filing in the above proceeding are an original and seven copies of the following documents which we are filing on behalf of the RTCG defendants:

1. Notice of Motion and Motion, including Motion for Dismissal of Complaint and Certificate of Service.
2. Brief in Support of Motion for Dismissal of Complaint, including an Appendix.

An electronic version of these documents has also been forwarded to your office.

Thank you

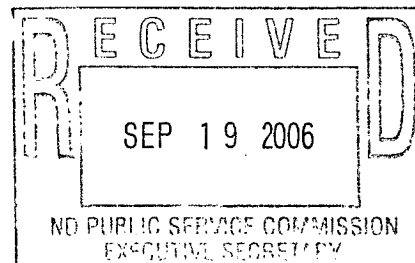

Don Negaard

jt

Enclosures

cc/enc: Melissa K. Thompson, Qwest Corporation
Richard Corbetta, Corbetta & O'Leary
William W. Binek
Honorable Allen C. Hoberg, Administrative Law Judge

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**



**Qwest Corporation vs.
Absaraka Co-operative Telephone Co.,
Inc., et al.
Complaint**

**Case No. PU-05-546
OAH No. 20060205**

NOTICE OF MOTION AND MOTION

YOU ARE HEREBY NOTIFIED, pursuant to Section 69-02-02-08 of the North Dakota Administrative Code and Rules 12 and 56 of the North Dakota Rules of Civil Procedure (N.D.R.Civ.P.), that the undersigned, on behalf of the Defendants listed below (RTCG Defendants), has moved the North Dakota Public Service Commission (the Commission) by and through the Office of Administrative Hearings, the Honorable Allen C. Hoberg presiding, for a dismissal of the Complaint of Qwest Corporation pursuant to Rules 12 and 56 of the N.D.R.Civ.P. A copy of the Motion and Brief is attached hereto.

MOTION FOR DISMISSAL OF COMPLAINT

Section 69-02-02-08 of the North Dakota Administrative Code provides that any Motion before the Commission which would involve or constitute a final determination of a proceeding must be ruled upon by the Commission. Rules 12 and 56 of the N.D.R.Civ.P. provide that under Rule 12 a Motion to Dismiss shall be treated as a Motion for Summary Judgment under Rule 56 if matters other than the pleadings are considered. Under Rule 56 N.D.R.Civ.P., a party has 30 days to file and serve a response to a Motion under Rule 56. No ruling can be issued in less than 34 days from the date of the service of the Motion under Rule 56 N.D.R.Civ.P. As such, the RTCG

Defendants request the Commission to grant its Motion to dismiss the Qwest Complaint in this matter and rule on these Motions at a date more than 34 days after submission to the Commission.

The RTCG Defendants do not request a formal hearing or oral argument at the present time on these Motions. The RTCG Defendants hereby move the Commission for an Order dismissing the Qwest Complaint in this matter for failure to state a claim upon which relief can be granted. The grounds for dismissal are more fully explained in the attached Brief.

Dated at Minot, North Dakota, this 15th day of September, 2006.

BRINGLE & BERGISTAD, P.C.



By: Don Negaard, ND Bar ID #03598

2525 Elk Drive

P.O. Box 1000

Minot, ND 58702-1000

Telephone (701) 852-0381

Fax (701) 857-1361

Attorneys for the following Defendants

RTCG companies): \Absaraka

Co-operative Telephone Company; \BEK

Communications Cooperative and \BEK

Communications I, Inc.; Consolidated

Telcom, Inc., Consolidated

Communications Networks, and

Consolidated Telephone Cooperative;

Dakota Central Telecommunications

Cooperative and Dakota Central

Telecom, Inc.; °Griggs County

Telephone Company; \Inter-Community

Telephone Company and \Inter-

Community Telephone Co. II; \Midstate

Telephone Company and \Midstate

Communications, Inc.; °Moore and

Liberty Telephone Company; North
Dakota Telephone Company; Northwest
Communications Cooperative;
Reservation Telephone Cooperative;
Turtle Mountain Communications, Inc.;
United Telephone Mutual Aid
Corporation; and West River
Telecommunications Cooperative

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing Notice of Motion and Motion together with attached Brief in Support of Motion for Dismissal of Complaint was mailed on the 15th day of September, 2006, to the following:

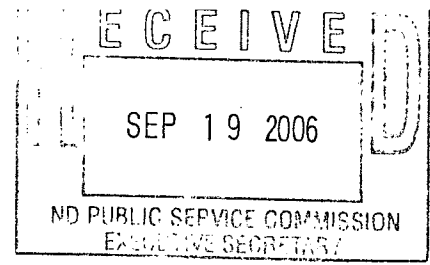
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Denver, CO 80202

A handwritten signature in black ink, appearing to read 'DN', is written over a horizontal line.

Don Negaard



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Qwest Corporation vs.
Absaraka Co-operative Telephone Co.,
Inc., et al.
Complaint**

**Case No. PU-05-546
OAH No. 20060205**

**BRIEF IN SUPPORT OF MOTION
FOR DISMISSAL OF COMPLAINT**

Background

On September 29, 2005, Qwest Corporation (Qwest) filed a Complaint in this matter asking that the North Dakota Public Service Commission (the Commission) enforce a contract entered into between Qwest and certain rural local exchange providers (herein the RTCG Defendants) in North Dakota. The contract was dated July 14, 1999. (For ease in reference, a copy of the Qwest Complaint and the 1999 SETTLEMENT AGREEMENT is contained in the Appendix as Exhibit 1 and Exhibit 1a.) The Complaint asks the Commission to substitute a new method for measuring Qwest's toll traffic into the RTCG's exchanges and to apply the new method retroactively to January 1, 2000.

The RTCG Defendants hereby move for a dismissal of the Complaint on two separate and distinct grounds, both of which are based on the RTCG Defendants' position that the Complaint fails to state a claim on which relief can be granted. The two separate and distinct grounds, stated briefly, are as follows:

1. Jurisdiction. The RTCG Defendants desire a ruling by the Commission on the authority of the Commission to hear this contract dispute. If the Commission determines it has no jurisdiction, the matter would be dismissed. If the Commission

determines it has jurisdiction, the RTCG Defendants request that the Commission grant the second aspect for their motion, which is set forth below.

2. Unenforceability of Qwest's Request to Have the Commission "Re-write" the Contract. The RTCG Defendants request that the Commission rule it has no legal authority or ability to "re-write" the contract between Qwest and the RTCG Defendants. This request is based on a well accepted legal principle that any portion of a contract that contains an "agreement to agree" cannot be enforced if parties are later unable to agree. It does not render the portions of the contract that are certain unenforceable. Only those portions that are uncertain are unenforceable.

The motions requested by the Defendants are based on Rules 12 and 56 of the N.D.R.Civ.P. These rules allow courts, and the Commission, to dispose of cases in which the Complaint fails to state a claim upon which relief can be granted. Summary judgment is appropriate if the only questions to be decided in the motion are questions of law. American State Bank & Trust Co. v. Sorenson, 539 N.W.2d 59 (N.D. 1995). The RTCG Defendants ask the Commission to take notice of a Qwest Brief filed with the Commission on July 2, 1999. (As such, Rule 56 N.D.R.Civ.P. is more proper than Rule 12 N.D.R.Civ.P. for this Motion.) See Gibbs v. Jacobsen, 136 N.W.2d 550 (N.D. 1965). It should also be noted the RTCG Defendants do not agree with all factual assertions claimed by Qwest in its Complaint, but for the purposes of this motion, it will be demonstrated that, even if the allegations of the Qwest Complaint were true, the Complaint seeks relief which is beyond the authority of the Commission to grant.

History

At one time, AT&T and the Bell Systems were the only long distance telephone providers in the United States. After a lengthy legal battle by the U.S. Justice Department to break up this monopoly, AT&T was divested of monopoly assets by orders which divided AT&T's local service assets into Bell Regional Operating Companies (RBOCs). One of the RBOCs became U S WEST which has been succeeded, through merger, by Qwest.* These RBOCs were prohibited from providing interLATA long distance toll messaging services across LATA lines. The RBOCs (including Qwest) were left with local exchange services and the ability and obligations to provide intraLATA message toll origination or toll service within a LATA boundary. Divestiture and the 1996 Telecommunications Act changed that.

The FCC eventually ordered that all states develop "equal access" or "dialing parity" plans so consumers could choose their interexchange carrier and dial 1+ to access the chosen carrier instead of dialing a series of numbers to access a carrier other than AT&T or an RBOC. While equal access was first applied to interLATA traffic, eventually equal access was also applied to intraLATA traffic as well.

In 1999, Qwest chose to exit the originating intraLATA toll market in rural North Dakota. The intervening members of the Rural Telephone Company Group (RTCG) filed objections to this request by Qwest (see, generally, Commission case number PU-2096-99-241) but eventually agreed, in the form of the 1999 SETTLEMENT AGREEMENT, to locate alternative intraLATA long distance carriers to serve originating

* As used herein, "Qwest" or "U S WEST" shall be deemed to refer to the same entity. The 1999 SETTLEMENT AGREEMENT refers to U S WEST, a predecessor of Qwest.

toll customers in rural exchanges. The Settlement Agreement also allowed Qwest to route toll traffic to the RTCG Defendants on Feature Group C trunks and provided a method to measure that traffic. The 1999 SETTLEMENT AGREEMENT incorporates that agreement.

Facts

As described by Qwest in its Complaint, in 1999 Qwest (then U S WEST) sought to be relieved of its status, as the designated intraLATA toll carrier and the “carrier of last resort” in rural North Dakota. The third full paragraph of the 1999 SETTLEMENT AGREEMENT described it, as follows:

“U S WEST notified the RTCG members on April 22, 1999 that it intends to discontinue the provision of message toll service originating from the RTCG exchanges effective with the implementation of intraLATA dialing parity or July 22, 1999, whichever occurs first.”

The RTCG Defendants filed petitions with the Commission to attempt to block Qwest’s actions and to ask the Commission to suspend their dialing parity obligations. Qwest intervened.

Qwest argued that the Commission had no authority over Qwest’s decision to terminate its arrangements with the RTCG Defendants. To quote from Qwest’s July 2, 1999, Prehearing Brief (Exhibit 2 in the Appendix):

“The toll service agreements include a provision allowing for the termination of the contracts upon notice by either party. There is no requirement for Public Service Commission approval to terminate the contracts.”

After the parties agreed on new contractual arrangements in the 1999 SETTLEMENT AGREEMENT, the Defendants agreed to have their petition before the

Commission dismissed. (See paragraphs 8 and 9 of the 1999 SETTLEMENT AGREEMENT, contained in Exhibit 1 of the Appendix.)

Following several years of ongoing negotiations between Qwest and the RTCG Defendants, Qwest now brings suit before the Commission in an attempt to obtain a new agreement, or contract modification, that it has been unable to negotiate on its own. It also now seeks Commission authority to rewrite a contract which took the place of an older contract. Qwest told this Commission seven years ago that this older contract was a contractual matter between private parties and that this Commission had no authority over a dispute related to it.

LAW AND ARGUMENT

I. Jurisdiction.

The RTCG Defendants herein suggest to the Commission that one of the first issues to be addressed in this matter is to determine whether the Commission has authority to grant Qwest the relief requested by Qwest. The RTCG Defendants, as well as Qwest and the Commission, have a paramount interest in assuring themselves that any outcome of this dispute is enforceable and binding on the parties. It is therefore proper to examine the jurisdiction of the Commission.

In Williams Electric Cooperative v. Montana-Dakota Utilities Co., 79 N.W.2d 508 (N.D. 1956), the North Dakota Supreme Court affirmed a District Court ruling and held that the Commission did not have jurisdiction to resolve a matter arising out of a contractual dispute between two utilities. In that case, Williams Electric Cooperative (Williams) brought a Complaint before the Commission against Montana-Dakota Utilities

Co. (MDU) and asked the Commission to adjudicate the rights and responsibilities arising out of a contract involving service territories dated July 21, 1952.

The North Dakota Supreme Court stated:

The general jurisdiction of the Public Service Commission over public utilities is set forth in Section 49-0201, NDRC 1943. Its specific powers with reference to public utilities are enumerated as set forth in Section 49-0202, NDRC 1943, as amended. We have found no statute or provision in the North Dakota Constitution that vests judicial power in the Public Service Commission. Judicial power is vested in the courts, Article IV, Section 85, of the North Dakota Constitution. If any contractual rights exist between the appellant and the respondent under the agreement dated July 21, 1952, which we do not determine, the enforcement of such rights must be sought in the courts of this state. No judicial power being vested in the Public Service Commission of this state, it has no jurisdiction to adjudicate the alleged contractual rights of the parties to the agreement, and the participation of the Commission, or some of its members, in the negotiations preceding its execution is wholly immaterial. The Commission did not approve the agreement of July 21, 1952, by any formal act. See *Trico Electric Cooperative v. Ralston*, 67 Ariz. 358, 196 P.2d 470; *Motor Transit Co. v. Railroad commission*, 189 Cal. 573, 209 P. 586, 589. The last case cited said:

'This disposes of petitioners' contention that the Commission is by its order in effect enforcing a private contract between individuals which, of course, the Commission is not empowered to do. *Western Ass'n of Short Line Railroads v. Railroad Commission*, 173 Cal. 802, 162 P. 391, 1 A.L.R. 1455. The fact that an order of the Commission, given in pursuance of the Commission's power and under the Commission's duty to regulate public utilities and compel the performance of their duties to the public, incidentally requires the petitioners to do an act which carries out the terms of a private contract, does not, of course, operate to divest the Commission of its jurisdiction.'

The Public Service Commission of this state is not charged with the enforcement of private contracts. Its function is to regulate public utilities and not to compel the enforcement of contractual obligations. *Atchison, T. & S. F. Ry. Co. v. Railroad Commission*, 173 Cal. 577, 160 P. 828, 2 A.L.R. 975. This is also clearly the import of *Otter Tail Power Co. v. Clark*, 59 N.D. 320, 331, 229 N.W. 915, 919, in which this court quoted with approval from the case of *Hanlon v. Eshleman*, 169 Cal. 200, 146 P. 656, 657, P.U.R. 1915B, 842:

“With the rights of an intending purchaser the commission has nothing to do. Nor has it power to determine whether a valid contract of sale exists, or whether either party has a legal claim against the other under such contract. These are questions for the courts, and not for the railroad commission, which is merely authorized to prevent an owner of a public utility from disposing of it where such disposition would not safeguard the interests of the public.”

As a general rule administrative agencies, boards, and commissions cannot consider, or adjudicate, contractual rights and obligations between parties. Hence they cannot pass on the validity of, or enforce, nor can administrative agencies, boards, or commissions change or annul contracts, except where they have been granted power by organic or valid statutory enactment to do so. 73 C.J.S., Public Administrative Bodies and Procedure, § 68, Determination of Contractual Rights, pp. 393 and 394, and cases cited in notes 66 to 73, inclusive. The Public Service Commission has no power to construe, enforce or adjudicate the validity or effect of the contract between the parties in question except as to its effect upon matters within the jurisdiction. That jurisdiction is dependent upon the statutes.

Williams Electric, supra, 79 N.W.2d 508, at 517-518 (emphasis added).

The RTCG Defendants request the Commission to analyze this precedent and determine, as a first step, whether the Commission has authority (jurisdiction) to resolve the dispute between Qwest and the RTCG Defendants. The RTCG does acknowledge that the 1999 SETTLEMENT AGREEMENT is on file with the Commission, but it should be noted that Qwest disputed the Commission's authority in the 1999 cases filed by the RTCG Defendants (see U S WEST Prehearing Brief of July 2, 1999, Exhibit 2 in the Appendix) and the Commission was not a party to the 1999 SETTLEMENT AGREEMENT. The Commission did nothing more than grant the parties' requests to dismiss some dockets it had opened after filings by the RTCG.

With that background and the current state of the law in North Dakota, as announced in the Williams Electric case, and Qwest's own assertions in the original

1999 case that gave rise to the 1999 SETTLEMENT AGREEMENT, there is a nagging question over the Commission's authority to hear Qwest's Complaint.

If the Commission determines it does not have jurisdiction over this matter, the Qwest Complaint can be dismissed. If the Commission determines it has jurisdiction, the Commission should grant the RTCG Defendants' Motion for Dismissal on the alternative grounds that the Commission should not attempt to rewrite the 1999 SETTLEMENT AGREEMENT, as set forth below.

II. Unenforceability of Qwest's Request to Have the Commission "Re-write" the Contract.

Qwest has cited no statutory authority to grant Qwest the relief to which Qwest complains it is entitled. Qwest has cited no authority which gives the Commission the power to hear disputes involving an attempt to rewrite a contract between two telephone companies.

As the RTCG Defendants noted earlier, if the Commission determines that it has jurisdiction to hear the Complaint that Qwest filed in this matter, the Commission is then faced with the issue of whether it can rewrite a contract for the parties. In North Dakota, the courts have declined to do so in such circumstances and the Commission should decline to do so as well.

Paragraph 5 of the 1999 SETTLEMENT AGREEMENT (see attachment to Exhibit 1 of the Appendix) provided that message toll traffic terminated into an RTCG exchange by Qwest would be measured "in the same manner that traffic terminated by U S WEST in the exchanges of West River Telecommunications Coop. is currently measured. Pursuant to this method, U S WEST will continue to route terminating traffic

on Feature Group C trunks. Each RTCG member will measure the total usage on the U S WEST C trunks and bill the access charges associated with the total traffic to U S WEST. U S WEST will identify any other carrier traffic using the C trunks and submit to the RTCG member the usage associated with the other carrier traffic for adjustment, refund or credit on the access charge billing.”

The 1999 SETTLEMENT AGREEMENT then states, in paragraph 6, that the parties will meet to discuss and explore other methods available to them. It further states that any new method or changes they agreed on or arrive at for measuring toll traffic would be retroactive. (The RTCG Defendants reserve the right to present evidence that there have been new variations of methods adopted and used by the parties should a hearing be necessary. That issue is not new before the Commission on this Motion.) After seven years of operating under the 1999 SETTLEMENT AGREEMENT and negotiating possible other methods, Qwest now asks the Commission to impose Qwest’s will on the RTCG Defendants, against their will, and make it retroactive to 2000. In essence, Qwest now asks the Commission to rewrite its own contract and impose new contract terms on the RTCG and make it retroactive to 2000. Not only is this beyond the legal authority of the Commission, it would be bad public policy for this Commission to attempt to retroactively restate the earnings and margins of each RTCG Defendant back to 2000 and impose that rate shock on the subscribers of the RTCG Defendants.

The law is settled in this area. An agreement to do something in the future is valid. If a contract supplies all the essential terms that the parties agree will be binding on them in the future, then the contract is complete and can be enforced. If, however,

the part of a contract to agree lacks any essential term, that portion of the contract is deemed to be “an agreement to agree” and is unenforceable. Administrative agencies and the courts will not rewrite a contract to supply essential terms the parties failed to include themselves.

“An agreement to make an agreement may be too indefinite to be enforceable. However, where part of a contract is void as an agreement to agree which is too indefinite and uncertain and such portion can be excised without affecting the validity of the remainder, the rest of the contract is enforceable.”

17A Am. Jur. 2d, Contracts, § 35, annotation at p. 65.

This same line of reasoning is followed in North Dakota. Contracts require “free and mutual consent.” N.D. Cent. Code § 9-03-01. “Consent is not mutual unless the parties all agree on the same thing in the same sense.” N.D. Cent. Code § 9-03-16.

The North Dakota court refused to enforce an “agreement to agree” in Stout v. Fisher Industries, Inc., 603 N.W.2d 52, 1999 N.D. 218, (N.D. 1999) and explained that a long line of cases in North Dakota prevent courts from imposing terms on parties when they are unable to agree on terms themselves, as follows:

“C]ourts will not enforce a contract which is vague, indefinite, or uncertain, nor will they make a new contract for the parties.” Tobias v. North Dakota Dep’t of Human Svcs., 448 N.W.2d 175, 179 (N.D. 1989). To be valid and enforceable, a contract must be reasonably definite and certain in its terms, Delzer v. United Bank, 459 N.W.2d 752, 758 (N.D. 1990), “so as to ascertain what is required of the parties,” In re Estate of Hill, 492 N.W.2d 288, 293 (N.D. 1992). An agreement which is so uncertain and incomplete as to any of its essential terms that it cannot be carried into effect without new and additional stipulations between the parties is not enforceable. Mag Constr. Co. v. McLean County, 181 N.W.2d 718, 721 (N.D. 1970).

Generally, an agreement to agree is unenforceable because its terms are so indefinite it fails to show a mutual intent to create an enforceable obligation. Kuntz v. Kuntz, 1990 N.D. 114, ¶ 14, 595 N.W.2d 292. “An

agreement to agree in the future which is not sufficiently definite to enable a court to give it an exact meaning is not an enforceable obligation.” Bergquist-Walker Real Estate, Inc. v. William Clairmont, Inc., 353 N.W.2d 766, 772 (N.D. 1984).

Stout v. Fisher, supra at ¶ 11.

The RTCG Defendants do recognize that agreements to do something at a later date can be enforceable if the essential terms of the agreement that they have agreed upon are set forth in the contract. In this case, Qwest is asking the Commission to impose either a “Toll Usage Tracking” System” (TUT) or a “Clearinghouse for Access Revenue Distribution System” (CARDS) as a term of the contract. If Qwest had wanted these methods to be used in the contract, it would have been very easy for them to do so. They could have referenced them in the contract and had the RTCG Defendants agree to use them in the contract. The plain truth is that Qwest, in all likelihood, had neither system developed in 1999 (or in 2000 or 2001 for that matter) and they now wish to go back and unilaterally rewrite the contract retroactively to utilize two systems that, in the opinion of the RTCG Defendants, are flawed.

If the Commission desires to hear lengthy testimony on why the RTCG Defendants believe imposition of these systems on the RTCG Defendants so Qwest can route traffic on Feature Group C is not the nirvana Qwest claims it is, the RTCG Defendants will present evidence on this and other issues at a hearing. There is no need for such a hearing in the first place because the relief Qwest asks for is incapable of being granted under the law. As such, a hearing is unnecessary and any attempt to rewrite the contract is contrary to North Dakota law.

CONCLUSION

The RTCG Defendants respectfully request the Commission to dismiss Qwest's Complaint. Based on North Dakota Supreme Court precedent (and Qwest's own assertions some seven years ago), there is a preliminary issue for the Commission to determine in this case. Does the Commission have jurisdiction and authority to hear this dispute? If the Commission answers this question in the affirmative, then Qwest's Complaint asking the Commission to rewrite its contract with the RTCG Defendants should be dismissed for failure to state a claim on which relief can be granted. The Commission does not have authority to rewrite the contract retroactively with terms Qwest wishes were in the contract. In either case, the Complaint should be dismissed.

Dated at Minot, North Dakota, this 15th day of September, 2006.

 PRINGLE & HERGISTAD, P.C.

By: Don Negaard, ND Bar ID #03598

2525 Elk Drive

P.O. Box 1000

Minot, ND 58702-1000

Telephone (701) 852-0381

Fax (701) 857-1361

Attorneys for the following Defendants

(RTCG companies): Absaraka

Co-operative Telephone Company; BEK

Communications Cooperative and BEK

Communications I, Inc.; Consolidated

Telcom, Inc., Consolidated

Communications Networks, and

Consolidated Telephone Cooperative;

Dakota Central Telecommunications

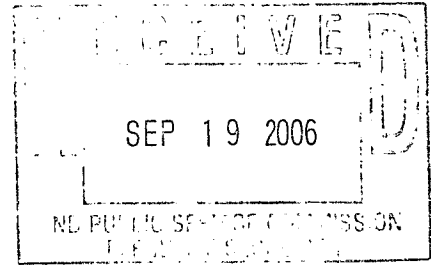
Cooperative and Dakota Central

Telecom, Inc.; Griggs County

Telephone Company; Inter-Community

Telephone Company and Inter-

Community Telephone Co. II; Midstate Telephone Company and Midstate Communications, Inc.; Moore and Liberty Telephone Company; North Dakota Telephone Company; Northwest Communications Cooperative; Reservation Telephone Cooperative; Turtle Mountain Communications, Inc.; United Telephone Mutual Aid Corporation; and West River Telecommunications Cooperative



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Case No. PU-05-46

APPENDIX

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EXHIBIT 1

**STATE OF NORTH DAKOTA
BEFORE THE PUBLIC SERVICE COMMISSION**

Qwest Corporation,
Complainant

PU 05-

QWEST CORPORATION'S
COMPLAINT FOR A
DECLARATORY ORDER

v.

Absaraka Co-operative Telephone Co., Inc.;
BEK Communications Cooperative; BEK
Communications I, Inc.; Consolidated Telecom, Inc.;
Consolidated Communications Networks;
Consolidated Telephone Cooperative; Dakota
Central Telecommunications Cooperative; Dakota
Central Telecom, Inc.; Dickey Rural Telephone
Cooperative; Dickey Rural Communications, Inc.;
Griggs County Telephone Co.; Inter-Community
Telephone Company; Inter-Community Telephone Co.
II; Midstate Telephone Company; Midstate
Communications, Inc.; Moore & Liberty Telephone Co.;
North Dakota Telephone Company; Northwest
Communications Cooperative; Polar
Communications Mutual Aid Corporation; Polar
Telecommunications, Inc.; Reservation Telephone
Cooperative; Turtle Mountain Communications, Inc.;
United Telephone Mutual Aid Corporation; West River
Communications, Inc.; West River Telecommunications
Cooperative,

and

1-800-RECONEX, Inc. d/b/a U S Tel; AT&T
Communications of the Midwest, Inc.; Acceris
Communications Corp. d/b/a Acceris
Communications Partners & Acceris
Communications Solutions; BT Communications
Sales, LLC; Budget Phone, Inc.; BullsEye Telecom,
Inc.; Business Productivity Solutions, Inc.; C12,
Inc.; Citizens Telecommunications Company of
Minnesota, Inc.; CommPartners, LLC; Computer
Integrated Communications, Inc.; Computer
Network Technology Corporation; Comtech 21,
LLC; Consolidated Communications Corporation;
Contact Communications; Covista, Inc.; DCN,
LLC; DIECA Communications, Inc. d/b/a Covad

Communications Company; DSLnet Communications, LLC; DakTel Communications, LLC; Dickey Rural Access, Inc.; Dickey Rural Services, Inc.; EASTON TELECOM SERVICES, INC.; Ernest Communications, Inc.; Evercom Systems, Inc.; Excel Telecommunications, Inc.; Extend America, Inc.; France Telecom Corporate Solutions, LLC; Global Tel*Link Corporation, Inc.; GLOBCOM INCORPORATED; Granite Telecommunications, LLC; GROUP LONG DISTANCE, INC.; HTC Services, Inc.; Halstad Telephone Company; Houlton Enterprises, Inc.; ICG Telecom Group, Inc.; IDT America, Corp.; IdeaOne Telecom Group LLC; Ignus, Inc.; Integra Telecom of North Dakota, Inc.; IPVoice Communications, Inc.; Inmate Phone Systems Corporation; Intrado Communications Inc.; Ionex Communications North, Inc.; James Valley Cooperative Telephone Company; KMC Data LLC; KMC Telecom V, Inc.; Kotana Communications, Inc.; Legacy Long Distance International, Inc.; Level 3 Communications, LLC; Loretel Systems, Inc.; MCImetro Access Transmission Services, LLC; McLeodUSA Telecommunications Services, Inc.; Matrix Telecom, Inc.; Maxcess, Inc.; Metromedia Fiber Network Services, Inc.; Metropolitan Telecommunications of North Dakota, Inc.; Midcontinent Communications; Mid-Rivers Telephone Cooperative, Inc.; Missouri Valley Communications, Inc.; NET-tel Corporation; Nemont Telephone Cooperative, Inc.; New Access Communications, LLC; New Edge Network Inc.; Nextel West Corp.; Noonan Farmers Telephone Company ; North Dakota Big Sky Telecom A Partnership; North Dakota Network Co.; Onvoy, Inc.; OrbitCom, Inc.; Pacific Centrex Services, Inc.; Phone1, Inc.; Polar Telcom, Inc.; PREFERRED CARRIER SERVICES, INC. ; Premier Network Services, Inc.; QuantumShift Communications, Inc. d/b/a VCOM Solutions; RC Communications, Inc.; Red River Rural Telephone Association; Red River Telecom, Inc.; Reliant Communications, Inc.; Roberts County Telephone Cooperative Association of New Effington; SBC Long Distance, LLC d/b/a Southwestern Bell Long Distance; d/b/a Nevada Bell Long Distance; d/b/a Pacific Bell Long

Distance; SRT Communications, Inc. ;
ServiSense.com, Inc; Sprint Communications
Company L. P. d/b/a US Sprint Communications
Limited Partnership; Talk America, Inc. d/b/a New
Hope Network Services; TARGET TELECOM
INCORPORATED; Telcom Billing Services, Inc.;
Telera Communications, Inc.; Trans National
Communications International, Inc.; Trinsic
Communications, Inc.; UCN, Inc.; U.S. Link, Inc.
d/b/a TDS Metrocom; Universal Access, Inc.; VAL-
ED Joint Venture, L.L.P. d/b/a 702
Communications; VCI Company; Valley
Communications, Inc.; VarTec Solutions, Inc.;
VarTec Telecom, Inc. d/b/a Clear Choice
Communications; Venture Communications, Inc.;
Verizon Select Services, Inc.; WTC Competitive
Services, Inc.; West River Cooperative Telephone
Company; Western CLEC Corporation; Wolverton
Telephone Company; XO Communications
Services, Inc.; Z-Tel Communications, Inc.

Defendants.

Qwest Corporation ("Qwest"), by and through its undersigned counsel, states as follows for its Complaint for Declaratory Order:

INTRODUCTION

This case arises out of a Settlement Agreement dated July 14, 1999, which was executed by Qwest and the first group of Defendants listed above (referred to hereinafter collectively as the "1999 Settlement Agreement Defendants")¹. The Settlement Agreement is attached as Exhibit 1 (referred to hereinafter as the "Settlement Agreement"). The Settlement Agreement obligates the parties to meet and negotiate in good faith a permanent methodology for measuring, for billing purposes, toll traffic terminated by Qwest.

¹ Prior to June 2002, Qwest Corporation was known as U S WEST Communications, Inc. ("U S WEST") and, accordingly, the Settlement Agreement was executed by U S WEST. As the successor-in-interest to U S WEST, Qwest Corporation is the proper party to this proceeding and is referred to as Qwest throughout.

Over the last several years, Qwest has expended a significant amount of time and resources to share information with the 1999 Settlement Agreement Defendants in an attempt to engage in negotiations in accordance with the Settlement Agreement. In spite of that effort, the parties are at an impasse with respect to agreeing upon a permanent methodology for measuring terminating switched access charges. Qwest is filing this action to seek the Public Service Commission's (the "Commission") assistance in resolving this matter. Qwest respectfully asks the Commission to determine the most reasonable and fair methodology for carriers in North Dakota to use to measure the volume of terminating switched access for purposes of creating terminating access charge bills for Qwest-originated retail toll traffic.

In this action for a declaratory order, Qwest has also named as defendants a second group, which consists of all of the competitive local exchange carriers ("CLECs") in North Dakota and the few ILECs that were not parties to the Settlement Agreement (referred to hereinafter collectively as the "CLEC/ILEC Defendants"). Qwest has named the CLEC/ILEC Defendants as parties to this action because they are parties-in-interest to the principal determination that Qwest has respectfully asked the Commission to make: what methodology for measuring terminating switched access charges to be billed to Qwest is the most fair and most reasonable for all local exchange carriers in North Dakota.

For the Commission's information, Qwest and one of the 1999 Settlement Agreement Defendants in this action, a North Dakota CLEC named Consolidated Communications Networks, Inc., were involved recently in a state district court action, Civil Case No. 04-C-476, which also concerns the Settlement Agreement. In that action, Consolidated filed claims against Qwest to collect terminating access charges it alleged were past due and owing. That litigation did not address the issue raised in this Complaint, that is, the question concerning the appropriate forward-looking methodology for measuring terminating switched access for billing purposes. That is a question properly before this Commission. For the Commission's information, the parties settled the district court action and the court dismissed the lawsuit on August 19, 2005 with prejudice.

JURISDICTION

This Commission has jurisdiction over this matter because the Settlement Agreement was the result of two cases originally pending before it. As part of the Settlement Agreement, the 1999 Settlement Agreement Defendants agreed to dismiss Case No. PU-2026-99-241 and Case No. PU-453-99-201, subsequently both of which the Commission dismissed with prejudice. Furthermore, the Commission has general jurisdiction over telecommunications carriers under North Dakota Cent. Code § 49-21-02 and is specifically authorized under North Dakota Cent. Code § 49-21-06 to set aside any unreasonable or unfair price set by a telecommunications company for the connection between facilities of two or more telecommunications companies and for the transfer of telecommunications. Additionally, this Complaint concerns a dispute over the measurement of switched access minutes. Sections 49-21-01(4)(a), 01.3 and 01.4 of the North Dakota Century Code declare switched access to be an "essential service" subject to a higher level of regulatory scrutiny by the Commission.

PARTIES

1. Qwest is an incumbent local exchange carrier with its principal place of business in Colorado. Qwest is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Qwest at the following addresses:

Melissa K. Thompson
Qwest
1801 California Street, 10th Floor
Denver, Colorado 80202
Telephone: 303-383-6728
Facsimile: 303-296-3132
Email: Melissa.Thompson@qwest.com

Richard Corbetta
Corbetta & O'Leary, P.C.
1801 Broadway, Suite 500
Denver, Colorado 80202
Telephone: 720-264-4795
Facsimile: 303-296-3992
Email: rich-co-legal.com

THE 1999 SETTLEMENT AGREEMENT DEFENDANTS

2. Absaraka Co-operative Telephone Co., Inc. ("Absaraka") is an independent local exchange carrier ("ILEC"). Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Absaraka is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Absaraka at the following address:

Absaraka Co-operative Telephone Co., Inc
2894 146 Ave SE
P.O. BOX 27
Absaraka, ND 58002-0027
701-896-3404

3. BEK Communications Cooperative ("BEK") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, BEK is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to BEK at the following address:

BEK Communications Cooperative
200 E Broadway
P.O. BOX 230
Steele, ND 58482-0230
701-475-2361

4. BEK Communications I, Inc. ("BEK I") is a CLEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, BEK I is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to BEK I at the following address:

BEK Communications I, Inc.
200 E Broadway
P.O. BOX 230
Steele, ND 58482-0230
701-475-2361; 888-475-2361

5. Consolidated Communications Networks, Inc. ("Consolidated") is a CLEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Consolidated is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Consolidated at the following address:

Consolidated Communications Networks, Inc.
507 S Main Ave
P.O. BOX 1408
Dickinson, ND 58602-1408
701-225-6061

6. Consolidated Telcom FKA "Consolidated Telephone Cooperative" is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Consolidated Telcom is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Consolidated Telcom at the following address:

Consolidated Telcom
507 S Main
P.O. BOX 1408
Dickinson, ND 58602-1408
701-225-6061

7. Dakota Central Telecommunications Cooperative ("Dakota Central") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Dakota Central is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Dakota Central at the following address:

Dakota Central Telecommunications Cooperative
630 5th Street N
P.O. BOX 299
Carrington, ND 58421-0299
701-652-3184

8. Dakota Central Telecom I, Inc. ("Dakota Central I") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Dakota Central I is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Dakota Central I at the following address:

Dakota Central Telecom I, Inc.
630 5th Street N
Carrington, ND 58421-1629
701-652-3184

9. Dickey Rural Communications, Inc. ("Dickey") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Dickey is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Dickey at the following address:

Dickey Rural Communications, Inc.
9628 HWY 281
P.O. BOX 69
Ellendale, ND 58436-0069
701-349-3687

10. Dickey Rural Telephone Cooperative ("Dickey Cooperative") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Dickey Cooperative is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Dickey Cooperative at the following address:

Dickey Rural Telephone Cooperative
9628 HWY 281
P.O. BOX 69
Ellendale, ND 58436-0069
701-349-3687

11. Griggs County Telephone Co. ("Griggs") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and

belief, Griggs is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Griggs at the following address:

Griggs County Telephone Co
905 Lenham Ave SE
P.O. BOX 506
Cooperstown, ND 58425-0506
701-797-3301

12. Inter-Community Telephone Company, L.L.C. ("Inter-Community") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Inter-Community is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Inter-Community at the following address:

Inter-Community Telephone Company, L.L.C.
556 Main Street
P.O. BOX 8
Nome, ND 58062-0008
701-924-8815

13. Upon information and belief, Inter-Community Telephone Co. II ("Inter-Community II") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Inter-Community II is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Upon information and belief, correspondence regarding this Complaint should be sent to Inter-Community II at the following address:

Inter-Community Telephone Co. II
556 Main Street
P.O. BOX 8
Nome, ND 58062-0008
701-924-8815

14. Midstate Communications Inc. ("Midstate") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon

information and belief, Midstate is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Midstate at the following address:

Midstate Communications Inc.
215 S Main
P.O. BOX 400
Stanley, ND 58784-0400
701-628-2522

15. Midstate Telephone Company ("Midstate Telephone") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Midstate Telephone is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Midstate Telephone at the following address:

Midstate Telephone Company
215 S Main Street
P.O. BOX 400
Stanley, ND 58784-0400
701-628-2522

16. Moore & Liberty Telephone Company ("Moore") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Moore is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Moore at the following address:

Moore and Liberty Telephone Company
301 Dewey Street
P.O. BOX 66
Enderlin, ND 58027-0066
701-437-3300

17. North Dakota Telephone Company ("ND Telephone") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, ND Telephone is authorized to provide local exchange service,

exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to ND Telephone at the following address:

North Dakota Telephone Company
211 22nd ST NW
P.O. BOX 180
Devil Lake, ND 58301-0180
701-662-1700

18. Upon information and belief, Northwest Communications Cooperative ("Northwest") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Northwest is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Northwest at the following address:

Northwest Communications Cooperative
111 Railroad Avenue
P.O. BOX 38
Ray, ND 58849-0038
701-568-3331

19. Polar Communications Mutual Aid Corporation ("Polar Comm") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Polar Comm is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Polar Comm at the following address:

Polar Communications Mutual Aid Corporation
110 4th Street E
P.O. BOX 270
Park River, ND 58270-0270
701-284-7221

20. Polar Telecommunications, Inc. is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Polar Telecommunications, Inc. is authorized to provide local exchange service, exchange

access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Polar Telecommunications, Inc. at the following address:

Polar Telecommunications, Inc.
110 4th Street E
P.O. BOX 270
Park River, ND 58270-0270
701-284-7221

21. Reservation Telephone Cooperative ("Reservation") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Reservation is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Reservation at the following address:

Reservation Telephone Cooperative
24 N Main St
P.O. BOX 68
Parshall, ND 58770-0068
701-862-3115

22. Turtle Mountain Communications, Inc. ("Turtle Mountain") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Turtle Mountain is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Turtle Mountain at the following address:

Turtle Mountain Communications, Inc.
411 7th Avenue
P.O. BOX 729
Langdon, ND 58249-0729
701-256-5156

23. United Telephone Mutual Aid Corporation ("United") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, United is authorized to provide local exchange service, exchange

access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to United at the following address:

United Telephone Mutual Aid Corporation
411 7th Avenue
P.O. BOX 729
Langdon, ND 58249-0729
701-256-5156

24. West River Cooperative Telephone Company ("West River") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, West River is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to West River at the following address:

West River Cooperative Telephone Company
801 Coleman Avenue
P.O. BOX 39
Bison, SD 57620-0039
605-244-5213

25. Upon information and belief, West River Communications, Inc. ("West River Comm") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, West River Comm is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to West River Comm at the following address:

West River Communications, Inc.
101 W Main
P.O. BOX 467
Hazen, ND 58545-0467
701-748-2211

26. West River Telecommunications Cooperative ("West River Telecom") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, West River Telecom is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota.

Correspondence regarding this Complaint should be sent to West River Telecom at the following address:

West River Telecommunications Cooperative
101 W Main
P.O. BOX 467
Hazen, ND 58545-0467
701-748-2211

THE CLEC/ILEC DEFENDANTS

27. 1-800-RECONEX, Inc. d/b/a U S Tel ("US Tel") is a CLEC. Upon information and belief, US Tel is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to US Tel at the following address:

1-800-RECONEX, Inc. d/b/a U S Tel
2500 Industrial Avenue
P.O. BOX 40
Hubbard OR 97032
503-982-5572

28. AT&T Communications of the Midwest, Inc. ("AT&T") is a CLEC. Upon information and belief, AT&T is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to AT&T at the following address:

AT&T Communications of the Midwest, Inc.
1875 Lawrence, Room 8-19
Denver, CO 80202
612-376-6766/303-298-6769

29. Acceris Communications Corp. d/b/a Acceris Communications Partners & Acceris Communications Solutions ("Acceris") is a CLEC. Upon information and belief, Acceris is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Acceris at the following address:

Acceris Communications Corp. d/b/a Acceris Communications Partners & Acceris Communications Solutions
9775 Business Park Avenue
San Diego, CA 92131
973-779-7900

30. BT Communications Sales, LLC ("BT") is a CLEC. Upon information and belief, BT is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to BT at the following address:

BT Communications Sales, LLC
11440 Commerce Park Drive
Reston, VA
703-707-4000

31. Budget Phone, Inc. ("Budget") is a CLEC. Upon information and belief, Budget is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Budget at the following address:

Budget Phone, Inc.
6901 W 70th Street
Shreveport, IL 71129
318-671-5000; 8880424-5588

32. BullsEye Telecom, Inc. ("BullsEye") is a CLEC. Upon information and belief, BullsEye is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to BullsEye at the following address:

BullsEye Telecom, Inc.
25900 Greenfield Road, Suite 330
Oak Park, MI 48237

33. Business Productivity Solutions, Inc. ("Business Productivity") is a CLEC. Upon information and belief, Business Productivity is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Business Productivity at the following address:

Business Productivity Solutions, Inc.
730 2nd Ave S, Suite 900
Minneapolis, MN 55402
702-547-8432; 866-372-4356

34. C12, Inc. ("C12") is a CLEC. Upon information and belief, C12 is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to C12 at the following address:

C12, Inc.
200 Galleria Parkway, Suite 1200
Atlanta, GA 30339
770-425-2267; 888-657-3278

35. Citizens Telecommunications Company of Minnesota, Inc. ("Citizens") is an ILEC. Upon information and belief, Citizens is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Citizens at the following address:

Citizens Telecommunications Company of Minnesota
3 High Ridge Park
Stamford, CT 06905
203-614-5600

36. CommPartners, LLC ("CommPartners") is a CLEC. Upon information and belief, CommPartners is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to CommPartners at the following address:

CommPartners, LLC
3291 N. Buffalo Drive, Suite 8
Las Vegas, NV 89129
702-367-8647

37. Computer Integrated Communications, Inc. ("Computer Integrated") is a CLEC. Upon information and belief, Computer Integrated is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Computer Integrated at the following address:

Computer Integrated Communications, Inc.
8502 Bells Mill Road
Potomac, MD 20854-4071
301-983-8476

38. Computer Network Technology Corporation ("Computer Network") is a CLEC. Upon information and belief, Computer Network is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Computer Network at the following address:

Computer Network Technology Corporation
6000 Nathan Lane N
Minneapolis, MN 55442
763-268-6000

39. Comtech 21, LLC ("Comtech") is a CLEC. Upon information and belief, Comtech is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Comtech at the following address:

Comtech 21, LLC
1 Barnes Park S
Wallingford, CT 06492
877-580-6564

40. Consolidated Communications Corporation ("Consolidated") is a CLEC. Upon information and belief, Consolidated is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Consolidate at the following address:

Consolidated Communications Corporation
P.O. BOX 1408
Dickinson, ND 58602-1408
(No Phone Number Available)

41. Contact Communications is a CLEC. Upon information and belief, Contact Communications is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Contact Communications at the following address:

Contact Communications
937 W Main Street
Riverton, WY 82501
307-856-0980

42. Covista, Inc. ("Covista") is a CLEC. Upon information and belief, Covista is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Covista at the following address:

Covista, Inc.
4803 Hwy 58 N
Chattanooga, TN 37416
800-805-1000

43. DCN, LLC ("DCN") is a CLEC. Upon information and belief, DCN is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to DCN at the following address:

DCN, LLC
P.O. BOX 180
Devils Lake, ND 5801-0180
701-662-1700

44. DIECA Communications, Inc. d/b/a Covad Communications Company ("Covad") is a CLEC. Upon information and belief, Covad is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Covad at the following address:

DIECA Communications, Inc.
d/b/a / Covad Communications Company
3420 Central Expressway
Santa Clara, CA 95051-0703
408-844-7500/1-888-462-6823

45. DSLnet Communications, LLC ("DSLnet") is a CLEC. Upon information and belief, DSLnet is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to DSLnet at the following address:

DSLnet Communications, LLC
545 Long Wharf Drive
New Haven, CT 06511
203-772-1000

46. DakTel Communications, LLC ("DakTel") is a CLEC. Upon information and belief, DakTel is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to DakTel at the following address:

DakTel Communicaitons, LLC
P.O. BOX 299
Carrington, ND 58421-0299
701-652-3184

47. Dickey Rural Access, Inc. ("Dickey") is an ILEC. Upon information and belief, Dickey is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Dickey Rural Access at the following address:

Dickey Rural Access, Inc.
9628 Highway 281
P.O. Box 69
Ellendale, ND 58436
701-344-5005

48. Dickey Rural Services, Inc. ("Dickey Rural") is a CLEC. Upon information and belief, Dickey Rural is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Dickey Rural at the following address:

Dickey Rural Services, Inc.
9628 Highway 281, North
P.O. BOX 69
Ellendale, ND 58436
701-349-3687

49. EASTON TELECOM SERVICES, INC. ("EASTON TELECOM") is a CLEC. Upon information and belief, EASTON TELECOM is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to EASTON TELECOM at the following address:

EASTON TELECOM SERVICES, INC.
3046 Brecksville Road, #A
Richfield, OH 44286-9399
330-659-6700/800-222-8122

50. Ernest Communications, Inc. ("Ernest") is a CLEC. Upon information and belief, Ernest is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Ernest at the following address:

Ernest Communications, Inc.
5275 Triangle Parkway, Suite 150
Norcross, GA 30092
770-242-9069

51. Evercom Systems, Inc. ("Evercom") is a CLEC. Upon information and belief, Evercom is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Evercom at the following address:

Evercom Systems, Inc.
14651 Dallas Parkway, Suite 600
Dallas, TX 75254-7476
972-953-4138

52. Excel Telecommunications, Inc. ("Excel") is a CLEC. Upon information and belief, Excel is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Excel at the following address:

Excel Telecommunications, Inc.
2440 Marsh Lane
Carrollton, TX 75006
972-478-3327

53. Extend America, Inc. is a CLEC. Upon information and belief, Extend America, Inc. is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Extend America, Inc. at the following address:

Extend America, Inc.
1101 E Front Avenue
Bismarck, ND
702-255-9500

54. France Telecom Corporate Solutions, LLC ("France Telecom") is a CLEC. Upon information and belief, France Telecom is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to France Telecom at the following address:

France Telecom Corporate Solutions, LLC
2300 Corporate Park Drive
Mailstop SP0600
Herndon, VA 20171
703-375-7325

55. Global Tel*Link Corporation, Inc. ("Tel*Link") is a CLEC. Upon information and belief, Tel*Link is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Tel*Link at the following address:

Global Tel*Link Corporation, Inc.
2609 Cameron Street
Mobile, AL 36607
205-479-4500

56. GLOBCOM INCORPORATED ("GLOBCOM") is a CLEC. Upon information and belief, GLOBCOM is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to GLOBCOM at the following address:

GLOBCOM INCORPORATED
2100 Sanders Road, Suite 150
Northbrook, IL 60062
888-509-1422

57. Granite Telecommunications, LLC ("Granite") is a CLEC. Upon information and belief, Granite is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Granite at the following address:

Granite Telecommunications, LLC
234 Copeland Street
Quincy, MA 02169
617-847-1500; 866-847-5500

58. GROUP LONG DISTANCE, INC. is a CLEC. Upon information and belief, GROUP LONG DISTANCE, INC. is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Granite at the following address:

GROUP LONG DISTANCE, INC.
400 E. Atlantic Boulevard
Pompano Beach, FL 33060
954-788-7871

59. HTC Services, Inc. ("HTC") is a CLEC. Upon information and belief, HTC is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to HTC at the following address:

HTC Services, Inc.
P.O. BOX 55
Halstad, MN 56548
218-456-2125

60. Halstad Telephone Company ("Halstad") is an ILEC. Upon information and belief, Halstad is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Halstad at the following address:

Halstad Telephone Company
345 2nd Ave. West
P.O. Box 55
Halstad, MN 56548-0055

61. Houlton Enterprises, Inc. ("Houlton") is a CLEC. Upon information and belief, Houlton is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Houlton at the following address:

Houlton Enterprises, Inc.
2201 W Broadway, #1
Council Bluffs, IA 51501
402-551-8888; 800-957-2640

62. ICG Telecom Group, Inc. ("ICG") is a CLEC. Upon information and belief, ICG is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to ICG at the following address:

ICG Telecom Group, Inc.
161 Inverness Drive W
Englewood, CO 80112
303-414-5000

63. IDT America, Corp. ("IDT") is a CLEC. Upon information and belief, IDG is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to ICG at the following address:

IDT America, Corp.
520 Broad Street
Newark, NJ 07102-3111
973-438-1000

64. IdeaOne Telecom Group, LLC ("IdeaOne") is a CLEC. Upon information and belief, IdeaOne is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to IdeaOne at the following address:

IdeaOne Telecom Group, LLC
3239 39th St SW
Fargo, ND 58104
No Phone Number Available

65. Ignus, Inc. ("Ignus") is a CLEC. Upon information and belief, Ignus is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Ignus at the following address:

Ignus, Inc.
855 45th St SW, Suite 11
Fargo, ND 58103-1036
701-280-9040; 888-449-9040

66. Integra Telecom of North Dakota, Inc. ("Integra") is a CLEC. Upon information and belief, Integra is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Integra at the following address:

Integra Telecom of North Dakota, Inc.
745 45th St SW, Suite C
Fargo, ND 59103
503-453-8000

67. IPVoice Communications, Inc. ("IPVoice") is a CLEC. Upon information and belief, IPVoice is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to IPVoice at the following address:

IPVoice Communications, Inc.
14860 Montfort Drive, Suite 210
Dallas, TX 75254
602-335-1231; 800-556-2538

68. Inmate Phone Systems Corporation ("Inmate Phone") is a CLEC. Upon information and belief, Inmate Phone is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Inmate Phone at the following address:

Inmate Phone Systems Corporation
16032 Sherman Way, MPB5
Van Nuys, CA 91406
818-782-8596

69. Intrado Communications, Inc. ("Intrado") is a CLEC. Upon information and belief, Intrado is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Intrado at the following address:

Intrado Communications, Inc.
1601 Dry Creek Drive
Longmont, CO 80503-6493
720-494-5800

70. Ionex Communications North, Inc. ("Ionex") is a CLEC. Upon information and belief, Ionex is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Ionex at the following address:

Ionex Communications North, Inc.
2020 Baltimore Avenue
Kansas City, MO 64108-1914
972-392-4601; 972-392-0654

71. James Valley Cooperative Telephone Company ("James") is an ILEC. Upon information and belief, James is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to James at the following address:

James Valley Cooperative Telephone Company
235 E. 1st Ave.
Groton, SD 57445

72. KMC Data, LLC ("KMC") is a CLEC. Upon information and belief, KMC is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to KMC at the following address:

KMC Data, LLC
1545 Route 206
Bedminster, NJ 07921
908-470-2100

73. KMC Telecom V, Inc. ("KMC Telecom") is a CLEC. Upon information and belief, KMC Telecom is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to KMC Telecom at the following address:

KMC Telecom V, Inc.
1545 Route 206
Bedminster, NJ 07921
908-470-2100

74. Kotana Communications, Inc. ("Kotana") is a CLEC. Upon information and belief, Kotana is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Kotana at the following address:

Kotana Communications, Inc.
1819 1st Avenue West
Williston, ND 58801
701-774-8001

75. Legacy Long Distance International, Inc. ("Legacy") is a CLEC. Upon information and belief, Legacy is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Legacy at the following address:

Legacy Long Distance International, Inc.
10833 Valley View Street, Suite 150
Cypress, CA 90630
800-577-5534; 562-491-1991

76. Level 3 Communications, LLC ("Level 3") is a CLEC. Upon information and belief, Level 3 is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Level 3 at the following address:

Level 3 Communications, LLC
1025 Eldorado Boulevard
Broomfield, CO 80021
303-926-3000; 402-342-2052

77. Loretel Systems, Inc. ("Loretel") is an ILEC. Upon information and belief, Loretel is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Loretel at the following address:

Loretal Systems, Inc.
13 East 4th Avenue
Ada, MN 56510-1331
218-784-5151

78. MCImetro Access Transmission Services, LLC ("MCImetro") is a CLEC. Upon information and belief, MCImetro is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to MCImetro at the following address:

MCImetro Access Transmission Services, LLC
707 17th Street, Suite 3600
Denver, CO 80202
703-918-6000

79. McLeodUSA Telecommunications Services, Inc. ("McLeod") is a CLEC. Upon information and belief, McLeod is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to McLeod at the following address:

McLeodUSA Telecommunications Services, Inc.
P.O. BOX 3177
Cedar Rapids, IA 52406-3177
319-364-0000

80. Matrix Telecom, Inc. ("Matrix") is a CLEC. Upon information and belief, Matrix is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Matrix at the following address:

Matrix Telecom, Inc.
300 N Meridian, Suite 200-North
Oklahoma City, OK 73107
405-717-9694

81. Maxcess, Inc. ("Maxcess") is a CLEC. Upon information and belief, Maxcess is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Maxcess at the following address:

Maxcess, Inc.
P.O. BOX 951419
Lake Mary, FL 32795-1419
407-513-7700

82. Metromedia Fiber Network Services, Inc. ("Metromedia") is a CLEC. Upon information and belief, Metromedia is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Metromedia at the following address:

Metromedia Fiber Network Services, Inc.
360 Hamilton Avenue
White Plains, NY 10601
914-421-6700

83. Metropolitan Telecommunications of North Dakota, Inc. ("Metropolitan") is a CLEC. Upon information and belief, Metropolitan is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Metropolitan at the following address:

Metropolitan Telecommunications of North Dakota, Inc.
44 Wall Street, 6th Floor
New York, NY 10005
212-607-2000

84. Midcontinent Communications ("Midcontinent") is a CLEC. Upon information and belief, Midcontinent is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Midcontinent at the following address:

Midcontinent Communications
410 South Phillips Avenue
Sioux Falls, SD 57104
605-334-1200

85. Mid-Rivers Telephone Cooperative, Inc. ("Mid-Rivers") is a CLEC. Upon information and belief, Mid-Rivers is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Mid-Rivers at the following address:

Mid-Rivers Telephone Cooperative, Inc.
P.O. BOX 280
Circle, MT 59215-0280
406-485-3301

86. Missouri Valley Communications, Inc. ("Missouri Valley") is an ILEC. Upon information and belief, Missouri Valley is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Missouri Valley at the following address:

Missouri Valley Communications, Inc.
Highway 13 South
P.O. Box 600
Scobey, MT 59263-0600
406-783-5125

87. NET-tel Corporation ("NET-tel") is a CLEC. Upon information and belief, NET-tel is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to NET-tel at the following address:

NET-tel Corporation
11921 Freedom Drive, Suite 550
Reston, VA 20190
202-295-6600

88. Nemont Telephone Cooperative, Inc. ("Nemont") is an ILEC. Upon information and belief, Nemont is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Nemont at the following address:

Nemont Telephone Cooperative, Inc.
Highway 13 South
P.O. Box 600
Scobey, MT 59263-0600
406-783-5654

89. New Access Communications, LLC ("New Access") is a CLEC. Upon information and belief, New Access is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to New Access at the following address:

New Access Communications, LLC
801 Nicollet Avenue, Suite 350
Minneapolis, MN 55402-2519
612-321-9717

90. New Edge Network, Inc. ("New Edge") is a CLEC. Upon information and belief, New Edge is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to New Edge at the following address:

New Edge Network, Inc.
3000 Columbia House Boulevard, Suite 106
Sioux Falls, SD 57104
360-693-9009

91. Nextel West Corp. ("Nextel") is a CLEC. Upon information and belief, Nextel is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Nextel at the following address:

Nextel West Corp.
2001 Edmund Halley Drive
Reston, VA 20191

703-394-3000

92. Noonan Farmers Telephone Company ("Noonan") is an ILEC. Upon information and belief, Noonan is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Noonan at the following address:

Noonan Farmers Telephone Company
405 South Main Street
P.O. Box 39
Noonan, ND 58765
701-928-5713

93. North Dakota Big Sky Telecom, A Partnership ("Big Sky") is a CLEC. Upon information and belief, Big Sky is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Big Sky at the following address:

North Dakota Big Sky Telecom
374 Ansin Boulevard
Hallandale, FL 33009
954-624-8660; 866-811-2528

94. North Dakota Network Co. ("Network") is a CLEC. Upon information and belief, Network is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Network at the following address:

North Dakota Network Co.
P.O. BOX 2027
Minot, ND 58702-2027
701-858-1200

95. Onvoy, Inc. ("Onvoy") is a CLEC. Upon information and belief, Onvoy is authorized to provide local and exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Northwest at the following address:

Onvoy, Inc.
300 South Highway 169
Minneapolis, MN 55426
800-944-9885

96. OrbitCom, Inc. ("OrbitCom") is a CLEC. Upon information and belief, OrbitCom is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to OrbitCom at the following address:

OrbitCom, Inc.
1701 N Louise Avenue
Sioux Falls, SD 57107
605-373-9336

97. Pacific Centrex Services, Inc. ("Pacific") is a CLEC. Upon information and belief, Pacific is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Pacific at the following address:

Pacific Centrex Services, Inc.
6855 Tujunga Avenue
North Hollywood, CA 91605
818-623-2300

98. Phone 1, Inc. ("Phone 1") is a CLEC. Upon information and belief, Phone 1 is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Phone 1 at the following address:

Phone 1, Inc.
100 North Biscayne Boulevard, Suite 1200
Miami, FL 33132-2011
305-371-3300; 866-674-6631

99. Polar Telcom, Inc. ("Polar") is a CLEC. Upon information and belief, Polar is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Polar at the following address:

Polar Telcom, Inc.
P.O. BOX 270
Park River, ND 58270-0270
701-284-7221

100. PREFERRED CARRIER SERVICES, INC. ("PREFERRED") is a CLEC. Upon information and belief, PREFERRED is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to PREFERRED at the following address:

PREFERRED CARRIER SERVICES, INC.
14681 Midway Road, Suite 105
Addison, TX 75001
214-753-1378

101. Premiere Network Services, Inc. ("Premiere") is a CLEC. Upon information and belief, Premiere is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Premiere at the following address:

Premiere Network Services, Inc.
1510 N Hampton Road, Suite 120
DeSoto, TX 75115
972-228-8881

102. QuantumShift Communications, Inc. d/b/a VCOM Solutions ("QuantumShift") is a CLEC. Upon information and belief, QuantumShift is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to QuantumShift at the following address:

QuantumShift Communications, Inc.
12657 Alcosta Boulevard, Suite 418
San Ramon, CA 94583
415-893-7180; 888-685-8486

103. RC Communications, Inc. ("RC") is an ILEC. Upon information and belief, RC is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to RC at the following address:

RC Communications, Inc.
P.O. Box 196
New Effington, SD 57255
605-637-5211
888-668-0877

104. Red River Rural Telephone Association ("Red River") is an ILEC. Upon information and belief, Red River is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Red River at the following address:

Red River Rural Telephone Association
506 Broadway
P.O. Box 136
Abercrombie, ND 58001
701-553-8309

105. Red River Telecom, Inc. ("Red River Telecom") is an ILEC. Upon information and belief, Red River Telecom is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Red River Telecom at the following address:

106. Reliant Communications, Inc. ("Reliant") is a CLEC. Upon information and belief, Reliant is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Reliant at the following address:

Reliant Communications, Inc.
801 International Parkway, 5th Floor
Lake Mary, FL 32746
407-562-2000; 800-830-5582

107. Roberts County Telephone Cooperative Association of New Effington ("Roberts") is an ILEC. Upon information and belief, Roberts is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Roberts at the following address:

Roberts County Telephone Cooperative Association of New Effington
P.O. Box 196
New Effington, SD 57255
605-637-5211

108. SBC Long Distance, LLC d/b/a Southwestern Bell Long Distance; d/b/a Nevada Bell Long Distance; d/b/a Pacific Bell Long Distance ("SBC") is a CLEC. Upon information and belief, SBC is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to SBC at the following address:

SBC Long Distance, LLC
5850 W Las Positas Boulevard
Pleasanton, CA 94558
925-468-6209

109. SRT Communications, Inc. ("SRT") is an ILEC. Upon information and belief, SRT is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to SRT at the following address:

SRT Communications, Inc.
3615 North Broadway
Minot, ND 58703
701-858-1200

110. ServiSense.com, Inc. ("ServiSense") is a CLEC. Upon information and belief, ServiSense is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to ServiSense at the following address:

ServiSense.com, Inc.
115 Shawmut Road
Canton, MA 02021
617-848-8000; 888-483-3600

111. Sprint Communications Company, L.P., d/b/a US Sprint Communications Limited Partnership ("Sprint") is a CLEC. Upon information and belief, Sprint is authorized to

provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Sprint at the following address:

Sprint Communications Company, L.P.
6450 Sprint Parkway
MAILSTOP: KSOPHN0212-2A511
Overland Park, KS 66251
913-624-4222

112. Talk America, Inc., d/b/a New Hope Network Services ("Talk America") is a CLEC. Upon information and belief, Talk America is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Talk America at the following address:

Talk America, Inc.
6805 Route 202
New Hope, PA 18938
215-862-1803

113. TARGET TELECOM INCORPORATED ("TARGET") is a CLEC. Upon information and belief, TARGET is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to TARGET at the following address:

TARGET TELECOM INCORPORATED
155 Willowbrook Boulevard
Wayne, NJ 07474
201-256-1600

114. Telcom Billing Services, Inc. ("Telcom") is a CLEC. Upon information and belief, Telcom is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Telcom at the following address:

Telcom Billing Services, Inc.
9243 E River Road NW
Coon Rapids, MN 55433-5722
763-503-3029; 877-564-2444

115. Telera Communications, Inc. ("Telera") is a CLEC. Upon information and belief, Telera is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Telera at the following address:

Telera Communications, Inc.
910 E Hamilton Avenue, Suite 200
Campbell, CA 95008
408-626-6852

116. Trans National Communications International, Inc. ("Trans National") is a CLEC. Upon information and belief, Trans National is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Trans National at the following address:

Trans National Communications International, Inc.
2 Charlesgate West
Boston, MA 02215
617-369-1163; 800-800-8400

117. Trinsic Communications, Inc. ("Trinsic") is a CLEC. Upon information and belief, Trinsic is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Trinsic at the following address:

Trinsic Communications, Inc.
601 S Harbour Island Boulevard, Suite 220
Tampa, FL 33602-5925
813-233-4612

118. UCN, Inc. ("UCN") is a CLEC. Upon information and belief, UCN is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to UCN at the following address:

UCN, Inc.
14870 S Pony Express Road
Bluffdale, UT 84065
866-541-0000

119. U.S. Link, Inc. d/b/a TDS Metrocom ("U.S. Link") is a CLEC. Upon information and belief, U.S. Link is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to U.S. Link at the following address:

U.S. Link, Inc.
P.O. BOX 327
Pequot Lakes, MN 56472-0327
218-568-4000

120. Universal Access, Inc. ("Universal Access") is a CLEC. Upon information and belief, Universal Access is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Universal Access at the following address:

Universal Access, Inc.
Sears Tower 233
S Wacker Drive, Suite 600

Chicago, IL 60606-6307
312-660-5000

121. VAL-ED Joint Venture, L.L.P. d/b/a 702 Communications ("VAL-ED") is a CLEC. Upon information and belief, VAL-ED is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to VAL-ED at the following address:

VAL-ED Joint Venture, L.L.P. d/b/a 702 Communications
702 Main Avenue
Moorhead, MN 56560
218-287-2192

122. VCI Company ("VCI") is a CLEC. Upon information and belief, VCI is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to VCI at the following address:

VCI Company
3875 Steilacoom Blvd., SW #A
Lakewood, WA 98499
253-973-2476; 800-923-8375

123. Valley Communications, Inc. ("Valley") is a CLEC. Upon information and belief, Valley is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Valley at the following address:

Valley Communications, Inc.
P.O. BOX 8
Nome, ND 58062
701-924-8815

124. VarTec Solutions, Inc. ("VarTec") is a CLEC. Upon information and belief, VarTec is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to VarTec at the following address:

VarTec Solutions, Inc.
2440 Marsh Lane
Carrollton, TX 75006
972-478-3327

125. VarTec Telecom, Inc. d/b/a Clear Choice Communications, Inc. ("VarTec Telecom") is a CLEC. Upon information and belief, VarTec Telecom is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to VarTec Telecom at the following address:

VarTec Telecom, Inc.
2440 Marsh Lane
Carrollton, TX 75006
972-478-3327

126. Venture Communications, Inc. ("Venture") is an ILEC. Upon information and belief, Venture is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Venture at the following address:

Venture Communications, Inc.
P.O. Box 157
Highmore, SD 57345-0157
605-852-2224

127. Verizon Select Services, Inc. ("Verizon") is a CLEC. Upon information and belief, Verizon is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Verizon at the following address:

Verizon Select Services, Inc.
P.O. BOX 110
Tampa, FL 33601-0110
972-887-4754

128. WTC Competitive Services, Inc. ("WTC") is a CLEC. Upon information and belief, WTC is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to WTC at the following address:

WTC Competitive Services, Inc.
329 Highway 75
Wolverton, MN 56594
218-995-2900; 218-995-2902

129. West River Cooperative Telephone Company ("West River") is an ILEC. Upon information and belief, West River is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to West River at the following address:

West River Cooperative Telephone Company
801 Coleman Avenue
P.O. Box 39
Bison, SD 57620
605-244-5213

130. Western CLEC Corporation ("Western") is a CLEC. Upon information and belief, Western is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Western at the following address:

Western CLEC Corporation
3650 131st Avenue SE #400
Bellevue, WA 98006
425-586-8700

131. Wolverton Telephone Company ("Wolverton") is an ILEC. Upon information and belief, Wolverton is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Wolverton at the following address:

Wolverton Telephone Company
P.O. Box 129
Wolverton, MN 56594
218-995-2900

132. XO Communications Services, Inc. ("XO") is a CLEC. Upon information and belief, XO is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to XO at the following address:

XO Communications Services, Inc.
11111 Sunset Hills Road
Reston, VA 20190
703-547-2000

133. Z-Tel Communications, Inc. ("Z-Tel") is a CLEC. Upon information and belief, Z-Tel is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Z-Tel at the following address:

Z-Tel Communications, Inc. NKA Trinsic Communications
3340 Peachtree Road NE, Suite 2900
Atlanta, GA 33602
813-273-6261

FACTS

A. Regulatory Background

1. Before July 1999, Qwest was the designated "1+" retail intraLATA toll provider for certain local exchanges in North Dakota. IntraLATA toll services are long-distance telecommunications services offered within Local Access Transport Area ("LATA") boundaries established as a result of the divestiture of the Bell system in 1984. *See* 47 U.S.C. § 153 (25). InterLATA toll services are long-distance telecommunications services that cross LATA boundaries. There is one LATA boundary in North Dakota, and there are two LATAs. Thus,

long-distance calls made within each LATA in North Dakota are intraLATA toll calls and long-distance calls that cross the LATA boundary in North Dakota are interLATA toll calls.

2. As of 1999, the federal regulatory regime applicable to all regional bell operating companies, including Qwest, prohibited Qwest from providing InterLATA toll service in North Dakota and elsewhere.² But Qwest at one time was the universal IntraLATA toll provider in North Dakota and, in effect, before July 1999, was the default intraLATA toll service provider in North Dakota. This means that when customers of local telephone companies throughout North Dakota dialed "1" for the purpose of obtaining intraLATA long-distance telecommunications services, they would automatically be connected to Qwest to obtain that service.

3. Long distance carriers, such as Qwest in this case, carry and deliver long distance calls for the end-user customers of local telephone companies for ultimate delivery to the end-user customers of other local telephone companies. Local telephone companies charge long distance companies a per-minute fee both for "originating" (i.e., initiating) and for "terminating" (i.e., delivering) those long-distance calls to and from its own end-user customers. This fee is known as a "switched access" or simply an "access" charge. For example, if a local telephone company's customer uses Qwest's long-distance services to place an intraLATA toll call to a friend in a distant part of North Dakota, Qwest would be charged a per-minute originating access fee by the local telephone company for originating (initiating) that call for its customer; if that same friend from the other side of the state was served by another non-Qwest local telephone company, Qwest would be charged a per-minute terminating access fee by the local telephone company for terminating (delivering) that call to its customer. These switched access charges are assessed on a per-minute basis and generally are published in tariffs filed by the local telephone company with the Commission.

4. This billing arrangement is commonly known in the industry as "Calling Party Pays". That is, the company who has the retail toll relationship with the customer who places the toll call (and who receives the retail toll revenues for the call) is the party that is responsible for paying all access providers for the access service they render to originate from or deliver the call to its destination.

² This has changed. In 2002, a Qwest affiliate was given permission to enter the interLATA long-distance market pursuant to 47 U.S.C. § 271 of the Telecommunications Act of 1996. See *In the Matter of the Application by Qwest Communications International, Inc to Provide in-Region IntraLATA services*, WC Docket No. 02-314, FCC 02-332, released December 23, 2002.

B. Regulatory Changes

5. There were dramatic changes to state and federal law in 1999 relating to the regulatory structure described above. The Federal Communications Commission (the "FCC") mandated dialing parity, i.e., competition, in the intraLATA toll markets. See CC Docket No. 96-98, FCC 99-54, released March 23, 1999, implementing 47 U.S.C. § 251(b)(3) of the Telecommunications Act of 1996. In addition, North Dakota law was amended in 1999 to require every local exchange provider to provide intraLATA dialing parity no later than January 1, 2000. See *North Dakota Century Code* § 49-21-08.1. As a result of this regulatory overhaul, Qwest made the business decision to exit the intraLATA toll market in parts of North Dakota. Qwest gave notice in April 1999 that it would discontinue altogether the provision of intraLATA toll service in certain areas of North Dakota. Because of this decision, Qwest obviously could no longer serve as the designated 1+ intraLATA toll provider in those areas.

6. As a result of the foregoing legislative and regulatory activity and Qwest's subsequent decision to exit parts of the North Dakota intraLATA toll market, the local telephone companies in rural North Dakota who are named 1999 Settlement Agreement Defendants filed a complaint at the Commission requesting that the Commission compel Qwest to continue to provide intraLATA toll service in their serving areas. In a separate docket, other members of the 1999 Settlement Agreement Defendants filed plans with the Commission to implement the mandated dialing parity and, at the same time, requested that the Commission act upon its jurisdiction over the North Dakota telecommunications markets to suspend and modify certain of the requirements imposed by the FCC in its dialing parity mandate. Qwest intervened as a party in that docket. In short, there were two separate but related dockets filed at the Commission in 1999 both involving the 1999 Settlement Agreement Defendants and Qwest and each arising out of the mandated implementation in North Dakota of a new intraLATA long-distance regulatory regime. The parties in both dockets executed the Settlement Agreement to resolve the two cases.³

7. Qwest still provides some intraLATA toll service in North Dakota. While Qwest is no longer a retail toll carrier for calls originated by end-user customers of the 1999 Settlement

³ The complaint case was *Rural Telephone Company Group v. U S WEST*, Case No PU-2096-99-241; the RTCG-initiated filing was *AT&T Communications of the Midwest, Inc.*, Case No. PU-453-99-201.

Agreement Defendants, it continues to terminate calls to those end-user customers in its capacity as an intraLATA toll services provider for those Qwest local exchange customers who have selected Qwest as their retail intraLATA toll carrier. Using the example above, today, a customer of a 1999 Settlement Agreement Defendant cannot use Qwest's retail intraLATA long distance services to initiate an intraLATA toll call to a distant friend, but it is possible for the distant friend (if the friend is a customer who has chosen Qwest as his/her intraLATA toll carrier) to use Qwest long distance services to make an intraLATA toll call to the 1999 Settlement Agreement Defendant customer. Once the parties executed the Settlement Agreement, Qwest was no longer liable to local telephone companies for originating access charges, but it could be liable to those companies for terminating access charges for calls originated by callers using Qwest's intraLATA long-distance services.

8. In order for a local telephone company to bill terminating access charges accurately, it is necessary to measure terminating minutes of use accurately. In this case, that means the parties each month must accurately measure the number of minutes that customers who use Qwest's intraLATA toll services spend on the phone to place long-distance calls to customers of the 1999 Settlement Agreement Defendants. These minutes are known as "conversation minutes of use" and form the basis for the volumes used in calculating terminating access charges. Once the number of intraLATA toll minutes originated by Qwest customers and terminated by customers of the 1999 Settlement Agreement Defendants are measured, the monthly terminating access payment due to 1999 Settlement Agreement Defendants from Qwest is determined by the simple calculation of multiplying the number of minutes originated by Qwest and terminated by the Defendants each month by the per-minute terminating access charge rates usually as set forth in the relevant ILEC tariffs. It is, of course, of paramount importance to measure the terminating minutes of use accurately if the parties hope to assess, in the case of the 1999 Settlement Agreement Defendants, and pay, in the case of Qwest, accurate terminating access bills.

C. The Dispute

9. Paragraph 5 of the Settlement Agreement sets forth the interim methodology by which intraLATA toll traffic originated by Qwest and terminated to the 1999 Settlement Agreement Defendants (under the intraLATA toll regime in place after 1999) is identified and

measured so that the 1999 Settlement Agreement Defendants can bill Qwest terminating access charges. Qwest and the 1999 Settlement Agreement Defendants dispute whether paragraph 5 of the Settlement Agreement has been implemented properly by the parties.

10. Paragraph 6(d) of the Settlement Agreement obligates the parties to the Settlement Agreement to meet and negotiate in good faith a permanent methodology to replace the interim methodology established in paragraph 5 for measuring, for billing purposes, the toll traffic terminated by Qwest. Paragraph 6(d) provides that the permanent methodology agreed upon by the parties applies retroactively to January 1, 2000.

11. The 1999 Settlement Agreement Defendants insist upon continuing to use variations of the residual method, rather than the more accurate call information that Qwest can provide, to measure traffic and to bill terminating access charges to Qwest. The various residual methods used by the 1999 Settlement Agreement Defendants do not precisely measure actual minutes of use attributable to each retail toll carrier and unfairly requires Qwest to pay access charges for unidentified minutes of use. The residual methods used by the 1999 Settlement Agreement Defendants measure the volume of terminating traffic (delivered to the 1999 Settlement Agreement Defendants on certain non-local trunks that connect Qwest's network and the network(s) of the 1999 Settlement Agreement Defendants) for which the terminating company cannot identify the "Calling Party" company whose end user customer originated the calls. The "residual" traffic billed to Qwest may in fact not even be Qwest's wireline intraLATA toll, but may be wireless traffic or interexchange carrier traffic. The residual method forces Qwest to guarantee payment of terminating access charges to the 1999 Settlement Agreement Defendants even for traffic for which Qwest receives no retail toll revenues. The problem with residual billing is made worse because the method provides an incentive to other toll carriers to misidentify or to fail to include information that would allow incumbent local exchange carriers to bill them for terminating access charges. They know that, in effect, the local exchange carriers will look to Qwest, and not to them, to pick up the tab.

12. Currently in its 14-state region, Qwest uses a "Toll Usage Tracking" system ("TUT") or a "Clearinghouse for Access Revenue Distribution System" ("CARDS") to determine the total volumes of Qwest-originated, CLEC or ILEC-terminated toll traffic. Both the TUT and CARDS systems derive their volume information from the end user customer billing system used by Qwest to render a message toll services bill to Qwest's retail intraLATA toll customers. TUT

and CARDS measure call detail precisely for all Feature Group C and Feature Group D access traffic originated from a Qwest facility. Although very similar, Qwest considers the CARDS system to be superior to TUT for measuring toll traffic volumes. In addition to retail toll traffic, CARDS measures 1-800 calls and operator-service calls, whereas the TUT system cannot measure 1-800 and operator-service calls separately from the retail toll traffic. For purposes of the Settlement Agreement and Qwest's prayer for relief, it is important to note that because of system limitations Qwest can store CARDS data for three months, whereas it can archive information from TUT for five years.

13. The 1999 Settlement Agreement Defendants are familiar with TUT reports that Qwest produces because Qwest has supplied monthly reports of the TUT volumes to representatives of the Defendants for over two years. Qwest believes that the reason that the 1999 Settlement Agreement Defendants insist upon continuing to use variations of the residual method for measuring traffic is because it allows the 1999 Settlement Agreement Defendants to charge Qwest terminating access charges for traffic that they otherwise would not be able to bill to the true originator of the traffic, i.e., the "Calling Party". At stake also for the 1999 Settlement Agreement Defendants are claims by some for inflated backbilled amounts. In some cases, Qwest has refused to pay the full amount of invoices issued by certain of the 1999 Settlement Agreement Defendants when it believed those invoices were inflated and inconsistent with the terms of the Settlement Agreement. The Settlement Agreement provides for true-up back to January 1, 2000 using the forward looking methodology that the parties agree upon. It is Qwest's position that once an accurate measurement methodology is in place and can be applied retroactively as required by the Settlement Agreement, most, if not all, of the backbilling claims asserted by some of the 1999 Settlement Agreement Defendants will disappear. Therein lies the impasse at issue here. Qwest does not believe that resolution of the disputed issue concerning a forward-looking methodology is possible without Commission involvement.

CLAIM FOR RELIEF

WHEREFORE, Qwest respectfully asks the Commission for a declaratory order:

(i) Holding that paragraph 6(d) of the Settlement Agreement obligates the parties to the Settlement Agreement to meet and negotiate in good faith a methodology to replace the interim methodology established in paragraph 5 for measuring, for billing purposes, the toll traffic terminated by Qwest; and

(ii) Holding that paragraph 6(d) of the Settlement Agreement provides that methodology agreed upon by the parties applies retroactively to January 1, 2000; and

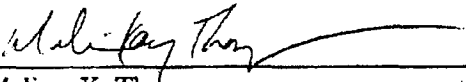
(iii) Ruling that, in accordance with Paragraph 6(d) and North Dakota Century Code § 49-21-06, that the Commission finds that the use by the 1999 Settlement Agreement Defendants of variations of the residual method is unreasonable or unfair and that the most reasonable and fair methodology for the parties to utilize to measure minutes of use for purposes of billing terminating access charges to Qwest on a going-forward basis from the date of the Commission's order is the volume data produced by Qwest's CARDS system; and

(iv) Ruling that, in accordance with Paragraph 6(d), the Commission finds that the most fair and reasonable methodology for the parties to use to true up the billing records of the 1999 Settlement Agreement Defendants to Qwest from January 1, 2000 to the present is the TUT system; and

(v) Ruling that the most fair and reasonable methodology for all carriers in North Dakota to use to measure minutes of use in order to calculate and bill terminating access charges to Qwest on a going-forward basis from the date of the Commission's order is the volume data produced by Qwest's CARDS system; and

(vi) Providing for any and all other equitable relief that the Commission deems just and reasonable.

RESPECTFULLY SUBMITTED this 29th day of September, 2005.


Melissa K. Thompson
QWEST SERVICES CORPORATION
1801 California Street, 10th Floor
Denver, CO 80202
(303) 383-6728

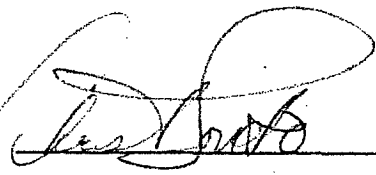
Richard Corbetta
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1801 Broadway, Suite 500
Denver, Colorado 80202
720-264-4795

Attorneys for Qwest Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of September, 2005, an original and 7 copies, plus an additional 133 copies for service on Defendants, of the foregoing **QWEST CORPORATION'S COMPLAINT FOR A DECLARATORY ORDER** were served upon the following party:

Ms. Ilona Jeffcoat-Sacco
Executive Secretary
North Dakota Public Utilities Commission
600 East Boulevard Avenue - 12th Floor
Bismarck, ND 58505-0480



**STATE OF NORTH DAKOTA
BEFORE THE PUBLIC SERVICE COMMISSION**

EXHIBIT 1

SETTLEMENT AGREEMENT

WHEREAS, each of the following are telephone companies providing local exchange service and switched access service for their exchange areas in North Dakota: Absaraka Co-operative Telephone Co., Inc.; BEK Communications Cooperative; BEK Communications I, Inc.; Consolidated Telecom, Inc.; Consolidated Communications Networks; Consolidated Telephone Cooperative; Dakota Central Telecommunications Cooperative; Dakota Central Telecom I, Inc.; Dickey Rural Telephone Cooperative; Dickey Rural Communications, Inc.; Griggs County Telephone Co.; Inter-Community Telephone Company; Inter-Community Telephone Co. II; Midstate Telephone Company; Midstate Communications, Inc.; Moore & Liberty Telephone Company; North Dakota Telephone Company; Northwest Communications Cooperative; Polar Communications Mutual Aid Corporation; Polar Telecommunications, Inc.; Reservation Telephone Cooperative; Turtle Mountain Communications, Inc.; United Telephone Mutual Aid Corporation; West River Communications, Inc.; West River Telecommunications Cooperative; and are collectively referred to for the purposes of this Agreement as the "Rural Telephone Company Group".

WHEREAS, U S WEST Communications, Inc. ("U S WEST") provides intraLATA toll service in North Dakota and is currently the designated 1+ toll provider for toll traffic originating from exchanges served by some of the RTCG members; and

WHEREAS, U S WEST notified the RTCG members on April 22, 1999 that it intends to discontinue the provision of message toll service originating from the RTCG exchanges effective with the implementation of IntraLATA dialing parity on July 22, 1999, whichever occurs first; and

WHEREAS, some of the RTCG members filed a complaint with the North Dakota Public Service Commission ("Public Service Commission" or "Commission") requesting the Commission to issue an order requiring U S WEST to continue providing message toll service originating from the RTCG exchanges; and

WHEREAS, some of the RTCG members filed with the Public Service Commission implementation plans and an amended petition for suspension and modification of the IntraLATA dialing party requirements prescribed by the Federal Communications Commission ("FCC") in its Order of March 23, 1999; and

WHEREAS, U S WEST intervened in the proceedings before the Public Service Commission and opposed the RTCG petition for suspension and modification of the IntraLATA dialing party requirements prescribed by the FCC; and

WHEREAS, the parties desire to resolve the disputes between them pending before the Public Service Commission;

NOW THEREFORE, U S WEST and each member of the RTCG agree as follows:

1. Each RTCG member will select an interim designated 1+ IntraLATA message toll carrier for all traffic originating from the RTCG exchanges for which U S WEST is currently the designated 1+ IntraLATA message toll carrier. The conversion of a designated 1+ message toll carrier from U S WEST to the carrier selected by the RTCG member will be completed before August 23, 1999 except that:

- a. The conversion to a new designated 1+ carrier for exchanges served by Absaroka Co-operative Telephone Co., Inc. will be completed before January 1, 2000.

- b. The conversion to a new designated 1+ carrier for the exchanges of Crary, Hamden, Penn, Starkweather, Warwick, and Websler served by North Dakota Telephone Company will be completed before October 10, 1999.
- c. The conversion for the exchanges served by Consolidated Telephone, Inc., Consolidated Communications Networks, Consolidated Telephone Cooperative, and West River Communications, Inc. will be completed before September 1, 1999.

U S WEST will meet all technical requirements to accomplish conversion to a new designated 1+ IntraLATA message toll carrier as provided in paragraph 1. The RTCG members will provide Feature Group D signalling for all traffic routed to the U S WEST access tandem.

2. U S WEST will pay each RTCG member its current access charges, revenue requirement true-ups, and billing and collection charges for all traffic originating from the RTCG exchanges for which U S WEST is the message toll carrier prior to the conversion to a new designated 1+ carrier selected by the RTCG as provided in paragraph 1.

3. If a RTCG member fails to complete conversion of its exchanges to a new designated 1+ carrier in accordance with paragraph 1, U S WEST will continue as a designated 1+ carrier for message toll traffic originating from those exchanges for a period not to exceed sixty days from the date specified in paragraph 1 provided that U S WEST will pay originating access charges for such traffic at a rate not to exceed \$.059 per minute of use for all messages carried after the scheduled date of conversion specified in this agreement and will no longer pay revenue requirement true-ups applicable after the specified date of conversion.

- c. The purchase of any North Dakota toll facilities available for sale by U S WEST.
- d. The measurement method for terminating toll traffic. Unless otherwise agreed, any new method negotiated or resolved by other manner for measurement of terminating toll traffic will become effective retroactive to January 1, 2000.
- e. The settlement of all outstanding access charge accounts including true-up settlements for toll traffic handled by U S WEST as a designated 1+ carrier from the RTCG exchanges including years prior to 1999.

The parties will attempt to reach agreement on each of the issues before January 1, 2000, except true-up settlements for 1999 will be attempted before January 1, 2001. Each party reserves its right to seek resolution of these issues in a manner provided by law if the parties are otherwise unable to reach agreement on an issue or an alternative resolution mechanism before January 1, 2000 or 2001 as the case may be.

7. U S WEST will charge its message toll service rates for toll traffic originating from the RTCG exchanges as such rates are in effect on the date the service is rendered. Toll traffic originating from the RTCG exchanges shall not be eligible for U S WEST discount plans.

8. The RTCG members will withdraw their complaint against U S WEST before the Public Service Commission in Case No. PU-2026-99-241 and request dismissal of the proceeding with prejudice as to the facts alleged in the RTCG complaint.

9. U S WEST will withdraw its intervention and opposition to the implementation plans for IntraLATA dialing parity and the RTCG's amended petition for suspension and modification of the FCC's dialing parity implementation plans in Public Service Commission Case Nos. PU-405-99-204; PU-418-99-205; PU-1680-99-206; PU-1762-99-224; PU-2013-

4. U S WEST and each RTCG member will jointly notify, at the expense of the RTCG member, the local exchange customers of the RTCG, in a written notice approved by both parties, of the change of designated carrier for the RTCG exchanges where U S WEST is currently the 1+ designated carrier.

5. Unless otherwise mutually agreed and subject to paragraph 6(d), message toll traffic terminated by U S WEST in an RTCG exchange after the conversion of the exchange to a new designated carrier will be measured in the same manner that traffic terminated by U S WEST in the exchanges of West River Telecommunications Coop. is currently measured. Pursuant to this method, U S WEST will continue to route terminating traffic on Feature Group C trunks. Each RTCG member will measure the total usage on the U S WEST C trunks and bill the access charges associated with the total traffic to U S WEST. U S WEST will identify any other carrier traffic using the C trunks and submit to the RTCG member the usage associated with the other carrier traffic for adjustment, refund or credit on the access charge billing.

6. U S WEST and each of the RTCG members agree to meet and negotiate in good faith the following issues:

- a. The location of meet points for the termination of toll traffic. The parties agree that the carrier originating the toll traffic will be allowed to designate the meet point subject to engineering and financial issues resulting from the provisioning of facilities.
- b. The terms for billing and collecting arrangements for U S WEST casual toll traffic after an RTCG converts to a new designated carrier. Existing billing and collecting agreements will remain in effect until the date of conversion specified in paragraph 1 but will terminate effective with the conversion to a new 1+ designated carrier. The new billing and collecting agreement will become effective retroactive to the date of conversion to a new 1+ designated carrier.

78; PU-419-99-207; PU-1682-99-209; PU-1683-99-210; PU-421-99-211; PU-1576-99-212; PU-449-99-213; PU-1685-99-214; PU-1264-99-215; PU-425-99-216; PU-426-99-217; PU-1727-99-218; PU-427-99-219; PU-1686-99-221; PU-431-99-220; PU-432-99-222; PU-1540-99-223.

Dated:

7/14/99

U S WEST Communications, Inc.

by:

Judith A. Lepore

Dated:

7/14/99

Rural Telephone Company Group and its individual members: Absaraka Cooperative Telephone Co., Inc.; BEK Communications Cooperative; BEK Communications I, Inc.; Consolidated Telecom, Inc.; Consolidated Communications Networks; Consolidated Telephone Cooperative; Dakota Central Telecommunications Cooperative; Dakota Central Telecom I, Inc.; Dickey Rural Telephone Cooperative; Dickey Rural Communications, Inc.; Griggs County Telephone Co.; Inter-Community Telephone Company; Inter-Community Telephone Co. II; Midstate Telephone Company; Midstate Communications, Inc.; Moore & Liberty Telephone Company; North Dakota Telephone Company; Northwest Communications Cooperative; Polar Communications Mutual Aid Corporation; Polar Telecommunications, Inc.; Reservation Telephone Cooperative; Turtle Mountain Communications, Inc.; United Telephone Mutual Aid Corporation; West River Communications, Inc.; West River Telecommunications Cooperative

by:

Richard A. Bush

6 Printing Merged, P.C.
By: Richard A. Bush

EXHIBIT 2

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July 2, 1999

Hand-delivered

Mr. Jon Mielke, Secretary
ND Public Service Commission
State Capitol - 12th Floor
Bismarck, ND 58505

Re: Rural Telephone Company Group v. U S WEST
PSC Case No. PU-2096-99-241

Enclosed for filing is the original and 7 copies of Prehearing Brief of U S WEST in the above-referenced action.

Thank you for your assistance in this matter.

Sincerely,



Karol A. Cossette, PLS
Secretary to Daniel S. Kuntz

Enclosures

c: Allen C. Hoberg,
Administrative Law Judge (hand-delivered)
Jan Sebby
William Binek

kac:\dkuntz\9367\1-mielke

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

CASE NO. PU-2096-99-241

BEK Communications Cooperative,
BEK Communications I, Inc.,
CTC Communications, Inc.,
Consolidated Telephone Cooperative,
Dakota Central Telecommunications Cooperative,
Dakota Central Telecom I,
Dickey Rural Telephone Cooperative,
Dickey Rural Communications, Inc.,
Griggs County Telephone Co.,
Inter-Community Telephone Company,
Inter-Community Telephone Co. II,
Midstate Telephone Company,
Midstate Communications, Inc.,
Moore & Liberty Telephone Company,
North Dakota Telephone Company,
Northwest Communications Cooperative,
Polar Communications Mutual Aid Corporation,
Polar Telecommunications, Inc.,
Reservation Telephone Cooperative,
Turtle Mountain Communications,
United Telephone Mutual Aid Corporation,
West River Communications, Inc., and
West River Telecommunications Cooperative,

Complainants,

-vs-

U S WEST Inc.,

Respondent.

PREHEARING BRIEF OF U S WEST

BACKGROUND

Prior to divestiture of the Bell System and the implementation of access charges, toll service in North Dakota was provided through a settlement process between Northwestern Bell and the Independent Telephone Companies. That situation changed with the introduction of competition in the toll market, particularly for interLATA toll, after divestiture of the Bell System. In 1983,

The Commission adopted a system of compensation to local exchange companies from interLATA toll providers through the payment of access charges. Case No. 10,444. In a similar fashion, the Commission adopted a recommendation from an industry study group in 1985 to implement access charges for the provision of intraLATA toll service provided primarily by U S WEST. Case No. 10,694. At the time of divestiture, AT&T and Northwestern Bell were the only companies with the facilities in place to provide long distance service. For this reason, these companies became "designated carriers" for interLATA and intraLATA toll service respectively. The Commission recognized, however, that this designation was only an interim situation until sufficient competition developed to serve the toll markets.

With the implementation of access charges, there was concern among the independent companies that they might not receive adequate revenues from the initially established access charges because they had insufficient experience to determine if the proposed level of access charges would generate enough money to meet their intrastate revenue requirements. To address this concern, the Commission adopted an industry proposal that U S WEST would pay an access adjustment rate (AAR) on an interim basis to cover the difference between the independent companies' intrastate revenue requirements and the intrastate access charges received by those companies. Case No. 10,694. The AAR was intended as an interim measure until the independent companies had sufficient

experience with access charges to develop compensatory access charges.

This interim arrangement has existed for the last 15 years and to a large extent has served as a defacto intrastate universal fund by which intraLATA toll service has subsidized residential local exchange rates in both U S WEST and independent company exchanges. Increased competition in the intraLATA toll market including cellular service, bypass and dial around, as well as enactment of the Telecommunications Act of 1996, have all dictated that this subsidy arrangement must end. The enactment of SB 2420 in the 1999 legislative session provided U S WEST with the opportunity to rebalance its toll, access and local exchange rates to bring the prices for those services closer to costs. More importantly, the FCC's requirement for the implementation of dialing parity in U S WEST's exchanges demands that U S WEST toll prices must become competitive and that it can no longer subsidize service in independent company exchanges through the payment of high access charges and the AAR.

Currently, the provision by U S WEST of intraLATA toll service from the independent exchanges is at best a break even situation on a cash flow basis. Essentially the revenue that U S WEST collects from the provision of toll originating from these exchanges is equal to the access charges U S WEST pays the RTCG companies to originate and terminate that traffic. U S WEST does not receive revenues from the toll traffic to cover its internal cost of providing the service or the expense associated with the payment of

access charges to other independent companies to terminate the traffic. In addition, U S WEST loses the opportunity to receive terminating access charges for any of this toll that terminates in U S WEST exchanges.

As part of the rate rebalancing provisions of SB 2420, U S WEST will be lowering its toll prices. If U S WEST provided RTCG toll at these lower prices, it estimates that the RTCG access charges would exceed gross revenues for this toll by over \$1.5 million per year. This would constitute a violation of N.D.C.C. § 49-21-02.2 which requires that the price for nonessential telecommunications service must cover the cost of providing the service. U S WEST would also be subsidizing this toll service from revenues from its essential access and local exchange telecommunications service which would also violate N.D.C.C. § 49-21-02.2. Because U S WEST is required to provide uniform toll prices on all the routes for which it provides service, the requirement of SB 2420 that U S WEST lower toll prices creates a conflict between N.D.C.C. §49-21-07 and § 49-21-02.2 if U S WEST continues to provide toll service originating from the RTCG exchanges.

U S WEST's provision of intraLATA toll from the RTCG exchanges is unique from other toll providers because U S WEST is prohibited from providing interLATA toll. Other toll providers have the ability to average down the cost of the high intraLATA access charges assessed by the RTCG members with the lower interLATA access charges particularly interstate interLATA access charges.

The companies seeking to provide the more lucrative interstate toll service are willing to compete for the toll business of RTCG customers including the higher cost intraLATA toll if they have the opportunity to provide interstate toll. Because U S WEST does not have the opportunity to provide low cost interstate toll, it operates at a significant competitive disadvantage in the provision of toll service even from its own exchanges where access charges are significantly lower than those of the RTCG. That competitive disadvantage is magnified if U S WEST continues to provide toll service from the RTCG exchanges with the associated higher access charges. To recover the costs of providing service in these exchanges, U S WEST could not be competitive for the provision of toll in its own exchanges and thereby eventually lose any remaining profitable toll business.

1. U S WEST Properly Terminated Its Contracts with the RTCG Members.

U S WEST acts as a designated carrier and provides intraLATA toll originating from the RTCG exchanges pursuant to toll service agreements with the RTCG members. These contract were negotiated between U S WEST and the RTCG members after the Commission recognized that U S WEST's status as a designated carrier was an interim status. The toll service agreements include a provision allowing for the termination of the contracts upon notice by either party. There is no requirement for Public Service Commission approval to terminate the contracts. Consistent with this termination provision, other independent companies have terminated

U S WEST's role as a designated carrier and assigned that role to another company, an affiliate or itself. In these cases, the Commission was aware that U S WEST's role as a designated carrier had ended and was assumed by another carrier without any suggestion that prior Commission approval was necessary.

By seeking to impose a requirement that U S WEST continue as a designated carrier in the RTCG exchanges, the RTCG essentially seeks to abrogate the terms of the toll service agreements negotiated between the parties. While the RTCG members apparently recognize they have the right to terminate these contracts unilaterally in accordance with the terms of the agreements, they would deprive U S WEST of the same right under the contracts. This is a contract issue and not a regulatory issue. The Commission should not interfere and seek to amend the terms of the contract negotiated by the parties.

2. U S WEST Does Not Need Commission Approval to Discontinue Toll Service.

The Public Service Commission cannot require U S WEST to provide a nonessential service. N.D.C.C. § 49-21-01(8) specifically provides that interLATA and intraLATA message toll service are nonessential telecommunications services. By definition, a nonessential service is an optional service. The only requirement that a company provide a particular telecommunications service applies to essential telecommunications services. See N.D.C.C. § 49-21-01.4.

The only statutes in N.D.C.C. Title 49 that would otherwise

Require Commission approval for discontinuation of a utility service are found at § 49-02-04 and § 49-04-05. In Chicago, Minneapolis & St. Paul Railway Co. v. Public Service Commission, 98 N.W.2d 101 (N.D. 1959), the Supreme Court recognized the Public Service Commission's authority to regulate services under § 49-02-04 included approval of a utility's discontinuance of service. Presumably, pursuant to this statute the Commission could require the utility to obtain PSC approval prior to discontinuance of service. N.D.C.C. § 49-02-04, however, no longer applies to telecommunications companies as those companies were exempted from its provisions in 1993 pursuant amendments to N.D.C.C. § 49-21-01.2. See N.D. Session Laws, 1993 Ch. 469 § 3.

In Case No. PU-2320-90-183, the Commission determined that AT&T and U S WEST were required to obtain Commission approval prior to the discontinuance of toll service in North Dakota pursuant to N.D.C.C. § 49-04-05 which prohibits a public utility from disposing, encumbering, merging or consolidating its franchise, works or system without prior Commission approval. The Public Service Commission determined that other interexchange companies were not required to obtain Commission approval prior to discontinuance of service because the Commission exempted those companies from N.D.C.C. § 49-04-05. Accordingly, the Commission recognized in 1992 that in the absence of the applicability of N.D.C.C. § 49-04-05, telecommunications companies were free to discontinue the provision of toll service in North Dakota.

In 1995, all telecommunications companies were specifically

Exempted from the provisions of N.D.C.C. § 49-04-05 by further amendments to N.D.C.C. § 49-21-01.2. See N.D. Session Laws, 1993 Ch. 30 § 5. Accordingly, U S WEST and AT&T now enjoy the same right to exit a toll market as allowed to other interexchange companies by the Commission in Case No. PU-2320-90-183. No one would seriously challenge AT&T's right to withdraw from a toll market in North Dakota. Nor would anyone challenge the policy of other providers of toll service, including affiliates of the RTCG, from choosing which markets they provide toll service. Similarly, there is no basis for the RTCG complaint against U S WEST's withdrawal of toll service from the RTCG exchanges.

Because the statutes that would have otherwise required Commission approval to discontinue toll service to a particular market are not longer applicable to telecommunications companies, there is no basis for the RTCG complaint and it should be dismissed.

3. Requiring U S WEST to obtain Commission approval for the discontinuance of toll service is discriminatory.

As stated previously, the Commission in 1992 exempted all telecommunications companies other than U S WEST and AT&T from any requirement to obtain Commission approval for the discontinuance of toll service.

Requiring U S WEST to continue to serve the RTCG toll market as a designated carrier, including the requirement that U S WEST pay an AAR, is discriminatory to U S WEST and preferential to other providers of toll service. Effective August 1, 1999, Section 9 of

Senate Bill 2420 prohibits discriminatory or preferential regulatory treatment. That section amends N.D.C.C. § 49-21-10.2 to prohibit the Commission from adopting any order that would impose a standard of service upon a telecommunications company unless the same order is applicable to all telecommunications companies providing similar service in the relevant market area. In other words, the Public Service Commission will not be able to impose a requirement that U S WEST serve all market areas in the state if a similar requirement is not imposed upon other providers of toll service. Likewise, the Commission cannot impose a requirement that U S WEST act as a designated carrier or carrier of last resort for the provision of toll service when other toll providers are not required to meet the same obligation.

For these reasons, any requirement that U S WEST continue as a designated carrier or obtain Commission approval prior to discontinuing a toll service to a particular exchange, is discriminatory and will be a violation of § 49-21-10.2 after the effective date of SB 2420.

4. The RTCG Access Charges are Discriminatory and Violate the Equitable and Nondiscriminatory Provisions of 47 U.S.C. § 254.

The intraLATA access charges paid by U S WEST to the RTCG members are higher than the interLATA access charges assessed by the RTCG members to interLATA toll providers and are also higher than the access charges assessed to other intraLATA toll providers. There is no reason why the intrastate access charges paid by U S WEST should be any higher than those assessed to other intraLATA or

interLATA toll providers. The RTCG access charges are discriminatory and U S WEST should not be required to be a designated carrier under those circumstances. N.D.C.C. § 49-21-07.

The AAR access charge that U S WEST pays is essentially a state universal service fund for the RTCG members. Section 254(b)(4) of the Telecommunications Act of 1996 provides that all providers of telecommunications service shall make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service. Because the RTCG access charges impose upon U S WEST additional access charges to meet the revenue requirements of the RTCG members, those access charges are neither equitable nor nondiscriminatory and therefore violate § 254(b)(4) of the Telecommunications Act. Accordingly, U S WEST cannot be required to continue to act as a designated carrier and pay higher access charges that violate these equitable nondiscriminatory provisions of the Telecommunications Act.

5. There Are Alternatives To U S WEST Acting As a Designated Carrier.

The RTCG have suggested that U S WEST's withdrawal from the intraLATA toll market for the RTCG exchanges will leave those exchanges without toll service. This is simply a scare tactic. There are a number of alternatives available for the provision of toll service from the RTCG exchanges.

(a). Dialing Parity.

The RTCG members can implement dialing parity. Indeed, some of the complainants in this proceeding have already proceeded to

Implement dialing parity and have arranged for default carriers.

In each of these exchanges, other toll providers have indicated a willingness to provide toll service from these rural exchanges. There is no reason to believe that interexchange companies will not also seek to provide toll service originating from the other RTCG exchanges.

(b). Self-Provision of Service.

The RTCG members can act as their own toll providers. U S WEST is willing to make arrangements with the RTCG members for use of U S WEST's facilities by which the RTCG members can provide toll service originating from their exchanges. The RTCG members can keep their toll revenues for traffic originating from their customers and would only be responsible for paying terminating access.

(c). Toll Service Provided Through Affiliates.

Most of the RTCG members have affiliates that are toll providers. These toll providers, such as North Dakota Long Distance, are currently offering toll service originating from RTCG and other independent company exchanges. These toll providers are also providing intraLATA "dial around" toll service from U S WEST exchanges. The RTCG members simply need to pursue arrangements with their own affiliates to provide toll service for their exchanges if the RTCG members do not want to implement dialing parity.

(d). Other Toll Providers.

By being able to market interLATA and intraLATA toll services together, other toll providers may be able to provide intraLATA toll service from the RTCG exchanges on a profitable basis. Accordingly, the RTCG members should pursue negotiations with other toll providers to determine interest in providing intraLATA toll from their exchanges.

CONCLUSION

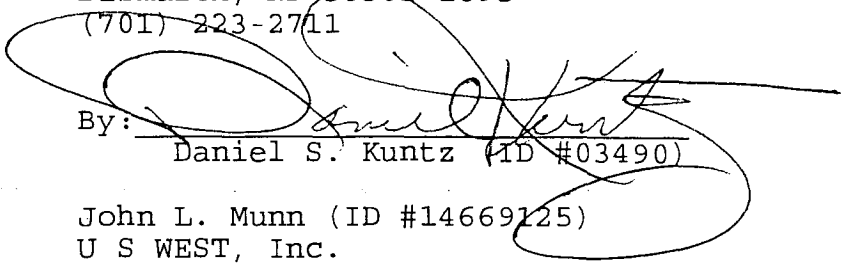
There are valid economic reasons for U S WEST to discontinue its role as a designated carrier for toll traffic originating from the RTCG exchanges. With the implementation of dialing parity in the U S WEST exchanges, U S WEST can no longer continue to subsidize toll service from these exchanges. The economic and legal requirement that U S WEST lower its intraLATA toll prices will only make the subsidy worse and create an actual net cash loss for the provision of this toll.

There are no legal obstacles for U S WEST to discontinue intraLATA toll service. U S WEST's ability to discontinue toll service and select the markets where it will provide toll service is no different than any other toll provider under the law. U S WEST's provision of toll service from the RTCG exchanges is a matter of contractual arrangement. U S WEST is entitled to terminate its contracts pursuant to its rights under those contracts just as some of the RTCG members have previously terminated U S WEST's role as a designated carrier in their exchanges.

There are other alternatives for the provision of toll service from the RTCG exchanges that do not violate state and federal statutes and which are in the public interest. Because there is no legal basis for the RTCG complaint in this proceeding, the complaint should be dismissed.

Dated this 2nd day of July, 1999.

ZUGER, KIRMIS & SMITH
Attorneys at Law
P.O. Box 1695
Bismarck, ND 58502-1695
(701) 223-2711

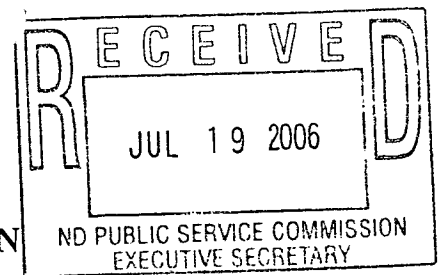
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Attorneys for U S WEST Communications, Inc.

kac:\dkuntz\9367\brief

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION



**Qwest Corporation vs.
Absaraka Co-operative Telephone Co., Inc., et. al.
Complaint**

**Case No. PU-05-546
OAH No. 20060205**

PREHEARING CONFERENCE SUMMARY AND ORDER

A prehearing conference on this matter was held on July 17, 2006, beginning at 11:00 a.m. CDT in the offices of the Public Service Commission, North Dakota State Capitol, 600 East Boulevard Avenue, Bismarck, North Dakota. In attendance were the designated hearing officer, Administrative Law Judge Allen Hoberg, William Binek and Pat Fahn for the Commission, Richard Corbetta for Qwest Corp., Don Negaard for the RTCG, Diane Browning for Sprint, Marilyn Foss and Thomas Dixon for MCI, and Rogelio Peña for Intrado.

After discussion, Qwest agreed to contact four of the parties appearing in this matter, MCI, Sprint, Intrado, and Acceris to discuss stipulations of dismissals for each, and to file the same upon agreement.

After discussion regarding narrowing the service list, the hearing officer asked Mr. Binek to seek approval of the Commission for limiting parties in this matter to those parties that have in some manner responded to Qwest's complaint. None of the participants at the prehearing conference objected to such a limitation. In any event, it appears that this matter primarily concerns the complainant, Qwest, and the respondents, the RTCG. Upon inquiry of Mr. Binek, the Commission agrees that those parties that have not in any manner responded to Qwest's complaint should be dismissed, and the service list narrowed accordingly.

Therefore, Qwest shall file, as soon as possible, a notice of voluntary dismissal dismissing all of the parties named in its complaint who have not responded in some manner to its complaint.

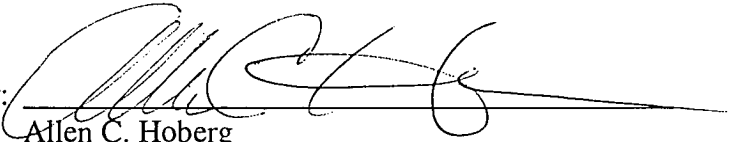
After discussion, the RTCG said that it wished to file a motion for summary disposition of this matter. The RTCG will file a motion, *e.g.*, motion to dismiss or motion for summary

judgment, within 60 days from July 17, 2006. Upon receipt of the motion, Qwest and the other parties remaining in the action at that time (those not dismissed by voluntary dismissal or stipulation for dismissal) will have 30 days from the receipt of the motion to file a response. At that time, the Commission will take the motion under advisement and issue its decision on the motion.

If the matter is still pending after the Commission's decision on the motion, a second prehearing conference will be scheduled, to be attended by the remaining parties, to discuss establishing a further procedural schedule, including scheduling a hearing.

Dated at Bismarck, North Dakota, this 18th day of July, 2006.

State of North Dakota
Public Service Commission

By: 
Allen C. Hoberg
Administrative Law Judge
Office of Administrative Hearings
1707 North 9th Street
Bismarck, North Dakota 58501
Telephone: (701) 328-3260

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Qwest Corporation vs.
Absaraka Co-operative Telephone Co., Inc., et. al.
Complaint**

**Case No. PU-05-546
OAH No. 20060205**

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the **PREHEARING
CONFERENCE SUMMARY AND ORDER** was mailed, regular mail, on the 18th day of July, 2006, to:

Mr. Richard Corbetta
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Denver, CO 80202

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Minneapolis, MN 55402

Mr. Donald A. Negaard
Pringle & Herigstad, P.C.
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Mailstop KSOPHNO212-2A511
Overland Park, KS 66251

Ms. Marilyn Foss
Attorney at Law
P.O. Box 2216
Bismarck, ND 58502-2216

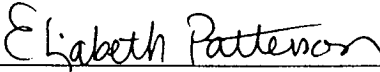
Mr. Rogelio E. Peña
Peña & Associates, LLC
1919 14th Street - Suite 610
Boulder, CO 80302

Acceris Communications Corp.
Attn: Abby Knowlton
9775 Business Park Avenue
San Diego, CA 92131

and that a true and correct copy of the above document was mailed, inside mail, at the State Capitol on the 18th day of July, 2006, to:

Mr. William W. Binek
Chief Counsel
Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

OFFICE OF ADMINISTRATIVE HEARINGS
Allen C. Hoberg, Administrative Law Judge



Elizabeth Patterson

Scott, Sandi L.

From: Binek, William W.
Sent: Tuesday, July 18, 2006 11:15 AM
To: Hoberg, Allen C.
Cc: -Grp-PSC Commissioners; -Grp-PSC Public Utilities; -Grp-PSC Legal
Subject: FW: Service list--Qwest Corporation vs. Absaraka Co-Operative Telephone Co., Inc., et. al. Complaint, Case No. PU-05-546

AI: The Commissioners agree to narrow the service list to the five companies that responded in some manner to the complaint plus Qwest. Qwest has already agreed to contact those responding companies that indicated a desire to be dismissed and enter into stipulations for dismissal to be filed with the Commission. In addition, we suggest that Qwest be required to file a motion to dismiss all of the companies that have not responded.

From: Binek, William W.
Sent: Monday, July 17, 2006 12:03 PM
To: -Grp-PSC Commissioners
Cc: -Grp-PSC Public Utilities; -Grp-PSC Legal; Hoberg, Allen C.
Subject: Service list--Qwest Corporation vs. Absaraka Co-Operative Telephone Co., Inc., et. al. Complaint, Case No. PU-05-546

This morning we had a prehearing conference in this case. One of the issues discussed was narrowing the service list to the companies that have in some way responded to the complaint. Those responding were the Rural Telephone Group, Sprint Communications, Company, L.P, MCImetro Access Transmission Services LLC, Intrado Communications, Inc. and Acceris Communications Corp.

AI Hoberg asked me to check with the Commission to determine if the Commissioners are agreeable to limiting the service list to Qwest plus the above named companies.

Please respond to me as soon as possible so that I can let AI know if it is ok to include in his Prehearing Conference Order the limitation of the service list to these six companies.

Thank you.

Scott, Sandi L.

From: Binek, William W.
Sent: Monday, July 17, 2006 12:03 PM
To: -Grp-PSC Commissioners
Cc: -Grp-PSC Public Utilities; -Grp-PSC Legal; Hoberg, Allen C.
Subject: Service list--Qwest Corporation vs. Absaraka Co-operative Telephone Co., Inc., et. al.
Complaint, Case No. PU-05-546

This morning we had a prehearing conference in this case. One of the issues discussed was narrowing the service list to the companies that have in some way responded to the complaint. Those responding were the Rural Telephone Group, Sprint Communications, Company, L.P, MCImetro Access Transmission Services LLC, Intrado Communications, Inc. and Acceris Communications Corp.

Al Hoberg asked me to check with the Commission to determine if the Commissioners are agreeable to limiting the service list to Qwest plus the above named companies.

Please respond to me as soon as possible so that I can let Al know if it is ok to include in his Prehearing Conference Order the limitation of the service list to these six companies.

Thank you.

MARILYN FOSS

- Attorney at Law -

Post Office Box 2216

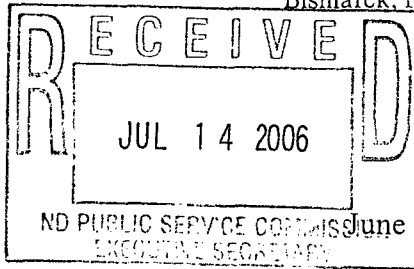
Bismarck, ND 58502-2216

Phone: 701-355-4538

Fax: 701-355-4539

Email: foss@btinet.net

Cell: 701-471-3045



COPY

Allen C. Hoberg
Administrative Law Judge
Office of Administrative Hearings
1707 North 9th Street
Bismarck, ND 58501

RE: Qwest Corporation vs. Absaraka Co-operative Telephone Co., et al.
Case No. PU-05-546
OAH No. 20060205

Dear Judge Hoberg:

Please add Thomas F. Dixon to the list of persons who will be called to participate in the prehearing conference for the captioned matter. Mr. Dixon is in-house counsel for MCI and, with me, would like to be able participate in the hearing. Mr. Dixon's telephone number is 303-390-6206. Please let me know if you have any questions about this. Unless I hear otherwise from you, I will assume that Mr. Dixon will be included in the telephone call. Thank you.

Sincerely Yours,

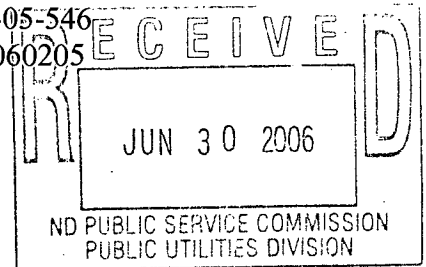
Marilyn Foss

cc: Thomas F. Dixon
Service List

**STATE OF NORTH DAKOTA
BEFORE THE PUBLIC SERVICE COMMISSION**

Qwest Corporation vs.
Absaraka Co-operative Telephone Co.,
Inc., et al.
Complaint

Case No. PU-05-546
OAH No. 20060205



NOTICE OF NEW ADDRESS

Peña & Associates, LLC, on behalf of Intrado Communications, Inc. ("Intrado")
files this Notice of New Address. All pleadings and other inquiries should be directed to
Intrado through its counsel at the new address set forth below.

Dated this 29th day of June, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rogelio E. Peña".

Rogelio E. Peña
Colorado Bar No. 020214
PEÑA & ASSOCIATES, LLC
1919 14th Street, Suite 610
Boulder, Colorado 80302
(303) 415-0409
(303) 415-0433 (facsimile)

ATTORNEY FOR INTRADO
COMMUNICATIONS, INC.

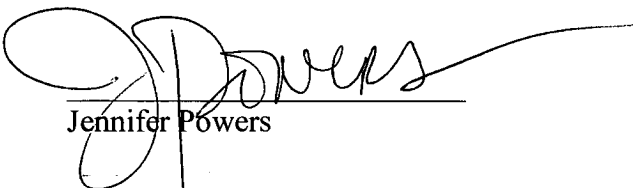
CERTIFICATE OF SERVICE

I hereby certify that the original and seven (7) copies of the foregoing **NOTICE OF NEW ADDRESS** was sent via Federal Express on this 29th day of June, 2006, for filing, addressed to the following:

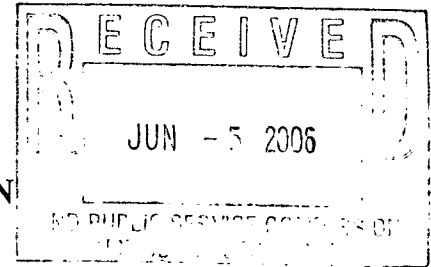
Ms. Ilona Jeffcoat-Sacco
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, 12th Floor
Bismarck, ND 58505-0480

And that a copy of same was sent, via U.S. Mail, postage pre-paid to the following:

Melissa Thompson, Esq. Qwest Services Corporation 1801 California Street, 10 th Floor Denver, CO 80202	Richard Corbetta, Esq. Corbetta & O'Leary, P.C. 821 Seventeenth Street, Suite 600B Denver, CO 80202
Don Negaard Pringle & Herigstad, P.C. P.O. Box 1000 Minot, ND 58702-1000	Diane C. Browning Sprint Communications Company, L.P. 6450 Sprint Parkway Mailstop KSOPHNO212-2A511 Overland Park, KS 66251
Marilyn Foss Attorney at Law P.O. Box 2216 Bismarck, ND 58502-2216	Acceris Communications Corp. Attn: Abby Knowlton 9775 Business Park Avenue San Diego, CA 92131
William W. Binek Chief Counsel Public Service Commission 600 East Boulevard Avenue, Dept. 408 Bismarck, ND 58505-0480	


Jennifer Powers

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION



**Qwest Corporation vs.
Absaraka Co-operative Telephone Co.,
Inc., et. al.
Complaint**

**Case No. PU-05-546
OAH No. 20060205**

NOTICE OF PREHEARING CONFERENCE

YOU ARE HEREBY NOTIFIED that a prehearing conference on this matter will be held on July 17, 2006, beginning at 11:00 a.m. CDT in the office of William W. Binek, Chief Counsel for the Public Service Commission, North Dakota State Capitol, 600 East Boulevard Avenue, Bismarck, North Dakota.

The purpose of this prehearing conference is for parties to discuss with the ALJ procedural matters involved in this administrative action, *see* N.D. Admin. Code § 69-02-03-01, as well as the size of the service list, service of process, establishing a procedural schedule, and other preliminary matters. Opportunity will be given parties to discuss any problems confronting them. The prehearing conference will be tape-recorded, and will be conducted in an informal manner.

Parties will be called at the following telephone numbers at the time of the prehearing conference unless the hearing officer is otherwise notified in writing.

Mr. Richard Corbetta	(303) 294-9100
Ms. Melissa K. Thompson	(303) 383-6728
Mr. Don Negaard	(701) 852-0381
Ms. Diane C. Browning	(913) 315-9284
Ms. Marilyn Foss	(701) 355-4538
Mr. Rogelio E. Peña	(303) 415-0409

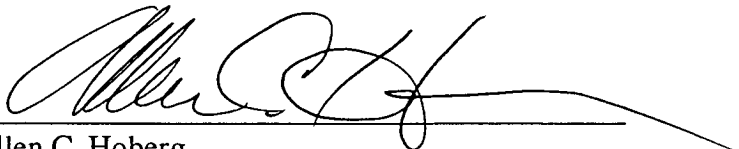
At the conclusion of the prehearing conference, the ALJ may issue a prehearing order reflecting any action taken at the prehearing conference and giving direction as to the procedures or issues for the hearing.

Attendance at the prehearing conference is necessary to result in an orderly and timely disposition of this matter. Your cooperation is appreciated.

Dated at Bismarck, North Dakota this 2nd day of June, 2006.

State of North Dakota
Public Service Commission

By: _____


Allen C. Hoberg
Administrative Law Judge
Office of Administrative Hearings
1707 North 9th Street
Bismarck, North Dakota 58501
Telephone: (701) 328-3260

AMERICANS WITH DISABILITIES ACT NOTIFICATION: A party shall promptly notify the Public Service Commission in writing if the party has a disability which will require auxiliary aids or services at the prehearing conference so that the Public Service Commission can make appropriate accommodation prior to the prehearing conference. Any request for an interpreter at the prehearing conference must also be made in writing to the Public Service Commission. Any request for aids, services, or an interpreter should be as specific as possible about what is required by the party. Also, please send a copy of the notice or request to the administrative law judge.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Qwest Corporation vs.
Absaraka Co-operative Telephone Co.,
Inc., et. al.
Complaint**

**Case No. PU-05-546
OAH No. 20060205**

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the **NOTICE OF
PREHEARING CONFERENCE** was mailed, regular mail, on the 2 day of June, 2006, to:

Mr. Richard Corbetta
Pogue, Corbetta & O'Leary, P.C.
821 Seventeenth Street - Suite 600B
Denver, CO 80202

Ms. Melissa K. Thompson
Qwest Corporation
1801 California Street, 10th Floor
Denver, CO 80202

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

Ms. Diane C. Browning
Sprint Communications Company L.P.
6450 Sprint Parkway
Mailstop KSOPHNO212-2A511
Overland Park, KS 66251

Ms. Marilyn Foss
Attorney at Law
P.O. Box 2216
Bismarck, ND 58502-2216

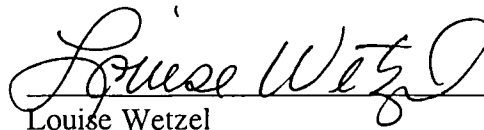
Mr. Rogelio E. Peña
Peña & Associates, LLC
1375 Walnut Street - Suite 220
Boulder, CO 80302

Acceris Communications Corp.
Attn: Abby Knowlton
9775 Business Park Avenue
San Diego, CA 92131

and that a true and correct copy of the above document was mailed, inside mail, at the State
Capitol on the 2 day of June, 2006, to:

Mr. William W. Binek
Chief Counsel
Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

**OFFICE OF ADMINISTRATIVE HEARINGS
Allen C. Hoberg, Administrative Law Judge**


Louise Wetzel



OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF NORTH DAKOTA

1707 North 9th Street

Bismarck, North Dakota 58501-1882

Allen C. Hoberg
DIRECTOR

701-328-3260
Fax 701-328-3254
oah@state.nd.us
www.nd.gov/oah

June 1, 2006

Mr. William W. Binek
Chief Counsel
Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

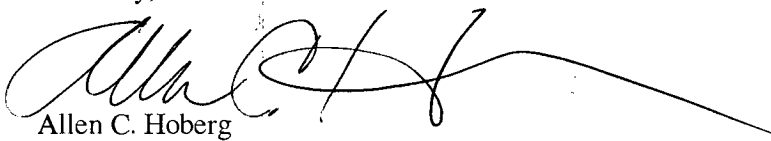
Dear Mr. Binek:

Thank you for your May 31, 2006, request of the designation of an administrative law judge from the Office of Administrative Hearings to conduct a hearing in the matter of Qwest Corporation vs. Absaraka Co-operative Telephone Co., Inc. et al. I hereby designate myself, Allen C. Hoberg, to be assigned as an administrative law judge to conduct the hearing in regard to this matter. Because the administrative law judge will not be making recommended findings of fact and conclusions of law, or issuing a recommended order, the person or persons who will be making the final administrative decision in regard to this matter (*i.e.*, agency head, deputy, board, commission) must be in attendance at the hearing.

Please send all additional relevant documents (correspondence, and other pleadings and documents) to the designated administrative law judge in care of the Office of Administrative Hearings, 1707 North 9th Street, Bismarck, North Dakota 58501-1882. Our office will schedule a prehearing conference as soon as possible to discuss the procedural status of the case and possible approaches to establishing a procedural schedule as requested by the Commission.

Your request has been assigned OAH File No. 20060205. Please include this number on all future documents and correspondence filed for this matter with the Office of Administrative Hearings.

Sincerely,



Allen C. Hoberg
Director

ACH/lmw

cc: Mr. Richard Corbetta
Ms. Melissa K. Thompson
Mr. Don Negaard
Ms. Diane C. Browning
Ms. Marilyn Foss
Mr. Rogelio E. Peña
Ms. Abby Knowlton



Public Service Commission

State of North Dakota

COMMISSIONERS

Tony Clark, President
Susan E. Wefald
Kevin Cramer

Executive Secretary
Illona A. Jeffcoat-Sacco

May 31, 2006

600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
web: www.psc.state.nd.us
e-mail: ndpsc@state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

Mr. Allen C. Hoberg
Office of Administrative Hearings
1707 North 9th Street, Lower Level
Bismarck, ND 58501

Re: Qwest Corporation vs.
Absaraka Co-operative Telephone Co., Inc. et al.
Complaint
Case No. PU-05-546

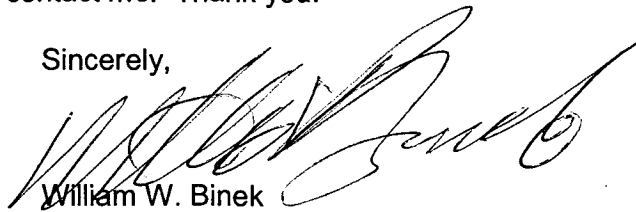
Dear Mr. Hoberg:

Enclosed is a request for a procedural administrative law judge in the above case. A formal hearing date has not been set, however Qwest Corporation has requested that a prehearing conference be scheduled as soon as possible to discuss the procedural status of this case and possible approaches to establishing a procedural schedule. The Commission requests that the Administrative Law Judge schedule and conduct the prehearing conference. A copy of the case is enclosed.

Please provide the Commission with a copy of any filings issued by your office in this matter.

If you have any questions, please contact me. Thank you.

Sincerely,



William W. Binek
Hearing Administrator

/sls
Enclosure

c: Richard Corbetta
Melissa K. Thompson
Don Negaard
Diane C. Browning
Marilyn Foss
Rogelio E. Peña
Abby Knowlton

25 PU-05-546

Pages: 1

Cover letter to Office of Administrative
Hearings
by Public Service Commission
05/31/2006 CC: Comm Legal Illona, Pat, Annette . .



REQUEST FOR ADMINISTRATIVE LAW JUDGE--COMPLAINT
NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS
SFN 17818 (Rev. 03-2001)

Name of Agency, Board, or Commission Public Service Commission		
Name of Respondent(s) See attached	Address	Telephone Number

The above named agency, board, or commission has taken administrative action pursuant to its authority found in Title 49 _____ (North Dakota Century Code and/or North Dakota Administrative Code).

The administrative action is more fully described as follows:
Case No. PU-05-546, Qwest Corporation vs. Absaraka Co-operative Telephone Co., Inc. et al., Complaint.

Has the respondent been provided a copy of the complaint? ☒ Yes ☐ No

Attached is a copy of the complaint, related documents and correspondence, and certificate, affidavit or admission of service. If the respondent has otherwise been notified about this administrative action, please explain in the comments section below.

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.

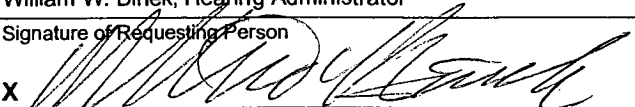
Agency Contact Person(s) William W. Binek, Chief Counsel	Telephone Number 328-4088

Representation [attorney (or other)] if known:

Agency William W. Binek, Chief Counsel	Telephone Number 328-4088
Party See attached	Telephone Number
Party	Telephone Number

Additional Comments A formal hearing date has not been set, however Qwest has requested that a prehearing conference be scheduled as soon as possible to discuss the procedural status of this case and possible approaches to establishing a procedural schedule.

(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 5/31/06
Signature of Requesting Person 	Telephone Number 328-4088

X

Qwest Corporation vs.
Absaraka Co-operative Telephone Co., Inc. et al.
Complaint

Case No. PU-05-546

List of Parties

Complainant

Qwest Corporation
1801 California Street, 10th Floor
Denver, CO 80202

Counsel

Richard Corbetta
Pogue, Corbetta & O'Leary, P. C.
821 Seventeenth Street, Suite 600B
Denver, CO 80202
(303) 294-9100

Melissa K. Thompson
Qwest Corporation
1801 California Street, 10th Floor
Denver, CO 80202
(303) 383-6728

Respondents

Rural Telephone Group
%Pringle & Herigstad, P. C.
P. O. Box 1000
Minot, ND 58702-1000

Counsel

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

Sprint Communications Company L.P.
6450 Sprint Parkway
Mailstop KSOPHNO212-2A511
Overland Park, KS 66251

Diane C. Browning
Sprint Communications Company L.P.
6450 Sprint Parkway
Mailstop KSOPHNO212-2A511
Overland Park, KS 66251
(913) 315-9284

MCImetro Access Transmission Services
LLC
707 17th Street, Suite 3600
Denver, CO 80202

Marilyn Foss
Attorney for MCImetro Access
Transmission Services LLC
P. O. Box 2216
Bismarck, ND 58502-2216
(701) 355-4538

Intrado Communications, Inc.
1601 Dry Creek Drive
Longmont, CO 80503-6493

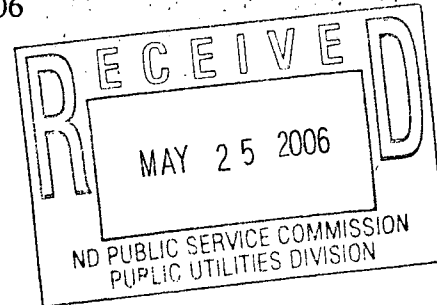
Rogelio E. Peña
Peña & Associates, LLC
1375 Walnut Street, Suite 220
Boulder, CO 80302
(303) 415-0409

Acceris Communications Corp.
Attn: Abby Knowlton
9775 Business Park Avenue
San Diego, CA 92131
(858) 547-5700

POGUE, CORBETTA & O'LEARY, P.C.
ATTORNEYS AT LAW

821 SEVENTEENTH STREET, SUITE 600B - DENVER, COLORADO 80202
TELEPHONE: (303) 294-9100 - FACSIMILE: (303) 294-9112

May 22, 2006



Ms. Illona Jeffcoat-Sacco
Executive Secretary
North Dakota Public Service Commission
State Capitol
Bismarck, ND 58505

Re: *Qwest's Complaint for a Declaratory Order; Docket No. PU 05-546*

Dear Ms. Jeffcoat-Sacco:

I am writing on behalf of my client Qwest Corporation ("Qwest") in regard to the above-referenced docket. It has been some time since the docket was noticed and it appears that Qwest and the Rural Telephone Company Group ("RTCG") are the only parties with an interest in participating actively in this docket. I have been in contact with counsel for RTCG to discuss the procedural status of this case and possible approaches to establishing a procedural schedule.

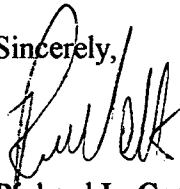
On behalf of Qwest, I request that the Commission schedule a prehearing conference pursuant to North Dakota Administrative Code §69-02-03-03 for the purpose of addressing procedural matters generally, including scheduling, and specifically, to the extent applicable, those matters identified in North Dakota Administrative Code §69-02-03-01. Qwest requests that the prehearing conference be scheduled as soon as reasonably possible.

One issue that Qwest will raise at the prehearing conference is the size of the service list in this docket and, given the apparent lack of interest in this docket by the vast majority of the parties on that list, the establishment of a more efficient service process. Qwest has copied counsel for RTCG on this letter. Qwest assumes that if its request is granted and a prehearing conference is scheduled, notice of the prehearing conference will be provided to all parties of record. In the meantime, Qwest will serve this letter on all parties of record if the Commission so directs.

Please note that our firm name, address and telephone number has changed. Please update your records accordingly.

Ms. Illona Jeffcoat-Sacco
May 22, 2006
Page 2

Thank you for your attention to this matter and please do not hesitate to call if you have questions about this letter.

Sincerely,

Richard L. Corbetta

RLC/nms

cc: Jason Topp, Esq.
Don Negaard, Esq.

PEÑA & ASSOCIATES, LLC

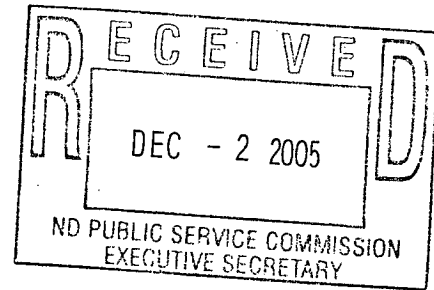
Attorneys at Law
1375 Walnut St., Suite 220
Boulder, Colorado 80302

Telephone (303) 415-0409
Facsimile (303) 415-0433

E-mail: repena@boulderattys.com

December 2, 2005

Ms. Ilona Jeffcoat-Sacco
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, 12th Floor
Bismarck, ND 58505-0480



Re: Qwest Corporation v. Absaraka Co-operative Telephone Co., Inc., et al.
PU 05-546

Dear Ms. Jeffcoat-Sacco:

Enclosed for filing in the above-referenced matter are the original and 7 copies of Intrado Communications, Inc.'s Motion to Dismiss Qwest Corporation's Complaint for a Declaratory Order.

Please file-stamp the extra copy and return it to us in the enclosed, self-addressed, stamped envelope.

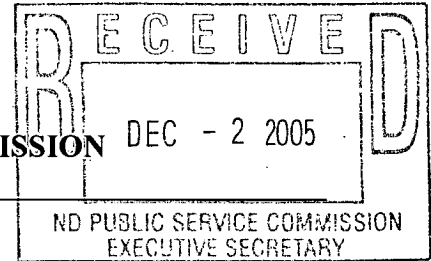
Thank you for your assistance in this matter. Should you have any questions or concerns, please call.

Sincerely,

Patrice M. Klimo
Legal Assistant

Enclosures

STATE OF NORTH DAKOTA
BEFORE THE PUBLIC SERVICE COMMISSION



Qwest Corporation,

Complainant

PU 05-546

v.

Absaraka Co-operative Telephone Co., Inc.;
et al.,

and

1-800-RECONEX, INC. d/b/a U S Tel; et al.,

Defendants.

INTRADO COMMUNICATIONS,
INC.'S MOTION TO DISMISS
QWEST CORPORATION'S
COMPLAINT FOR A
DECLARATORY ORDER

Intrado Communications, Inc. ("Intrado"), by and through its undersigned counsel, in accordance with Commission Rule 69-02-02-08, respectfully submits its Motion To Dismiss Qwest Corporation's Complaint For A Declaratory Order. In support thereof, Intrado states the following:

The above-captioned proceeding was initiated when Qwest Corporation ("Qwest") filed a Complaint For A Declaratory Order on September 30, 2005. Qwest's Complaint names Intrado as a party to the proceeding.

According to the Complaint, this case arises out of a Settlement Agreement dated July 14, 1999, which was executed by Qwest and a group of providers Qwest refers to in the Complaint as the "1999 Settlement Agreement Defendants." Qwest alleges in the Complaint that the Settlement Agreement obligates the 1999 Settlement Agreement Defendants to meet and negotiate a permanent methodology for measuring (for billing purposes) toll traffic terminated by Qwest. Qwest seeks a ruling from the Commission

that, *inter alia*, Qwest's proposed methodology for measuring such toll traffic is the most fair and reasonable methodology and should be adopted by the Commission on a permanent basis.

Intrado respectfully requests that the Commission dismiss Intrado from this proceeding because the issues in dispute are not directly relevant to Intrado. Intrado was not a party to the 1999 Settlement Agreement, which is the basis of the disputed issues in this proceeding. Further, Intrado does not bill Qwest for terminating switched access traffic. Intrado's core business involves providing emergency 911 services and solutions. Accordingly, Intrado takes no position on what, if any, permanent methodology for measuring terminating switched access charges to be billed to Qwest should be adopted by the Commission. To the extent applicable, Intrado agrees to comply with any methodology adopted by the Commission in this proceeding.

WHEREFORE, Intrado respectfully asks the Commission to dismiss Intrado as a party in this proceeding. If the Commission is not inclined to dismiss Intrado, Intrado respectfully requests that it be designated as a non-participating party, for it has no direct interest in the disputed issues that are the subject matter of this proceeding. Finally, Intrado requests that it be allowed to file an Answer to Qwest's Complaint in the event the Commission deems it necessary for Intrado to remain an active party in the proceeding.

RESPECTFULLY SUBMITTED this 2nd day of December 2005.



Rogelio E. Peña

Colorado Bar No. 020214

PEÑA & ASSOCIATES, LLC

1375 Walnut Street, Suite 220

Boulder, Colorado 80302

(303) 415-0409

(303) 415-0433 (facsimile)

ATTORNEY FOR INTRADO
COMMUNICATIONS, INC.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **INTRADO COMMUNICATIONS INC.'S MOTION TO DISMISS QWEST CORPORATION'S COMPLAINT FOR A DECLARATORY ORDER** was filed via facsimile on this 2nd day of December, 2005, and that the original and seven copies of the same were sent, via U.S. Mail, postage pre-paid, to the following:

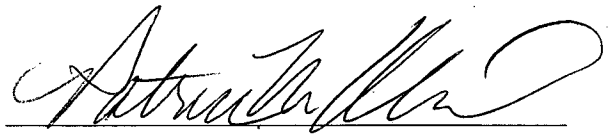
Ms. Ilona Jeffcoat-Sacco
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, 12th Floor
Bismarck, ND 58505-0480

And that true and correct copies of the same were sent, via U.S. Mail, postage pre-paid to the following:

Melissa Thompson, Esq.
Qwest Services Corporation
1801 California Street, 10th Floor
Denver, CO 80202
303-383-6728

Richard Corbetta, Esq.
Corbetta & O'Leary, P.C.
1801 Broadway, Suite 500
Denver, CO 80202
720-264-4795

And that true and correct copies of the same were sent, via U.S. Mail, postage pre-paid, to all Defendants.



MARILYN FOSS

- Attorney at Law -
Post Office Box 2216
Bismarck, ND 58502-2216

Phone: 701-355-4538

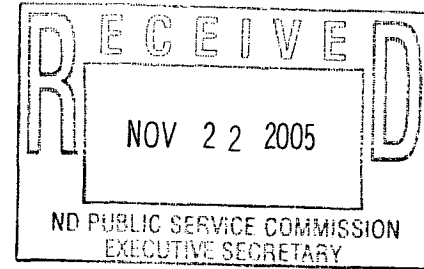
Fax: 701-355-4539

November 21, 2005

Illona Jeffcoat- Sacco
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue, Dept 480
Bismarck, ND 58505-0480

Email: foss@btinet.net

Cell: 701-471-3045



RE: Qwest Corporation v. Absaraka Co-operative Telephone Co., Inc. et al.
PU-05-546

Dear Ms. Jeffcoat-Sacco:

Enclosed for filing in connection with the captioned matter is a Certificate of Service upon Business Productivity Solutions Inc, Wolverton Telephone Company and WTC Competitive Service Inc. Re-service was made as a result of returned mail from the original service of November 14. Please advise me if you have any questions regarding this filing.

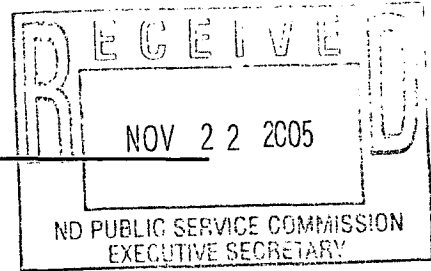
Sincerely Yours,

A handwritten signature in cursive script that reads "Marilyn Foss".

Marilyn Foss

cc: Michel Singer Nelson

STATE OF NORTH DAKOTA
BEFORE THE PUBLIC SERVICE COMMISSION



Qwest Corporation, Complainant

PU-05-546

v.

CERTIFICATE OF
RE-SERVICE

Absaraka Co-operative Telephone Co., Inc.;
BEK Communications Cooperative; BEK
Communications I, Inc.; Consolidated Telecom, Inc.;
Consolidated Communications Networks;
Consolidated Telephone Cooperative; Dakota
Central Telecommunications Cooperative; Dakota
Central Telecom, Inc.; Dickey Rural Telephone
Cooperative; Dickey Rural Communications, Inc.;
Griggs County Telephone Co.; Inter-Community
Telephone Company; Inter-Community Telephone
Co. II; Midstate Telephone Company; Midstate
Communications, Inc.; Moore & Liberty Telephone Co.;
North Dakota Telephone Company; Northwest
Communications Cooperative; Polar Communications
Mutual Aid Corporation; Polar Telecommunications, Inc.;
Reservation Telephone Cooperative; Turtle Mountain
Communications, Inc.; United Telephone Mutual Aid
Corporation; West River Communications, Inc.; West
River Telecommunications Cooperative,

and

1-800-RECONEX, Inc. d/b/a US Tel; AT&T
Communications of the Midwest, Inc.; Acceris
Communications Corp. d/b/a Acceris Communications
Partners & Acceris Communication Solutions; BT
Communications Sales, LLC; Budget Phone, Inc.; C12,
Inc.; Citizens Telecommunications Company of
Minnesota, Inc.; CommPartners, LLC; Computer
Integrated Communications, Inc.; Computer Network
Technology Corporation; Comtech 21, LLC; Consolidated
Communications Corporation; Contact Communications;
Covista Inc.; DCN, LLC; DIECA Communications, Inc. d/b/a
Covad Communications Company; DSLnet
Communications, LLC; DakTel Communications,
LLC; Dickey Rural Access, Inc.; Dickey Rural
Services, Inc.; EASTON TELECOM SERVICES,
INC.; Ernest Communications, Inc.; Evercom

Systems, Inc.; Excel Telecommunications, Inc.;
Extend America, Inc.; France Telecom Corporate
Solutions, LLC; Global Tel*Link Corporation, Inc.;
GLOBCOM INCORPORATED; Granite
Telecommunications, LLC; GROUP LONG
DISTANCE, INC.; HTC Services, Inc.; Halstad
Telephone Company; Houlton Enterprises, Inc.;
ICG Telecom Group, Inc.; IDT America, Corp.;
IdeaOne Telecom Group LLC; Ignus, Inc.; Integra
Telecom of North Dakota, Inc.; IPVoice
Communications, Inc.; Inmate Phone Systems
Corporation; Intrado Communications Inc.; Ionex
Communications North, Inc.; James Valley
Cooperative Telephone Company; KMC Data LLC;
KMC Telecom V, Inc.; Kotana Communications,
Inc.; Legacy Long Distance International, Inc.;
Level 3 Communications, LLC; Loretel Systems,
Inc.; MCImetro Access Transmission Services,
LLC; McLeodUSA Telecommunications Services,
Inc.; Matrix Telecom, Inc.; Maxccss, Inc.;
Metromedia Fiber Network Services, Inc.;
Metropolitan Telecommunications of North Dakota,
Inc.; Midcontinent Communications; Mid-Rivers
Telephone Cooperative, Inc.; Missouri Valley
Communications, Inc.; NET-tel Corporation;
Nemont Telephone Cooperative, Inc.; New Access
Communications, LLC; New Edge Network Inc.;
Nextel West Corp.; Noonan Farmers Telephone
Company; North Dakota Big Sky Telecom A
Partnership; North Dakota Network Co.; Onvoy,
Inc.; OrbitCom, Inc.; Pacific Centrex Services,
Inc.; Phonel, Inc.; Polar Telecom, Inc.; PREFERRED
CARRIER SERVICES, INC.; Premier Network
Services, Inc.; QuantumShift Communications, Inc.
d/b/a VCOM Solutions; RC Communications, Inc.;
Red River Rural Telephone Association; Red River
Telecom, Inc.; Reliant Communications, Inc.;
Roberts County Telephone Cooperative Association
of New Effington; SBC Long Distance, LLC d/b/a
Southwestern Bell Long Distance; d/b/a Nevada
Bell Long Distance; d/b/a Pacific Bell Long
Distance; SRT Communications, Inc.;
ServiSense.com, Inc.; Sprint Communications
Company L. P. d/b/a US Sprint Communications
Limited Partnership; Talk America, Inc. d/b/a New
Hope Network Services; TARGET TELECOM

INCORPORATED; Telcom Billing Services, Inc.;
Telera Communications, Inc.; Trans National
Communications International, Inc.; Trinsic
Communications, Inc.; UCN, Inc.; U.S. Link, Inc.;
d/b/a TDS Metrocom; Universal Access, Inc.; VAL-
ED Joint Venture, LL.P. d/b/a 702 Communications;
VCI Company; Valley Communications, Inc.; VarTec
Solutions, Inc.; VarTec Telecom, Inc. d/b/a Clear Choice
Communications; Venture Communications, Inc.;
Verizon Select Services, Inc.; WTC Competitive
Services, Inc.; West River Cooperative Telephone
Company; Western CLEC Corporation; Wolverton
Telephone Company; XO Communications Services, Inc.;
Z-Tel Communications, Inc.

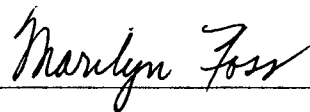
Defendants.

Certificate of Service

Marilyn Foss, hereby certifies that on this 21st day of November, 2005, an original and 7 copies of the ANSWER AND AFFIRMATIVE DEFENSES BY MCImetro Access TRANSMISSION SERVICES LLC for the captioned matter were re-served by First Class Mail on the following:

Business Productivity Solutions Inc
730 2nd Ave Ste 900
Minneapolis, MN 55402

Wolverton Telephone Company
WTC Competitive Services Inc
PO Box 270
Park River, ND 58270-0270



Marilyn Foss, ND Id. No. 03474
Attorney for MCImetro Access
Transmission Services LLC
PO Box 2216
Bismarck, ND 58502-2216
Telephone: (701) 355-4538
Facsimile: (701) 355-4539
Email: foss@btinet.net

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

North Dakota Telephone Company
P O Box 180
Devils Lake ND 58301-0180

DELIVERY

A. Signature

X Maria Keefe

☒ Agent
☐ Addressee

B. Received by (Printed Name)

Maria Keefe

C. Date of Delivery

10-17-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 6649

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Venture Communications Inc
P O Box 157
Highmore SD 57345-0157

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 3297

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

A. Signature

X Suzanne Husted

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Suzanne Husted

C. Date of Delivery

10-18-06

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

West River Cooperative Telephone Co
801 Coleman Ave
Bison SD 57620

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 3327

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

A. Signature

X [Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Sara Moore

C. Date of Delivery

10-17-06

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DCN LLC
P O Box 180
Devils Lake ND 58103-0180

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2511

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

A. Signature

X Maria Kiefe

☒ Agent

☐ Addressee

B. Received by (Printed Name)

Maria Kiefe

C. Date of Delivery

10-17-06

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

PU-05-546

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature <i>Marilyn Foss</i> ☐ Agent ☐ Addressee	
B. Received by (Printed Name) <i>MARILYN FOSS</i>		C. Date of Delivery <i>JAN 16 2007</i>	
1. Article Addressed to: <i>MARILYN FOSS</i> <i>Attorney for MCI Metro Access</i> <i>Transmission Services LLC</i> <i>PO Box 216</i> <i>Bismarck ND 58502-2216</i>		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
2. Article Number (Transfer from service label) <i>7006 0100 0003 7161 2705</i>		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
PS Form 3811, February 2004		Domestic Return Receipt	

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature <i>Ray Krenz</i> ☐ Agent ☐ Addressee	
B. Received by (Printed Name) <i>RAY KRENZ</i>		C. Date of Delivery <i>01-16-07</i>	
1. Article Addressed to: <i>Consolidated Communications</i> <i>Networks Inc</i> <i>Consolidated TELCOM</i> <i>PO Box 1408</i> <i>Dickinson ND 58602-1408</i>		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
2. Article Number (Transfer from service label) <i>7006 0100 0003 7161 3238</i>		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
PS Form 3811, August 2001		Domestic Return Receipt	

ON ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		COMPLETE THIS SECTION ON DELIVERY	
1. Article Addressed to: <i>Northwest Communications</i> <i>Cooperative</i> <i>PO Box 38</i> <i>Ray ND 58849-0038</i>		A. Signature <i>Sheri Simpson</i> ☒ Agent ☐ Addressee	
2. Article Number (Transfer from service label) <i>7005 1820 0002 3242 9553</i>		B. Received by (Printed Name) <i>Sheri Simpson</i>	
PS Form 3811, February 2004		C. Date of Delivery <i>1/16/07</i>	
Domestic Return Receipt		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.		4. Restricted Delivery? (Extra Fee) ☐ Yes	

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DSLnet Communications LLC
545 Long Wharf Dr
New Haven CT 06511

2. Article
(Transfer from service label)

A. Signature

X *Ellen Fisk*

☒ Agent
☐ Addressee

B. Received by (Printed Name)

ELLEN FISK

C. Date of Delivery

10-16-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

102595-02-M-154C

HIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Z-Tel Communications Inc
3340 Peachtree Rd NE Ste 2900
Atlanta GA 33602

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 3365

A. Signature

X *Daniel*

☐ Agent
☐ Addressee

B. Received by (Printed Name)

Daniel

C. Date of Delivery

10-26

D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: ☐ No

P.O. B. 10751
ATMORE, AL. 36504

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154C

COM

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KMC Telecom V Inc
1545 Route 206
Bedminster NJ 07921

A. Signature

X *M. S. H. T.*

☐ Agent
☐ Addressee

B. Received by (Printed Name)

M. S. H. T.

C. Date of Delivery

10-24-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 2795

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154C

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ignus Inc
855 45th St SW Ste 11
 Fargo ND 58103-1036

A. Signature

X *[Signature]* 2006

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10-25-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2719

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

AT&T Communications of the Midwest
1875 Lawrence Rm 8-19
Denver CO 80202

DELIVERY

A. Signature

X *[Signature]*

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

R. HARRIS

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

OCT 24 2006

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 6724

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

VCI Company
3875 Steilacoom Blvd SW #A
Lakewood WA 98499

A. Signature

X *[Signature]*

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

JOE WILLOTT

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

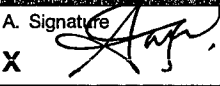
(Transfer from service label)

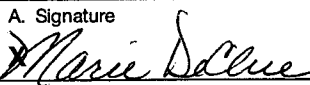
7005 3110 0003 6265 3266

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

N	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature X  ☐ Agent ☐ Addressee B. Received by (Printed Name) <u>AILEEN TENG</u> C. Date of Delivery <u>10.18.06</u> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
1. Article Addressed to: Metropolitan Telecommunications of North Dakota Inc 44 Wall St 6th Fl New York NY 10005	
2. Article Number (Transfer from service label) <u>7005 3110 0003 6265 2894</u>	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

SECTION	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature  ☐ Agent ☐ Addressee B. Received by (Printed Name) <u>MARIE DeCLUE</u> C. Date of Delivery <u>10/19/06</u> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
1. Article Addressed to: Maxcess Inc P O Box 951419 Lake Mary FL 32795-1419	
2. Article Number (Transfer from service label) <u>7005 3110 0003 6265 2870</u>	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

SECTION	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature X  ☐ Agent ☐ Addressee B. Received by (Printed Name) <u>Luis Rivera</u> C. Date of Delivery <u>10/19/06</u> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No
1. Article Addressed to: Comtech 21 LLC 1 Barnes Park S Wallingford CT 06492	
2. Article Number (Transfer from service label) <u>7005 3110 0003 6265 6830</u>	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Houlton Enterprises Inc
2201 W Bdwy #1
Council Bluffs IA 51501

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2672

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1541

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Verizon Select Services Inc
P O Box 110
Tampa FL 33601-0110

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 3303

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1541

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Acceris Communications Corp
9775 Business Park Ave
San Diego CA 92131

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 6731

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1541

THIS

A. Signature

X *[Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Lisa Nunez

C. Date of Delivery

10-23

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes ☒ No

A. Signature

X *[Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Danny Pikes

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes ☒ No

A. Signature

X *[Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

M. Herrero

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes ☒ No

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

New Edge Network Inc
3000 Columbia House Blvd Ste 106
VANCOUVER wa 98661-2969

A. Signature

X *C. Wright* ☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Wright ☒ Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2955

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BullsEye Telecom Inc
25900 Greenfield Rd Ste 330
Oak Park MI 48237

A. Signature

X *Paul Stang* ☒ Agent
☐ Addressee

B. Received by (Printed Name)

Paul Stang ☒ Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 6762

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

France Telecom Corporate Solutions LLC
2300 Corporate Park Dr
Mailstop SPO600
Herndon VA 20171

A. Signature

X *Chris Cardenas* ☒ Agent
☐ Addressee

B. Received by (Printed Name)

Chris Cardenas ☒ Date of Delivery

D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2610

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Pacific Centrex Services Inc
6855 Tujunga Ave
North Hollywood CA 91605

A. Signature

[Signature]

☐ Agent
☐ Addressee

B. Received by (Printed Name)

[Signature]

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 3020

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Drumate Phone Systems
Corporation
16032 Sherman Way MBS
Van Nuys Ca 91406*

A. Signature

[Signature]

☒ Agent
☐ Addressee

B. Received by (Printed Name)

H. Behnke

C. Date of Delivery

10/18/06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2740

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KMC Data LLC
1545 Route 206
Bedminster NJ 07921

A. Signature

[Signature]

☐ Agent
☐ Addressee

B. Received by (Printed Name)

L M Short

C. Date of Delivery

10-30-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2788

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

PU-05-546

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ Cheryl Hanson ☐ Agent ☐ Addressee	
1. Article Addressed to: Don Negaard Pringle & Herigstad PO Box 1000 Minot ND 58702-1000		B. Received by (Printed Name) Cheryl Hanson	C. Date of Delivery 1-30-07
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Transfer from service label)		7006 0100 0003 7161 3351	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PU-05-546

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ JoAnn Reversing ☐ Agent ☐ Addressee	
1. Article Addressed to: Jason Topp Quest Services Corporation 200 S 5th St 395 Minneapolis MN 55402		B. Received by (Printed Name) JoAnn Reversing	C. Date of Delivery 1/17/07
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Transfer from service label)		7006 0100 0003 7161 2699	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PU-05-546

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		COMPLETE THIS SECTION ON DELIVERY	
1. Article Addressed to: Moore & Liberty telephone Company PO Box 66 Enderlin ND 58027-0066		A. Signature ☒ Martin L. Brzes ☐ Agent ☐ Addressee	
		B. Received by (Printed Name) MARTIN L. BRZES	C. Date of Delivery 1-18-07
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Transfer from service label)		7006 0100 0003 7161 3276	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PU-05-546

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature ☒ <i>Jeff Hayden</i> ☒ Agent ☐ Addressee	
	B. Received by (Printed Name) <i>JEFF HAYDEN</i>	C. Date of Delivery <i>1-17-07</i>
	D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
	3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
4. Restricted Delivery? (Extra Fee) ☐ Yes		
2. Article Number (Transfer from service label) 7006 0100 0003 7161 2682		

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PU-05-546

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature ☒ <i>Don Wilhelms</i> ☐ Agent ☐ Addressee	
	B. Received by (Printed Name) <i>Don Wilhelms</i>	C. Date of Delivery <i>1-17-07</i>
	D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No <i>CH</i>	
	3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
4. Restricted Delivery? (Extra Fee) ☐ Yes		
2. Article Number (Transfer from service label) 7005 1820 0002 3242 9539		

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PU-05-546

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature ☒ <i>Barbara Lee</i> ☒ Agent ☐ Addressee	
	B. Received by (Printed Name) <i>Barbara Lee</i>	C. Date of Delivery <i>JAN 16 2007</i>
	D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No	
	3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
4. Restricted Delivery? (Extra Fee) ☐ Yes		
2. Article Number (Transfer from service label) 7005 1820 0002 3242 9560		

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

1. Article Addressed to:

West River
telecommunications
PO Box 467
Hazen ND 58345-0467

1. Article Addressed to:

Midstate Communications Inc
Midstate telephone Company
PO Box 400
Stanley ND 58784-0400

1. Article Addressed to:

Reservation telephone
Cooperative
PO Box 68
Parshall ND 58770-0068

PU-05-546

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

North Dakota Telephone
Company
PO Box 180
Devils Lake ND
58301-0180

A. Signature:

X Maria Keefe

☐ Agent☐ Addressee

B. Received by (Printed Name)

Maria Keefe

C. Date of Delivery

1-17-07

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 1820 0002 3242 9546

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

PU-05-546

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Turtle Mountain
Communications Inc
United Telephone
Mut Aid Corp
PO Box 729
Langdon ND 58249-0729

A. Signature

X Jayna Hoffarth

☐ Agent☐ Addressee

B. Received by (Printed Name)

Jayna Hoffarth

C. Date of Delivery

1-17-07

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7006 0100 0003 7161 3146

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

PU-05-546

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Absaraka Co-operative
Telephone Co Inc
PO Box 21
Absaraka ND 58002-0021

A. Signature

X Mike Faught

☐ Agent☐ Addressee

B. Received by (Printed Name)

Mike Faught

C. Date of Delivery

1-17-07

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7006 0100 0003 7161 3214

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

P4-05-546

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BEK Communications
Cooperative
BEK Communications Inc
PO Box 230
Steele ND 58482-0230

A. Signature

X *Lana Fischer*

- ☐ Agent
- ☐ Addressee

B. Received by (Printed Name)

Lana Fischer

C. Date of Delivery

1-17-07

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7006 0100 0003 7161 3221

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

P4-05-546

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dakota Central Telecomm Corp
Dakota Central telecom Inc
630 5th ST N
Carrington ND 58421-0299

X *BZenke*

- ☐ Agent
- ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

1-17-07

D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7006 0100 0003 7161 3245

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

P4-05-546

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Griggs County telephone Co
PO Box 506
Cooperstown ND 58425-0506

A. Signature

X *Kary Hanson*

- ☐ Agent
- ☐ Addressee

B. Received by (Printed Name)

Kary Hanson

C. Date of Delivery

1-17-07

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7006 0100 0003 7161 3252

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

PU-05-546

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ <i>Dennis Wadeson</i> ☐ Agent ☐ Addressee	
1. Article Addressed to: <i>Inter-Community telephone Company LLC PO Box 8 Nome ND 58662-0008</i>		B. Received by (Printed Name) <i>Dennis Wadeson</i>	C. Date of Delivery <i>1/17/07</i>
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Transfer from service label)		7006 0100 0003 7161 3269	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ <i>Cathy D Stanley</i> ☐ Agent ☐ Addressee	
1. Article Addressed to: <i>Trinsic Communications Inc 601 S Harbour Island Blvd Ste 220 Tampa FL 33602-5925</i>		B. Received by (Printed Name) <i>Cathy D Stanley</i>	C. Date of Delivery <i>10-11-06</i>
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Transfer from service label)		7005 3110 0003 6265 3211	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

SS N ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ <i>Marcela Rojas</i> ☐ Agent ☐ Addressee	
1. Article Addressed to: <i>Phone 1 Inc 100 N Biscayne Blvd Ste 1200 Miami FL 33132-2011</i>		B. Received by (Printed Name) <i>Marcela Rojas</i>	C. Date of Delivery <i>10/20/06</i>
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Transfer from service label)		7005 3110 0003 6265 3037	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Budget Phone Inc
6901 W70th St
Shreveport LA 71129

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 6755

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SECTION ON

A. Signature

x Nancy E. Miller

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery
10/20/06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Extend America Inc
1101 E Front Ave
Bismarck ND 58501

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 2603

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

A. Signature

x M. Stagle

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery
10-17-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Consolidated Communications Networks
Consolidated Telcom
P O Box 1408
Dickinson ND 58602-1408

A. Signature

x Ray Krenz

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

OCT 17 2006

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 6571

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature ☒ <i>Andrew Wilk</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>Gordon Wythe</i> C. Date of Delivery D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
1. Article Addressed to: Midstate Communications Inc Midstate Telephone Company P O Box 400 Stanley ND 58784-0400	3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
2. Article Number (Transfer from service label) <u>7005 3110 0003 6265 6625</u>	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature ☒ <i>Dana Moody</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>Dana Moody</i> C. Date of Delivery <i>10/11/06</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
1. Article Addressed to: West River Cooperative Telephone Co P O Box 39 Bison SD 57620-0039	3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
2. Article Number (Transfer from service label) <u>7005 3110 0003 6265 6694</u>	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

THIS ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature ☒ <i>Kary Hanson</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>Kary Hanson</i> C. Date of Delivery <i>10-17-06</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
1. Article Addressed to: Griggs County Telephone Co P O Box 506 Cooperstown ND 58425-0506	3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
2. Article Number (Transfer from service label) <u>7005 3110 0003 6265 6601</u>	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BEK Communications Cooperative
BEK Communications I Inc
P O Box 230
Steele ND 58482-0230

A. Signature

X *Lana Fischer*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Lana Fischer

C. Date of Delivery

10-17-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 6564

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dickey Rural Communications Inc
Dickey Rural Telephone Cooperative
P O Box 69
Ellendale ND 58436-0069

A. Signature

X *J Eberle*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

J Eberle

C. Date of Delivery

10-17-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 6595

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dickey Rural Access Inc
Dickey Rural Services
P O Box 69
Ellendale ND 58436

A. Signature

X *J Eberle*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

J Eberle

C. Date of Delivery

10-17-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2559

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

West River Telecommunications
P O Box 467
Hazen ND 58545-0467

A. Signature

x *Jeff Haydel*

☐ Agent
☐ Addressee

B. Received by (Printed Name)

Jeff Haydel

C. Date of Delivery

10-17-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 6700

PS Form 3811, February 2004 Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Integra Telecom of North Dakota Inc
745 45th St SW Ste C
Fargo ND 59103

A. Signature

x *Terry Tund*

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2726

PS Form 3811, February 2004 Domestic Return Receipt

102595-02-M-154

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James Valley Cooperative Telephone Co
~~235 E 1st Ave~~
Groton SD 57445

A. Signature

x *Jami Herron*

☒ Agent
☐ Addressee

B. Received by (Printed Name)

Tami Herron

C. Date of Delivery

10/18/06

D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2771

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

- N**
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 - Print your name and address on the reverse so that we can return the card to you.
 - Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

IdeaOne Telecom Group LLC
3239 39th St SW
Fargo ND 58104

Y
A. Signature

X *Angie Oelph*

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10-18-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2702

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- N**
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 - Print your name and address on the reverse so that we can return the card to you.
 - Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Loretel Systems Inc
13 E 4th Ave
Ada MN 56510-1331

Y
A. Signature

X *Kim Peters*

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

Kim Peters

10/18/06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2832

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- N**
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 - Print your name and address on the reverse so that we can return the card to you.
 - Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

VAL-ED Joint Venture LLP
702 Main Ave
Moorhead MN 56560

Y
A. Signature

X *Kristina Spasova*

☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

KRISTINA SPASOVA

10-18-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 3259

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: Polar Communications Mut Aid Corp Polar Telecommunications Inc P O Box 270 Park River ND 58270-0270	A. Signature <i>[Signature]</i> ☐ Agent ☒ Addressee B. Received by (Printed Name) _____ C. Date of Delivery <u>10-18-06</u> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
2. Article Number (Transfer from service label) <u>7005 3110 0003 6265 6663</u>	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: Red River Rural Telephone Association Red River Telecom Inc P O Box 136 Abercrombie ND 58001	A. Signature <i>[Signature]</i> ☐ Agent ☒ Addressee B. Received by (Printed Name) _____ C. Date of Delivery <u>10/18/06</u> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No
2. Article Number (Transfer from service label) <u>7005 3110 0003 6265 3099</u>	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

SECTION	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: Polar Telcom Inc P O Box 270 Park River ND 58270-0270	A. Signature <i>[Signature]</i> ☐ Agent ☒ Addressee B. Received by (Printed Name) _____ C. Date of Delivery <u>10-18-06</u> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
2. Article Number (Transfer from service label) <u>7005 3110 0003 6265 3044</u>	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HTC Services Inc
Halstad Telephone Company
P O Box 55
Halstad MN 56548-0055

A. Signature

X

(Printed Name)

Tracy Hite

☒ Agent☐ Addressee

C. Date of Delivery

10/18/06

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2665

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1546

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Moore and Liberty Telephone Company
P O Box 66
Enderlin ND 58027-0066

A. Signature

X

B. Received by (Printed Name)

☐ Agent☐ Addressee

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 6632

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1546

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DakTel Communications LLC
P O Box 299
Carrington ND 58421-0299

A. Signature

X

B. Received by (Printed Name)

☐ Agent☐ Addressee

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2542

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1546

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dakota Central Telecomm Coop
Dakota Central Telecom I Inc
630 5th St N
Carrington ND 58421-0299

A. Signature

X

☒ Agent
☐ Addressee

B. Received by (Printed Name)

Bonita Zink

C. Date of Delivery

10-18-00

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 6588

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SRT Communications Inc
3615 N Bdwy
Minot ND 58703

A. Signature

X

☒ Agent
☐ Addressee

B. Received by (Printed Name)

GERALD NELSON

C. Date of Delivery

10-17-00

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

OCT 17 2006

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 3129

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

North Dakota Network Co
P O Box 2027
Minot ND 58702-2027

A. Signature

X

☒ Agent
☐ Addressee

B. Received by (Printed Name)

GERALD NELSON

C. Date of Delivery

10-17-00

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

OCT 17 2006

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 3110 0003 6265 2993

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Reservation Telephone Cooperative
P O Box 68
Parshall ND 58770-0068

A. Signature

x *Mary Lou Johnson* ☒ Agent ☐ Addressee

B. Received by (Printed Name)

Mary Lou Johnson

C. Date of Delivery

OCT 17 2006

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 6670

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kotana Communications Inc
1819 1st Ave W
Williston ND 58801

A. Signature

x *E. Ward Koester* ☐ Agent ☐ Addressee

B. Received by (Printed Name)

E. Ward Koester

C. Date of Delivery

10-17-06

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2801

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Noonan Farmers Telephone Company
P O Box 39
Noonan ND 58765

A. Signature

x *Larry Clemens* ☐ Agent ☒ Addressee

B. Received by (Printed Name)

Larry Clemens

C. Date of Delivery

10/17/06

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☒ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 2979

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Consolidated Communications Corp
P O Box 1408
Dickinson ND 58602-1408

A. Signature

X

Ray Krenz

☐ Agent

☐ Addressee

B. Received by (Printed Name)

RAY KRENZ

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 6847

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Business Productivity Solutions Inc
730 2nd Ave S Ste 900
Minneapolis MN 55402

A. Signature

X

Well

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10/18/06

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 6779

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Onvoy Inc
300 S Highway 169 Ste 700
Minneapolis MN 55426

A. Signature

X

Well

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Metro

C. Date of Delivery

10/18/06

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 3006

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Northwest Communications Cooperative
P O Box 38
Ray ND 58849-0038

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 6656

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

A. Signature

Sheri Simpson

☒ Agent

☐ Addressee

B. Received by (Printed Name)

Sheri Simpson

C. Date of Delivery

10-19-06

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☒ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.

- Print your name and address on the reverse so that we can return the card to you.

- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Absaraka Co-operative Telephone Co Inc
P O Box 27
Absaraka ND 58002-0027

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 6557

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

A. Signature

Michael Rasmussen

☒ Agent

☐ Addressee

B. Received by (Printed Name)

Michael Rasmussen

C. Date of Delivery

10-18-06

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Turtle Mountain Communications Inc
United Telephone Mut Aid Corp
P O Box 729
Langdon ND58249-0729

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 6687

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

A. Signature

Gayne Hoffarth

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Gayne Hoffarth

C. Date of Delivery

10-19-06

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Telcom Billing Services Inc
9243 E River Rd NW
Coon Rapids MN 55433-5722

A. Signature

[Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10/18

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 3181

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Valley Communications Inc
P O Box 8
Nome ND 58062

A. Signature

[Signature]

☒ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

Jill Baarstad

10/19/06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 3273

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Inter-Community Telephone Company LLC
P O Box 8
Nome ND 58062-0008

A. Signature

[Signature]

☒ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

Jill Baarstad

10/19/06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0003 6265 6618

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: Roberts County Telephone Cooperative Assoc of New Effington RC Communications Inc P O Box 196 New Effington SD 57255	A. Signature <i>Crystal Kennitz</i> ☒ Agent ☐ Addressee B. Received by (Printed Name) <i>Crystal Kennitz</i> C. Date of Delivery <i>10-18-06</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No
2. Article Number (Transfer from service label)	3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
7005 3110 0003 6265 3082	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-154	

SECT ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: OrbitCom Inc 1701 N Louise Ave Sioux Falls SD 57107	A. Signature <i>Patti Benson</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>PATTI BENSON</i> C. Date of Delivery <i>10/18/06</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
2. Article Number (Transfer from service label)	3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
7005 3110 0003 6265 3013	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

S TH N ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: Midcontinent Communications 414 S Phillips Ave Sioux Falls SD 57104	COM A. Signature <i>[Signature]</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) C. Date of Delivery <i>OCT 18 2006</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
2. Article Number (Transfer from service label)	3. Service Type ☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
7005 3110 0003 6265 2900	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	



Public Service Commission
State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480

PU-05-546

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
PITNEY BOWES
02 1A \$ 00.60⁸
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505

UNIVERSAL ACCESS INC
SEARS TOWER 233
S WACKER DR STE 600
CHICAGO IL 60606-6307

- Out of Business
- removed from Mailist ✓

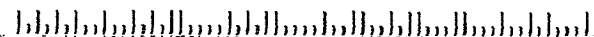
NIXIE 606 1 00 01/29/07

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 58505048008 *2835-12450-15-46

606066307

585050480



Public Service Commission
State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480

PU-05-546

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
PITNEY BOWES
02 1A \$ 00.60⁸
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505

SERVISENSE.COM INC
115 SHAWMUT RD
CANTON MA 02021

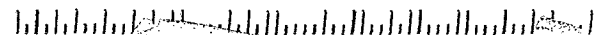
- Out of Business
- No longer on Mailist

NIXIE 029 1 00 01/29/07

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 58505048008 *2835-14706-15-44

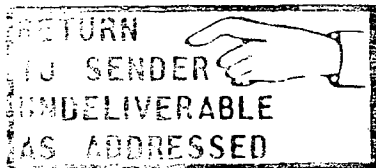
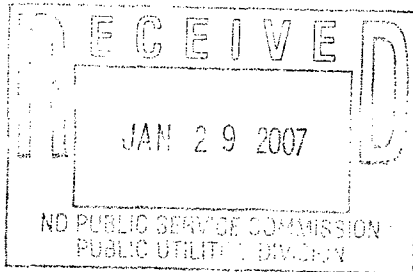
LX3YTMF 02021
585050480





Public Service Commission
State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480



Public Communications Services Inc

11859 Wilshire Blvd Ste 600

Los Angeles CA 900

NIXIE

900

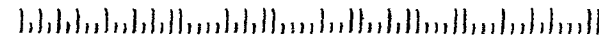
1

72 01/25/07

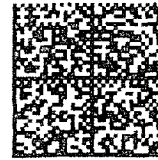
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 58505048008

*2835-15935-15-44



PRESORTED
FIRST CLASS



UNITED STATES POSTAGE

02 1A

0004626916

MAILED FROM ZIP CODE 58505

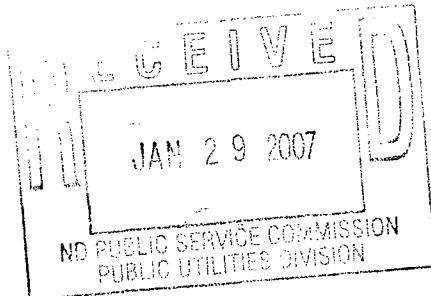
\$ 00.371

JAN 15 2007



Public Service Commission
State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480



C12 INC

200 GALLERIA PKWY STE 1200

ATLANTA GA 30339

NIXIE

303

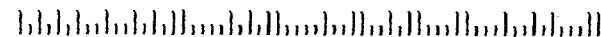
1

00 01/22/07

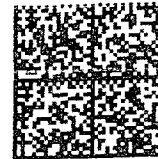
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 58505048008

*2835-14700-15-44



PRESORTED
FIRST CLASS



UNITED STATES POSTAGE

02 1A

0004626916

MAILED FROM ZIP CODE 58505

\$ 00.608

JAN 15 2007

Not in Maillist
Not on Case User

Out of Bus.

LXSYTAP 58505048008



Public Service Commission
State of North Dakota

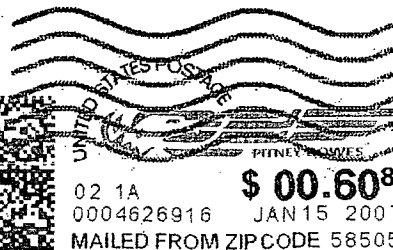
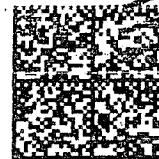
Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480

PU-05-546

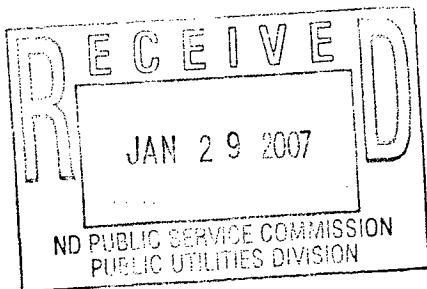
DULLES VA 201

18 JAN 2007

PRESORTED
FIRST CLASS



02 1A \$ 00.60⁸
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505



10/15/2002
Registration
Cancellation

No longer in MAIL LIST
out of Bus

NET-TEL CORPORATION
11921 FREEDOM DR STE 550
RESTON VA 20190

UNDELIVERABLE,
COMMERCIAL MAIL RECEIVING AGENCY

NIXIE 201 1 08 01/23/07

RETURN TO SENDER
UNKNOWN REASON
UNABLE TO FORWARD

BC: 58505048008 *2092-04402-22-26

585050480
LXSYTMP 201



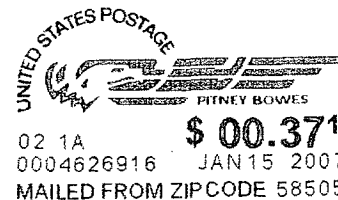
PU-05-546



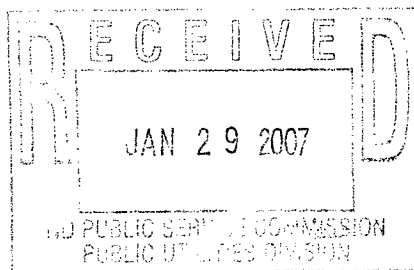
Public Service Commission
State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480

PRESORTED
FIRST CLASS



02 1A \$ 00.37¹
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505



Bob Edgerly
Nextel West Corp
2001 Edmund Halley D
Reston VA 20191

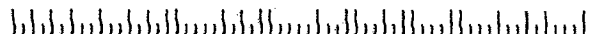
Return to Sender
Undeliverable as Addressed
Addressee not at this address
Address incomplete
NIXIE 201 1 00 01/25/07

Out of Bus

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 58505048008 *2835-14813-15-44

585050480
LXSYTMP 20191





Public Service Commission
State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480

PU-05-546

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
PITNEY BOWES
02 1A \$ 00.60⁸
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505

GROUP LONG DISTANCE INC
400 E ATLANTIC BLVD
POMPANO BEACH FL 33060

Not on Mailist

NIXIE 330 1 71 01/26/07

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 58505048008 *2835-14872-15-44

LXSYTMP 585050480



Public Service Commission
State of North Dakota

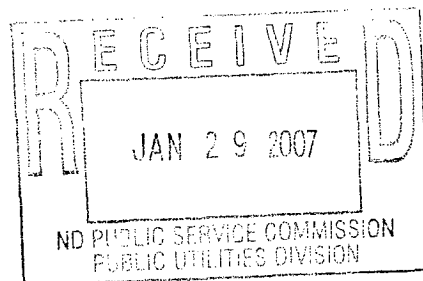
Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480

PU-05-546

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
PITNEY BOWES
02 1A \$ 00.60⁸
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505



IONEX COMMUNICATIONS NORTH INC
2020 BALTIMORE AVE
KANSAS CITY MO 64108-1914

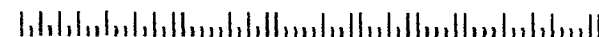
Not on Mailist

NIXIE 641 1 70 01/23/07

RETURN TO SENDER
UNKNOWN REASON
UNABLE TO FORWARD

BC: 58505048008 *2060-04204-23-28

LXSYTMP 585050480



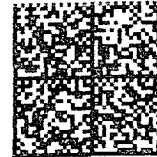


Public Service Commission
State of North Dakota

Official Mail 600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480

PU-05-546

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
PITNEY BOWES
02 1A \$ 00.60⁸
0004626916 JAN 15 2007
MAILED FROM ZIP CODE 58505

DSLNET COMMUNICATIONS LLC
545 LONG WHARF DR
NEW HAVEN CT 06511

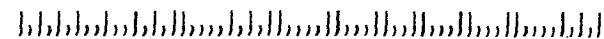
Not on Mailist

NIXIE 084 1 70 01/29/07

RETURN TO SENDER
VACANT
UNABLE TO FORWARD

LXSYTMP 06511
58505@0660

BC: 58505066000 *2835-14883-15-44



PUBLIC SERVICE COMMISSION
600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480



7005 0390 00



RETURN RECEIPT

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

X

☐ A

☐ A

B. Received by (Printed Name)

C. Date of

TARGET TELECOM INCORPORATED
155 WILLOWBROOK BLVD
WAYNE NJ 07474

different from item 1? ☐ Yes
address below: ☐ No

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merc
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 7220

PS Form 3811, February 2004

Domestic Return Receipt

102595-0

- ☐ Not Deliverable As Addressed
Unable To Forward
- ☐ Insufficient Address
- ☐ Moved, Left No Address
- ☐ Undelivered ☐ Refused
- ☐ Attempted-Not Known
- ☐ No Such Street ☐ Number
- ☐ Vacant ☐ Eligible
- ☐ No Mail Receipts
- ☐ Box Closed-No Order
- ☐ Returned For Better Address
- ☐ Postage Due

TARGET TELECOM INCORPORATED
155 WILLOWBROOK BLVD
WAYNE NJ 07474

19

PU-05-546

Pages: 1

Target Telecom Inc. authority cancelled 7/19/01
by Public Service Commission
11/15/2005 CC: Comm Legal Illona, Pat, Annette

MARILYN FOSS

- Attorney at Law -

Post Office Box 2216

Bismarck, ND 58502-2216

Phone: 701-355-4538

Fax: 701-355-4539

November 14, 2005

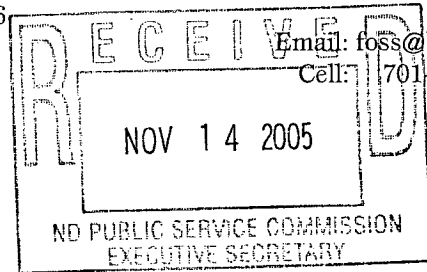
Illona Jeffcoat- Sacco

Executive Secretary

North Dakota Public Service Commission

600 East Boulevard Avenue, Dept 480

Bismarck, ND 58505-0480



HAND-DELIVERED

RE: Qwest Corporation v. Absaraka Co-operative Telephone Co., Inc. et al.
PU-05-546

Dear Ms. Jeffcoat-Sacco:

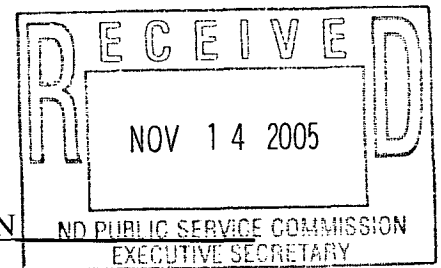
Enclosed for filing in connection with the captioned matter is the ANSWER of MCImetro Access Transmission Services LLC, including Certificate of Service upon the parties. Please advise me if you have any questions regarding this filing.

Sincerely Yours,

Marilyn Foss

cc: Michel Singer Nelson

STATE OF NORTH DAKOTA
BEFORE THE PUBLIC SERVICE COMMISSION



Qwest Corporation, Complainant

PU-05-546

v.

ANSWER AND
AFFIRMATIVE DEFENSES
BY MCImetro Access
Transmission Services LLC

Absaraka Co-operative Telephone Co., Inc.;
BEK Communications Cooperative; BEK
Communications I, Inc.; Consolidated Telecom, Inc.;
Consolidated Communications Networks;
Consolidated Telephone Cooperative; Dakota
Central Telecommunications Cooperative; Dakota
Central Telecom, Inc.; Dickey Rural Telephone
Cooperative; Dickey Rural Communications, Inc.;
Griggs County Telephone Co.; Inter-Community
Telephone Company; Inter-Community Telephone
Co. II; Midstate Telephone Company; Midstate
Communications, Inc.; Moore & Liberty Telephone Co.;
North Dakota Telephone Company; Northwest
Communications Cooperative; Polar Communications
Mutual Aid Corporation; Polar Telecommunications, Inc.;
Reservation Telephone Cooperative; Turtle Mountain
Communications, Inc.; United Telephone Mutual Aid
Corporation; West River Communications, Inc.; West
River Telecommunications Cooperative,

and

1-800-RECONEX, Inc. d/b/a US Tel; AT&T
Communications of the Midwest, Inc.; Acceris
Communications Corp. d/b/a Acceris Communications
Partners & Acceris Communication Solutions; BT
Communications Sales, LLC; Budget Phone, Inc.; C12,
Inc.; Citizens Telecommunications Company of
Minnesota, Inc.; CommPartners, LLC; Computer
Integrated Communications, Inc.; Computer Network
Technology Corporation; Comtech 21, LLC; Consolidated
Communications Corporation; Contact Communications;
Covista Inc.; DCN, LLC; DIECA Communications, Inc. d/b/a
Covad Communications Company; DSLnet
Communications, LLC; DakTel Communications,
LLC; Dickey Rural Access, Inc.; Dickey Rural
Services, Inc.; EASTON TELECOM SERVICES,
INC.; Ernest Communications, Inc.; Evercom

17 PU-05-546

Pages: 12

Systems, Inc.; Excel Telecommunications, Inc.;
 Extend America, Inc.; France Telecom Corporate
 Solutions, LLC; Global Tel*Link Corporation, Inc.;
 GLOBCOM INCORPORATED; Granite
 Telecommunications, LLC; GROUP LONG
 DISTANCE, INC.; HTC Services, Inc.; Halstad
 Telephone Company; Houlton Enterprises, Inc.;
 ICG Telecom Group, Inc.; IDT America, Corp.;
 IdeaOne Telecom Group LLC; Ignus, Inc.; Integra
 Telecom of North Dakota, Inc.; IPVoice
 Communications, Inc.; Inmate Phone Systems
 Corporation; Intrado Communications Inc.; Ionex
 Communications North, Inc.; James Valley
 Cooperative Telephone Company; KMC Data LLC;
 KMC Telecom V, Inc.; Kotana Communications,
 Inc.; Legacy Long Distance International, Inc.;
 Level 3 Communications, LLC; Loretel Systems,
 Inc.; MCImetro Access Transmission Services,
 LLC; McLeodUSA Telecommunications Services,
 Inc.; Matrix Telecom, Inc.; Maxccss, Inc.;
 Metromedia Fiber Network Services, Inc.;
 Metropolitan Telecommunications of North Dakota,
 Inc.; Midcontinent Communications; Mid-Rivers
 Telephone Cooperative, Inc.; Missouri Valley
 Communications, Inc.; NET-tel Corporation;
 Nemont Telephone Cooperative, Inc.; New Access
 Communications, LLC; New Edge Network Inc.;
 Nextel West Corp.; Noonan Farmers Telephone
 Company; North Dakota Big Sky Telecom A
 Partnership; North Dakota Network Co.; Onvoy,
 Inc.; OrbitCom, Inc.; Pacific Centrex Services,
 Inc.; Phonel, Inc.; Polar Telecom, Inc.; PREFERRED
 CARRIER SERVICES, INC.; Premier Network
 Services, Inc.; QuantumShift Communications, Inc.
 d/b/a VCOM Solutions; RC Communications, Inc.;
 Red River Rural Telephone Association; Red River
 Telecom, Inc.; Reliant Communications, Inc.;
 Roberts County Telephone Cooperative Association
 of New Effington; SBC Long Distance, LLC d/b/a
 Southwestern Bell Long Distance; d/b/a Nevada
 Bell Long Distance; d/b/a Pacific Bell Long
 Distance; SRT Communications, Inc.;
 ServiSense.com, Inc.; Sprint Communications
 Company L. P. d/b/a US Sprint Communications
 Limited Partnership; Talk America, Inc. d/b/a New

Hope Network Services; TARGET TELECOM INCORPORATED; Telcom Billing Services, Inc.; Telera Communications, Inc.; Trans National Communications International, Inc.; Trinsic Communications, Inc.; UCN, Inc.; U.S. Link, Inc.; d/b/a TDS Metrocom; Universal Access, Inc.; VAL-ED Joint Venture, LL.P. d/b/a 702 Communications; VCI Company; Valley Communications, Inc.; VarTec Solutions, Inc.; VarTec Telecom, Inc. d/b/a Clear Choice Communications; Venture Communications, Inc.; Verizon Select Services, Inc.; WTC Competitive Services, Inc.; West River Cooperative Telephone Company; Western CLEC Corporation; Wolverton Telephone Company; XO Communications Services, Inc.; Z-Tel Communications, Inc.

Defendants.

MCImetro Access Transmission Services LLC (“MCI”) by and through its undersigned attorneys, ANSWERS Qwest’s Complaint for Declaratory Order as follows:

1. As to MCI, Qwest’s Complaint fails to state a claim upon which the requested relief may be granted.

2. Except as otherwise specifically and expressly admitted by MCI in this Answer, MCI DENIES every statement and allegation of the Complaint as such statements or allegations are intended to pertain to MCI. MCI is without sufficient information or belief to admit the allegations or statements of the complaint as they are intended to pertain to parties other than MCI and accordingly DENIES the same.

3. MCI DENIES the Commission has general jurisdiction over telecommunications services or, specifically, this matter as it is intended to pertain to MCI. MCI further states that the Commission’s jurisdiction over telecommunications companies is limited and that the power to “set aside” unreasonable, unfair or inadequate prices” does not include the authority to order all telecommunications companies which

operate in North Dakota to use a specific methodology for pricing services. MCI further states that it is not a party to any dispute with Qwest regarding the matters that are addressed by the Complaint and that as between MCI and Qwest, Qwest has failed to allege the existence of any unreasonable, unfair or inadequate price in connection with any service arrangement between Qwest and MCI as required by the statutes which are cited by Qwest or any dispute between Qwest and MCI related to the measurement of switched access minutes.

4. Upon information and belief, MCI ADMITS paragraph 1 of the Complaint.

5. MCI is without sufficient information or belief to admit paragraphs 2 through 26 of the Complaint and therefore DENIES the same.

6. MCI is without sufficient information or belief to admit paragraphs 27 through 77 of the Complaint and paragraphs 79 through 133 of the complaint and therefore DENIES the same.

7. MCI ADMITS paragraph 78 of the Complaint with the qualification that correspondence relating to the complaint and all matters associated with the captioned proceeding should be directed to the attention of Michel Singer Nelson at the stated address with a copy to the undersigned attorney for MCI, Marilyn Foss, and with the further qualification that the direct telephone number for Ms. Singer Nelson is (303) 390-6106. Detailed contact information for Marilyn Foss is included with her signature, below.

8. Upon information or belief, MCI ADMITS paragraphs A. 1 through A.4 of the Complaint.

9. Upon information or belief, MCI ADMITS paragraphs B. 1 and B. 6 of the Complaint.

10. Upon information or belief, MCI admits the allegation of paragraph B. 7 that Qwest “still provides some intraLATA toll service in North Dakota.” MCI is without sufficient information or belief to admit the balance of paragraph B.7 of the Complaint and therefore DENIES the same.

11. Upon information or belief, MCI admits the allegation of paragraph B.8 that accuracy in measuring minutes of use is necessary for an accurate determination of terminating access charges. MCI is without sufficient information or belief to admit the balance of paragraph B.8 of the Complaint and therefore DENIES the same.

12. Upon information or belief, MCI admits the allegations of paragraphs C. 9 and C.10.

13. MCI is without sufficient information or belief to admit the allegations of paragraphs C. 11 through C. 13 and therefore DENIES the same.

AFFIRMATIVE DEFENSES

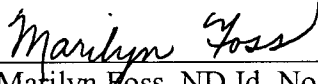
As they relate to MCI, Qwests claims and request for relief are barred by the doctrines of laches, waiver, and estoppel.

[This space intentionally left blank. The next page is page 6]

REQUESTED RELIEF

WHEREFORE, as to it, MCI requests that the Complaint be DISMISSED WITH PREJUDICE.

Respectfully submitted this 14 day of November, 2005.


Marilyn Foss, ND Id. No. 03474
Attorney for MCImetro Access
Transmission Services LLC
PO Box 2216
Bismarck, ND 58502-2216
Telephone: (701) 355-4538
Facsimile: (701) 355-4539
Email: foss@btinet.net

Michel Singer Nelson
MCImetro Access Transmission Services
LLC
707 17th St. Ste 3600
Denver, CO 80202
Telephone: (303) 390-6106
Facsimile: (303) 390-6333
Email: michel.singer_nelson@mci.com

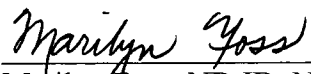
Certificate of Service

Marilyn Foss, hereby certifies that on this 14 day of November, 2005, an original and 7 copies of the foregoing ANSWER AND AFFIRMATIVE DEFENSES BY MCImetro Access TRANSMISSION SERVICES LLC were served

Ms. Illona Jeffcoat-Sacco, Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue, 12th Fl.
Bismarck, ND 58505-0480
Hand-Delivered

Ms. Melissa K. Thompsen
Qwest Services Corporation
1801 California St., 10th Fl
Denver, CO 80202
Cert. No.7002 0510 0001 1393 2457

and by First Class Mail to each of the 116 entities listed on the attached list.


Marilyn Foss, ND ID. No. 03474

Absaraka Telephone Co-operative Co Inc
PO Box 27
Absaraka, ND 58002-0027

Consolidated Communications Networks Inc
Consolidated Telecom
PO Box 1408
Dickinson ND 58602-1408

Dickey Rural Communications Inc
Dickey Rural Telephone Cooperative
PO Box 69
Ellendale ND 58436-0069

Inter-Community Telephone Company LLC
PO Box 8
Nome, ND 58062-0008

Moore and Liberty Telephone Company
PO Box 66
Enderlin ND 58027-0066

Northwest Communications Cooperative
PO Box 38
Ray ND 58849-0038

Reservation Telephone Cooperative
PO Box 68
Parshall, ND 58770-0068

West River Cooperative Telephone Co
PO Box 39
Bison SD 57620-0039

1-800 RECONEX Inc
2500 Industrial Ave
Hubbard, OR 97032

Acceris Communications Corp
9775 Business Park Ave
San Diego, CA 92131

BEK Communications Cooperative
BEK Communications Inc
PO Box 230
Steele ND 58482-0230

Dakota Central Telcomm Coop
Dakota Central Telecom Inc
630 5th St. N
Carrington, ND 58421-0299

Griggs County Telephone Co
PO Box 506
Cooperstown ND 58425-0506

Midstate Communications Inc
Midstate Telephone Company
PO Box 400
Stanley ND 58784-0400

North Dakota Telephone Company
PO Box 180
Devils Lake, ND 58301-0180

Polar Communications Mut Aid Corp
Polar Telecommunications Inc
PO Box 270
Park River, ND 58270-0270

Turtle Mountain Communications Inc
United Telephone Mut Aid Corp
Po Box 729
Langdon, ND 58249-0729

West River Telecommunications
Po Box 467
Hazen, ND 58545-0467

AT&T Communications of the Midwest Inc
1875 Lawrence Rm8-19
Denver, CO 80202

BT Communications Sales LLC
11440 Commerce Park Dr
Reston VA 20191

Budget Phone Inc
6901 w 70th St
Shreveport LA 71129

BullsEye Telecom Inc
25900 Greenfield Rd Ste 330
Oak Park MI 48237

Business Productivity Solutions Inc
720 2nd Ave S Ste 900
Minneapolis MN 55402

C12 Inc
200 Galleria Pkwy Ste 1200
Atlanta GA 30339

Citizens Telecommunications Company
Of Minnesota
3 High Ridge Park
Stamford CT 06905

CommPartners LLC
3291 N Buffalo Dr Ste 8
Las Vegas NV 89129

Computer Integrated Communications Inc
8502 Bells Mill Rd
Potomac MD 20854-4071

Computer Network Technology Corp
6000 Nathan Lane N
Minneapolis, MN 55442

Comtech 21 LLC
1 Barnes Park ↵
Wallingford Ct 06492

Consolidated Communications Corp
PO Box 1408
Dickinson, ND 58602-1408

Contact Communications
937 W Main St
Riverton WY 82501

Covista Inc
4803 Hwy 58N
Chattanooga TN 37416

DCN LLC ↵
PO Box 180
Devils Lake, ND 58301-0180

DIECA Communications Inc
3420 Central Expressway
Santa Clara CA 95051-0703

DSLnet Communications LLC
545 Long Wharf Dr
New Haven CT 06511

DakTel Communications LLC
PO Box 299
Carrington, ND 58421-0299

Dickey Rural Access Inc
Dickey Rural Services
PO Box 69
Ellendale, ND 58436

Easton Telecom Services Inc
3046 Brecksville Rd #A
Richfield OH 44286-9399

Ernest Communications Inc
5275 Triangle Pkwy Ste 150
Norcross GA 30092

Evercom Systems Inc
14651 Dallas Pkwy Ste 600
Dallas TX 75254-7476

Excel Telecommunications Inc
2440 Marsh Ln
Carrolton TX 75006

Extend America Inc
1101 E Front Ave
Bismarck, ND 58501

France Telecom Corporate Solutions LLC
2300 Corporate Park Dr
Mailstop SP0600
Herndon VA 20171

Global Tel*Link Corporation Inc
2609 Cameron St
Mobile, AL 36607

Globcom Incorporated
2100 Sanders Rd Ste 150
Northbrook, IL 60062

Granite Telecommunications LLC
234 Copeland st
Quincy MA 02169

Group Long Distance Inc
400 E Atlantic Blvd
Pompano Beach FL 33060

HTC Services Inc
Halstad Telephone Company
PO Box 55
Halstad MN 56548-0055

Houlton Enterprises Inc
2201 W Bdwy #1
Council Bluffs IA 51501

ICG Telecom Group Inc
161 Inverness Dr W
Englewood Co 80112

IDT America Corp
520 Broad Street
Newark ND 07102-3111

IdeaOne Telecom Group LLC
3239 39th St SW
Fargo, ND 58204

Ignus Inc
855 45th St SW Ste 11
Fargo ND 58103-1036

Integra Telecom of North Dakota Inc
745 45th St SW Ste C
Fargo, ND 58103

IP Voice Communications Inc
1601 Dry Creek Dr
Longmont Co 80503-6493

Inmate Phone Systems Corporation
16032 Sherman Way MPB5
Van Nuys CA 91406

Intrado Communications Inc
1601 Dry Creek Dr
Longmont CO 80503-6493

Ionex Communications North Inc
2020 Baltimore Ave
Kansas City, MO 64108-1914

James Valley Cooperative Telephone Co
235 E 1st Ave
Groton SC 57445

KMC Data LLC
1545 Route 206
Bedminster NJ 07921

KMC Telecom V Inc
1545 Route 206
Bedminster NJ 07921

Kotana Communications Inc
1819 1st Ave W
Williston, ND 58801

Legacy Long Distance International Inc
10833 Valley View St Ste 150
Cypress CA 90630

Level 3 Communications LLC
1025 Eldorado Blvd'
Broomfield CO 80021

Loretel Systems Inc
13 E 4th Ave
Ada MN 56510-1331

McLeodUSA Telecommunications
Services Inc.
PO Box 3177
Cedar Rapids IA 52406-3177

Matrix Telecom Inc
300 N Meridian Ste 200- North
Oklahoma City OK 73107

Maxcess Inc
PO Box 951419
Lake Mary, FL 32795-141

Metromedia Fiber Network Services Inc
360 Hamilton Avenue
White Plains, NY 10601

Metropolitan Telecommunications of
North Dakota Inc
22 Wall St 6th Floor
New York NY 10005

Midcontinent Communications
414 S Phillips Ave
Souix Falls, SD 57104

Mid-Rivers Telephone Cooperative Inc
PO Box 280
Circle MT 59215-0280

Missouri Valley Communications Inc
Nemont Telephone Cooperative Inc
PO Box 600
Scobey MT 59263-0600

Net-tel Corporation
11921 Freedom Dr Ste 550
Reston VA 20190

New Access Communications LLC
801 Nicollet Avenue Ste 350
Minneapolis MN 55402-2519

New Edge Network Inc
3000 Columbia House Blvd Ste 106
Sioux Falls SD 57104

Nextel West Corp
2001 Edmund Halley Dr
Reston VA 20191

Noonan Farmers Telephone Company
PO Box 39
Noonan ND 58765

North Dakota Big Sky Telecom
374 Ansin Blvd
Hallandale FL 33009

North Dakota Network Co
PO Box 2027
Minot, ND 58702-2027

Onvoy Inc
300 S Highway 169 Ste 700
Minneapolis, MN 55426

OrbitCom Inc
1701 N Louise Ave
Sioux Falls SD 57107

Pacific Centrex Services Inc
6855 Tujunga Ave
North Hollywood CA 91605

Phone 1 Inc
100 N Biscayne Blvd Ste 1200
Miami FL 33132-2011

Polar Telcom
PO Box 270
Park River, ND 58270-0270

Preferred Carrier Services Inc
14681 Midway Rd Ste 105
Addison TX 75001

Premiere Network Services Inc
1510 N Hampton Rd Ste 120
DeSoto TX 75115

QuantumShift Communications Inc
12657 Alcosta Blvd Ste 418
San Ramon CA 94583

Roberts County Telephone Cooperative
Association of New Effington
RC Communications Inc
PO Box 196
New Effington SD 57255

Red River Rural Telephone Association
Red River Telcom
PO Box 136
Abercrombie ND 58001

Reliant Communications Inc
801 International Pkwy 5th Fl
Lake Mary FL 32746

SBC Long Distance LLC
5850 W Las Positas Blvd
Pheasanton CA 94558

SRT Communications Inc
3615 N Bdwy
Minot, ND 58703

ServiSense.com Inc
115 Shawmut Rd
Canton MA 02021

Sprint Communications Company LP
6450 Sprint Pkwy
Mailstop: KSOPHN0212-2A511
Overland Park KS 66251

Talk America Inc
6805 Route 202
New Hop PA 18938

Target Telecom Incorporated
155 Willowbrook Blvd
Wayne NJ 07474

Telcom Billing Services Inc
9243 E River Rd NW
Coon Rapids MN 55433-5722

Telera Communications Inc
910 E Hamilton Ave Ste 200
Campbell, GA 95008

Trans National Communications
International Inc
2 Charlesgate W
Boston MA 02215

Trinsic Communications Inc
601 S Harbour Island Blvd Ste 220
Tampa FL 33602-5925

UCN Inc
14870 S Pony Express Rd
Bluffdale UT 84065

US Link Inc
PO Box 327
Pequot Lakes MN 56472-0327

Universal Access Inc
Sears Tower 233
S Wacker Dr Ste 600
Chicago IL 60606-6307

VAL-ED Joint Venture LLP
702 Main Avenue
Moorhead, MN 56560

VCI Company
3875 Steilacoom Blvd SW #A
Lakewood WA 98499

Valley Communications Inc
PO Box 8
Nome ND 58062

VarTec Solutions Inc
2440 Marsh Lane
Carrollton TXC 75006

Venture Communications Inc
PO Box 157
Highmore SD 57345-0157

Verizon Select Services Inc
PO Box 110
Tampa FL 33601-0110

WTC Competitive Services Inc
329 Highway 75
Wolverton MN 56594

West River Cooperative Telephone Company
801 Coleman Ave
Bison SD 57620

Western CLEC Corporation
3650 131st Ave SE #400
Bellevue WA 98006

Woverton Telephone Company
PO Box 129
Wolverton MN 56594

XO Communications Services Inc
11111 Sunset Hills Rd
Reston VA 20190

Z-Tel Communications inc
3340 Peachtree Rd NE Ste 2900
Atlanta GA 33602

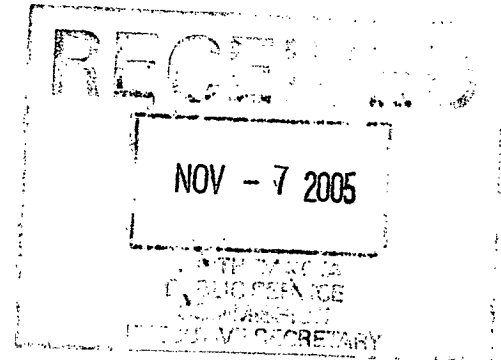


Acceris Management and Acquisition LLC d/b/a
Acceris Communications Corp.
9775 Businesspark Avenue
San Diego, California 92131

Tel: 858.547.5700
Fax: 858.547.5559
www.acceris.com

November 2, 2005

Melissa K. Thompson
Qwest Corporation
1801 California Street, 10th Floor
Denver, CO 80202
FAX: 303-296-3132
E-mail: Melissa.Thompson@qwest.com



Public Service Commission
600 East Boulevard Avenue
Department 408
Bismarck, ND 58505-0480

Re: PU-05-546 Qwest Corporation's Complaint for Declaratory Order

To whom it may concern,

Acceris Management and Acquisition LLC d/b/a Acceris Communications Corp. a/k/a Acceris Communication Partners a/k/a/ Acceris Communication Solutions is in receipt of notification of the above referenced matter.

Acceris Communications does not provide local exchange services, nor have we in the past, in the state of North Dakota. We respectfully request our organization be removed from the list of defendants on this complaint.

Please feel free to contact me at the telephone number or e-mail address below if you should have any further question regarding this matter, or require any additional information.

Best Regards,

A handwritten signature in black ink, appearing to read "Abby Knowlton".

Abby Knowlton
Vice President, Business Management
Acceris Management and Acquisition LLC
dba Acceris Communications Corp.

T: 858-547-5434 F: 858-547-5559
E-mail: abby.knowlton@acceris.com

Cc: D. Backstrand

16 PU-05-546

Pages: 1

Request to be removed from list of defendants
in complaint
by Acceris Communications Corp. by
11/07/2005 CC: Comm Legal Ilona, Pat, Annette . .

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Qwest Corporation vs
Absaraka Co-operative Telephone Co.,
Inc., et. al.
Complaint**

Case No. PU-05-546

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **8th day of November, 2005**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

Complaint

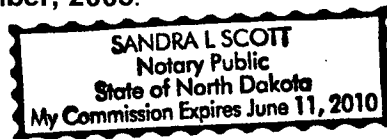
The envelope was addressed as follows:

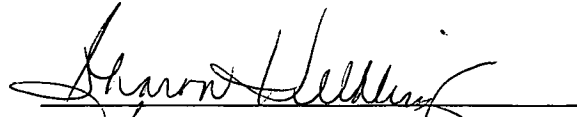
Group Long Distance Inc
P O Box 534
Ringoes NJ 08551-0534
Cert. No. 7003 2260 0001 3516 1133

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **8th day of November, 2005**.

SEAL





Notary Public

BLIC SERVICE COMMISSION
0 E BOULEVARD AVE DEPT 408
SMARCK ND 58505-0480



7005 0390 0001 4590 6711

RETURN RECEIPT

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

GROUP LONG DISTANCE INC
400 E ATLANTIC BLVD
POMPANO BEACH FL 33060

A. Signature ☒ Agent
☒ Addres
B. Received by (Printed Name) C. Date of Deli
rent from item 1? ☐ Yes
ddress below: ☐ No

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchan
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 6711

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M

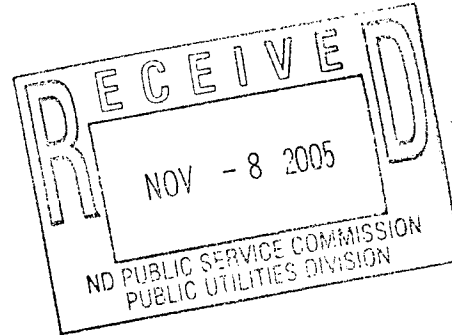
GROUP LONG DISTANCE INC
400 E ATLANTIC BLVD
POMPANO BEACH FL 33060

Un-aes

November 7, 2005

Via FEDERAL EXPRESS

Ms. Ilona Jeffcoat-Sacco
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480



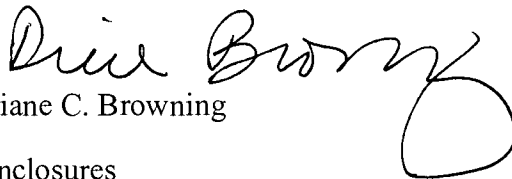
Re: Case No. PU-05-546

Dear Ms. Jeffcoat-Sacco:

Enclosed for filing with the Commission are an original and eight copies of Sprint Communications Company L.P.'s Response to Complaint for Declaratory Order. Please file the same and return a file-stamped copy to me in the self-addressed and stamped envelope provided for your convenience.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Diane C. Browning

Enclosures

c: Parties of Record

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

QWEST CORP.,	)	Case No. PU-05-546
Complainant	)	
	)	
v.	)	
	)	
ABSARAKA COOPERATIVE TELEPHONE	)	
CO. INC., et al,	)	
	)	
Defendants	)	

**SPRINT COMMUNICATIONS COMPANY L.P.'S
RESPONSE TO COMPLAINT FOR DECLARATORY ORDER**

COMES NOW Sprint Communications Company L. P. ("Sprint"), by and through its undersigned counsel, and hereby responds to Qwest Corporation's Complaint for a Declaratory Order ("Complaint"), as follows:

1. Sprint currently holds Certificate of Registration No. 364, issued in Case No. PU-987-96-419 by the North Dakota Public Service Commission (the "Commission") on October 10, 1996. Sprint is registered as a "local exchange telecommunications reseller" in North Dakota.
2. However, on knowledge and belief, Sprint does not currently have any retail competitive local exchange service offerings in North Dakota, and has not had any such offerings during the period of time at issue in Qwest's complaint. Accordingly, Sprint does not currently have (and has not had) any retail local exchange customers in North Dakota.
3. As a result, Qwest's customers could not have placed any telephone calls terminating to any Sprint customers during the period of time at issue in Qwest's

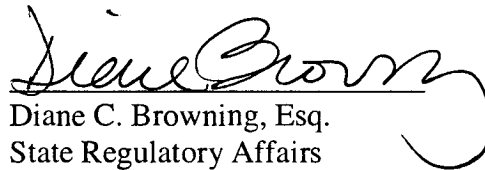
Complaint. Therefore, on knowledge and belief, Sprint has not billed Qwest for any terminating access charges that are the subject of Qwest's Complaint.

4. Based on these facts, Sprint believes it has only a nominal interest in this proceeding. However, should the Commission grant Qwest's request for a declaratory order clarifying the methodology for billing terminating access going forward, Sprint agrees to be bound by whatever methodology the Commission selects, as set forth in the Commission's order, in the event Sprint has any future retail competitive local exchange offering in North Dakota.

Dated this 7th day of November, 2005.

Respectfully submitted,

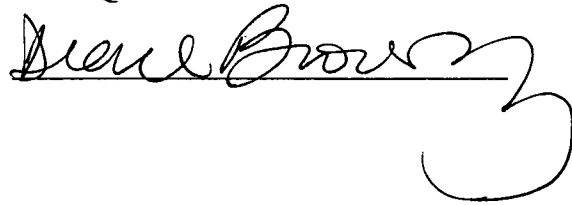
Sprint Communications Company L.P.

A handwritten signature in dark ink, appearing to read "Diane Browning", is written over a horizontal line.

Diane C. Browning, Esq.
State Regulatory Affairs
6450 Sprint Parkway
Mailstop KSOPHN0212-2A511
Overland Park, KS 66251
(913) 315-9284
(913) 523-0571
diane.c.browning@sprint.com

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of November, 2005, copies of the foregoing were sent to the following persons U.S. Mail, postage prepaid.

A handwritten signature in black ink, appearing to read "Diane Brown", is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

Melissa K. Thompson
Qwest Services Corp.
1801 California St., 10th Floor
Denver, CO 80202

Richard Corbetta
Corbetta & O'Leary, P.C.
1801 Broadway, Suite 500
Denver, CO 80202

PUBLIC SERVICE COMMISSION
600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480



7004 2890 0000 5450 9843

PB METER
7129855

557

U.S. POSTAGE

RETURN RECEIPT REQUESTED

RETURN TO SENDER;
ADDRESSEE UNKNOWN



ATTEMPTED
UNKNOWN

AT&T COMMUNICATIONS OF THE MIDWEST
1875 LAWRENCE RM 8-19
DENVER CO 80202

RETURN TO SENDER;
ADDRESSEE UNKNOWN

AK

12 PU-05-546

Pages: 0

Unable to serve Complaint on AT&T
Communications of the Midwest
by Public Service Commission
11/07/2005 CC: Comm Legal Illona, Pat, Arnette

PUBLIC SERVICE
600 E BOULEVARD
BISMARCK ND



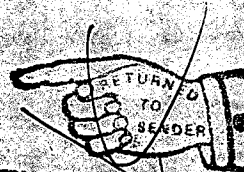
7005 0390 0001 4540 6803

RETURN RECEIPT REQUESTED

557

U.S. POSTAGE

*Certificate Cancelled
10-15-02*



ATTEMPTED, NOT KNOWN

INMATE PHONE SYSTEMS CORPORATION
16032 SHERMAN WAY MPB5
VAN NUYS CA 91406

11 PU-05-546

Pages: 0

Unable to serve Complaint on Inmate Phone
Systems Corporation
by Public Service Commission
11/07/2005 CC: Comm Legal Illona, Pat, Annet

PUBLIC SERVICE COMMISSION
600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480

7005

RETURN R

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

X

B. Received by (Printed Name)

C. Date

Return from item 1? ☐
Address below: ☐

SERVISENSE.COM INC
115 SHAWMUT RD
CANTON MA 02021

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Mail
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 7190

PS Form 3811, February 2004

Domestic Return Receipt

102595-

FWD

SERV115 020211013 1604 23 10/25/05
RETURN TO SENDER
:SERVISENSE
MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER



10 PU-05-546

Pages: 0

Unable to serve Complaint on Servisense.Com,
Inc.
by Public Service Commission
11/04/2005 CC: Comm Legal Illona, Pat, Annette

PUBLIC SERVICE COMMISSION
600-E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480



7005 0390 0001 4590 6995



- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

NET-TEL CORPORATION
11921 FREEDOM DR STE 550
RESTON VA 20190

different from item 1? ☐ Yes
address below: ☐ No

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 6995

PS Form 3811, February 2004

Domestic Return Receipt

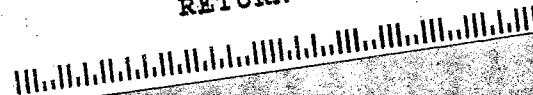
102595-02-M-1540

NET-TEL CORPORATION
11921

3119 1 10 10/29/05

NIXIE

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
RETURN TO SENDER



5-24-00
Terminated

to Sharon lpg

MEMORANDUM

TO: Sue, Secretary of State's Office

FROM: Sharon Helbling, Public Service Commission
701-328-4076 FAX 701-328-2410
shelbling@state.nd.us

DATE: October 31, 2005

Hi,

Could you check to see if the following company has been dissolved under N.D.C.C. section 10-23-02-2? If so, please give me the date of the involuntary dissolution. I checked your website and couldn't find it.

Premiere

Premier Network Services Inc - *Presently in Not Good Standing*
But NOT dissolved

Thank you. Call me at 4076 if you have any questions. You can e-mail me the information at shelbling@state.nd.us or FAX to 701-328-2410.

sdh

972-228-8881 - all circuits are busy
972-228-6800 - please try your call later
972-224-3421 - in answer

RECEIVED
OCT 31 2005
SEC. OF STATE

I tried calling these
numbers several times and
got messages above and
no answer. 11/1/05

PUBLIC SERVICE COMMISSION
600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480



7005 0390 0001 4590 7121



RETURN RECEIPT REQUESTED



Deliverable As Addressed
Forward

- ☐ Insured
- ☐ Signature Required
- ☐ Restricted
- ☐ Uninsured - Not Insured
- ☐ Attempted - Not Attempted
- ☐ No Such Street
- ☐ No Such Number
- ☐ No Such Apartment
- ☐ No Such Post Office
- ☐ No Such City
- ☐ No Such State
- ☐ No Such Zip
- ☐ No Such Country
- ☐ No Such Address
- ☐ No Such Name
- ☐ No Such Title
- ☐ No Such Organization
- ☐ No Such Department
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- ☐ No Such Mail Stop
- ☐ No Such Delivery Point
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- ☐ No Such Delivery Office Name
- ☐ No Such Delivery Office Address
- ☐ No Such Delivery Office City
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- ☐ No Such Delivery Office Zip
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- ☐ No Such Delivery Office Address
- ☐ No Such Delivery Office City
- ☐ No Such Delivery Office State
- ☐ No Such Delivery Office Zip
- ☐ No Such Delivery Office Country

PREM
510

DONALD A. NEGAARD
JAMES E. NOSTDAHL
CAROL K. LARSON
DAVID J. HOGUE
REED A. SODERSTROM
BRENT M. OLSON
DEBRA L. HOFFARTH
SCOTT M. KNUDSVIG
ERIKA L. SLEGER
RYAN D. SANDBERG

PH
LAW OFFICES OF
PRINGLE & HERIGSTAD, P.C.

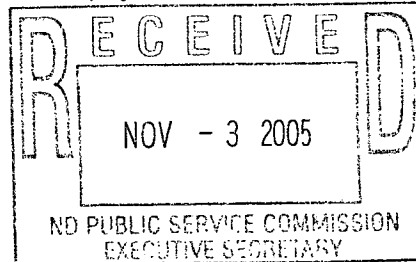
2525 ELK DRIVE
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E-mail: pringle@srt.com

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(1914-1983)
MITCHELL H. MAHONEY
(1929-1996)
ROGER O. HERIGSTAD
(1919-2003)

November 3, 2005



Illona A. Jeffcoat-Sacco, Executive Secretary
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505-0480

QWEST CORPORATION V. ABSARAKA CO-OPERATIVE TELEPHONE CO, ET AL

Enclosed for filing in the above proceeding are an original and seven copies of the RTCG's Answer to Complaint for a Declaratory order which was filed by Qwest Corporation. We are filing this answer on behalf of the companies listed on the Exhibits A and B attached to the Answer. We reserve the right to supplement for filing a new Exhibit A and a new Exhibit B once we have heard from all the companies who are traditionally a part of the rural telephone company group here in North Dakota.

Thank you.

Don Negaard

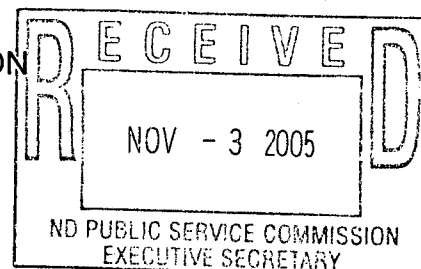
jt

Enclosures

cc/enc: Melissa K. Thompson, Qwest Corporation
Richard Corbetta, Corbetta & O'Leary

STATE OF NORTH DAKOTA

BEFORE THE PUBLIC SERVICE COMMISSION



Qwest Corporation,

Complainant,

vs.

Absaraka Co-operative Telephone Co., Inc.; BEK
Communications Cooperative; BEK
Communications I, Inc.; Consolidated Telecom, Inc.;
Consolidated Communications Networks;
Consolidated Telephone Cooperative; Dakota
Central Telecommunications Cooperative; Dakota
Central Telecom, Inc.; Dickey Rural Telephone
Cooperative; Dickey Rural Communications, Inc.;
Griggs County Telephone Co.; Inter-Community
Telephone Company; Inter-Community Telephone
Co. II; Midstate Telephone Company; Midstate
Communications, Inc.; Moore & Liberty Telephone
Co.; North Dakota Telephone Company; Northwest
Communications Cooperative; Polar Communications
Mutual Aid Corporation; Polar Telecommunications,
Inc.; Reservation Telephone Cooperative; Turtle
Mountain Communications, Inc.; United Telephone
Mutual Aid Corporation; West River Communications,
Inc.; West River Telecommunications Cooperative,

and

1-800-RECONEX, Inc. d/b/a U S Tel; AT&T
Communications of the Midwest, Inc.; Acceris
Communications Corp. d/b/a Acceris Communications
Partners & Acceris Communications Solutions; BT
Communications Sales, LLC; Budget Phone, Inc.;
BullsEye Telecom, Inc.; Business Productivity
Solutions, Inc.; C12, Inc.; Citizens
Telecommunications Company of Minnesota, Inc.;
CommPartners, LLC; Computer Integrated
Communications, Inc.; Computer Network Technology
Corporation; Comtech 21, LLC; Consolidated
Communications Corporation; Contact
Communications; Covista, Inc.; DCN, LLC; DIECA
Communications, Inc. d/b/a Covad Communications

PU 05-_____

RTCG ANSWER TO
COMPLAINT FOR A
DECLARATORY ORDER

Company; DSLnet Communications, LLC; DakTel)
 Communications, LLC; Dickey Rural Access, Inc.;)
 Dickey Rural Services, Inc.; EASTON TELECOM)
 SERVICES, INC.; Ernest Communications, Inc.;)
 Evercom Systems, Inc.; Excel Telecommunications,)
 Inc.; Extend America, Inc.; France Telecom Corporate)
 Solutions, LLC; Global Tel*Link Corporation, Inc.;)
 GLOBCOM INCORPORATED; Granite)
 Telecommunications, LLC; GROUP LONG)
 DISTANCE, INC.; HTC Services, Inc.; Halstad)
 Telephone Company; Houlton Enterprises, Inc.; ICG)
 Telecom Group, Inc.; IDT America, Corp.; IdeaOne)
 Telecom Group LLC; Ignus, Inc.; Integra Telecom of)
 North Dakota, Inc.; IPVoice Communications, Inc.;)
 Inmate Phone Systems Corporation; Intrado)
 Communications Inc.; Ionex Communications North,)
 Inc.; James Valley Cooperative Telephone Company;)
 KMC Data LLC; KMC Telecom V, Inc.; Kotana)
 Communications, Inc.; Legacy Long Distance)
 International, Inc.; Level 3 Communications, LLC;)
 Loretel Systems, Inc.; MCImetro Access)
 Transmission Services, LLC; McLeodUSA)
 Telecommunications Services, Inc.; Matrix Telecom,)
 Inc.; Maxcess, Inc.; Metromedia Fiber Network)
 Services, Inc.; Metropolitan Telecommunications of)
 North Dakota, Inc.; Midcontinent Communications;)
 Mid-Rivers Telephone Cooperative, Inc.; Missouri)
 Valley Communications, Inc.; NET-tel Corporation;)
 Nemont Telephone Cooperative, Inc.; New Access)
 Communications, LLC; New Edge Network Inc.;)
 Nextel West Corp.; Noonan Farmers Telephone)
 Company; North Dakota Big Sky Telecom A)
 Partnership; North Dakota Network Co.; Onvoy, Inc.;)
 OrbitCom, Inc.; Pacific Centrex Services, Inc.;)
 Phone1, Inc.; Polar Telcom, Inc.; PREFERRED)
 CARRIER SERVICES, INC.; Premier Network)
 Services, Inc.; QuantumShift Communications, Inc.)
 d/b/a VCOM Solutions; RC Communications, Inc.;)
 Red River Rural Telephone Association; Red River)
 Telecom, Inc.; Reliant Communications, Inc.; Roberts)
 County Telephone Cooperative Association of New)
 Effington; SBC Long Distance, LLC d/b/a)
 Southwestern Bell Long Distance; d/b/a Nevada Bell)
 Long Distance; d/b/a Pacific Bell Long Distance; SRT)
 Communications, Inc.; ServiSense.com, Inc.; Sprint)
 Communications Company L.P. d/b/a US Sprint)

Communications Limited Partnership; Talk America,)
 Inc. d/b/a New Hope Network Services; TARGET)
 TELECOM INCORPORATED; Telcom Billing)
 Services, Inc.; Telera Communications, Inc.; Trans)
 National Communications International, Inc.; Trinsic)
 Communications, Inc.; UCN, Inc.; U.S. Link, Inc. d/b/a)
 TDS Metrocom; Universal Access, Inc.; VAL-ED Joint)
 Venture, L.L.P. d/b/a 702 Communications; VCI)
 Company; Valley Communications, Inc.; VarTec)
 Solutions, Inc.; VarTec Telecom, Inc. d/b/a Clear)
 Choice Communications; Venture Communications,)
 Inc.; Verizon Select Services, Inc.; WTC Competitive)
 Services, Inc.; West River Cooperative Telephone)
 Company; Western CLEC Corporation; Wolverton)
 Telephone Company; XO Communications Services,)
 Inc.; Z-Tel Communications, Inc.)
)
 Defendants.)

The Rural Telephone Company Group (herein the RTCG), consisting of those companies set forth in Exhibit A which is attached hereto, for a response to the Complaint of Qwest Corporation dated September 25, 2005, does state, as follows:

I.

The RTCG denies each and every allegation of the Complaint except as admitted below.

II.

The RTCG admits that portion of the first paragraph 1 of the "Introduction" portion of the Complaint which alleges a Settlement Agreement in the form attached to the Complaint was entered into.

III.

The RTCG admits the North Dakota Public Service Commission (herein the Commission) has general jurisdiction over telecommunications carriers under section 49-21-02 of the North Dakota Century Code. The RTCG denies that any price of the

RTCG is unfair or unreasonable. The RTCG puts the Complainant on its proof of jurisdiction in this matter.

IV.

The RTCG admits the paragraphs of the Complaint alleging "Parties" and "The 1999 Settlement Agreement Defendants" labeled as paragraphs 1-26. BEK Communications I, Inc., has now merged with BEK Communications Cooperative; Consolidated Telecom, Inc., merged with Consolidated Telephone Cooperative which is now known as Consolidated Telcom; Consolidated Communications Networks is actually Consolidated Communications Networks, Inc.; Dakota Central Telecom I, Inc., is incorrectly named as Dakota Central Telecom, Inc.; Inter-Community Telephone Co. II has now merged with Inter-Community Telephone Company which is now Inter-Community Telephone Company, LLC; and the assets of West River Communications, Inc., have now merged into West River Telecommunications Cooperative. The proper place to send or serve the entities shown in Exhibit A is to their counsel, as follows:

Don Negaard
Pringle & Herigstad, P.C.
2525 Elk Drive
P.O. Box 1000
Minot, North Dakota 58702-1000
Telephone (701) 852-0381
Fax (701) 857-1361

This Exhibit A may be amended.

V.

The RTCG is without sufficient information to admit or deny paragraphs under "The CLEC/ILEC Defendants" portion of the Complaint, as follows: paragraphs 27-39,

inclusive, 41, 42, 44, 45, 49-59, 61-63, 65-85, 87, 89-91, 93-98, 100-103, 106-108, 110-122, 124-128, 130-133, all inclusive.

VI.

The RTCG admits paragraphs 40, (43 [it is denied; however, that DCN, LLC, is an active CLEC carrier]), 46-48, 60, 64, 86, 88, 92 (it should be noted Noonan Farmers Telephone Company will now merge with Northwest Communications Cooperative of Ray, North Dakota, on December 1, 2005), 99, 104, 105, 109, 123 (Valley Communications, Inc., does not currently have originating or terminating traffic), and 129. The undersigned will file an Exhibit B to identify the CLEC/ILEC parties that it represents who wish to have notices sent to the undersigned:

Don Negaard
Pringle & Herigstad, P.C.
2525 Elk Drive
P.O. Box 1000
Minot, North Dakota 58702-1000
Telephone (701) 852-0381
Fax (701) 857-1361

VII.

The RTCG admits, in paragraph A, "Regulatory Background" of the Qwest Complaint, under the section entitled "FACTS," the following paragraphs: 1-5, inclusive, and 7.

VIII.

The RTCG admits paragraph 6 on page 38 of the Complaint but denies that Qwest's wishes in 1999 to withdraw from the intraLATA interexchange carrier market were driven by regulatory mandates, as alleged in either paragraph 5 or 6, but instead were driven by Qwest business decisions, as set forth in paragraph 5 on the same

page. Any comments about originating access obligations of Qwest do not appear to be germane to this Complaint.

IX.

The RTCG admits the theoretical discussion contained in paragraph 8 on page 39 but denies this arrangement exists because Qwest, in return for the concessions made by the RTCG and the Commission in 1999, agreed to be billed for all traffic routed to the 1999 Settling Defendants that comes down the Feature Group C (FGC) trunks unless Qwest could identify and advise the RTCG of the proper party to bill the traffic to.

X.

The RTCG denies the allegations of paragraph 9 on page 39 of the Complaint. The RTCG has adopted and properly implemented the methods agreed to in the 1999 Settlement Agreement. It was Qwest that failed to follow the Settlement Agreement. Paragraph 5 of the 1999 Settlement Agreement states as follows:

5. Unless otherwise mutually agreed and subject to paragraph 6(d), message toll traffic terminated by U S West in an RTCG exchange after the conversion of the exchange to a new designated carrier will be measured in the same manner that traffic terminated by U S West in the exchanges of West River Telecommunications Coop. is currently measured. Pursuant to this method, U S West will continue to route terminating traffic on Feature Group C trunks. Each RTCG member will measure the total usage on the U S West C trunks and bill the access charges associated with the total traffic to U S West. U S West will identify any other carrier traffic using the C trunks and submit to the RTCG

member the usage associated with the other carrier traffic for adjustment, refund or credit on the access charge billing. (Emphasis added.)

Under the West River method, Qwest had a separate Feature Group C trunk established with West River Telephone Cooperative to handle Qwest traffic exclusively. After the agreement was signed, Qwest refused to implement this portion of the 1999 Settlement Agreement with the other members of the RTCG. At one point in discussions about getting Qwest to clean up its trunks, it claimed it was not legally able to establish separate trunks for its own traffic. Later, Qwest personnel admitted they could do so but would not because of cost.

The initial analysis by West River Telephone Cooperative and the RTCG revealed that the results of West River Telephone Cooperative recording the separate Feature Group C trunk was within two percent (2%) of the TUT method proposed by Qwest. If Qwest would have implemented the West River method for all RTCG members, it is RTCG's contention that all RTCG members would have experienced similar minimal percentages in comparison to TUT.

Instead of adopting the West River Method for all RTCG members, Qwest has, over time, made the West River FGC trunks look like the method Qwest was using on its other trunks in the state. Qwest has corrupted the West River separate Feature Group C trunk by sending wireless and other traffic down this separate Feature Group C trunk thus making this West River separate Feature Group C trunk look like all the RTCG members' Feature Group C trunks.

XI.

The RTCG denies that they “insist” on using the residual method but rather that they use the method called for in the 1999 Settlement Agreement. Despite requests by the RTCG that Qwest adhere to the West River method, Qwest persists in routing non-Qwest traffic down the FGC trunks.

The RTCG members implemented the portion of Paragraph 5 of the 1999 Settlement Agreement which reads:

Pursuant to this method, U S West will continue to route terminating traffic on Feature Group C trunks. Each RTCG member will measure the total usage on the U S West C trunks and bill the access charges associated with the total traffic to U S West.

As is stated, it is the responsibility of each RTCG member to measure the total usage on the U S West C trunks. Going on in Paragraph 5 of the 1999 Settlement Agreement, it was then Qwest’s responsibility to:

“U. S. West (Qwest) will identify any other carrier traffic using the C trunks and submit to the RTCG member the usage associated with the other traffic for adjustment, refund or credit on the access charge billing.”
(Emphasis added.)

Despite this agreement, Qwest did not identify this other traffic. Since Qwest did not comply with this portion of the Agreement, the RTCG had to spend considerable resources and efforts to study and generate reports on this other traffic. The RTCG bore the expense and costs of calculating and processing the usage and calculating the appropriate deductions. At a time when Qwest was utilizing internal resources to study

these issues, the RTCG incurred the expense of third-party processing and calculations of consultants to develop reports. Qwest received the benefit of an immediate credit on its bills rather than a later refund as called for in the agreement.

XII.

Beside the fact that Qwest never identified the other carrier traffic for adjustment, refund or credit traffic, thus not living up to their responsibility of complying with the 1999 Settlement Agreement, Qwest now wishes to shift the responsibility for collecting from unidentified users of FGC trunks from Qwest to the RTCG—something that was never agreed to by the RTCG. The RTCG has no ability to determine the nature of this traffic. Qwest is closer to the originating source of this traffic and is in a better position than the RTCG to identify this traffic because it arrives at the Qwest tandem on individual trunks of carriers who have arrangements with Qwest.

XIII.

Throughout discussions about what other methods might be used for billing the subject traffic, Qwest was fixated on using the TUT method or some derivative of TUT. The RTCG disputes the TUT system is “precise,” as alleged by Qwest. The RTCG was concerned about the possible inaccuracies in the method. It appears now that Qwest validates this concern by the RTCG because Qwest now claims in its Complaint that CARDS is more accurate.

Qwest fails to state that the TUT system it touts has proved unsatisfactory to other ILECs and CLECs in other states in Qwest's 14-state region. Until the filing of this Complaint, the only time CARDS was discussed with the RTCG was in the context that the RTCG would be required by Qwest to commit to the use of CARDS in order to see

the CARDS method and what results it produced. This was totally unacceptable to the RTCG.

XIV.

The RTCG has offered to implement derivatives of TUT at times and those proposals have met with approval of Qwest representatives, only to have them rejected by Qwest management. The RTCG continues to use the current billing method because Qwest has never presented an acceptable proposal for implementation that Qwest management would agree to use. The RTCG disputes that their bills are inflated. Various members of the RTCG have met with Qwest representatives to identify company specific issues within the RTCG. Various issues with translation, routing, and recording were identified and have been corrected. The RTCG does not claim the results are perfect, but have been and are willing to negotiate and resolve differences that were identified as being caused by the RTCG. Individual members of the RTCG have worked with Qwest to clear up message issues and to try to identify message issues on a company specific basis. The RTCG contends that these efforts would have been totally unnecessary and Qwest would have no need for TUT reports or CARDS reports if Qwest would have followed and adhered to paragraph 5 of the 1999 Settlement Agreement to send only its own traffic on the FGC trunks.

The RTCG also will not agree to a Qwest methodology, to be applied retroactively, that would require the RTCG to pay for disputed billed amounts when the RTCG has devoted resources and assets, at their own expense, to compile bills and route traffic as specified in the 1999 Settlement Agreement. In addition to the other reasons set forth herein, the RTCG feels since Qwest did not specifically comply with

the 1999 Settlement Agreement, they cannot agree to Qwest's methodology retroactively. In addition, the RTCG alleges that section 49-21-10.1 of the North Dakota Century Code bars the relief request by Qwest in this regard.

XV.

Contrary to Qwest allegations that it has supplied monthly TUT reports to the RTCG, the RTCG was only sporadically supplied with TUT reports and has not seen a TUT report since February 2005. The RTCG has never seen a CARDS report.

XVI.

Qwest is recommending their CARDS system be used on a going-forward basis and their TUT system be used to true up the billing records from January 1, 2000, to present (see CLAIM FOR RELIEF (iii) and (iv)). Under paragraph C, The Dispute 12, of its Complaint, Qwest identifies that both the TUT and CARDS systems derive their volume information from the end user customer billing system used by Qwest to render a message toll services bill to Qwest's retail intraLATA toll customers. The 1999 Settlement Agreement identified Qwest's intention to discontinue the provision of message toll service originating from the RTCG exchanges effective with the implementation of intraLATA dialing parity (see the third paragraph of the Settlement Agreement). This did happen in North Dakota, but it did not happen in Minnesota. Minnesota ILEC subscribers are still allowed to use Qwest to provision originating message toll service. The North Dakota eastern LATA stretches far into northern Minnesota. Calls can originate from a northern Minnesota ILEC subscriber and terminate to an eastern LATA North Dakota ILEC subscriber where Qwest was used to provision the originating message toll service call for the Minnesota ILEC. This call is

not included in either Qwest's TUT or CARDS system as Qwest acknowledges that the TUT and CARDS systems derive their volume information from their end user customer billing system. By recommending these two systems be used, Qwest is attempting to short the Defendants' compensation for any calls originated by Minnesota ILEC subscribers where Qwest was used to provision originating message toll service. In discussions with Qwest, they have acknowledged this omission as described above.

XVII.

Paragraph 6 of the 1999 Settlement Agreement stated that unless otherwise mutually agreed, the parties would use the West River Method and then stated: "U S West and each of the RTCG members agree to meet and negotiate in good faith the following issues:" "(d.) The measurement method for terminating toll traffic"

The RTCG opposes, in total, the Qwest claims for relief and would assert that an "agreement to agree" as contained in the 1999 Settlement Agreement is not an agreement that is enforceable by a court or regulatory agency, such as the North Dakota Public Service Commission. (See, generally, the annotation in 17A Am. Jur. 2d Contracts, § 35, pp. 63-65. (The annotation notes court cases holding that any part of an agreement to enter into future agreements is unenforceable.)

XVIII.

The RTCG has demonstrated that it has gone beyond the terms of the 1999 Settlement Agreement in its efforts to address concerns and issues raised by Qwest and which were not embodied in the 1999 Settlement Agreement.

XIX.

The RTCG, collectively and individually, has expended considerable effort and resources to explore and put forth new proposal(s) of billing and measurement with Qwest. At various times, these proposal(s) have been agreed to between the RTCG and representatives of Qwest only to find that management of Qwest in Denver, Colorado, has failed to give approval to the proposal(s).

In the course of negotiations, there were times when it appeared Qwest representatives and the RTCG were near agreement. Because of various circumstances such as retirements, relocations, and reorganizations, Qwest switched representatives, and discussions would have to begin anew. This was costly and time consuming for the RTCG.

The above experiences by the RTCG did not instill a degree of confidence that negotiations were being conducted in "good faith" as called for in the 1999 Settlement Agreement.

XX.

The most recent example of failure to negotiate in good faith occurred in January 2005. Qwest submitted another written "TUT proposal" to the RTCG on January 6, 2005. On January 26, 2005, the RTCG replied, in writing, that the RTCG was willing to consider and explore the proposal and expressed four concerns of the RTCG. The RTCG never received any formal response from Qwest until this Complaint was filed in September 2005.

When the RTCG was advised that a Complaint was being filed and requested a copy of the Complaint, they were not given a copy and had to request a copy from the Commission.

XXI.

The RTCG has concerns with this Complaint because of the following reasons:

1. Qwest has not complied with the 1999 Settlement Agreement because they never implemented the West River method for all RTCG members. In addition, they didn't even leave the West River method in tact for West River Telecommunications Coop. because they sent wireless and other traffic down the separate FGC trunk thus making West River Telecommunication Coop. look like all other RTCG members.
2. Qwest has not complied with the 1999 Settlement Agreement because they never provided the needed identification of the other carrier traffic to the RTCG members for adjustment, refund or credit. The RTCG spent considerable resources and efforts to study and generate reports on this other traffic. The RTCG bore the expense and costs of calculating and processing the usage and calculating the appropriate deductions. Qwest received the benefit of an immediate credit on its bills rather than a later refund as called for in the agreement.
3. Changes in Qwest personnel have been costly for the RTCG members as discussion had to begin anew.

4. Many proposals and concepts agreed to by the RTCG, collectively and individually, in discussions with Qwest personnel were not approved by Qwest management.
5. The RTCG is concerned with the accuracy of TUT or CARDS as a possible solution given the RTCG analysis of the TUT reports and due to the levels of concerns and complaints by other states. As a result of the RTCG analysis and working with Qwest representatives, the differences between TUT and what the RTCG billed Qwest has been reduced because of efforts by both sides. However, it appears these differences will never completely disappear (For example, interstate calls originated from a northern Minnesota ILEC subscriber and terminate to an eastern LATA North Dakota ILEC subscriber where Qwest was used to provision the originating message toll service call for the Minnesota ILEC). In addition, the RTCG has concerns with using sources like TUT or CARDS to be used as a basis to bill Qwest when these sources are provided by the company the RTCG is billing and the RTCG has no way to verify the accuracy of these sources.

WHEREFORE, the RTCG and CLEC/ILEC Defendants request the North Dakota Public Service Commission to:

1. Deny the claim for relief requested by Qwest;
2. Affirm the validity of the existing contract and honor the intent of the agreement, that a new method can replace the existing contract but only if a new method is agreed to by the parties to the contract;

3. Deny any claims for retroactive application because they are barred by the terms of the agreement and section 49-21-10.1;
4. Deny the request of Qwest to use TUT or CARDS as a basis for compensation for Qwest terminating traffic in North Dakota for future usage; and
5. Grant such other relief to the RTCG and the Exhibit B parties that is appropriate in the circumstances.

Dated this 30 day of November, 2005.

PRINGLE & HERGISTAD, P.C.


By: Don Negaard, ND Bar ID #03598
2525 Elk Drive
P.O. Box 1000
Minot, ND 58702-1000
Telephone (701) 852-0381
Fax (701) 857-1361
Attorneys for the RTCG

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing Response to Complaint for a Declaratory Order was mailed on the 30th day of November, 2005, to the following:

Melissa K. Thompson
Qwest Services Corporation
1801 California Street, 10th Floor
Denver, CO 80202

Richard Corbetta
Corbetta & O'Leary
1801 Broadway, Suite 500
Denver, CO 80202



Don Negaard

EXHIBIT A

1. Absaraka Co-operative Telephone Co., Inc.
2. BEK Communications Cooperative and BEK Communications I, Inc.
3. Consolidated Telecom, Inc., Consolidated Communications Networks, and Consolidated Telephone Cooperative
4. Dakota Central Telecommunications Cooperative and Dakota Central Telecom, Inc.
5. Inter-Community Telephone Company and Inter-Community Telephone Co. II
6. Midstate Telephone Company and Midstate Communications, Inc.
7. North Dakota Telephone Company
8. Turtle Mountain Communications, Inc.
9. United Telephone Mutual Aid Corporation
10. West River Telecommunications Cooperative

EXHIBIT B

1. Consolidated Communications Networks, Inc.
2. DakTel Communications, LLC
3. Valley Communications, Inc.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Qwest Corporation vs
Absaraka Co-operative Telephone Co.,
Inc., et. al.
Complaint**

Case No. PU-05-546

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **25th day of October, 2005**, she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

Complaint

The envelopes were addressed as follows:

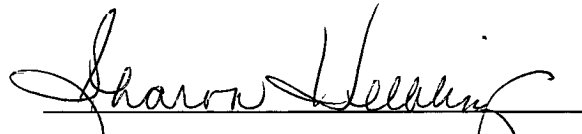
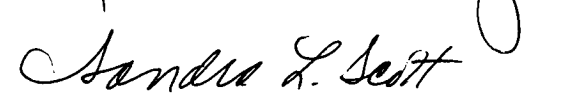
Wolverton Telephone Company
P O Box 270
Park River ND 58270-0270
Cert. No. 7003 2260 0001 3516 1003

WTC Competitive Services Inc
P O Box 270
Park River ND 58270-0270
Cert. No. 7003 2260 0001 3516 1010

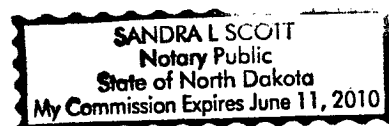
Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **25th day of October, 2005**.

SEAL

Notary Public



PUBLIC SERVICE COMMISSION
600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480



- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

different from item 1? ☐ Yes
address below: ☐ No

WOLVERTON TELEPHONE COMPANY
P O BOX 129
WOLVERTON MN 56594

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0001 4590 7398

PS Form 3811, February 2004

Domestic Return Receipt

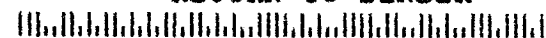
102595-02-M-1540

WOLV 129

WOLVERTON TELEPHONE COMPANY
P O BOX 129
WOLVERTON

WOLV129 365942028 1A04 05 10/24/05
FORWARD TIME EXP RTN TO SEND
:WOLVERTON TELEPHONE CO
PO BOX 270
PARK RIVER ND 58270-0270

RETURN TO SENDER



PUBLIC SERVICE COMMISSION
600 E BOULEVARD AVE DEPT 408
BISMARCK ND 58505-0480



90 0001 4590 7367

RECEIPT REQUESTED

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature X		☐ Agent ☐ Addressee
B. Received by (Printed Name)	C. Date of Delivery	
D. Is delivery address different from item 1? ☐ Yes Address below: ☐ No		

WTC COMPETITIVE SERVICES INC
329 HIGHWAY 75
WOLVERTON MN 56594

☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes	

2. Article Number
(Transfer from service label) 7005 0390 0001 4590 7367

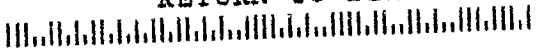
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

WOLV129

WTC COMPETITIVE SERVICES INC
329 HIGHWAY 75
WOLVERTON MN 56594

WOLV129 565942028 1A04 05 10/24/05
FORWARD TIME EXP RTN TO SEND
:WOLVERTON TELEPHONE CO
PO BOX 270
PARK RIVER ND 58270-0270

RETURN TO SENDER



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Qwest Corporation vs
Absaraka Co-operative Telephone Co.,
Inc., et. al.
Complaint**

Case No. PU-05-546

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **24th day of October, 2005**, she deposited in the United States Mail, Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

Complaint

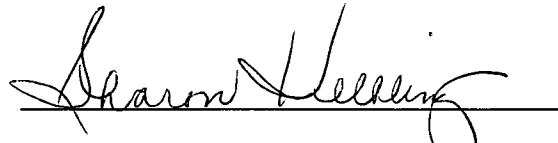
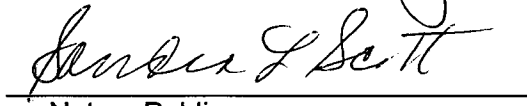
The envelope was addressed as follows:

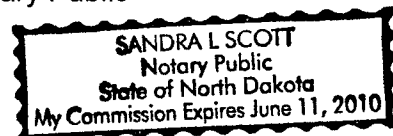
New Edge Network Inc
3000 Columbia House Blvd Ste 106
Sioux Falls SD 57104
Cert. No. 7003 2260 0001 3516 0990

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **24th day of October, 2005**.

SEAL



Notary Public



C SERVICE COMMISSION
BOULEVARD AVE DEPT 408
RCK ND 58505-0480



700

RETURN



- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature *Mary Cameron* ☒ Agent ☐ Address

B. Received by (Printed Name) *Mary Cameron* C. Date of Delivery *10/24/05*

D. Is delivery address different from item 1? ☐ Yes ☐ No
Address below:

NEW EDGE NETWORK INC
3000 COLUMBIA HOUSE BLVD STE 106
SIOUX FALLS SD 57104

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7005 0390 0001 4590 7015

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

NEW EDGE NETWORK INC
3000 COLUMBIA HOUSE BLVD STE 106
SIOUX FALLS SD 57104

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Qwest Corporation vs
Absaraka Co-operative Telephone Co.,
Inc., et. al.
Complaint**

Case No. PU-05-546

AFFIDAVIT OF SERVICE BY CERTIFIED AND ORDINARY MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **19th day of October, 2005**, she deposited in the United States Mail, Bismarck, North Dakota, **117** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Complaint

The envelopes were addressed as follows:

Absaraka Co-operative Telephone Co Inc
P O Box 27
Absaraka ND 58002-0027

Cert. No. 7004 2890 0000 5450 9676

Consolidated Communications Networks Inc
Consolidated Telcom
P O Box 1408
Dickinson ND 58602-1408
Cert. No. 7004 2890 0000 5450 9690

Dickey Rural Communications Inc
Dickey Rural Telephone Cooperative
P O Box 69
Ellendale ND 58436-0069
Cert. No. 7004 2890 0000 5450 9713

Inter-Community Telephone Company LLC
P O Box 8
Nome ND 58062-0008

Cert. No. 7004 2890 0000 5450 9737

BEK Communications Cooperative
BEK Communications I Inc
P O Box 230
Steele ND 58482-0230
Cert. No. 7004 2890 0000 5450 9683

Dakota Central Telecomm Coop
Dakota Central Telecom I Inc
630 5th St N
Carrington ND 58421-0299
Cert. No. 7004 2890 0000 5450 9706

Griggs County Telephone Co
P O Box 506
Cooperstown ND 58425-0506
Cert. No. 7004 2890 0000 5450 9720

Midstate Communications Inc
Midstate Telephone Company
P O Box 400
Stanley ND 58784-0400
Cert. No. 7004 2890 0000 5450 9744

Moore and Liberty Telephone Company
P O Box 66
Enderlin ND 58027-0066
Cert. No. 7004 2890 0000 5450 9751

Northwest Communications Cooperative
P O Box 38
Ray ND 58849-0038

Cert. No. 7004 2890 0000 5450 9775

Reservation Telephone Cooperative
P O Box 68
Parshall ND 58770-0068

Cert. No. 7004 2890 0000 5450 9799

West River Cooperative Telephone Co
P O Box 39
Bison SD 57620-0039
Cert. No. 7004 2890 0000 5450 9812

1-800 RECONEX Inc
2500 Industrial Ave
Hubbard OR 97032
Cert. No. 7004 2890 0000 5450 9836

Acceris Communications Corp
9775 Business Park Ave
San Diego CA 92131
Cert. No. 7004 2890 0000 5450 9850

Budget Phone Inc
6901 W70th St
Shreveport LA 71129
Cert. No. 7004 2890 0000 5450 9874

Business Productivity Solutions Inc
730 2nd Ave S Ste 900
Minneapolis MN 55402
Cert. No. 7004 2890 0000 5450 9898

Citizens Telecommunications Company of
Minnesota
3 High Ridge Park
Stamford CT 06905
Cert. No. 7004 2890 0000 5450 9911

North Dakota Telephone Company
P O Box 180
Devils Lake ND 58301-0180
Cert. No. 7004 2890 0000 5450 9768

Polar Communications Mut Aid Corp
Polar Telecommunications Inc
P O Box 270
Park River ND 58270-0270
Cert. No. 7004 2890 0000 5450 9782

Turtle Mountain Communications Inc
United Telephone Mut Aid Corp
P O Box 729
Langdon ND 58249-0729
Cert. No. 7004 2890 0000 5450 9805

West River Telecommunications
P O Box 467
Hazen ND 58545-0467
Cert. No. 7004 2890 0000 5450 9829

AT&T Communications of the Midwest Inc
1875 Lawrence Rm 8-19
Denver CO 80202
Cert. No. 7004 2890 0000 5450 9843

BT Communications Sales LLC
11440 Commerce Park Dr
Reston VA 20191
Cert. No. 7004 2890 0000 5450 9867

BullsEye Telecom Inc
25900 Greenfield Rd Ste 330
Oak Park MI 48237
Cert. No. 7004 2890 0000 5450 9881

C12 Inc
200 Galleria Pkwy Ste 1200
Atlanta GA 30339
Cert. No. 7004 2890 0000 5450 9904

CommPartners LLC
3291 N Buffalo Dr Ste 8
Las Vegas NV 89129
Cert. No. 7004 2890 0000 5450 9928

Computer Integrated Communications Inc
8502 Bells Mill Rd
Potomac MD 20854-4071
Cert. No. 7004 2890 0000 5450 9935

Comtech 21 LLC
1 Barnes Park S
Wallingford CT 06492
Cert. No. 7004 2890 0000 5450 9959

Contact Communications
937 W Main St
Riverton WY 82501
Cert. No. 7004 2890 0000 5450 9973

DCN LLC
P O Box 180
Devils Lake ND 58103-0180
Cert. No. 7004 2890 0000 5450 9997

DSLnet Communications LLC
545 Long Wharf Dr
New Haven CT 06511
Cert. No. 7005 0390 0001 4590 6599

Dickey Rural Access Inc
Dickey Rural Services
P O Box 69
Ellendale ND 58436
Cert. No. 7005 0390 0001 4590 6612

Ernest Communications Inc
5275 Triangle Pkwy Ste 150
Norcross GA 30092
Cert. No. 7005 0390 0001 4590 6636

Excel Telecommunications Inc
2440 Marsh Ln
Carrollton TX 75006
Cert. No. 7005 0390 0001 4590 6650

France Telecom Corporate Solutions LLC
2300 Corporate Park Dr
Mailstop SPO600
Herndon VA 20171
Cert. No. 7005 0390 0001 4590 6674

Computer Network Technology Corp
6000 Nathan Lane N
Minneapolis MN 55442
Cert. No. 7004 2890 0000 5450 9942

Consolidated Communications Corp
P O Box 1408
Dickinson ND 58602-1408
Cert. No. 7004 2890 0000 5450 9966

Covista Inc
4803 Hwy 58 N
Chattanooga TN 37416
Cert. No. 7004 2890 0000 5450 9980

DIECA Communications Inc
3420 Central Expressway
Santa Clara CA 95051-0703
Cert. No. 7004 2890 0000 5451 0009

DakTel Communications LLC
P O Box 299
Carrington ND 58421-0299
Cert. No. 7005 0390 0001 4590 6605

Easton Telecom Services Inc
3046 Brecksville Rd #A
Richfield OH 44286-9399
Cert. No. 7005 0390 0001 4590 6629

Evercom Systems Inc
14651 Dallas Pkwy Ste 600
Dallas TX 75254-7476
Cert. No. 7005 0390 0001 4590 6643

Extend America Inc
1101 E Front Ave
Bismarck ND 58501
Cert. No. 7005 0390 0001 4590 6667

Global Tel*Link Corporation Inc
2609 Cameron St
Mobile AL 36607
Cert. No. 7005 0390 0001 4590 6681

Globcom Incorporated
2100 Sanders Rd Ste 150
Northbrook IL 60062
Cert. No. 7005 0390 0001 4590 6698

Group Long Distance Inc
400 E Atlantic Blvd
Pompano Beach FL 33060
Cert. No. 7005 0390 0001 4590 6711

Houlton Enterprises Inc
2201 W Bdwy #1
Council Bluffs IA 51501
Cert. No. 7005 0390 0001 4590 6735

IDT America Corp
520 Broad St
Newark NJ 07102-3111
Cert. No. 7005 0390 0001 4590 6759

Ignus Inc
855 45th St SW Ste 11
Fargo ND 58103-1036
Cert. No. 7005 0390 0001 4590 6773

IP Voice Communications Inc
14860 Montfort Dr Ste 210
Dallas TX 75254
Cert. No. 7005 0390 0001 4590 6797

Intrado Communications Inc
1601 Dry Creek Dr
Longmont CO 80503-6493
Cert. No. 7005 0390 0001 4590 6810

James Valley Cooperative Telephone Co
235 E 1st Ave
Groton SD 57445
Cert. No. 7005 0390 0001 4590 6834

KMC Telecom V Inc
1545 Route 206
Bedminster NJ 07921
Cert. No. 7005 0390 0001 4590 6858

Legacy Long Distance International Inc
10833 Valley View St Ste 150
Cypress CA 90630
Cert. No. 7005 0390 0001 4590 6872

Granite Telecommunications LLC
234 Copeland St
Quincy MA 02169
Cert. No. 7005 0390 0001 4590 6704

HTC Services Inc
Halstad Telephone Company
P O Box 55
Halstad MN 56548-0055
Cert. No. 7005 0390 0001 4590 6728

ICG Telecom Group Inc
161 Inverness Dr W
Englewood CO 80112
Cert. No. 7005 0390 0001 4590 6742

IdeaOne Telecom Group LLC
3239 39th St SW
Fargo ND 58104
Cert. No. 7005 0390 0001 4590 6766

Integra Telecom of North Dakota Inc
745 45th St SW Ste C
Fargo ND 58103
Cert. No. 7005 0390 0001 4590 6780

Inmate Phone Systems Corporation
16032 Sherman Way MPB5
Van Nuys CA 91406
Cert. No. 7005 0390 0001 4590 6803

Ionex Communications North Inc
2020 Baltimore Ave
Kansas City MO 64108-1914
Cert. No. 7005 0390 0001 4590 6827

KMC Data LLC
1545 Route 206
Bedminster NJ 07921
Cert. No. 7005 0390 0001 4590 6841

Kotana Communications Inc
1819 1st Ave W
Williston ND 58801
Cert. No. 7005 0390 0001 4590 6865

Level 3 Communications LLC
1025 Eldorado Blvd
Broomfield CO 80021
Cert. No. 7005 0390 0001 4590 6889

Loretel Systems Inc
13 E 4th Ave
Ada MN 56510-1331
Cert. No. 7005 0390 0001 4590 6896

McLeodUSA Telecommunications Services
Inc
P O Box 3177
Cedar Rapids IA 52406-3177
Cert. No. 7005 0390 0001 4590 6919

Maxcess Inc
P O Box 951419
Lake Mary FL 32795-1419
Cert. No. 7005 0390 0001 4590 6933

Metropolitan Telecommunications of North
Dakota Inc
44 Wall St 6th Fl
New York NY 10005
Cert. No. 7005 0390 0001 4590 6957

Mid-Rivers Telephone Cooperative Inc
P O Box 280
Circle MT 59215-0280
Cert. No. 7005 0390 0001 4590 6971

Net-tel Corporation
11921 Freedom Dr Ste 550
Reston VA 20190
Cert. No. 7005 0390 0001 4590 6995

New Edge Network Inc
3000 Columbia House Blvd Ste 106
Sioux Falls SD 57104
Cert. No. 7005 0390 0001 4590 7015

Noonan Farmers Telephone Company
P O Box 39
Noonan ND 58765
Cert. No. 7005 0390 0001 4590 7039

North Dakota Network Co
P O Box 2027
Minot ND 58702-2027
Cert. No. 7005 0390 0001 4590 7053

MCImetro Access Transmission Services LLC
707 17th St Ste 3600
Denver CO 80202
Cert. No. 7005 0390 0001 4590 6902

Matrix Telecom Inc
300 N Meridian Ste 200-North
Oklahoma City OK 73107
Cert. No. 7005 0390 0001 4590 6926

Metromedia Fiber Network Services Inc
360 Hamilton Ave
White Plains NY 10601
Cert. No. 7005 0390 0001 4590 6940

Midcontinent Communications
414 S Phillips Ave
Sioux Falls SD 57104
Cert. No. 7005 0390 0001 4590 6964

Missouri Valley Communications Inc
Nemont Telephone Cooperative Inc
P O Box 600
Scobey MT 59263-0600
Cert. No. 7005 0390 0001 4590 6988

New Access Communications LLC
801 Nicollet Ave Ste 350
Minneapolis MN 55402-2519
Cert. No. 7005 0390 0001 4590 7008

Nextel West Corp
2001 Edmund Halley Dr
Reston VA 20191
Cert. No. 7005 0390 0001 4590 7022

North Dakota Big Sky Telecom
374 Ansin Blvd
Hallandale FL 33009
Cert. No. 7005 0390 0001 4590 7046

Onvoy Inc
300 S Highway 169 Ste 700
Minneapolis MN 55426
Cert. No. 7005 0390 0001 4590 7060

OrbitCom Inc
1701 N Louise Ave
Sioux Falls SD 57107
Cert. No. 7005 0390 0001 4590 7077

Phone 1 Inc
100 N Biscayne Blvd Ste 1200
Miami FL 33132-2011
Cert. No. 7005 0390 0001 4590 7091

Preferred Carrier Services Inc
14681 Midway Rd Ste 105
Addison TX 75001
Cert. No. 7005 0390 0001 4590 7114

QuantumShift Communications Inc
12657 Alcosta Blvd Ste 418
San Ramon CA 94583

Cert. No. 7005 0390 0001 4590 7138

Red River Rural Telephone Association
Red River Telecom Inc
P O Box 136
Abercrombie ND 58001
Cert. No. 7005 0390 0001 4590 7152

SBC Long Distance LLC
5850 W Las Positas Blvd
Pleasanton CA 94558
Cert. No. 7005 0390 0001 4590 7176

ServiSense.com Inc
115 Shawmut Rd
Canton MA 02021
Cert. No. 7005 0390 0001 4590 7190

Talk America Inc
6805 Route 202
New Hope PA 18938
Cert. No. 7005 0390 0001 4590 7213

Telcom Billing Services Inc
9243 E River Rd NW
Coon Rapids MN 55433-5722
Cert. No. 7005 0390 0001 4590 7237

Pacific Centrex Services Inc
6855 Tujunga Ave
North Hollywood CA 91605
Cert. No. 7005 0390 0001 4590 7084

Polar Telcom Inc
P O Box 270
Park River ND 58270-0270
Cert. No. 7005 0390 0001 4590 7107

Premiere Network Services Inc
1510 N Hampton Rd Ste 120
DeSoto TX 75115
Cert. No. 7005 0390 0001 4590 7121

Roberts County Telephone Cooperative
Association of New Effington
RC Communications Inc
P O Box 196
New Effington SD 57255
Cert. No. 7005 0390 0001 4590 7145

Reliant Communications Inc
801 International Pkwy 5th FL
Lake Mary FL 32746
Cert. No. 7005 0390 0001 4590 7169

SRT Communications Inc
3615 N Bdwy
Minot ND 58703
Cert. No. 7005 0390 0001 4590 7183

Sprint Communications Company LP
6450 Sprint Pkwy
Mailstop: KSOPHN0212-2A511
Overland Park KS 66251
Cert. No. 7005 0390 0001 4590 7206

Target Telecom Incorporated
155 Willowbrook Blvd
Wayne NJ 07474
Cert. No. 7005 0390 0001 4590 7220

Telera Communications Inc
910 E Hamilton Ave Ste 200
Campbell GA 95008
Cert. No. 7005 0390 0001 4590 7244

Trans National Communications International
Inc
2 Charlesgate W
Boston MA 02215
Cert. No. 7005 0390 0001 4590 7251

UCN Inc
14870 S Pony Express Rd
Bluffdale UT 84065
Cert. No. 7005 0390 0001 4590 7275

Universal Access Inc
Sears Tower 233
S Wacker Dr Ste 600
Chicago IL 60606-6307
Cert. No. 7005 0390 0001 4590 7299

VCI Company
3875 Steilacoom Blvd SW #A
Lakewood WA 98499
Cert. No. 7005 0390 0001 4590 7312

VarTec Solutions Inc
2440 Marsh Lane
Carrollton TX 75006
Cert. No. 7005 0390 0001 4590 7336

Verizon Select Services Inc
P O Box 110
Tampa FL 33601-0110
Cert. No. 7005 0390 0001 4590 7350

West River Cooperative Telephone Company
801 Coleman Ave
Bison SD 57620
Cert. No. 7005 0390 0001 4590 7374

Wolverton Telephone Company
P O Box 129
Wolverton MN 56594
Cert. No. 7005 0390 0001 4590 7398

Trinsic Communications Inc
601 S Harbour Island Blvd Ste 220
Tampa FL 33602-5925
Cert. No. 7005 0390 0001 4590 7268

U S Link Inc
P O Box 327
Pequot Lakes MN 56472-0327
Cert. No. 7005 0390 0001 4590 7282

VAL-ED Joint Venture LLP
702 Main Ave
Moorhead MN 56560
Cert. No. 7005 0390 0001 4590 7305

Valley Communications Inc
P O Box 8
Nome ND 58062
Cert. No. 7005 0390 0001 4590 7329

Venture Communications Inc
P O Box 157
Highmore SD 57345-0157
Cert. No. 7005 0390 0001 4590 7343

WTC Competitive Services Inc
329 Highway 75
Wolverton MN 56594
Cert. No. 7005 0390 0001 4590 7367

Western CLEC Corporation
3650 131st Ave SE #400
Bellevue WA 98006
Cert. No. 7005 0390 0001 4590 7381

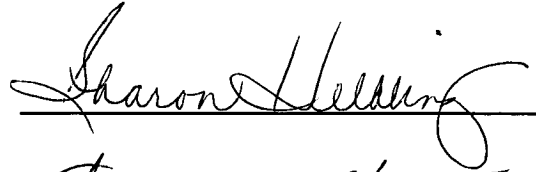
XO Communications Services Inc
11111 Sunset Hills Rd
Reston VA 20190
Cert. No. 7005 0390 0001 4590 7404

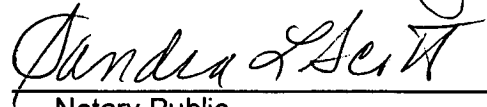
Z-Tel Communications Inc
3340 Peachtree Rd NE Ste 2900
Atlanta GA 33602
Cert. No. 7003 2260 0001 3516 1898

Each address shown is the respective addressee's last reasonably ascertainable post office address.

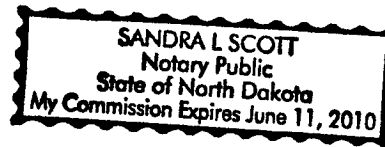
Subscribed and sworn to before me
this **19th day of October, 2005**.

SEAL





Notary Public



ABSARAKA CO-OPERATIVE TELEPHONE CO INC
P O BOX 27
ABSARAKA ND 58002-0027

BEK COMMUNICATIONS COOPERATIVE
BEK COMMUNICATIONS I INC
P O BOX 230
STEELE ND 58482-0230

CONSOLIDATED COMMUNICATIONS NETWORKS
CONSOLIDATED TELCOM
P O BOX 1408
DICKINSON ND 58602-1408

DAKOTA CENTRAL TELECOMM COOP
DAKOTA CENTRAL TELECOM I INC
630 5TH ST N
CARRINGTON ND 58421-0299

DICKEY RURAL COMMUNICATIONS INC
DICKEY RURAL TELEPHONE COOPERATIVE
P O BOX 69
ELLENDALÉ ND 58436-0069

GRIGGS COUNTY TELEPHONE CO
P O BOX 506
COOPERSTOWN ND 58425-0506

INTER-COMMUNITY TELEPHONE COMPANY LLC
P O BOX 8
NOME ND 58062-0008

MIDSTATE COMMUNICATIONS INC
MIDSTATE TELEPHONE COMPANY
P O BOX 400
STANLEY ND 58784-0400

MOORE AND LIBERTY TELEPHONE COMPANY
P O BOX 66
ENDERLIN ND 58027-0066

NORTH DAKOTA TELEPHONE COMPANY
P O BOX 180
DEVILS LAKE ND 58301-0180

NORTHWEST COMMUNICATIONS COOPERATIVE
P O BOX 38
RAY ND 58849-0038

POLAR COMMUNICATIONS MUT AID CORP
POLAR TELECOMMUNICATIONS INC
P O BOX 270
PARK RIVER ND 58270-0270

RESERVATION TELEPHONE COOPERATIVE
P O BOX 68
PARSHALL ND 58770-0068

TURTLE MOUNTAIN COMMUNICATIONS INC
UNITED TELEPHONE MUT AID CORP
P O BOX 729
LANGDON ND 58249-0729

WEST RIVER COOPERATIVE TELEPHONE CO
P O BOX 39
BISON SD 57620-0039

WEST RIVER TELECOMMUNICATIONS
P O BOX 467
HAZEN ND 58545-0467

1-800 RECONEX INC
2500 INDUSTRIAL AVE
HUBBARD OR 97032

AT&T COMMUNICATIONS OF THE MIDWEST
1875 LAWRENCE RM 8-19
DENVER CO 80202

ACCERIS COMMUNICATIONS CORP
9775 BUSINESS PARK AVE
SAN DIEGO CA 92131

BT COMMUNICATIONS SALES LLC
11440 COMMERCE PARK DR
RESTON VA 20191

BUDGET PHONE INC
6901 W70TH ST
SHREVEPORT LA 71129

BULLSEYE TELECOM INC
25900 GREENFIELD RD STE 330
OAK PARK MI 48237

BUSINESS PRODUCTIVITY SOLUTIONS INC
730 2ND AVE S STE 900
MINNEAPOLIS MN 55402

C12 INC
200 GALLERIA PKWY STE 1200
ATLANTA GA 30339

CITIZENS TELECOMMUNICATIONS COMPANY OF
MINNESOTA
3 HIGH RIDGE PARK
STAMFORD CT 06905

COMMPARTNERS LLC
3291 N BUFFALO DR STE 8
LAS VEGAS NV 89129

COMPUTER INTEGRATED COMMUNICATIONS INC
8502 BELLS MILL RD
POTOMAC MD 20854-4071

COMPUTER NETWORK TECHNOLOGY CORP
6000 NATHAN LANE N
MINNEAPOLIS MN 55442

COMTECH 21 LLC
1 BARNES PARK S
WALLINGFORD CT 06492

CONSOLIDATED COMMUNICATIONS CORP
P O BOX 1408
DICKINSON ND 58602-1408

CONTACT COMMUNICATIONS
937 W MAIN ST
RIVERTON WY 82501

COVISTA INC
4803 HWY 58 N
CHATTANOOGA TN 37416

DCN LLC
P O BOX 180
DEVILS LAKE ND 58103-0180

DIECA COMMUNICATIONS INC
3420 CENTRAL EXPRESSWAY
SANTA CLARA CA 95051-0703

DSLNET COMMUNICATIONS LLC
545 LONG WHARF DR
NEW HAVEN CT 06511

DAKTEL COMMUNICATIONS LLC
P O BOX 299
CARRINGTON ND 58421-0299

DICKEY RURAL ACCESS INC
DICKEY RURAL SERVICES
P O BOX 69
ELLENDALÉ ND 58436

EASTON TELECOM SERVICES INC
3046 BRECKSVILLE RD #A
RICHFIELD OH 44286-9399

ERNEST COMMUNICATIONS INC
5275 TRIANGLE PKWY STE 150
NORCROSS GA 30092

EVERCOM SYSTEMS INC
14651 DALLAS PKWY STE 600
DALLAS TX 75254-7476

EXCEL TELECOMMUNICATIONS INC
2440 MARSH LN
CARROLTON TX 75006

EXTEND AMERICA INC
1101 E FRONT AVE
BISMARCK ND 58501

FRANCE TELECOM CORPORATE SOLUTIONS LLC
2300 CORPORATE PARK DR
MAILSTOP SPO600
HERNDON VA 20171

GLOBAL TEL*LINK CORPORATION INC
2609 CAMERON ST
MOBILE AL 36607

GLOBCOM INCORPORATED
2100 SANDERS RD STE 150
NORTHBROOK IL 60062

GRANITE TELECOMMUNICATIONS LLC
234 COPELAND ST
QUINCY MA 02169

GROUP LONG DISTANCE INC
400 E ATLANTIC BLVD
POMPANO BEACH FL 33060

HTC SERVICES INC
HALSTAD TELEPHONE COMPANY
P O BOX 55
HALSTAD MN 56548-0055

HOULTON ENTERPRISES INC
2201 W BDWY #1
COUNCIL BLUFFS IA 51501

ICG TELECOM GROUP INC
161 INVERNESS DR W
ENGLEWOOD CO 80112

IDT AMERICA CORP
520 BROAD ST
NEWARK NJ 07102-3111

IDEAONE TELECOM GROUP LLC
3239 39TH ST SW
FARGO ND 58104

IGNUS INC
855 45TH ST SW STE 11
FARGO ND 58103-1036

INTEGRA TELECOM OF NORTH DAKOTA INC
745 45TH ST SW STE C
FARGO ND 59103

IP VOICE COMMUNICATIONS INC
14860 MONTFORT DR STE 210
DALLAS TX 75254

INMATE PHONE SYSTEMS CORPORATION
16032 SHERMAN WAY MPB5
VAN NUYS CA 91406

INTRADO COMMUNICATIONS INC
1601 DRY CREEK DR
LONGMONT CO 80503-6493

IONEX COMMUNICATIONS NORTH INC
2020 BALTIMORE AVE
KANSAS CITY MO 64108-1914

JAMES VALLEY COOPERATIVE TELEPHONE CO
235 E 1ST AVE
GROTON SD 57445

KMC DATA LLC
1545 ROUTE 206
BEDMINSTER NJ 07921

KMC TELECOM V INC
1545 ROUTE 206
BEDMINSTER NJ 07921

KOTANA COMMUNICATIONS INC
1819 1ST AVE W
WILLISTON ND 58801

LEGACY LONG DISTANCE INTERNATIONAL INC
10833 VALLEY VIEW ST STE 150
CYPRESS CA 90630

LEVEL 3 COMMUNICATIONS LLC
1025 ELDORADO BLVD
BROOMFIELD CO 80021

LORETEL SYSTEMS INC
13 E 4TH AVE
ADA MN 56510-1331

MCIMETRO ACCESS TRANSMISSION
SERVICES LLC
707 17TH ST STE 3600
DENVER CO 80202

MCLEODUSA TELECOMMUNICATIONS SERVICES
P O BOX 3177
CEDAR RAPIDS IA 52406-3177

MATRIX TELECOM INC
300 N MERIDIAN STE 200-NORTH
OKLAHOMA CITY OK 73107

MAXCESS INC
P O BOX 951419
LAKE MARY FL 32795-1419

METROMEDIA FIBER NETWORK SERVICES
360 HAMILTON AVE
WHITE PLAINS NY 10601

METROPOLITAN TELECOMMUNICATIONS OF
NORTH DAKOTA INC
44 WALL ST 6TH FL
NEW YORK NY 10005

MIDCONTINENT COMMUNICATIONS
414 S PHILLIPS AVE
SIOUX FALLS SD 57104

MID-RIVERS TELEPHONE COOPERATIVE INC
P O BOX 280
CIRCLE MT 59215-0280

MISSOURI VALLEY COMMUNICATIONS INC
NEMONT TELEPHONE COOPERATIVE INC
P O BOX 600
SCOBAY MT 59263-0600

NET-TEL CORPORATION
11921 FREEDOM DR STE 550
RESTON VA 20190

NEW ACCESS COMMUNICATIONS LLC
801 NICOLLET AVE STE 350
MINNEAPOLIS MN 55402-2519

NEW EDGE NETWORK INC
3000 COLUMBIA HOUSE BLVD STE 106
SIOUX FALLS SD 57104

NEXTEL WEST CORP
2001 EDMUND HALLEY DR
RESTON VA 20191

NOONAN FARMERS TELEPHONE COMPANY
P O BOX 39
NOONAN ND 58765

NORTH DAKOTA BIG SKY TELECOM
374 ANSIN BLVD
HALLANDALE FL 33009

NORTH DAKOTA NETWORK CO
P O BOX 2027
MINOT ND 58702-2027

ONVOY INC
300 S HIGHWAY 169 STE 700
MINNEAPOLIS MN 55426

ORBITCOM INC
1701 N LOUISE AVE
SIOUX FALLS SD 57107

PACIFIC CENTREX SERVICES INC
6855 TUJUNGA AVE
NORTH HOLLYWOOD CA 91605

PHONE 1 INC
100 N BISCAYNE BLVD STE 1200
MIAMI FL 33132-2011

POLAR TELCOM INC
P O BOX 270
PARK RIVER ND 58270-0270

PREFERRED CARRIER SERVICES INC
14681 MIDWAY RD STE 105
ADDISON TX 75001

PREMIERE NETWORK SERVICES INC
1510 N HAMPTON RD STE 120
DESOTO TX 75115

QUANTUMSHIFT COMMUNICATIONS INC
12657 ALCOSTA BLVD STE 418
SAN RAMON CA 94583

ROBERTS COUNTY TELEPHONE
COOPERATIVE ASSOC OF NEW EFFINGTON
RC COMMUNICATIONS INC
P O BOX 196
NEW EFFINGTON SD 57255

RED RIVER RURAL TELEPHONE ASSOCIATION
RED RIVER TELECOM INC
P O BOX 136
ABERCROMBIE ND 58001

RELIANT COMMUNICATIONS INC
801 INTERNATIONAL PKWY 5TH FL
LAKE MARY FL 32746

SBC LONG DISTANCE LLC
5850 W LAS POSITAS BLVD
PLEASANTON CA 94558

SRT COMMUNICATIONS INC
3615 N BDWY
MINOT ND 58703

SERVISENSE.COM INC
115 SHAWMUT RD
CANTON MA 02021

SPRINT COMMUNICATIONS COMPANY LP
6450 SPRINT PKWY
MAILSTOP: KSOPHN0212-2A511
OVERLAND PARK KS 66251

TALK AMERICA INC
6805 ROUTE 202
NEW HOPE PA 18938

TARGET TELECOM INCORPORATED
155 WILLOWBROOK BLVD
WAYNE NJ 07474

TELCOM BILLING SERVICES INC
9243 E RIVER RD NW
COON RAPIDS MN 55433-5722

TELERA COMMUNICATIONS INC
910 E HAMILTON AVE STE 200
CAMPBELL GA 95008

TRANS NATIONAL COMMUNICATIONS
INTERNATIONAL INC
2 CHARLESGATE W
BOSTON MA 02215

TRINSIC COMMUNICATIONS INC
601 S HARBOUR ISLAND BLVD STE 220
TAMPA FL 33602-5925

UCN INC
14870 S PONY EXPRESS RD
BLUFFDALE UT 84065

U S LINK INC
P O BOX 327
PEQUOT LAKES MN 56472-0327

UNIVERSAL ACCESS INC
SEARS TOWER 233
S WACKER DR STE 600
CHICAGO IL 60606-6307

VAL-ED JOINT VENTURE LLP
702 MAIN AVE
MOORHEAD MN 56560

VCI COMPANY
3875 STEILACOOM BLVD SW #A
LAKEWOOD WA 98499

VALLEY COMMUNICATIONS INC
P O BOX 8
NOME ND 58062

VARTEC SOLUTIONS INC
2440 MARSH LANE
CARROLLTON TX 75006

VENTURE COMMUNICATIONS INC
P O BOX 157
HIGHMORE SD 57345-0157

VERIZON SELECT SERVICES INC
P O BOX 110
TAMPA FL 33601-0110

WTC COMPETITIVE SERVICES INC
329 HIGHWAY 75
WOLVERTON MN 56594

WEST RIVER COOPERATIVE TELEPHONE CO
801 COLEMAN AVE
BISON SD 57620

WESTERN CLEC CORPORATION
3650 131ST AVE SE #400
BELLEVUE WA 98006

WOLVERTON TELEPHONE COMPANY
P O BOX 129
WOLVERTON MN 56594

XO COMMUNICATIONS SERVICES INC
11111 SUNSET HILLS RD
RESTON VA 20190

Z-TEL COMMUNICATIONS INC
3340 PEACHTREE RD NE STE 2900
ATLANTA GA 33602

MOTION

APPROVED

DATE: 10-18-05 October 18, 2005

KMF

**Qwest Corporation vs
Absaraka Co-operative Telephone Co. Inc. et. al.
Complaint**

Case No. PU-05-546

I move the Commission find the complaint states a *prima facie* case, and serve the complaint on Absaraka Co-operative Telephone Company, Inc., et. al.

PJF/sdh

**STATE OF NORTH DAKOTA
BEFORE THE PUBLIC SERVICE COMMISSION**

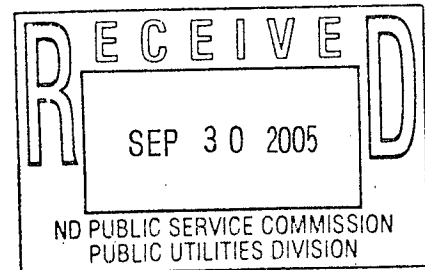
Qwest Corporation,
Complainant

PU 05-

v.

**QWEST CORPORATION'S
COMPLAINT FOR A
DECLARATORY ORDER**

Absaraka Co-operative Telephone Co., Inc.;
BEK Communications Cooperative; BEK
Communications I, Inc.; Consolidated Telecom, Inc.;
Consolidated Communications Networks;
Consolidated Telephone Cooperative; Dakota
Central Telecommunications Cooperative; Dakota
Central Telecom, Inc.; Dickey Rural Telephone
Cooperative; Dickey Rural Communications, Inc.;
Griggs County Telephone Co.; Inter-Community
Telephone Company; Inter-Community Telephone Co.
II; Midstate Telephone Company; Midstate
Communications, Inc.; Moore & Liberty Telephone Co.;
North Dakota Telephone Company; Northwest
Communications Cooperative; Polar
Communications Mutual Aid Corporation; Polar
Telecommunications, Inc.; Reservation Telephone
Cooperative; Turtle Mountain Communications, Inc.;
United Telephone Mutual Aid Corporation; West River
Communications, Inc.; West River Telecommunications
Cooperative,



and

1-800-RECONEX, Inc. d/b/a U S Tel; AT&T
Communications of the Midwest, Inc.; Acceris
Communications Corp. d/b/a Acceris
Communications Partners & Acceris
Communications Solutions; BT Communications
Sales, LLC; Budget Phone, Inc.; BullsEye Telecom,
Inc.; Business Productivity Solutions, Inc.; C12,
Inc.; Citizens Telecommunications Company of
Minnesota, Inc.; CommPartners, LLC; Computer
Integrated Communications, Inc.; Computer
Network Technology Corporation; Comtech 21,
LLC; Consolidated Communications Corporation;
Contact Communications; Covista, Inc.; DCN,
LLC; DIECA Communications, Inc. d/b/a Covad

1 PU-05-546

Pages: 50

Complaint

by Qwest Corporation by

09/30/2005 CC: Comm Legal Illona, Pat, Annette

Communications Company; DSLnet
 Communications, LLC; DakTel Communications,
 LLC; Dickey Rural Access, Inc.; Dickey Rural
 Services, Inc.; EASTON TELECOM SERVICES,
 INC.; Ernest Communications, Inc.; Evercom
 Systems, Inc.; Excel Telecommunications, Inc.;
 Extend America, Inc.; France Telecom Corporate
 Solutions, LLC; Global Tel*Link Corporation, Inc.;
 GLOBCOM INCORPORATED; Granite
 Telecommunications, LLC; GROUP LONG
 DISTANCE, INC.; HTC Services, Inc.; Halstad
 Telephone Company; Houlton Enterprises, Inc.;
 ICG Telecom Group, Inc.; IDT America, Corp.;
 IdeaOne Telecom Group LLC; Ignus, Inc.; Integra
 Telecom of North Dakota, Inc.; IPVoice
 Communications, Inc.; Inmate Phone Systems
 Corporation; Intrado Communications Inc.; Ionex
 Communications North, Inc.; James Valley
 Cooperative Telephone Company; KMC Data LLC;
 KMC Telecom V, Inc.; Kotana Communications,
 Inc.; Legacy Long Distance International, Inc.;
 Level 3 Communications, LLC; Loretel Systems,
 Inc.; MCImetro Access Transmission Services,
 LLC; McLeodUSA Telecommunications Services,
 Inc.; Matrix Telecom, Inc.; Maxcess, Inc;
 Metromedia Fiber Network Services, Inc.;
 Metropolitan Telecommunications of North Dakota,
 Inc.; Midcontinent Communications; Mid-Rivers
 Telephone Cooperative, Inc.; Missouri Valley
 Communications, Inc.; NET-tel Corporation;
 Nemont Telephone Cooperative, Inc.; New Access
 Communications, LLC; New Edge Network Inc.;
 Nextel West Corp.; Noonan Farmers Telephone
 Company ; North Dakota Big Sky Telecom A
 Partnership; North Dakota Network Co.; Onvoy,
 Inc; OrbitCom, Inc.; Pacific Centrex Services, Inc.;
 Phone1, Inc.; Polar Telcom, Inc.; PREFERRED
 CARRIER SERVICES, INC. ; Premier Network
 Services, Inc.; QuantumShift Communications, Inc.
 d/b/a VCOM Solutions; RC Communications, Inc.;
 Red River Rural Telephone Association; Red River
 Telecom, Inc.; Reliant Communications, Inc;
 Roberts County Telephone Cooperative Association
 of New Effington; SBC Long Distance, LLC d/b/a
 Southwestern Bell Long Distance; d/b/a Nevada
 Bell Long Distance; d/b/a Pacific Bell Long

Distance; SRT Communications, Inc. ;
ServiSense.com, Inc; Sprint Communications
Company L. P. d/b/a US Sprint Communications
Limited Partnership; Talk America, Inc. d/b/a New
Hope Network Services; TARGET TELECOM
INCORPORATED; Telcom Billing Services, Inc.;
Telera Communications, Inc.; Trans National
Communications International, Inc.; Trinsic
Communications, Inc.; UCN, Inc.; U.S. Link, Inc.
d/b/a TDS Metrocom; Universal Access, Inc.; VAL-
ED Joint Venture, L.L.P. d/b/a 702
Communications; VCI Company; Valley
Communications, Inc.; VarTec Solutions, Inc.;
VarTec Telecom, Inc. d/b/a Clear Choice
Communications; Venture Communications, Inc.;
Verizon Select Services, Inc.; WTC Competitive
Services, Inc.; West River Cooperative Telephone
Company; Western CLEC Corporation; Wolverton
Telephone Company; XO Communications
Services, Inc.; Z-Tel Communications, Inc.

Defendants.

Qwest Corporation ("Qwest"), by and through its undersigned counsel, states as follows for its Complaint for Declaratory Order:

INTRODUCTION

This case arises out of a Settlement Agreement dated July 14, 1999, which was executed by Qwest and the first group of Defendants listed above (referred to hereinafter collectively as the "1999 Settlement Agreement Defendants")¹. The Settlement Agreement is attached as Exhibit 1 (referred to hereinafter as the "Settlement Agreement"). The Settlement Agreement obligates the parties to meet and negotiate in good faith a permanent methodology for measuring, for billing purposes, toll traffic terminated by Qwest.

¹ Prior to June 2002, Qwest Corporation was known as U S WEST Communications, Inc. ("U S WEST") and, accordingly, the Settlement Agreement was executed by U S WEST. As the successor-in-interest to U S WEST, Qwest Corporation is the proper party to this proceeding and is referred to as Qwest throughout.

Over the last several years, Qwest has expended a significant amount of time and resources to share information with the 1999 Settlement Agreement Defendants in an attempt to engage in negotiations in accordance with the Settlement Agreement. In spite of that effort, the parties are at an impasse with respect to agreeing upon a permanent methodology for measuring terminating switched access charges. Qwest is filing this action to seek the Public Service Commission's (the "Commission") assistance in resolving this matter. Qwest respectfully asks the Commission to determine the most reasonable and fair methodology for carriers in North Dakota to use to measure the volume of terminating switched access for purposes of creating terminating access charge bills for Qwest-originated retail toll traffic.

In this action for a declaratory order, Qwest has also named as defendants a second group, which consists of all of the competitive local exchange carriers ("CLECs") in North Dakota and the few ILECs that were not parties to the Settlement Agreement (referred to hereinafter collectively as the "CLEC/ILEC Defendants"). Qwest has named the CLEC/ILEC Defendants as parties to this action because they are parties-in-interest to the principal determination that Qwest has respectfully asked the Commission to make: what methodology for measuring terminating switched access charges to be billed to Qwest is the most fair and most reasonable for all local exchange carriers in North Dakota.

For the Commission's information, Qwest and one of the 1999 Settlement Agreement Defendants in this action, a North Dakota CLEC named Consolidated Communications Networks, Inc., were involved recently in a state district court action, Civil Case No. 04-C-476, which also concerns the Settlement Agreement. In that action, Consolidated filed claims against Qwest to collect terminating access charges it alleged were past due and owing. That litigation did not address the issue raised in this Complaint, that is, the question concerning the appropriate forward-looking methodology for measuring terminating switched access for billing purposes. That is a question properly before this Commission. For the Commission's information, the parties settled the district court action and the court dismissed the lawsuit on August 19, 2005 with prejudice.

JURISDICTION

This Commission has jurisdiction over this matter because the Settlement Agreement was the result of two cases originally pending before it. As part of the Settlement Agreement, the 1999 Settlement Agreement Defendants agreed to dismiss Case No. PU-2026-99-241 and Case No. PU-453-99-201, subsequently both of which the Commission dismissed with prejudice. Furthermore, the Commission has general jurisdiction over telecommunications carriers under North Dakota Cent. Code § 49-21-02 and is specifically authorized under North Dakota Cent. Code § 49-21-06 to set aside any unreasonable or unfair price set by a telecommunications company for the connection between facilities of two or more telecommunications companies and for the transfer of telecommunications. Additionally, this Complaint concerns a dispute over the measurement of switched access minutes. Sections 49-21-01(4)(a), 01.3 and 01.4 of the North Dakota Century Code declare switched access to be an "essential service" subject to a higher level of regulatory scrutiny by the Commission.

PARTIES

1. Qwest is an incumbent local exchange carrier with its principal place of business in Colorado. Qwest is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Qwest at the following addresses:

Melissa K. Thompson
Qwest
1801 California Street, 10th Floor
Denver, Colorado 80202
Telephone: 303-383-6728
Facsimile: 303-296-3132
Email: Melissa.Thompson@qwest.com

Richard Corbetta
Corbetta & O'Leary, P.C.
1801 Broadway, Suite 500
Denver, Colorado 80202
Telephone: 720-264-4795
Facsimile: 303-296-3992
Email: rich-co-legal.com

THE 1999 SETTLEMENT AGREEMENT DEFENDANTS

2. Absaraka Co-operative Telephone Co., Inc. ("Absaraka") is an independent local exchange carrier ("ILEC"). Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Absaraka is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Absaraka at the following address:

Absaraka Co-operative Telephone Co., Inc
2894 146 Ave SE
P.O. BOX 27
Absaraka, ND 58002-0027
701-896-3404

3. BEK Communications Cooperative ("BEK") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, BEK is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to BEK at the following address:

BEK Communications Cooperative
200 E Broadway
P.O. BOX 230
Steele, ND 58482-0230
701-475-2361

4. BEK Communications I, Inc. ("BEK I") is a CLEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, BEK I is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to BEK I at the following address:

BEK Communications I, Inc.
200 E Broadway
P.O. BOX 230
Steele, ND 58482-0230
701-475-2361; 888-475-2361

5. Consolidated Communications Networks, Inc. ("Consolidated") is a CLEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Consolidated is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Consolidated at the following address:

Consolidated Communications Networks, Inc.
507 S Main Ave
P.O. BOX 1408
Dickinson, ND 58602-1408
701-225-6061

6. Consolidated Telcom FKA "Consolidated Telephone Cooperative" is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Consolidated Telcom is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Consolidated Telcom at the following address:

Consolidated Telcom
507 S Main
P.O. BOX 1408
Dickinson, ND 58602-1408
701-225-6061

7. Dakota Central Telecommunications Cooperative ("Dakota Central") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Dakota Central is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Dakota Central at the following address:

Dakota Central Telecommunications Cooperative
630 5th Street N
P.O. BOX 299
Carrington, ND 58421-0299
701-652-3184

8. Dakota Central Telecom I, Inc. ("Dakota Central I") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Dakota Central I is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Dakota Central I at the following address:

Dakota Central Telecom I, Inc.
630 5th Street N
Carrington, ND 58421-1629
701-652-3184

9. Dickey Rural Communications, Inc. ("Dickey") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Dickey is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Dickey at the following address:

Dickey Rural Communications, Inc.
9628 HWY 281
P.O. BOX 69
Ellendale, ND 58436-0069
701-349-3687

10. Dickey Rural Telephone Cooperative ("Dickey Cooperative") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Dickey Cooperative is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Dickey Cooperative at the following address:

Dickey Rural Telephone Cooperative
9628 HWY 281
P.O. BOX 69
Ellendale, ND 58436-0069
701-349-3687

11. Griggs County Telephone Co. ("Griggs") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and

belief, Griggs is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Griggs at the following address:

Griggs County Telephone Co
905 Lenham Ave SE
P.O. BOX 506
Cooperstown, ND 58425-0506
701-797-3301

12. Inter-Community Telephone Company, L.L.C. ("Inter-Community") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Inter-Community is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Inter-Community at the following address:

Inter-Community Telephone Company, L.L.C.
556 Main Street
P.O. BOX 8
Nome, ND 58062-0008
701-924-8815

13. Upon information and belief, Inter-Community Telephone Co. II ("Inter-Community II") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Inter-Community II is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Upon information and belief, correspondence regarding this Complaint should be sent to Inter-Community II at the following address:

Inter-Community Telephone Co. II
556 Main Street
P.O. BOX 8
Nome, ND 58062-0008
701-924-8815

mlong
epist

14. Midstate Communications Inc. ("Midstate") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon

information and belief, Midstate is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Midstate at the following address:

Midstate Communications Inc.
215 S Main
P.O. BOX 400
Stanley, ND 58784-0400
701-628-2522

15. Midstate Telephone Company ("Midstate Telephone") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Midstate Telephone is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Midstate Telephone at the following address:

Midstate Telephone Company
215 S Main Street
P.O. BOX 400
Stanley, ND 58784-0400
701-628-2522

16. Moore & Liberty Telephone Company ("Moore") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Moore is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Moore at the following address:

Moore and Liberty Telephone Company
301 Dewey Street
P.O. BOX 66
Enderlin, ND 58027-0066
701-437-3300

17. North Dakota Telephone Company ("ND Telephone") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, ND Telephone is authorized to provide local exchange service,

exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to ND Telephone at the following address:

North Dakota Telephone Company
211 22nd ST NW
P.O. BOX 180
Devil Lake, ND 58301-0180
701-662-1700

18. Upon information and belief, Northwest Communications Cooperative ("Northwest") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Northwest is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Northwest at the following address:

Northwest Communications Cooperative
111 Railroad Avenue
P.O. BOX 38
Ray, ND 58849-0038
701-568-3331

19. Polar Communications Mutual Aid Corporation ("Polar Comm") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Polar Comm is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Polar Comm at the following address:

Polar Communications Mutual Aid Corporation
110 4th Street E
P.O. BOX 270
Park River, ND 58270-0270
701-284-7221

20. Polar Telecommunications, Inc. is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Polar Telecommunications, Inc. is authorized to provide local exchange service, exchange

access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Polar Telecommunications, Inc. at the following address:

Polar Telecommunications, Inc.
110 4th Street E
P.O. BOX 270
Park River, ND 58270-0270
701-284-7221

21. Reservation Telephone Cooperative ("Reservation") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Reservation is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Reservation at the following address:

Reservation Telephone Cooperative
24 N Main St
P.O. BOX 68
Parshall, ND 58770-0068
701-862-3115

22. Turtle Mountain Communications, Inc. ("Turtle Mountain") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, Turtle Mountain is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to Turtle Mountain at the following address:

Turtle Mountain Communications, Inc.
411 7th Avenue
P.O. BOX 729
Langdon, ND 58249-0729
701-256-5156

23. United Telephone Mutual Aid Corporation ("United") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, United is authorized to provide local exchange service, exchange

access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to United at the following address:

United Telephone Mutual Aid Corporation
411 7th Avenue
P.O. BOX 729
Langdon, ND 58249-0729
701-256-5156

24. West River Cooperative Telephone Company ("West River") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, West River is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to West River at the following address:

West River Cooperative Telephone Company
801 Coleman Avenue
P.O. BOX 39
Bison, SD 57620-0039
605-244-5213

25. Upon information and belief, West River Communications, Inc. ("West River Comm") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, West River Comm is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota. Correspondence regarding this Complaint should be sent to West River Comm at the following address:

West River Communications, Inc.
101 W Main
P.O. BOX 467
Hazen, ND 58545-0467
701-748-2211

26. West River Telecommunications Cooperative ("West River Telecom") is an ILEC. Upon information and belief, its principal place of business is in North Dakota. Upon information and belief, West River Telecom is authorized to provide local exchange service, exchange access and intrastate interexchange service in North Dakota.

Correspondence regarding this Complaint should be sent to West River Telecom at the following address:

West River Telecommunications Cooperative
101 W Main
P.O. BOX 467
Hazen, ND 58545-0467
701-748-2211

THE CLEC/ILEC DEFENDANTS

27. 1-800-RECONEX, Inc. d/b/a U S Tel ("US Tel") is a CLEC. Upon information and belief, US Tel is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to US Tel at the following address:

1-800-RECONEX, Inc. d/b/a U S Tel
2500 Industrial Avenue
P.O. BOX 40
Hubbard OR 97032
503-982-5572

28. AT&T Communications of the Midwest, Inc. ("AT&T") is a CLEC. Upon information and belief, AT&T is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to AT&T at the following address:

AT&T Communications of the Midwest, Inc.
1875 Lawrence, Room 8-19
Denver, CO 80202
612-376-6766/303-298-6769

29. Acceris Communications Corp. d/b/a Acceris Communications Partners & Acceris Communications Solutions ("Acceris") is a CLEC. Upon information and belief, Acceris is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Acceris at the following address:

Acceris Communications Corp. d/b/a Acceris Communications Partners & Acceris Communications Solutions
9775 Business Park Avenue
San Diego, CA 92131
973-779-7900

30. BT Communications Sales, LLC ("BT") is a CLEC. Upon information and belief, BT is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to BT at the following address:

BT Communications Sales, LLC
11440 Commerce Park Drive
Reston, VA
703-707-4000

31. Budget Phone, Inc. ("Budget") is a CLEC. Upon information and belief, Budget is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Budget at the following address:

Budget Phone, Inc.
6901 W 70th Street
Shreveport, LA 71129
318-671-5000; 8880424-5588

32. BullsEye Telecom, Inc. ("BullsEye") is a CLEC. Upon information and belief, BullsEye is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to BullsEye at the following address:

BullsEye Telecom, Inc.
25900 Greenfield Road, Suite 330
Oak Park, MI 48237

33. Business Productivity Solutions, Inc. ("Business Productivity") is a CLEC. Upon information and belief, Business Productivity is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Business Productivity at the following address:

Business Productivity Solutions, Inc.
730 2nd Ave S, Suite 900
Minneapolis, MN 55402
702-547-8432; 866-372-4356

34. C12, Inc. ("C12") is a CLEC. Upon information and belief, C12 is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to C12 at the following address:

C12, Inc.
200 Galleria Parkway, Suite 1200
Atlanta, GA 30339
770-425-2267; 888-657-3278

35. Citizens Telecommunications Company of Minnesota, Inc. ("Citizens") is an ILEC. Upon information and belief, Citizens is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Citizens at the following address:

Citizens Telecommunications Company of Minnesota
3 High Ridge Park
Stamford, CT 06905
203-614-5600

36. CommPartners, LLC ("CommPartners") is a CLEC. Upon information and belief, CommPartners is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to CommPartners at the following address:

CommPartners, LLC
3291 N. Buffalo Drive, Suite 8
Las Vegas, NV 89129
702-367-8647

37. Computer Integrated Communications, Inc. ("Computer Integrated") is a CLEC. Upon information and belief, Computer Integrated is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Computer Integrated at the following address:

Computer Integrated Communications, Inc.
8502 Bells Mill Road
Potomac, MD 20854-4071
301-983-8476

38. Computer Network Technology Corporation ("Computer Network") is a CLEC. Upon information and belief, Computer Network is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Computer Network at the following address:

Computer Network Technology Corporation
6000 Nathan Lane N
Minneapolis, MN 55442
763-268-6000

39. Comtech 21, LLC ("Comtech") is a CLEC. Upon information and belief, Comtech is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Comtech at the following address:

Comtech 21, LLC
1 Barnes Park S
Wallingford, CT 06492
877-580-6564

40. Consolidated Communications Corporation ("Consolidated") is a CLEC. Upon information and belief, Consolidated is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Consolidate at the following address:

Consolidated Communications Corporation
P.O. BOX 1408
Dickinson, ND 58602-1408
(No Phone Number Available)

41. Contact Communications is a CLEC. Upon information and belief, Contact Communications is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Contact Communications at the following address:

Contact Communications
937 W Main Street
Riverton, WY 82501
307-856-0980

42. Covista, Inc. ("Covista") is a CLEC. Upon information and belief, Covista is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Covista at the following address:

Covista, Inc.
4803 Hwy 58 N
Chattanooga, TN 37416
800-805-1000

43. DCN, LLC ("DCN") is a CLEC. Upon information and belief, DCN is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to DCN at the following address:

DCN, LLC
P.O. BOX 180
Devils Lake, ND 5801-0180
701-662-1700

44. DIECA Communications, Inc. d/b/a Covad Communications Company ("Covad") is a CLEC. Upon information and belief, Covad is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Covad at the following address:

DIECA Communications, Inc.
d/b/a / Covad Communications Company
3420 Central Expressway
Santa Clara, CA 95051-0703
408-844-7500/1-888-462-6823

45. DSLnet Communications, LLC ("DSLnet") is a CLEC. Upon information and belief, DSLnet is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to DSLnet at the following address:

DSLnet Communications, LLC
545 Long Wharf Drive
New Haven, CT 06511
203-772-1000

46. DakTel Communications, LLC ("DakTel") is a CLEC. Upon information and belief, DakTel is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to DakTel at the following address:

DakTel Communicaitons, LLC
P.O. BOX 299
Carrington, ND 58421-0299
701-652-3184

47. Dickey Rural Access, Inc. ("Dickey") is an ILEC. Upon information and belief, Dickey is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Dickey Rural Access at the following address:

Dickey Rural Access, Inc.
9628 Highway 281
P.O. Box 69
Ellendale, ND 58436
701-344-5005

48. Dickey Rural Services, Inc. ("Dickey Rural") is a CLEC. Upon information and belief, Dickey Rural is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Dickey Rural at the following address:

Dickey Rural Services, Inc.
9628 Highway 281, North
P.O. BOX 69
Ellendale, ND 58436
701-349-3687

49. EASTON TELECOM SERVICES, INC. ("EASTON TELECOM") is a CLEC. Upon information and belief, EASTON TELECOM is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to EASTON TELECOM at the following address:

EASTON TELECOM SERVICES, INC.
3046 Brecksville Road, #A
Richfield, OH 44286-9399
330-659-6700/800-222-8122

50. Ernest Communications, Inc. ("Ernest") is a CLEC. Upon information and belief, Ernest is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Ernest at the following address:

Ernest Communications, Inc.
5275 Triangle Parkway, Suite 150
Norcross, GA 30092
770-242-9069

51. Evercom Systems, Inc. ("Evercom") is a CLEC. Upon information and belief, Evercom is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Evercom at the following address:

Evercom Systems, Inc.
14651 Dallas Parkway, Suite 600
Dallas, TX 75254-7476
972-953-4138

52. Excel Telecommunications, Inc. ("Excel") is a CLEC. Upon information and belief, Excel is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Excel at the following address:

Excel Telecommunications, Inc.
2440 Marsh Lane
Carrollton, TX 75006
972-478-3327

53. Extend America, Inc. is a CLEC. Upon information and belief, Extend America, Inc. is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Extend America, Inc. at the following address:

Extend America, Inc.
1101 E Front Avenue
Bismarck, ND
702-255-9500

54. France Telecom Corporate Solutions, LLC ("France Telecom") is a CLEC. Upon information and belief, France Telecom is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to France Telecom at the following address:

France Telecom Corporate Solutions, LLC
2300 Corporate Park Drive
Mailstop SP0600
Herndon, VA 20171
703-375-7325

55. Global Tel*Link Corporation, Inc. ("Tel*Link") is a CLEC. Upon information and belief, Tel*Link is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Tel*Link at the following address:

Global Tel*Link Corporation, Inc.
2609 Cameron Street
Mobile, AL 36607
205-479-4500

56. GLOBCOM INCORPORATED ("GLOBCOM") is a CLEC. Upon information and belief, GLOBCOM is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to GLOBCOM at the following address:

GLOBCOM INCORPORATED
2100 Sanders Road, Suite 150
Northbrook, IL 60062
888-509-1422

57. Granite Telecommunications, LLC ("Granite") is a CLEC. Upon information and belief, Granite is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Granite at the following address:

Granite Telecommunications, LLC
234 Copeland Street
Quincy, MA 02169
617-847-1500; 866-847-5500

58. GROUP LONG DISTANCE, INC. is a CLEC. Upon information and belief, GROUP LONG DISTANCE, INC. is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Granite at the following address:

GROUP LONG DISTANCE, INC.
400 E. Atlantic Boulevard
Pompano Beach, FL 33060
954-788-7871

59. HTC Services, Inc. ("HTC") is a CLEC. Upon information and belief, HTC is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to HTC at the following address:

HTC Services, Inc.
P.O. BOX 55
Halstad, MN 56548
218-456-2125

60. Halstad Telephone Company ("Halstad") is an ILEC. Upon information and belief, Halstad is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Halstad at the following address:

Halstad Telephone Company
345 2nd Ave. West
P.O. Box 55
Halstad, MN 56548-0055

61. Houlton Enterprises, Inc. ("Houlton") is a CLEC. Upon information and belief, Houlton is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Houlton at the following address:

Houlton Enterprises, Inc.
2201 W Broadway, #1
Council Bluffs, IA 51501
402-551-8888; 800-957-2640

62. ICG Telecom Group, Inc. ("ICG") is a CLEC. Upon information and belief, ICG is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to ICG at the following address:

ICG Telecom Group, Inc.
161 Inverness Drive W
Englewood, CO 80112
303-414-5000

63. IDT America, Corp. ("IDT") is a CLEC. Upon information and belief, IDG is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to ICG at the following address:

IDT America, Corp.
520 Broad Street
Newark, NJ 07102-3111
973-438-1000

64. IdeaOne Telecom Group, LLC ("IdeaOne") is a CLEC. Upon information and belief, IdeaOne is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to IdeaOne at the following address:

IdeaOne Telecom Group, LLC
3239 39th St SW
Fargo, ND 58104
No Phone Number Available

65. Ignus, Inc. ("Ignus") is a CLEC. Upon information and belief, Ignus is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Ignus at the following address:

Ignus, Inc.
855 45th St SW, Suite 11
Fargo, ND 58103-1036
701-280-9040; 888-449-9040

66. Integra Telecom of North Dakota, Inc. ("Integra") is a CLEC. Upon information and belief, Integra is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Integra at the following address:

Integra Telecom of North Dakota, Inc.
745 45th St SW, Suite C
Fargo, ND 59103
503-453-8000

67. IPVoice Communications, Inc. ("IPVoice") is a CLEC. Upon information and belief, IPVoice is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to IPVoice at the following address:

IPVoice Communications, Inc.
14860 Montfort Drive, Suite 210
Dallas, TX 75254
602-335-1231; 800-556-2538

68. Inmate Phone Systems Corporation ("Inmate Phone") is a CLEC. Upon information and belief, Inmate Phone is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Inmate Phone at the following address:

Inmate Phone Systems Corporation
16032 Sherman Way, MPB5
Van Nuys, CA 91406
818-782-8596

69. Intrado Communications, Inc. ("Intrado") is a CLEC. Upon information and belief, Intrado is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Intrado at the following address:

Intrado Communications, Inc.
1601 Dry Creek Drive
Longmont, CO 80503-6493
720-494-5800

70. Ionex Communications North, Inc. ("Ionex") is a CLEC. Upon information and belief, Ionex is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Ionex at the following address:

Ionex Communications North, Inc.
2020 Baltimore Avenue
Kansas City, MO 64108-1914
972-392-4601; 972-392-0654

71. James Valley Cooperative Telephone Company ("James") is an ILEC. Upon information and belief, James is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to James at the following address:

James Valley Cooperative Telephone Company
235 E. 1st Ave.
Groton, SD 57445

72. KMC Data, LLC ("KMC") is a CLEC. Upon information and belief, KMC is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to KMC at the following address:

KMC Data, LLC
1545 Route 206
Bedminster, NJ 07921
908-470-2100

73. KMC Telecom V, Inc. ("KMC Telecom") is a CLEC. Upon information and belief, KMC Telecom is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to KMC Telecom at the following address:

KMC Telecom V, Inc.
1545 Route 206
Bedminster, NJ 07921
908-470-2100

74. Kotana Communications, Inc. ("Kotana") is a CLEC. Upon information and belief, Kotana is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Kotana at the following address:

Kotana Communications, Inc.
1819 1st Avenue West
Williston, ND 58801
701-774-8001

75. Legacy Long Distance International, Inc. ("Legacy") is a CLEC. Upon information and belief, Legacy is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Legacy at the following address:

Legacy Long Distance International, Inc.
10833 Valley View Street, Suite 150
Cypress, CA 90630
800-577-5534; 562-491-1991

76. Level 3 Communications, LLC ("Level 3") is a CLEC. Upon information and belief, Level 3 is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Level 3 at the following address:

Level 3 Communications, LLC
1025 Eldorado Boulevard
Broomfield, CO 80021
303-926-3000; 402-342-2052

77. Loretel Systems, Inc. ("Loretel") is an ILEC. Upon information and belief, Loretel is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Loretel at the following address:

Loretal Systems, Inc.
13 East 4th Avenue
Ada, MN 56510-1331
218-784-5151

78. MCImetro Access Transmission Services, LLC ("MCImetro") is a CLEC. Upon information and belief, MCImetro is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to MCImetro at the following address:

MCImetro Access Transmission Services, LLC
707 17th Street, Suite 3600
Denver, CO 80202
703-918-6000

79. McLeodUSA Telecommunications Services, Inc. ("McLeod") is a CLEC. Upon information and belief, McLeod is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to McLeod at the following address:

McLeodUSA Telecommunications Services, Inc.
P.O. BOX 3177
Cedar Rapids, IA 52406-3177
319-364-0000

80. Matrix Telecom, Inc. ("Matrix") is a CLEC. Upon information and belief, Matrix is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Matrix at the following address:

Matrix Telecom, Inc.
300 N Meridian, Suite 200-North
Oklahoma City, OK 73107
405-717-9694

81. Maxcess, Inc. ("Maxcess") is a CLEC. Upon information and belief, Maxcess is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Maxcess at the following address:

Maxcess, Inc.
P.O. BOX 951419
Lake Mary, FL 32795-1419
407-513-7700

82. Metromedia Fiber Network Services, Inc. ("Metromedia") is a CLEC. Upon information and belief, Metromedia is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Metromedia at the following address:

Metromedia Fiber Network Services, Inc.
360 Hamilton Avenue
White Plains, NY 10601
914-421-6700

83. Metropolitan Telecommunications of North Dakota, Inc. ("Metropolitan") is a CLEC. Upon information and belief, Metropolitan is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Metropolitan at the following address:

Metropolitan Telecommunications of North Dakota, Inc.
44 Wall Street, 6th Floor
New York, NY 10005
212-607-2000

84. Midcontinent Communications ("Midcontinent") is a CLEC. Upon information and belief, Midcontinent is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Midcontinent at the following address:

Midcontinent Communications
410 South Phillips Avenue
Sioux Falls, SD 57104
605-334-1200

85. Mid-Rivers Telephone Cooperative, Inc. ("Mid-Rivers") is a CLEC. Upon information and belief, Mid-Rivers is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Mid-Rivers at the following address:

Mid-Rivers Telephone Cooperative, Inc.
P.O. BOX 280
Circle, MT 59215-0280
406-485-3301

86. Missouri Valley Communications, Inc. ("Missouri Valley") is an ILEC. Upon information and belief, Missouri Valley is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Missouri Valley at the following address:

Missouri Valley Communications, Inc.
Highway 13 South
P.O. Box 600
Scobey, MT 59263-0600
406-783-5125

87. NET-tel Corporation ("NET-tel") is a CLEC. Upon information and belief, NET-tel is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to NET-tel at the following address:

NET-tel Corporation
11921 Freedom Drive, Suite 550
Reston, VA 20190
202-295-6600

88. Nemont Telephone Cooperative, Inc. ("Nemont") is an ILEC. Upon information and belief, Nemont is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Nemont at the following address:

Nemont Telephone Cooperative, Inc.
Highway 13 South
P.O. Box 600
Scobey, MT 59263-0600
406-783-5654

89. New Access Communications, LLC ("New Access") is a CLEC. Upon information and belief, New Access is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to New Access at the following address:

New Access Communications, LLC
801 Nicollet Avenue, Suite 350
Minneapolis, MN 55402-2519
612-321-9717

90. New Edge Network, Inc. ("New Edge") is a CLEC. Upon information and belief, New Edge is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to New Edge at the following address:

New Edge Network, Inc.
3000 Columbia House Boulevard, Suite 106
Sioux Falls, SD 57104
360-693-9009

91. Nextel West Corp. ("Nextel") is a CLEC. Upon information and belief, Nextel is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Nextel at the following address:

Nextel West Corp.
2001 Edmund Halley Drive
Reston, VA 20191

703-394-3000

92. Noonan Farmers Telephone Company ("Noonan") is an ILEC. Upon information and belief, Noonan is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Noonan at the following address:

Noonan Farmers Telephone Company
405 South Main Street
P.O. Box 39
Noonan, ND 58765
701-928-5713

93. North Dakota Big Sky Telecom, A Partnership ("Big Sky") is a CLEC. Upon information and belief, Big Sky is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Big Sky at the following address:

North Dakota Big Sky Telecom
374 Ansin Boulevard
Hallandale, FL 33009
954-624-8660; 866-811-2528

94. North Dakota Network Co. ("Network") is a CLEC. Upon information and belief, Network is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Network at the following address:

North Dakota Network Co.
P.O. BOX 2027
Minot, ND 58702-2027
701-858-1200

95. Onvoy, Inc. ("Onvoy") is a CLEC. Upon information and belief, Onvoy is authorized to provide local and exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Northwest at the following address:

Onvoy, Inc.
300 South Highway 169
Minneapolis, MN 55426
800-944-9885

96. OrbitCom, Inc. ("OrbitCom") is a CLEC. Upon information and belief, OrbitCom is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to OrbitCom at the following address:

OrbitCom, Inc.
1701 N Louise Avenue
Sioux Falls, SD 57107
605-373-9336

97. Pacific Centrex Services, Inc. ("Pacific") is a CLEC. Upon information and belief, Pacific is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Pacific at the following address:

Pacific Centrex Services, Inc.
6855 Tujunga Avenue
North Hollywood, CA 91605
818-623-2300

98. Phone 1, Inc. ("Phone 1") is a CLEC. Upon information and belief, Phone 1 is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Phone 1 at the following address:

Phone 1, Inc.
100 North Biscayne Boulevard, Suite 1200
Miami, FL 33132-2011
305-371-3300; 866-674-6631

99. Polar Telcom, Inc. ("Polar") is a CLEC. Upon information and belief, Polar is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Polar at the following address:

Polar Telcom, Inc.
P.O. BOX 270
Park River, ND 58270-0270
701-284-7221

100. PREFERRED CARRIER SERVICES, INC. ("PREFERRED") is a CLEC. Upon information and belief, PREFERRED is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to PREFERRED at the following address:

PREFERRED CARRIER SERVICES, INC.
14681 Midway Road, Suite 105
Addison, TX 75001
214-753-1378

101. Premiere Network Services, Inc. ("Premiere") is a CLEC. Upon information and belief, Premiere is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Premiere at the following address:

Premiere Network Services, Inc.
1510 N Hampton Road, Suite 120
DeSoto, TX 75115
972-228-8881

102. QuantumShift Communications, Inc. d/b/a VCOM Solutions ("QuantumShift") is a CLEC. Upon information and belief, QuantumShift is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to QuantumShift at the following address:

QuantumShift Communications, Inc.
12657 Alcosta Boulevard, Suite 418
San Ramon, CA 94583
415-893-7180; 888-685-8486

103. RC Communications, Inc. ("RC") is an ILEC. Upon information and belief, RC is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to RC at the following address:

RC Communications, Inc.
P.O. Box 196
New Effington, SD 57255
605-637-5211
888-668-0877

104. Red River Rural Telephone Association ("Red River") is an ILEC. Upon information and belief, Red River is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Red River at the following address:

Red River Rural Telephone Association
506 Broadway
P.O. Box 136
Abercrombie, ND 58001
701-553-8309

105. Red River Telecom, Inc. ("Red River Telecom") is an ILEC. Upon information and belief, Red River Telecom is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Red River Telecom at the following address:

106. Reliant Communications, Inc. ("Reliant") is a CLEC. Upon information and belief, Reliant is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Reliant at the following address:

Reliant Communications, Inc.
801 International Parkway, 5th Floor
Lake Mary, FL 32746
407-562-2000; 800-830-5582

107. Roberts County Telephone Cooperative Association of New Effington ("Roberts") is an ILEC. Upon information and belief, Roberts is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Roberts at the following address:

Roberts County Telephone Cooperative Association of New Effington
P.O. Box 196
New Effington, SD 57255
605-637-5211

108. SBC Long Distance, LLC d/b/a Southwestern Bell Long Distance; d/b/a/ Nevada Bell Long Distance; d/b/a/ Pacific Bell Long Distance ("SBC") is a CLEC. Upon information and belief, SBC is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to SBC at the following address:

SBC Long Distance, LLC
5850 W Las Positas Boulevard
Pleasanton, CA 94558
925-468-6209

109. SRT Communications, Inc. ("SRT") is an ILEC. Upon Information and belief, SRT is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to SRT at the following address:

SRT Communications, Inc.
3615 North Broadway
Minot, ND 58703
701-858-1200

110. ServiSense.com, Inc. ("ServiSense") is a CLEC. Upon information and belief, ServiSense is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to ServiSense at the following address:

ServiSense.com, Inc.
115 Shawmut Road
Canton, MA 02021
617-848-8000; 888-483-3600

111. Sprint Communications Company, L.P., d/b/a US Sprint Communications Limited Partnership ("Sprint") is a CLEC. Upon information and belief, Sprint is authorized to

provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Sprint at the following address:

Sprint Communications Company, L.P.
6450 Sprint Parkway
MAILSTOP: KSOPHN0212-2A511
Overland Park, KS 66251
913-624-4222

112. Talk America, Inc., d/b/a New Hope Network Services ("Talk America") is a CLEC. Upon information and belief, Talk America is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Talk America at the following address:

Talk America, Inc.
6805 Route 202
New Hope, PA 18938
215-862-1803

113. TARGET TELECOM INCORPORATED ("TARGET") is a CLEC. Upon information and belief, TARGET is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to TARGET at the following address:

TARGET TELECOM INCORPORATED
155 Willowbrook Boulevard
Wayne, NJ 07474
201-256-1600

114. Telcom Billing Services, Inc. ("Telcom") is a CLEC. Upon information and belief, Telcom is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Telcom at the following address:

Telcom Billing Services, Inc.
9243 E River Road NW
Coon Rapids, MN 55433-5722
763-503-3029; 877-564-2444

115. Telera Communications, Inc. ("Telera") is a CLEC. Upon information and belief, Telera is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Telera at the following address:

Telera Communications, Inc.
910 E Hamilton Avenue, Suite 200
Campbell, CA 95008
408-626-6852

116. Trans National Communications International, Inc. ("Trans National") is a CLEC. Upon information and belief, Trans National is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Trans National at the following address:

Trans National Communications International, Inc.
2 Charlesgate West
Boston, MA 02215
617-369-1163; 800-800-8400

117. Trinsic Communications, Inc. ("Trinsic") is a CLEC. Upon information and belief, Trinsic is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Trinsic at the following address:

Trinsic Communications, Inc.
601 S Harbour Island Boulevard, Suite 220
Tampa, FL 33602-5925
813-233-4612

118. UCN, Inc. ("UCN") is a CLEC. Upon information and belief, UCN is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to UCN at the following address:

UCN, Inc.
14870 S Pony Express Road
Bluffdale, UT 84065
866-541-0000

119. U.S. Link, Inc. d/b/a TDS Metrocom ("U.S. Link") is a CLEC. Upon information and belief, U.S. Link is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to U.S. Link at the following address:

U.S. Link, Inc.
P.O. BOX 327
Pequot Lakes, MN 56472-0327
218-568-4000

120. Universal Access, Inc. ("Universal Access") is a CLEC. Upon information and belief, Universal Access is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Universal Access at the following address:

Universal Access, Inc.
Sears Tower 233
S Wacker Drive, Suite 600

Chicago, IL 60606-6307
312-660-5000

121. VAL-ED Joint Venture, L.L.P. d/b/a 702 Communications ("VAL-ED") is a CLEC. Upon information and belief, VAL-ED is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to VAL-ED at the following address:

VAL-ED Joint Venture, L.L.P. d/b/a 702 Communications
702 Main Avenue
Moorhead, MN 56560
218-287-2192

122. VCI Company ("VCI") is a CLEC. Upon information and belief, VCI is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to VCI at the following address:

VCI Company
3875 Steilacoom Blvd., SW #A
Lakewood, WA 98499
253-973-2476; 800-923-8375

123. Valley Communications, Inc. ("Valley") is a CLEC. Upon information and belief, Valley is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Valley at the following address:

Valley Communications, Inc.
P.O. BOX 8
Nome, ND 58062
701-924-8815

124. VarTec Solutions, Inc. ("VarTec") is a CLEC. Upon information and belief, VarTec is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to VarTec at the following address:

VarTec Solutions, Inc.
2440 Marsh Lane
Carrollton, TX 75006
972-478-3327

125. VarTec Telecom, Inc. d/b/a Clear Choice Communications, Inc. ("VarTec Telecom") is a CLEC. Upon information and belief, VarTec Telecom is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to VarTec Telecom at the following address:

VarTec Telecom, Inc.
2440 Marsh Lane
Carrollton, TX 75006
972-478-3327

126. Venture Communications, Inc. ("Venture") is an ILEC. Upon information and belief, Venture is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Venture at the following address:

Venture Communications, Inc.
P.O. Box 157
Highmore, SD 57345-0157
605-852-2224

127. Verizon Select Services, Inc. ("Verizon") is a CLEC. Upon information and belief, Verizon is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Verizon at the following address:

Verizon Select Services, Inc.
P.O. BOX 110
Tampa, FL 33601-0110
972-887-4754

128. WTC Competitive Services, Inc. ("WTC") is a CLEC. Upon information and belief, WTC is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to WTC at the following address:

WTC Competitive Services, Inc.
329 Highway 75
Wolverton, MN 56594
218-995-2900; 218-995-2902

129. West River Cooperative Telephone Company ("West River") is an ILEC. Upon information and belief, West River is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to West River at the following address:

West River Cooperative Telephone Company
801 Coleman Avenue
P.O. Box 39
Bison, SD 57620
605-244-5213

130. Western CLEC Corporation ("Western") is a CLEC. Upon information and belief, Western is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Western at the following address:

Western CLEC Corporation
3650 131st Avenue SE #400
Bellevue, WA 98006
425-586-8700

131. Wolverton Telephone Company ("Wolverton") is an ILEC. Upon information and belief, Wolverton is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Wolverton at the following address:

Wolverton Telephone Company
P.O. Box 129
Wolverton, MN 56594
218-995-2900

132. XO Communications Services, Inc. ("XO") is a CLEC. Upon information and belief, XO is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to XO at the following address:

XO Communications Services, Inc.
11111 Sunset Hills Road
Reston, VA 20190
703-547-2000

133. Z-Tel Communications, Inc. ("Z-Tel") is a CLEC. Upon information and belief, Z-Tel is authorized to provide local exchange service in North Dakota. Correspondence regarding this Complaint should be sent to Z-Tel at the following address:

Z-Tel Communications, Inc. NKA Trinsic Communications
3340 Peachtree Road NE, Suite 2900
Atlanta, GA 33602
813-273-6261

FACTS

A. Regulatory Background

1. Before July 1999, Qwest was the designated "1+" retail intraLATA toll provider for certain local exchanges in North Dakota. IntraLATA toll services are long-distance telecommunications services offered within Local Access Transport Area ("LATA") boundaries established as a result of the divestiture of the Bell system in 1984. *See* 47 U.S.C. § 153 (25). InterLATA toll services are long-distance telecommunications services that cross LATA boundaries. There is one LATA boundary in North Dakota, and there are two LATAs. Thus,

long-distance calls made within each LATA in North Dakota are intraLATA toll calls and long-distance calls that cross the LATA boundary in North Dakota are interLATA toll calls.

2. As of 1999, the federal regulatory regime applicable to all regional bell operating companies, including Qwest, prohibited Qwest from providing InterLATA toll service in North Dakota and elsewhere.² But Qwest at one time was the universal IntraLATA toll provider in North Dakota and, in effect, before July 1999, was the default intraLATA toll service provider in North Dakota. This means that when customers of local telephone companies throughout North Dakota dialed “1” for the purpose of obtaining intraLATA long-distance telecommunications services, they would automatically be connected to Qwest to obtain that service.

3. Long distance carriers, such as Qwest in this case, carry and deliver long distance calls for the end-user customers of local telephone companies for ultimate delivery to the end-user customers of other local telephone companies. Local telephone companies charge long distance companies a per-minute fee both for “originating” (i.e., initiating) and for “terminating” (i.e., delivering) those long-distance calls to and from its own end-user customers. This fee is known as a “switched access” or simply an “access” charge. For example, if a local telephone company’s customer uses Qwest’s long-distance services to place an intraLATA toll call to a friend in a distant part of North Dakota, Qwest would be charged a per-minute originating access fee by the local telephone company for originating (initiating) that call for its customer; if that same friend from the other side of the state was served by another non-Qwest local telephone company, Qwest would be charged a per-minute terminating access fee by the local telephone company for terminating (delivering) that call to its customer. These switched access charges are assessed on a per-minute basis and generally are published in tariffs filed by the local telephone company with the Commission.

4. This billing arrangement is commonly known in the industry as “Calling Party Pays”. That is, the company who has the retail toll relationship with the customer who places the toll call (and who receives the retail toll revenues for the call) is the party that is responsible for paying all access providers for the access service they render to originate from or deliver the call to its destination.

² This has changed. In 2002, a Qwest affiliate was given permission to enter the interLATA long-distance market pursuant to 47 U.S.C. § 271 of the Telecommunications Act of 1996. See *In the Matter of the Application by Qwest Communications International, Inc to Provide in-Region IntraLATA services*, WC Docket No. 02-314, FCC 02-332, released December 23, 2002.

B. Regulatory Changes

5. There were dramatic changes to state and federal law in 1999 relating to the regulatory structure described above. The Federal Communications Commission (the "FCC") mandated dialing parity, i.e., competition, in the intraLATA toll markets. See CC Docket No. 96-98, FCC 99-54, released March 23, 1999, implementing 47 U.S.C. § 251(b)(3) of the Telecommunications Act of 1996. In addition, North Dakota law was amended in 1999 to require every local exchange provider to provide intraLATA dialing parity no later than January 1, 2000. See *North Dakota Century Code* § 49-21-08.1. As a result of this regulatory overhaul, Qwest made the business decision to exit the intraLATA toll market in parts of North Dakota. Qwest gave notice in April 1999 that it would discontinue altogether the provision of intraLATA toll service in certain areas of North Dakota. Because of this decision, Qwest obviously could no longer serve as the designated 1+ intraLATA toll provider in those areas.

6. As a result of the foregoing legislative and regulatory activity and Qwest's subsequent decision to exit parts of the North Dakota intraLATA toll market, the local telephone companies in rural North Dakota who are named 1999 Settlement Agreement Defendants filed a complaint at the Commission requesting that the Commission compel Qwest to continue to provide intraLATA toll service in their serving areas. In a separate docket, other members of the 1999 Settlement Agreement Defendants filed plans with the Commission to implement the mandated dialing parity and, at the same time, requested that the Commission act upon its jurisdiction over the North Dakota telecommunications markets to suspend and modify certain of the requirements imposed by the FCC in its dialing parity mandate. Qwest intervened as a party in that docket. In short, there were two separate but related dockets filed at the Commission in 1999 both involving the 1999 Settlement Agreement Defendants and Qwest and each arising out of the mandated implementation in North Dakota of a new intraLATA long-distance regulatory regime. The parties in both dockets executed the Settlement Agreement to resolve the two cases.³

7. Qwest still provides some intraLATA toll service in North Dakota. While Qwest is no longer a retail toll carrier for calls originated by end-user customers of the 1999 Settlement

³ The complaint case was *Rural Telephone Company Group v. U S WEST*, Case No PU-2096-99-241; the RTCG-initiated filing was *AT&T Communications of the Midwest, Inc.*, Case No. PU-453-99-201.

Agreement Defendants, it continues to terminate calls to those end-user customers in its capacity as an intraLATA toll services provider for those Qwest local exchange customers who have selected Qwest as their retail intraLATA toll carrier. Using the example above, today, a customer of a 1999 Settlement Agreement Defendant cannot use Qwest's retail intraLATA long distance services to initiate an intraLATA toll call to a distant friend, but it is possible for the distant friend (if the friend is a customer who has chosen Qwest as his/her intraLATA toll carrier) to use Qwest long distance services to make an intraLATA toll call to the 1999 Settlement Agreement Defendant customer. Once the parties executed the Settlement Agreement, Qwest was no longer liable to local telephone companies for originating access charges, but it could be liable to those companies for terminating access charges for calls originated by callers using Qwest's intraLATA long-distance services.

8. In order for a local telephone company to bill terminating access charges accurately, it is necessary to measure terminating minutes of use accurately. In this case, that means the parties each month must accurately measure the number of minutes that customers who use Qwest's intraLATA toll services spend on the phone to place long-distance calls to customers of the 1999 Settlement Agreement Defendants. These minutes are known as "conversation minutes of use" and form the basis for the volumes used in calculating terminating access charges. Once the number of intraLATA toll minutes originated by Qwest customers and terminated by customers of the 1999 Settlement Agreement Defendants are measured, the monthly terminating access payment due to 1999 Settlement Agreement Defendants from Qwest is determined by the simple calculation of multiplying the number of minutes originated by Qwest and terminated by the Defendants each month by the per-minute terminating access charge rates usually as set forth in the relevant ILEC tariffs. It is, of course, of paramount importance to measure the terminating minutes of use accurately if the parties hope to assess, in the case of the 1999 Settlement Agreement Defendants, and pay, in the case of Qwest, accurate terminating access bills.

C. The Dispute

9. Paragraph 5 of the Settlement Agreement sets forth the interim methodology by which intraLATA toll traffic originated by Qwest and terminated to the 1999 Settlement Agreement Defendants (under the intraLATA toll regime in place after 1999) is identified and

measured so that the 1999 Settlement Agreement Defendants can bill Qwest terminating access charges. Qwest and the 1999 Settlement Agreement Defendants dispute whether paragraph 5 of the Settlement Agreement has been implemented properly by the parties.

10. Paragraph 6(d) of the Settlement Agreement obligates the parties to the Settlement Agreement to meet and negotiate in good faith a permanent methodology to replace the interim methodology established in paragraph 5 for measuring, for billing purposes, the toll traffic terminated by Qwest. Paragraph 6(d) provides that the permanent methodology agreed upon by the parties applies retroactively to January 1, 2000.

11. The 1999 Settlement Agreement Defendants insist upon continuing to use variations of the residual method, rather than the more accurate call information that Qwest can provide, to measure traffic and to bill terminating access charges to Qwest. The various residual methods used by the 1999 Settlement Agreement Defendants do not precisely measure actual minutes of use attributable to each retail toll carrier and unfairly requires Qwest to pay access charges for unidentified minutes of use. The residual methods used by the 1999 Settlement Agreement Defendants measure the volume of terminating traffic (delivered to the 1999 Settlement Agreement Defendants on certain non-local trunks that connect Qwest's network and the network(s) of the 1999 Settlement Agreement Defendants) for which the terminating company cannot identify the "Calling Party" company whose end user customer originated the calls. The "residual" traffic billed to Qwest may in fact not even be Qwest's wireline intraLATA toll, but may be wireless traffic or interexchange carrier traffic. The residual method forces Qwest to guarantee payment of terminating access charges to the 1999 Settlement Agreement Defendants even for traffic for which Qwest receives no retail toll revenues. The problem with residual billing is made worse because the method provides an incentive to other toll carriers to misidentify or to fail to include information that would allow incumbent local exchange carriers to bill them for terminating access charges. They know that, in effect, the local exchange carriers will look to Qwest, and not to them, to pick up the tab.

12. Currently in its 14-state region, Qwest uses a "Toll Usage Tracking" system ("TUT") or a "Clearinghouse for Access Revenue Distribution System" ("CARDS") to determine the total volumes of Qwest-originated, CLEC or ILEC-terminated toll traffic. Both the TUT and CARDS systems derive their volume information from the end user customer billing system used by Qwest to render a message toll services bill to Qwest's retail intraLATA toll customers. TUT

and CARDS measure call detail precisely for all Feature Group C and Feature Group D access traffic originated from a Qwest facility. Although very similar, Qwest considers the CARDS system to be superior to TUT for measuring toll traffic volumes. In addition to retail toll traffic, CARDS measures 1-800 calls and operator-service calls, whereas the TUT system cannot measure 1-800 and operator-service calls separately from the retail toll traffic. For purposes of the Settlement Agreement and Qwest's prayer for relief, it is important to note that because of system limitations Qwest can store CARDS data for three months, whereas it can archive information from TUT for five years.

13. The 1999 Settlement Agreement Defendants are familiar with TUT reports that Qwest produces because Qwest has supplied monthly reports of the TUT volumes to representatives of the Defendants for over two years. Qwest believes that the reason that the 1999 Settlement Agreement Defendants insist upon continuing to use variations of the residual method for measuring traffic is because it allows the 1999 Settlement Agreement Defendants to charge Qwest terminating access charges for traffic that they otherwise would not be able to bill to the true originator of the traffic, i.e., the "Calling Party". At stake also for the 1999 Settlement Agreement Defendants are claims by some for inflated backbilled amounts. In some cases, Qwest has refused to pay the full amount of invoices issued by certain of the 1999 Settlement Agreement Defendants when it believed those invoices were inflated and inconsistent with the terms of the Settlement Agreement. The Settlement Agreement provides for true-up back to January 1, 2000 using the forward looking methodology that the parties agree upon. It is Qwest's position that once an accurate measurement methodology is in place and can be applied retroactively as required by the Settlement Agreement, most, if not all, of the backbilling claims asserted by some of the 1999 Settlement Agreement Defendants will disappear. Therein lies the impasse at issue here. Qwest does not believe that resolution of the disputed issue concerning a forward-looking methodology is possible without Commission involvement.

CLAIM FOR RELIEF

WHEREFORE, Qwest respectfully asks the Commission for a declaratory order:

(i) Holding that paragraph 6(d) of the Settlement Agreement obligates the parties to the Settlement Agreement to meet and negotiate in good faith a methodology to replace the interim methodology established in paragraph 5 for measuring, for billing purposes, the toll traffic terminated by Qwest; and

(ii) Holding that paragraph 6(d) of the Settlement Agreement provides that methodology agreed upon by the parties applies retroactively to January 1, 2000; and

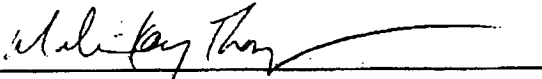
(iii) Ruling that, in accordance with Paragraph 6(d) and North Dakota Century Code § 49-21-06, that the Commission finds that the use by the 1999 Settlement Agreement Defendants of variations of the residual method is unreasonable or unfair and that the most reasonable and fair methodology for the parties to utilize to measure minutes of use for purposes of billing terminating access charges to Qwest on a going-forward basis from the date of the Commission's order is the volume data produced by Qwest's CARDS system; and

(iv) Ruling that, in accordance with Paragraph 6(d), the Commission finds that the most fair and reasonable methodology for the parties to use to true up the billing records of the 1999 Settlement Agreement Defendants to Qwest from January 1, 2000 to the present is the TUT system; and

(v) Ruling that the most fair and reasonable methodology for all carriers in North Dakota to use to measure minutes of use in order to calculate and bill terminating access charges to Qwest on a going-forward basis from the date of the Commission's order is the volume data produced by Qwest's CARDS system; and

(vi) Providing for any and all other equitable relief that the Commission deems just and reasonable.

RESPECTFULLY SUBMITTED this ²29 day of September, 2005.


Melissa K. Thompson
QWEST SERVICES CORPORATION
1801 California Street, 10th Floor
Denver, CO 80202
(303) 383-6728

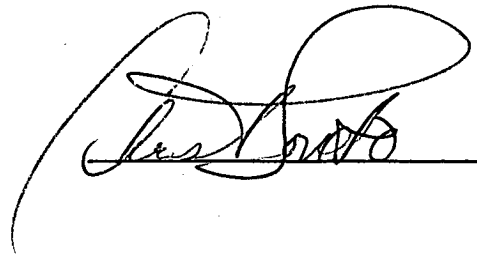
Richard Corbetta
Corbetta & O'Leary, P.C.
1801 Broadway, Suite 500
Denver, Colorado 80202
720-264-4795

Attorneys for Qwest Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of September, 2005, an original and 7 copies, plus an additional 133 copies for service on Defendants, of the foregoing **QWEST CORPORATION'S COMPLAINT FOR A DECLARATORY ORDER** were served upon the following party:

Ms. Ilona Jeffcoat-Sacco
Executive Secretary
North Dakota Public Utilities Commission
600 East Boulevard Avenue – 12th Floor
Bismarck, ND 58505-0480



**STATE OF NORTH DAKOTA
BEFORE THE PUBLIC SERVICE COMMISSION**

EXHIBIT 1

SETTLEMENT AGREEMENT

WHEREAS, each of the following are telephone companies providing local exchange service and switched access service for their exchange areas in North Dakota: Absaraka Co-operative Telephone Co., Inc.; BEK Communications Cooperative; BEK Communications I, Inc.; Consolidated Telecom, Inc.; Consolidated Communications Networks; Consolidated Telephone Cooperative; Dakota Central Telecommunications Cooperative; Dakota Central Telecom I, Inc.; Dickey Rural Telephone Cooperative; Dickey Rural Communications, Inc.; Griggs County Telephone Co.; Inter-Community Telephone Company; Inter-Community Telephone Co. II; Midstate Telephone Company; Midstate Communications, Inc.; Moore & Liberty Telephone Company; North Dakota Telephone Company; Northwest Communications Cooperative; Polar Communications Mutual Aid Corporation; Polar Telecommunications, Inc.; Reservation Telephone Cooperative; Turtle Mountain Communications, Inc.; United Telephone Mutual Aid Corporation; West River Communications, Inc.; West River Telecommunications Cooperative; and are collectively referred to for the purposes of this Agreement as the "Rural Telephone Company Group".

WHEREAS, U S WEST Communications, Inc. ("U S WEST") provides intraLATA toll service in North Dakota and is currently the designated 1+ toll provider for toll traffic originating from exchanges served by some of the RTCG members; and

WHEREAS, U S WEST notified the RTCG members on April 22, 1999 that it intends to discontinue the provision of message toll service originating from the RTCG exchanges effective with the implementation of IntraLATA dialing parity on July 22, 1999, whichever occurs first; and

WHEREAS, some of the RTCG members filed a complaint with the North Dakota Public Service Commission ("Public Service Commission" or "Commission") requesting the Commission to issue an order requiring U S WEST to continue providing message toll service originating from the RTCG exchanges; and

WHEREAS, some of the RTCG members filed with the Public Service Commission implementation plans and an amended petition for suspension and modification of the IntraLATA dialing party requirements prescribed by the Federal Communications Commission ("FCC") in its Order of March 23, 1999; and

WHEREAS, U S WEST intervened in the proceedings before the Public Service Commission and opposed the RTCG petition for suspension and modification of the IntraLATA dialing party requirements prescribed by the FCC; and

WHEREAS, the parties desire to resolve the disputes between them pending before the Public Service Commission;

NOW THEREFORE, U S WEST and each member of the RTCG agree as follows:

1. Each RTCG member will select an Interim designated 1+ intraLATA message toll carrier for all traffic originating from the RTCG exchanges for which U S WEST is currently the designated 1+ IntraLATA message toll carrier. The conversion of a designated 1+ message toll carrier from U S WEST to the carrier selected by the RTCG member will be completed before August 23, 1999 except that:

- a. The conversion to a new designated 1+ carrier for exchanges served by Absaraka Co-operative Telephone Co., Inc. will be completed before January 1, 2000.

- b. The conversion to a new designated 1+ carrier for the exchanges of Crary, Hamden, Penn, Starkweather, Warwick, and Webster served by North Dakota Telephone Company will be completed before October 10, 1999.
- c. The conversion for the exchanges served by Consolidated Telephone, Inc., Consolidated Communications Networks, Consolidated Telephone Cooperative, and West River Communications, Inc. will be completed before September 1, 1999.

U S WEST will meet all technical requirements to accomplish conversion to a new designated 1+ IntraLATA message toll carrier as provided in paragraph 1. The RTCG members will provide Feature Group D signaling for all traffic routed to the U S WEST access tandem.

2. U S WEST will pay each RTCG member its current access charges, revenue requirement true-ups, and billing and collection charges for all traffic originating from the RTCG exchanges for which U S WEST is the message toll carrier prior to the conversion to a new designated 1+ carrier selected by the RTCG as provided in paragraph 1.

3. If a RTCG member fails to complete conversion of its exchanges to a new designated 1+ carrier in accordance with paragraph 1, U S WEST will continue as a designated 1+ carrier for message toll traffic originating from those exchanges for a period not to exceed sixty days from the date specified in paragraph 1 provided that U S WEST will pay originating access charges for such traffic at a rate not to exceed \$.059 per minute of use for all messages carried after the scheduled date of conversion specified in this agreement and will no longer pay revenue requirement true-ups applicable after the specified date of conversion.

4. U S WEST and each RTCG member will jointly notify, at the expense of the RTCG member, the local exchange customers of the RTCG, in a written notice approved by both parties, of the change of designated carrier for the RTCG exchanges where U S WEST is currently the 1+ designated carrier.

5. Unless otherwise mutually agreed and subject to paragraph 6(d), message toll traffic terminated by U S WEST in an RTCG exchange after the conversion of the exchange to a new designated carrier will be measured in the same manner that traffic terminated by U S WEST in the exchanges of West River Telecommunications Coop. is currently measured. Pursuant to this method, U S WEST will continue to route terminating traffic on Feature Group C trunks. Each RTCG member will measure the total usage on the U S WEST C trunks and bill the access charges associated with the total traffic to U S WEST. U S WEST will identify any other carrier traffic using the C trunks and submit to the RTCG member the usage associated with the other carrier traffic for adjustment, refund or credit on the access charge billing.

6. U S WEST and each of the RTCG members agree to meet and negotiate in good faith the following issues:

- a. The location of meet points for the termination of toll traffic. The parties agree that the carrier originating the toll traffic will be allowed to designate the meet point subject to engineering and financial issues resulting from the provisioning of facilities.
- b. The terms for billing and collecting arrangements for U S WEST casual toll traffic after an RTCG converts to a new designated carrier. Existing billing and collecting agreements will remain in effect until the date of conversion specified in paragraph 1 but will terminate effective with the conversion to a new 1+ designated carrier. The new billing and collecting agreement will become effective retroactive to the date of conversion to a new 1+ designated carrier.

- c. The purchase of any North Dakota toll facilities available for sale by U S WEST.
- d. The measurement method for terminating toll traffic. Unless otherwise agreed, any new method negotiated or resolved by other manner for measurement of terminating toll traffic will become effective retroactive to January 1, 2000.
- e. The settlement of all outstanding access charge accounts including true-up settlements for toll traffic handled by U S WEST as a designated 1+ carrier from the RTCG exchanges including years prior to 1999.

The parties will attempt to reach agreement on each of the issues before January 1, 2000, except true-up settlements for 1999 will be attempted before January 1, 2001. Each party reserves its right to seek resolution of these issues in a manner provided by law if the parties are otherwise unable to reach agreement on an issue or an alternative resolution mechanism before January 1, 2000 or 2001 as the case may be.

7. U S WEST will charge its message toll service rates for toll traffic originating from the RTCG exchanges as such rates are in effect on the date the service is rendered. Toll traffic originating from the RTCG exchanges shall not be eligible for U S WEST discount plans.

8. The RTCG members will withdraw their complaint against U S WEST before the Public Service Commission in Case No. PU-2026-99-241 and request dismissal of the proceeding with prejudice as to the facts alleged in the RTCG complaint.

9. U S WEST will withdraw its intervention and opposition to the implementation plans for IntraLATA dialing parity and the RTCG's amended petition for suspension and modification of the FCC's dialing parity implementation plans in Public Service Commission Case Nos. PU-405-99-204; PU-418-99-205; PU-1680-99-206; PU-1762-99-224; PU-2013-

38; PU-419-99-207; PU-1682-99-209; PU-1683-99-210; PU-421-99-211; PU-1576-99-212; PU-449-99-213; PU-1685-99-214; PU-1264-99-215; PU-425-99-216; PU-426-99-217; PU-1727-99-218; PU-427-99-219; PU-1686-99-221; PU-431-99-220; PU-432-99-222; PU-1540-99-223.

Dated:

7/14/99

U.S. WEST Communications, Inc.

by:

[Signature]

Dated:

7/14/99

Rural Telephone Company Group and its individual members: Absaraka Cooperative Telephone Co., Inc.; BEK Communications Cooperative; BEK Communications I, Inc.; Consolidated Telecom, Inc.; Consolidated Communications Networks; Consolidated Telephone Cooperative; Dakota Central Telecommunications Cooperative; Dakota Central Telecom I, Inc.; Dickey Rural Telephone Cooperative; Dickey Rural Communications, Inc.; Griggs County Telephone Co.; Inter-Community Telephone Company; Inter-Community Telephone Co. II; Midstate Telephone Company; Midstate Communications, Inc.; Moore & Liberty Telephone Company; North Dakota Telephone Company; Northwest Communications Cooperative; Polar Communications Mutual Aid Corporation; Polar Telecommunications, Inc.; Reservation Telephone Cooperative; Turtle Mountain Communications, Inc.; United Telephone Mutual Aid Corporation; West River Communications, Inc.; West River Telecommunications Cooperative

by:

[Signature]

6 Printed Merged, P.C.
By: [Signature]