

DIVIDER

STATE OF NORTH DAKOTA

□ INFORMATION TECHNOLOGY DEPARTMENT

SFN 2053 (4-2002)

PU-06-400

Midcontinent Communications/Consolidated Telcom

Rural Exemption

Investigation

Filed 9/8/2006

06

Closed 1/23/2007



Public Service Commission
Receipt of Payment

Receipt# 6928

Received: 6/29/2007 Check# 37395 for \$156.90
Subject: Utility Valuation pd for Midcontinent

Docket # PU-06-400

Pearce & Durick
314 E Thayer Ave PO Box 400
Bismarck ND 58501

27 PU-06-400

Pages: 1

Receipt# 6,928 \$156.90 Utility Valuation
pd for Midcontinent
by Pearce & Durick

06/29/2007



Public Service Commission
Receipt of Payment

Receipt# 6915

Received: 6/14/2007 Check# 116084 for \$156.89
Subject: Utility Valuation

Docket # PU-06-400

Consolidated Telcom
507 S MAIN PO BOX 1408
Dickinson ND 58602-1408

APPROVED

DATE: 5-31-07
SAB

MOTION

May 31, 2007

Midcontinent Communications/
Consolidated Telcom
Rural Exemption
Investigation

Case No. PU-06-400

I move the Commission bill Midcontinent Communications and Consolidated Telcom for costs incurred to date in Case No. PU-06-400, Midcontinent Communications/Consolidated Telcom, Rural Exemption, Investigation.



Public Service Commission

State of North Dakota

COMMISSIONERS

Susan E. Wefald, President
Kevin Cramer
Tony Clark

Executive Director
Illona A. Jeffcoat-Sacco

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

May 31, 2007

Patrick W Durick
Pearce & Durick
PO Box 400
Bismarck ND 58502-0400

Michael J Maus
Hardy Maus & Nordsven P C
137 1st Ave W
Dickinson ND 58601

RE: Case No. PU-06-400
Midcontinent Communications/Consolidated Telcom
Rural Exemption
Investigation

Enclosed is a copy of the statement approved at the May 31, 2007 Public Service Commission meeting for the expenses incurred to date in Case No. PU-06-400.

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 31, 2007

Midcontinent Communications/
Consolidated Telcom
Rural Exemption
Investigation

Case No. PU-06-400

Bill To:

Midcontinent Communications	\$156.90
Consolidated Telcom	156.89

Expenses Incurred to Date:

Advertising Costs	\$161.36
Office of Administrative Hearings	<u>152.43</u>
Total	\$313.79

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



WILLIAM P. PEARCE
PATRICK W. DURICK
B. TIMOTHY DURICK
GARY R. THUNE
JEROME C. KETTLESON
LARRY L. BOSCHEE ••
LAWRENCE BENDER, PC •
JONATHAN P. SANSTEAD
TIFFANY L. JOHNSON
JEFFREY T. GYNN

ATTORNEYS AT LAW
314 EAST THAYER AVENUE
P.O. BOX 400
BISMARCK, NORTH DAKOTA 58502

TELEPHONE (701) 223-2890
FAX (701) 223-7865
E-MAIL: law.office@pearce-durick.com

January 8, 2007

HAND DELIVERED

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

Re: Midcontinent Communications - Consolidated Telcom
PU-06-0400

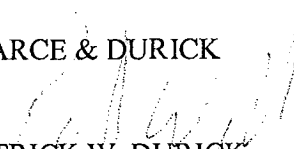
Dear Ms. Jeffcoat-Sacco:

Enclosed for filing is an original and seven copies of the executed STIPULATION in the captioned matter. We are also filing an electronic copy of this document with the attached Stipulation.

If you have any questions please feel free to contact me. Thank you for your consideration of this matter.

Sincerely,

PEARCE & DURICK


PATRICK W. DURICK

PWD/jf
Enclosures.
cc w/enc:

Mary Lohnes
Mr. Michael Maus (via email)
Mr. William Binek (via email)

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Case No. PU-06-0400

Midcontinent Communications, a)
South Dakota Partnership,)
)
Complainant,)
)
vs.)
)
Consolidated Telcom)
)
Respondent.)

STIPULATION

WHEREAS, Midcontinent Communications (Midcontinent) filed a Petition for Arbitration under 47 U.S.C. § 252(b) with the North Dakota Public Service Commission (the Commission) on December 28, 2006, and

WHEREAS, the filing by Midcontinent was a protective filing which Midcontinent felt was necessary to preserve to Midcontinent its rights to file an arbitration application in certain time frames required by the 1996 Telecommunications Act (the Act), and

WHEREAS, the parties have been engaged in discussions to arrive at a negotiated agreement which they plan to submit to the Commission for approval under Section 252(e) of the Act, and

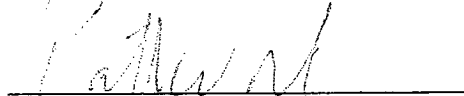
WHEREAS, the parties previously entered into a Stipulation dated October 12, 2006, which was filed with the Commission and approved by the Commission on November 8, 2006,

NOW, THEREFORE, the parties hereby agree as follows:


1. In the submission of this Stipulation, they will jointly encourage the Commission to adopt this Stipulation without change as to its scope and effect;
2. For purposes of establishing the time frames established in Section 252 of the Act for negotiation, arbitration, and resolution of the request for wholesale resold services (the Request) made by Midcontinent to Consolidated Telephone Company (Consolidated), the parties agree that the Request from Midcontinent was received by Consolidated on July 13 , 2006.
3. The parties hereby request the Commission issue an Order to (a) hold Midcontinent's December 28, 2006, Arbitration Petition in abeyance and suspend the time frames provided for in Section 252 of the Act and Section 69-02-10 of the North Dakota Administrative Code for further arbitration proceedings unless and until either party should request, in writing to the Commission, that the Commission implement the time frames in Chapter 69-02-10 and Section 252(b) and (b) begin the time frames for Arbitration proceedings under Chapter 69-02-10 only after receipt of such a written request from either party asking for further Arbitration proceedings.
4. The parties agree that neither party will petition the FCC to seek to enforce the 270 day deadline established in Section 252 of the Act until 110 days after the arbitration process is restarted pursuant to paragraph 3 above.

Dated this 28 day of December, 2006.

MIDCONTINENT COMMUNICATIONS


By: Patrick W. Durick
PEARCE & DURICK
314 East Thayer Avenue
P.O. Box 400
Bismarck, ND 58502-0400

CONSOLIDATED TELEPHONE
COMPANY


By: Michael Maus
HARDY, MAUS & NORDSVEN, P.C.
137 1st Ave. W.
P.O. Box 570
Dickinson, ND 58602-0570



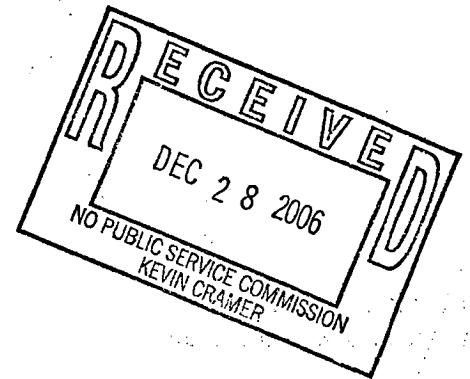
WILLIAM P. PEARCE
PATRICK W. DURICK
B. TIMOTHY DURICK
GARY R. THUNE
JEROME C. KETTLESON
LARRY L. BOSCHEE ♦♦
LAWRENCE BENDER, PC ♦
JONATHAN P. SANSTEAD
TIFFANY L. JOHNSON
JEFFREY T. GLYNN

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BISMARCK, NORTH DAKOTA 58502

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EMAIL: law.office@pearce-durick.com

December 28, 2006

Illona Jeffcoat-Sacco
Executive Director
North Dakota Public Service Commission
Capitol
600 East Boulevard, Ninth Floor
Bismarck, North Dakota 58505



Re: Midcontinent Communications, Complainant
Consolidated Telcom, Respondent
PU- 06-400

Dear Ms. Jeffcoat-Sacco:

Enclosed is the original and seven copies of Midcontinent Communication's Petition for Arbitration with Wholesale Resale Attachment. We are also filing the same via electronic submission.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

PEARCE & DURICK


PATRICK W. DURICK

Counsel to Midcontinent Communications

PWD/jf

Enclosures.

cc: Michael Maus (via email)
William Binek (via email)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

Case No. PU-06-0400

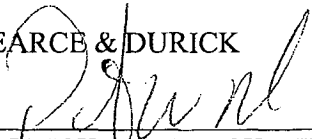
Midcontinent Communications, a)
South Dakota Partnership,)
)
Complainant,)
)
vs.)
)
Consolidated Telcom,)
)
Respondent.)

MIDCONTINENT COMMUNICATION'S PETITION FOR ARBITRATION

Pursuant to 47 U.S.C. § 252(b), Midcontinent Communications ("Midcontinent") hereby petitions the North Dakota Public Service Commission to arbitrate the open issues on a wholesale resale agreement between Midcontinent and Consolidated Telcom. The open issues are identified on the attached **MIDCONTINENT-CONSOLIDATED OPEN ISSUES WHOLESAL RESALE AGREEMENT (as of DECEMBER 28, 2006)** Attachment.

Dated this 20th day of December, 2006.

PEARCE & DURICK



PATRICK W. DURICK ND #03141

Individually and as a Member of the Firm

314 E. Thayer Avenue

P. O. Box 400

Bismarck, ND 58502-0400

(701) 223-2890

Attorneys for Midcontinent Communications

**MIDCONTINENT-CONSOLIDATED TELCOM NEGOTIATIONS
OPEN ISSUES (AS OF DECEMBER 28, 2006)**

The primary open issue in the interconnection negotiations between Midcontinent Communications and Consolidated Telcom ("Consolidated") known to Midcontinent as of December 28, 2006 is the discount rate. It is possible that there are other issues that Consolidated considers to be open that are not included in this attachment and Midcontinent reserves the right to amend this statement of open issues.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Midcontinent Communications,
a South Dakota Partnership,
Complainant,
Consolidated Telcom,
Respondent.

) Case No. PU-06-400
)
)
)
) **AFFIDAVIT OF SERVICE BY MAIL**
)
)
)
)
)
)

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

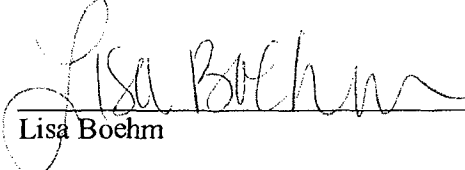
Lisa Boehm, hereby certifies that on December 28, 2006, she served a copy of the foregoing:

MIDCONTINENT COMMUNICATION'S PETITION FOR ARBITRATION

by emailing a true and correct copy:

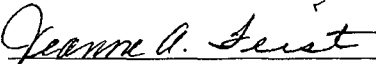
Mr. Michael Maus
Hardy, Maus & Nordsvan
maus@hmnattys.com

Mr. William Binek
wbinek@state.nd.us



Lisa Boehm

Subscribed and sworn to before me December 28, 2006.



Notary Public
Burleigh County, North Dakota

JEANNE A. FEIST
Notary Public State of North Dakota
My Commission Expires MARCH 7, 2007



OFFICE OF ADMINISTRATIVE HEARINGS

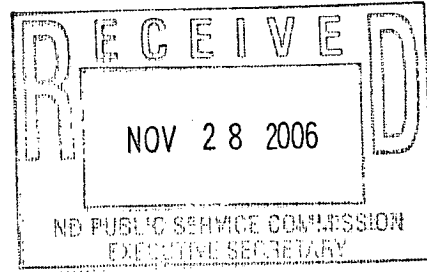
STATE OF NORTH DAKOTA
1707 North 9th Street
Bismarck, North Dakota 58501-1882

Allen C. Hoberg
DIRECTOR

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

November 27, 2006

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



Re: Midcontinent Communications
Consolidated Telcom
Rural Exemption Investigation
Case No. PU-06-400
OAH File No. 20060400

Dear Mr. Binek:

I have the order of the North Dakota Public Service Commission issued November 8, 2006, approving stipulation for the resolution of the captioned matter, and the Commission's motion cancelling the hearing for the matter which was scheduled to be held December 6, 2006. As the administrative law judge designated to serve as the hearing officer for that hearing, I have closed the file of the Office of Administrative Hearings for that hearing and return to you those documents which may be part of the Commission's file for the matter.

The Office of Administrative Hearings is pleased to have assisted the parties for the hearing.

Sincerely,

Al. Wahl
Administrative Law Judge

AW/eap

Encl.

cc: Mr. Michael J. Maus
Hardy, Maus & Nordsvan, P.C.
Mr. Patrick W. Durick
Pearce & Durick

APPROVED

DATE: 11-22-06
AW

MOTION

November 22, 2006

Midcontinent Communications/Consolidated Telcom
Rural Exemption
Investigation

Case No. PU-06-400

I move the hearing scheduled for December 6, 2006 in Case No. PU-06-400, Midcontinent Communications/Consolidated Telcom, Rural Exemption Investigation be canceled.

WWB/sls

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Midcontinent Communications/Consolidated
Telecom
Rural Exemption
Investigation

Case No. PU-06-400

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 **9th day of November, 2006**, she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Order

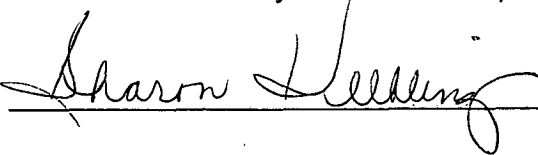
The envelopes were addressed as follows:

Patrick W Durick
Pearce & Durick
314 E Thayer Ave
Bismarck ND 58502-0400
Cert. No. 7005 3110 0003 6265 3501

Michael J Maus
Hardy Maus & Nordsven P C
137 1st Ave W
Dickinson ND 58601
Cert. No. 7005 3110 0003 6265 3518

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

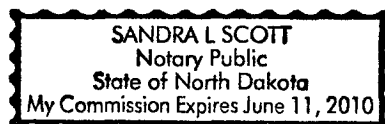
Subscribed and sworn to before me
this **9th day of November, 2006**.





Notary Public

SEAL



STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Midcontinent Communications/Consolidated Telecom
Rural Exemption
Investigation

Case No. PU-06-400

AFFIDAVIT OF SERVICE BY ORDINARY MAIL OR E-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 **9th day of November, 2006**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, and e-mailed, each containing a photocopy of:

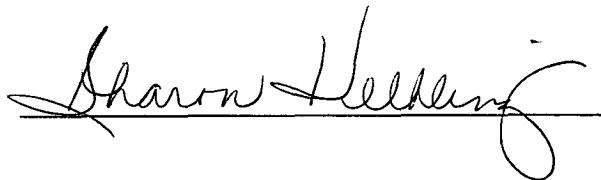
Order

The envelopes were addressed as follows:

See Attached List

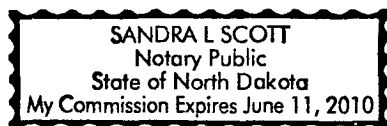
Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **9th day of November, 2006**.





Notary Public



SEAL

wbrudvik@ohnstadlaw.com
William Brudvik

cheryl.robins@thomson.com
Cheryl Robins

dennis.kelley@reconex.com
Dennis Kelley
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ffarm@wtc-mail.net
Ann Faught
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Abby Knowlton
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San Diego CA 92126

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Diana Stevens
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PO Box 1077
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Troy Schilling
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Santa Clara CA 95051-0703

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DSLNET COMMUNICATIONS, LLC
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WALLINGFORD CT 06492

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Glenn Richards
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Pittsford NY 14534

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Ronald Laqua
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HTC Services Inc
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Gene Curtis
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Fargo ND 59103

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INTELLICALL OPERATOR SERVICES, INC.
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OVIEDO FL 32765

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Keith Anderson
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Nome ND 58062-0008

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Mayville ND 58257-0216

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Francie McComb
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CLARKSTON MI 48346

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Ada MN 56510

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Bismarck ND 58502-2216

mary_lohnes@mimi.net
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MIDCONTINENT COMMUNICATIONS
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Circle MT 59215-0280

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Midstate Communications Inc
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Stanley ND 58784-0400

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Mark Wilhelmi
Midstate Telephone Co
PO Box 400
Stanley ND 58784-0400

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rdelfiacco@nemont.net
Roger Del Fiacco
Missouri Valley Communications Inc
P O Box 600
Scobey MT 59263-0600

karen.collins@mdu.com; tamie.aberle@mdu.com
Karen Collins
Montana-Dakota Utilities Co
400 N 4th St
Bismarck ND 58501

sbunn@mlgc.com
Shelie Bunn
Moore & Liberty Telephone Co

Enderlin ND 58027

dhill@ndarec.com
Dennis Hill
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CURTIS HOPFINGER
T-NETIX TELECOMMUNICATIONS SERVICES, .
14651 DALLAS PARKWAY SUITE 600
DALLAS TX 75254

Total Call International Inc
707 Wilshire Blvd 9th Fl
Los Angeles CA 90017-3501

Touch I Communications Inc
100 Brookwood Rd
Atmore AL 36504-5751

Touchtone Communications Inc
16 S Jefferson Rd
Whippany NJ 07981

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
Santa Barbara CA 93101

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

Uni-Tel Communications Group Inc
47 E Chicago Ave Ste 328
Naperville IL 60540

US LEC Communications Inc
6801 Morrison Blvd Morrocroft III
Charlotte NC 28211

USA Digital Communications Inc
1603 SE 19th St Ste 120
Edmond OK 73013-6621

Val-Ed Joint Venture LLP/702
702 Main Ave
Moorhead MN 56560

Rick Cantu
Value-Added Communications Inc
3801 E Plano Pkwy Ste 100
Plano TX 75074-1808

Virgin Mobile USA LLC
10 Independence Blvd
Warren NJ 07059-6747

WDT World Discount Tele Co
13644 Neuton Rd
Dallas TX 75244

WebNet Communications Inc
20904 Winola Ter
Ashburn VA 20147-6482

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

Wholesale Carrier Services Inc
7200 W Camino Real Ste 303
Boca Raton FL 33433

Carolyn Fodor
Winstar Communications
520 Broad St
Newark NJ 07102

Wireless Alliance LLC
P O Box 2000
Alexandria MN 56308-2000

Working Assets Funding Services
101 Market St #700
San Francisco CA 94105-1533

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

X2Comm Inc
270 S Main St
Flemington NJ 08822

XO Communications Services Inc
11111 Sunset Hills Rd
Reston VA 20190

Yak Communications (America) Inc
300 Consilium Pl Ste 500
Toronto Ontario CA M1H 3G2

Jill Papenhausen
Zone Telecom Inc
3 Executive Campus Ste 520
Cherry Hill NJ 08002

APPROVED
DATE: 11-8-06 WW

MOTION

November 8, 2006

**Midcontinent Communications/Consolidated Telcom
Rural Exemption
Investigation**

Case No. PU-06-400

I move the Commission adopt the Order approving the stipulation filed by Midcontinent Communications and Consolidated Telcom in this proceeding.

WWB/sls

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Midcontinent Communications/Consolidated Telecom
Rural Exemption
Investigation**

Case No. PU-06-400

ORDER APPROVING STIPULATION

November 8, 2006

On May 18, 2006, June 20, 2006 and July 13, 2006, Midcontinent Communications (Midcontinent) made bona fide requests under 47 U.S.C. § 251(c) for wholesale resold services for the Mott, Killdeer, Halliday, Bowman, Richardton and Rhame, North Dakota exchanges from Consolidated Telecom (Consolidated). By its filing on September 8, 2006 Midcontinent notified the Commission of its bona fide request. Midcontinent requested that the Commission conduct an inquiry for the purpose of determining whether to terminate the Consolidated's 47 U.S.C. § 251(f)(1)(A) exemption from providing its services for resale.

On October 24, 2006, the parties filed a Stipulation with the Commission which provides for the entry of an order by the Commission terminating the rural exemption of Consolidated within Consolidated's Mott, Killdeer, Halliday, Bowman, Richardton and Rhame, North Dakota exchanges solely with respect to Midcontinent's request of Consolidated for Section 251(c) interconnection. A copy of the Stipulation of the parties marked as Attachment 1 is attached to this order and is incorporated herein in its entirety.

The parties stipulated the request of Midcontinent, as applied solely to Consolidated and to Consolidated's Mott, Killdeer, Halliday, Bowman, Richardton and Rhame, North Dakota exchanges (1) is not unduly economically burdensome, (2) is technically feasible, and (3) is consistent with the goals of 47 U.S.C. § 254, other than sections (b)(7)(D) thereof.

The parties agree that for purposes of establishing the time frames established in Section 252 of the Act for negotiation, arbitration and resolution of the request for interconnection, that the request from Midcontinent was received by Consolidated on July 13, 2006.

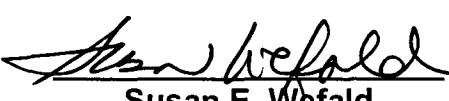
The Commission finds the Stipulation of the parties is acceptable and hereby makes the following:

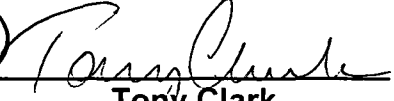
ORDER


The Commission orders:

1. The Stipulation is approved in its entirety without modification.
2. Consolidated's rural exemption under Section 251(f)(1) of the Act for wholesale resold services is terminated with respect to the Midcontinent request and solely with respect to Consolidated and solely to Consolidated's Mott, Killdeer, Halliday, Bowman, Richardton and Rhame, North Dakota exchanges.
3. Approval of the Stipulation and issuance of this order shall not be considered as precedent for any future cases involving termination of a rural exemption under N.D.C.C. § 49-21-01.7(11) and Section 251(f)(1) of the Act.

PUBLIC SERVICE COMMISSION


Susan E. Wefald
Commissioner


Tony Clark
President


Kevin Cramer
Commissioner

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Case No. PU-06-0400

Midcontinent Communications, a)
 South Dakota Partnership,)
)
 Complainant,)
)
 vs.)
)
 Consolidated Telcom)
)
 Respondent.)

WHEREAS, by “NOTICE OF BONA FIDE REQUEST FOR SERVICES” (herein “the NOTICE”) dated September 8, 2006 Midcontinent Communications (herein “Midcontinent”) requested the North Dakota Public Service Commission (herein the “Commission”) to conduct an inquiry on a request to provide certain telecommunications services in Consolidated Telcom’s (herein “Consolidated”) Mott, Killdeer, Halliday, Bowman, Richardton and Rhame exchanges (herein the “Exchanges”) under an interconnection agreement for certain services under Section 251(c) of the Communications Act of 1934, as amended (the “Act”), and

WHEREAS, it appears to both Midcontinent and Consolidated (collectively called the “the Parties”) that the Commission has authority to arbitrate or mediate, as may be appropriate, an interconnection agreement between the Parties, and

WHEREAS, the Parties have each concluded that the public interest in avoiding future litigation and resource commitments of the Commission and the Parties would be advanced through the compromise and settlement of conflicting positions that the Parties have with respect to the subject matter of the Notice and the issuance by the Commission of an Order as set forth below, without the necessity of conducting a hearing,

NOW, THEREFORE, IT IS STIPULATED AND AGREED AS FOLLOWS:

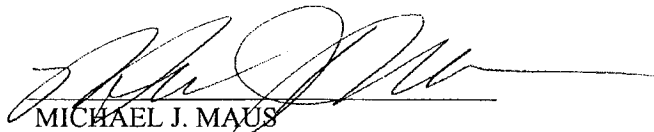
1. A. That the Parties agree that, based on the specific scope of the request made by Midcontinent, the Commission may enter an ORDER upon receipt of this signed stipulation, specifically finding that the request of Midcontinent, as applied solely to the Exchanges:
 1. is not unduly, economically burdensome,
 2. is technically feasible, and
 3. is consistent with the goals of 47 USC Section 254, other than subsections (b)(7) and (c)(1)(D) thereof;

2. For purposes of establishing the time frames established in Section 252 of the Act for negotiation, arbitration and resolution of the request for interconnection made by Midcontinent to Consolidated (the "Request"), the Parties agree that the Request from Midcontinent was received by on July 13, 2006..

3. That either Party shall have the ability to seek the assistance of the Commission through mediation by a letter to Commission no sooner than 10 days following a letter to the other Party indicating that there is an impasse on an issue or issues.

Dated this 12th day of October 2006.

HARDY, MAUS & NORDSVER, P.C.



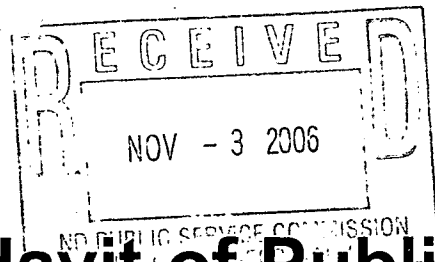
MICHAEL J. MAUS
Individually and as a Member of the Firm
137 First Avenue West
P.O. Box 570
Dickinson, ND 58602-0570

PEARCE & DURICK



PATRICK W. DURICK ND #03141
Individually and as a Member of the Firm
314 E. Thayer Avenue
P. O. Box 400
Bismarck, ND 58502-0400
(701) 223-2890

Attorneys for Midcontinent Communications, Inc.



Affidavit of Publication

Colleen Park, being duly sworn, state as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.

2. The newspapers listed on the exhibits published the advertisement of:

Public Service Commission - Midcontinent Communication

1 time(s) as required by law or ordinance.

3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

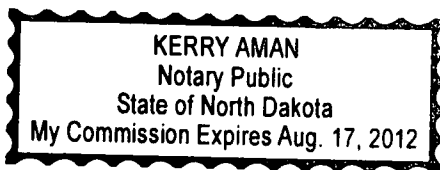
Signed: Colleen Park

State of ND

County of Burleigh

Subscribed and sworn to before me this 31st day of October 2006.

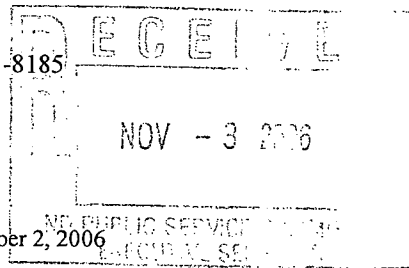
Kerry Aman





North Dakota Newspaper Association

1435 Interstate Loop
Bismarck, ND 58503-0567
Ph (701) 223-6397 • Fax (701) 223-8185



INVOICE

Order **22683-06103PP2** Invoice # **79752**

November 2, 2006

Attn: **ILLONAA. JEFFCOAT-SACCO**
PUBLIC SERVICE COMMISSION
600 E. BOULEVARD AVE.
STATE CAPITOL
BISMARCK, ND 58505

Advertiser: **Public Service Commission**

P.O.#: **PU-06-400**

Voice: 701-328-4076

Amount Due **\$56.58**

Amount Paid

Please detach and return this portion with your payment

Public Service Commission Invoice # 22683-06103PP2-79752 PO# PU-06-400

Ad Size	Rate Type	Rate	Total	Discount (%)	Caption	Page	Run Date
Dickinson Press (Dickinson ND)							
82.00	SPR2	0.69	56.58	0.00	Midcontinent Comm		10/20/06

Gross Advertising	56.58	Total Misc	0.00	Amount Paid	0.00
Agency Discount		Tax	0.00	Adjustments	0.00
Other Discount	0.00	Total Billed	56.58	Payment Date	
Service Charge	0.00	Unbilled	0.00	Balance Due	56.58

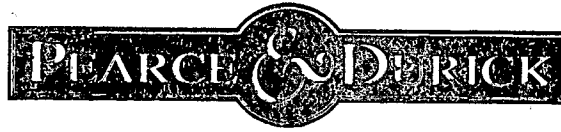
If you would like to pay this invoice with a credit card, please contact Rhonda at 701-223-6397.

Case No: PU-06-400

Notice of Midcontinent Communications/Consolidated Telecom Rural Exemption Investigation

Published in:

10/20 - Dickinson



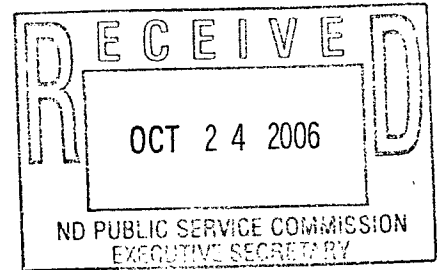
WILLIAM P. PEARCE
 PATRICK W. DURICK
 B. TIMOTHY DURICK
 GARY R. THUNE
 JEROME C. KETTLESON
 LARRY L. BOSCHEE ♦♦
 LAWRENCE BENDER, PC ♦
 JONATHAN P. SANSTEAD
 TIFFANY L. JOHNSON
 JEFFREY T. GLYNN

ATTORNEYS AT LAW
 314 EAST THAYER AVENUE
 P.O. BOX 400
 BISMARCK, NORTH DAKOTA 58502

TELEPHONE (701) 223-2890
 FAX (701) 223-7865
 E-MAIL: law.office@pearce-durick.com

October 24, 2006

Illona Jeffcoat-Sacco
 Executive Director
 North Dakota Public Service Commission
 Capitol
 600 East Boulevard, Ninth Floor
 Bismarck, North Dakota 58505



Re: Midcontinent Communications/Consolidated Telcom
 Rural Exemption Investigation
 PU-06-0400

Dear Commissioners:

Enclosed for filing herewith is an original and seven copies of a **STIPULATION**. I have also enclosed an original and seven copies of proposed **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ON STIPULATION ADDRESSING REQUEST FOR SECTION 251(c) AGREEMENT** ("Proposed Order"). Mr. Maus and I have agreed to the form of the Proposed Order and request that the Commission consider and adopt the Proposed Order pursuant to the Stipulation.

We are also electronically filing these documents with the Commission.

If you have any questions, please do not hesitate to contact either our office or Mr. Maus's office.

Sincerely,

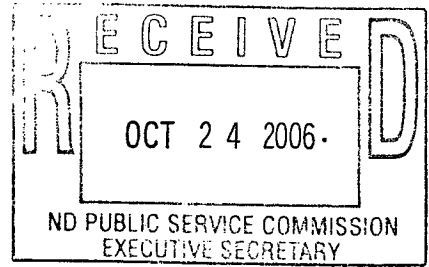
PEARCE & DURICK

for PATRICK W. DURICK
 Counsel to Midcontinent Communications

PWD/jf

Enclosures.

c: Michael Maus (via email)
 William Binek (via email)



STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Case No. PU-06-0400

Midcontinent Communications, a)
 South Dakota Partnership,)
)
 Complainant,)
)
 vs.)
)
 Consolidated Telcom)
)
 Respondent.)

WHEREAS, by "NOTICE OF BONA FIDE REQUEST FOR SERVICES" (herein "the NOTICE") dated September 8, 2006 Midcontinent Communications (herein "Midcontinent") requested the North Dakota Public Service Commission (herein the "Commission") to conduct an inquiry on a request to provide certain telecommunications services in Consolidated Telcom's (herein "Consolidated") Mott, Killdeer, Halliday, Bowman, Richardton and Rhame exchanges (herein the "Exchanges") under an interconnection agreement for certain services under Section 251(c) of the Communications Act of 1934, as amended (the "Act"), and

WHEREAS, it appears to both Midcontinent and Consolidated (collectively called the "the Parties") that the Commission has authority to arbitrate or mediate, as may be appropriate, an interconnection agreement between the Parties, and

WHEREAS, the Parties have each concluded that the public interest in avoiding future litigation and resource commitments of the Commission and the Parties would be advanced through the compromise and settlement of conflicting positions that the Parties have with respect to the subject matter of the Notice and the issuance by the Commission of an Order as set forth below, without the necessity of conducting a hearing,

NOW, THEREFORE, IT IS STIPULATED AND AGREED AS FOLLOWS:

I. A. That the Parties agree that, based on the specific scope of the request made by Midcontinent, the Commission may enter an ORDER upon receipt of this signed stipulation, specifically finding that the request of Midcontinent, as applied solely to the Exchanges:

1. is not unduly, economically burdensome,
2. is technically feasible, and
3. is consistent with the goals of 47 USC Section 254, other than subsections (b)(7) and (c)(1)(D) thereof;

2. For purposes of establishing the time frames established in Section 252 of the Act for negotiation, arbitration and resolution of the request for interconnection made by Midcontinent to Consolidated (the "Request"), the Parties agree that the Request from Midcontinent was received by on July 13, 2006..

3. That either Party shall have the ability to seek the assistance of the Commission through mediation by a letter to Commission no sooner than 10 days following a letter to the other Party indicating that there is an impasse on an issue or issues.

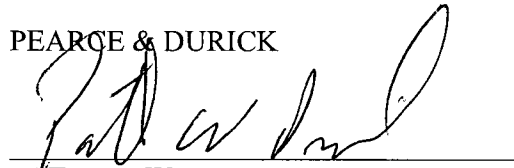
Dated this 12th day of October 2006.

HARDY, MAUS & NORDSVER, P.C.



MICHAEL J. MAUS
Individually and as a Member of the Firm
137 First Avenue West
P.O. Box 570
Dickinson, ND 58602-0570

PEARCE & DURICK



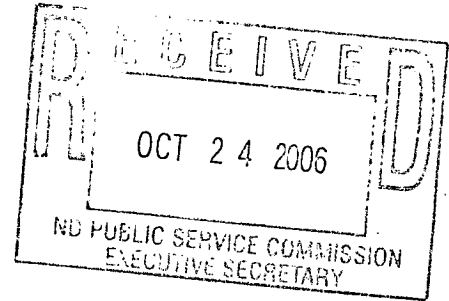
PATRICK W. DURICK ND #03141
Individually and as a Member of the Firm
314 E. Thayer Avenue
P. O. Box 400
Bismarck, ND 58502-0400
(701) 223-2890

Attorneys for Midcontinent Communications, Inc.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Case No. PU-06-0400

Midcontinent Communications, a)
South Dakota Partnership,)
)
Complainant,)
)
vs.)
)
Consolidated Telcom,)
)
Respondent.)



**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER ON STIPULATION
ADDRESSING REQUEST FOR SECTION 251(c) INTERCONNECTION**

October ____, 2006

Appearances:

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

Michael J. Maus, Esq., Hardy, Maus & Nordsven, P.C., 137 First Avenue West, Dickinson, ND 58601, appearing on behalf of Consolidated Telcom, Dickinson, North Dakota.

Patrick W. Durick, Pearce & Durick, P .O. Box 400, Bismarck, ND 58502-0400, appearing on behalf of Midcontinent Communications.

Preliminary Statement

By "NOTICE OF BONA FIDE REQUEST FOR SERVICES" (herein "the NOTICE") dated September 8, 2006, 2006, Midcontinent Communications, a South Dakota Partnership (herein "Midcontinent") requested the North Dakota Public Service Commission (herein the "Commission") to conduct an inquiry on a request to provide interconnection services under 251(c) in Consolidated Telcom's (herein "Consolidated") Mott, Killdeer, Halliday, Bowman, Richardton and Rhame exchanges (herein the "Exchanges") under an interconnection agreement for certain services under Section 251(c) of the Communications Act of 1934, as amended (the "Act"). We will refer to Midcontinent and Consolidated as the "Parties" or individually as a "Party."

The Parties have entered into a Stipulation dated October 12, 2006 (the "Stipulation") which has been filed herein and is incorporated in its entirety by reference. The Stipulation

provides for the entry of an Order by the Commission, thereby terminating the rural exemption of Consolidated within its Mott, Killdeer, Halliday, Bowman, Richardton and Rhame exchanges solely with respect to the Midcontinent request for Section 251(c) interconnection that Midcontinent made of Consolidated.

The Commission having reviewed the positions of the Parties as reflected in the Stipulation and being fully advised hereby adopts the following:

FINDINGS OF FACT

1. Midcontinent filed a request with Consolidated for an interconnection agreement for certain services under Section 251(c) of the Communications Act of 1934, as amended, for Consolidated's Mott, Killdeer, Halliday, Bowman, Richardton and Rhame exchanges and that the Parties have stipulated, with the approval by the Commission of the Stipulation, that the date on which the request was received by Consolidated would be July 13, 2006.
2. The Parties' Stipulation states that they agree, and we so find, that based on the specific scope of the request made by Midcontinent and limiting such request to the Exchanges, the Commission may enter an order, specifically finding that the request of Midcontinent, as applied solely to Consolidated and solely to the Exchanges: (1) is not unduly, economically burdensome, (2) is technically feasible, and (3) is consistent with the goals of 47 USC Section 254, other than sections (b)(7)(D) thereof.
3. Utilization of the Section 252 time frames for the negotiation/mediation/arbitration for purposes of the procedures to address the Midcontinent request is reasonable and appropriate and consistent with the Parties' agreement contained in the Stipulation.
4. Absent the entry of an Order by the Commission as provided for in the Stipulation, the Parties will be engaged in further litigation and additional resource commitments will need to be made by the Commission and the Parties.

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.
2. The criteria for termination of Consolidated's rural exemption with respect to the Midcontinent request under 47 USC Section 251(f)(1) are (a) whether Midcontinent's request is unduly economically burdensome; (b) whether Midcontinent's request is technically feasible; and (c) whether Midcontinent's request is consistent with 47 U.S.C. § 254 (other than subsections (b)(7) and (c)(1)(D) thereof).
3. The entry of an Order as provided for in the Stipulation is in the public interest as it will avoid further litigation and allow the Parties to proceed with the

negotiation/mediation/arbitration process envisioned under Section 252 of the Act. The Commission's actions also fosters private entities' ability to reach a reasonable compromise and settlement of conflicting positions and results in the avoidance of resource commitments by not only the Parties but also the Commission.

4. The request by Midcontinent as applied solely to the request of Midcontinent and solely to Exchanges (1) is not unduly, economically burdensome, (2) is technically feasible and (3) is consistent with the goals of 47 USC Section 254, other than sections (b)(7)(D) thereof.

5. The time frames established under Section 252 of the Act for the negotiation/mediation/arbitration processes shall begin the day after the request for interconnection made by Midcontinent to Consolidated was received (which the Parties agree that the receipt date shall be July 13, 2006).

6. Either Party may seek the assistance of the Commission through mediation by a letter to Commission no sooner than ten (10) days following a letter to the other Party indicating that there is an impasse on an issue or issues during the negotiation period prescribed by Section 252 of the Act.

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

ORDER

The Commission orders:

1. The Stipulation is approved in its entirety.
2. The rural exemption afforded Consolidated under Section 251(f)(1) for the certain services is terminated with respect to the Midcontinent request, solely with respect to Midcontinent and solely to the Exchanges.
3. The Commission retains jurisdiction of the matter for the purpose of mediating or arbitrating the terms of the interconnection agreement, if necessary; and for establishing an implementation schedule, if necessary.

PUBLIC SERVICE COMMISSION

Susan E. Wefald
Commissioner President

Tony Clark
Commissioner

Kevin Cramer
Commissioner



OFFICE OF ADMINISTRATIVE HEARINGS

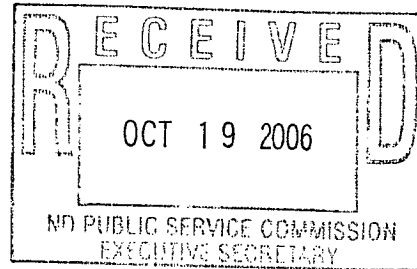
STATE OF NORTH DAKOTA
1707 North 9th Street
Bismarck, North Dakota 58501-1882

Allen C. Hoberg
DIRECTOR

October 18, 2006

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

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



Dear Mr. Binek:

Thank you for your October 17, 2006, request of the designation of an administrative law judge from the Office of Administrative Hearings to conduct a hearing in the matter of Midcontinent Communications/Consolidated Telecom. I hereby designate Al Wahl 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.*, 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. I understand the hearing is scheduled for December 6, 2006, beginning at 9:00 a.m., in the Commission's Hearing Room, 12th Floor, State Capitol. Because the administrative law judge is requested to conduct the hearing only, the agency must give proper notice of the hearing.

Your request has been assigned OAH File No. 20060400. 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. Patrick W. Durick
Counsel for Midcontinent Communications
Mr. Michael J. Maus
Counsel for Consolidated Telecom

13 PU-06-400

Pages: 1

Al Wahl designated ALJ

by Office of Administrative Hearings

10/19/2006 CC: Comm Legal Ilona. Pat. Annette . .



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

October 17, 2006

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

Mr. Michael J. Maus
Hardy, Maus & Nordsvan PC
P. O. Box 570
Dickinson, ND 58602-0570

Re: Request for Court Reporter
Case No. PU-06-400
Midcontinent Communications/Consolidated Telecom
Rural Exemption
Investigation

Dear: Mr. Durick and Mr. Maus:

The hearing in the above case has been rescheduled for December 6, 2006, beginning at 9 a.m., in the Commission Hearing Room. The Commission will tape record the hearing. If parties would like a court reporter present at the hearing they may do so, and may make their own arrangements. However, if parties would like the Commission to arrange for a court reporter please notify the Commission in writing and our office will make the necessary arrangements.

Parties will pay all costs associated with the court-reporting service.

Please notify the Commission with your decision within ten days of receipt of this letter.

If you have any questions, please contact us. Thank you.

Sincerely,

William W. Binek
Hearing Administrator



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

October 17, 2006

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

Re: Midcontinent Communications/Consolidated Telecom
Rural Exemption
Investigation
Case No. PU-06-400

Dear Mr. Hoberg:

Enclosed is a request for an administrative law judge in the above case. The Commission has scheduled a hearing for December 6, 2006, beginning at 9 a.m., in the Commission's Hearing Room, 12th Floor, State Capitol, Bismarck. The administrative law judge will serve as a procedural law judge, a court reporter may be present, and the hearing will be tape recorded. 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: Patrick W. Durick
Michael J. Maus



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

Name of Agency, Board, or Commission
 Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the hearing in Case No. PU-06-400, Midcontinent Communications/Consolidated Telecom-Rural Exemption Investigation. Hearing is set for December 6, 2006 at 9 a.m., in the Commission's Hearing Room, 12th Floor, State Capitol, Bismarck.

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

Please attach related documents and correspondence.

The administrative action is more fully described as follows:

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

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

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

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

AGENCY Public Service Commission	Address 600 E. Blvd. Ave., Dept. 408, Bismarck, ND 58505	Telephone Number 701-328-2400
Representation William W. Binek, Chief Counsel	Address Same as above	Telephone Number 701-328-4088
PARTY Midcontinent Communications	Address Sioux Falls, SD	Telephone Number
Representation Patrick W. Durick, Pearce & Durick	Address P. O. Box 400, Bismarck, ND 58502-0400	Telephone Number 701-223-2890
PARTY Consolidated Telecom	Address Dickinson, ND	Telephone Number
Representation Michael J. Maus, Hardy Maus & Nordsven PC	Address P. O. Box 570, Dickinson, ND 58602-0570	Telephone Number 701-483-4500

Additional Comments
 Hearing will be tape recorded and a court reporter may be present.

(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 10-17-06
Signature of Requesting Person X	Telephone Number 701-328-4088

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Midcontinent Communications/Consolidated
Telecom
Rural Exemption
Investigation**

Case No. PU-06-400

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 **16th day of October, 2006**, she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Notice of Hearing

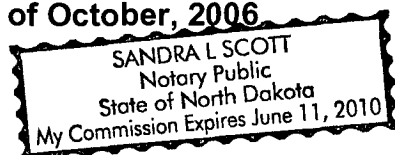
The envelopes were addressed as follows:

Patrick W Durick
Pearce & Durick
314 E Thayer Ave
Bismarck ND 58502-0400
Cert. No. 7005 3110 0003 6265 6397

Michael J Maus
Hardy Maus & Nordsven P C
137 1st Ave W
Dickinson ND 58601
Cert. No. 7005 3110 0003 6265 6403

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

Sharon Helbling

Sandra L. Scott

Notary Public

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Midcontinent Communications/Consolidated Telecom
Rural Exemption
Investigation**

Case No. PU-06-400

AFFIDAVIT OF SERVICE BY ORDINARY MAIL OR E-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, envelopes by first class mail, fully prepaid, securely sealed, and e-mailed, each containing a photocopy of:

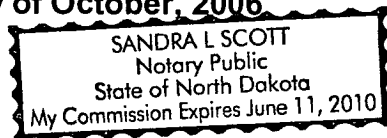
Notice of Hearing

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 **16th day of October, 2006**



SEAL

Sharon Helbling

Sandra L. Scott

Notary Public

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Santa Ana CA 92704

Cogniqen 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

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

Converqia 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

Anthony Barrett
Covista Inc
4803 Hwy 58 N
Chatanooga TN 37416

Custom Teleconnect Inc
3111 S Valley View Ste E-120
Las Vegas NV 89102

Cybertel Communications Corp
9444 Waples ST Ste 290
San Diego CA 92121-2985

William Jackson
Dakota Justice
38 8th Ave W
Dickinson ND 58601

Daktel Communications LLC
P O Box 299
Carrington ND 58421-0299

Dave Dircks
DCN LLC
P O Box 180
Devils Lake ND 58301-0180

DelTel Inc
27071 Aliso Creek Rd Ste 150
Aliso Viejo CA 92656-5323

Dialaround Enterprises Inc
30-50 Whitestone Expwy 1st Fl Ste 102
Flushing NY 11354

Dial-Thru Inc
17383 Sunset Blvd Ste 350
Pacific Palisades CA 90272-4195

Digital Telecommunications Inc
111 Riverfront Ste 305
Winona MN 55987

DSLnet Communications LLC
545 Long Wharf Dr
New Haven CT 06511

Eagle Telecom Inc
614 S 8th St Ste 335
Philadelphia PA 19147

Easton Telecom Services Inc
3046 Brecksville Rd #A

Easton Telecom Services LLC
Summit II Unit A
3406 Brecksville Rd
Richfield OH 44286

Encompass Communications LLC
119 W Tyler Ste 260
Longview TX 75601

Enhanced Communications Group LLC
312 E Delaware Ave
Bartlesville OK 74003-3630

Enhanced Communications Network Inc
1031 S Glendora Ave
West Covina CA 91790

Entrix Telecom Inc
520 Broad St
Newark NJ 07102

Epixtar Communications Corp
11900 Biscayne Blvd Ste 262
Miami FL 33181

erbia Network Inc
7901 Ariel Way
McLean VA 22102

Ernest Communications Inc
5275 Triangle Pkwy Ste 150
Norcross GA 30092

Exerqy Group LLC
1550 W 84th St Ste 50
Hialeah FL 33014

Chere Heintzmann
Extend America Inc
1101 E Front Ave
Bismarck ND 58504-5654

Farstad Oil Inc
P O Box 1842
Minot ND 58701

Lawrence Freedman
Fleischman & Walsh
1919 Pennsylvania Ave NW Ste 600
Washington DC 20006-3420

FredonStarr Communications Inc
7985 Santa Monica Blvd #7
West Hollywood CA 90046

Funding Our Future LLC
1900 Wellesley Ave
St Paul MN 55105

Gates Communications Inc
1100 Olive Way #951
Seattle WA 98101

Gerlach Enterprises Inc
3002 Fiechtner Dr S Ste 1
Fargo ND 58103-2387

Global Communications Consulting Corp
2 Greenwood Sq Ste 110
3331 St Rd
Bensalem PA 19020-2052

Global Tel*Link Corporation
2609 Cameron St
Mobile AL 36607-3104

Globalcom Inc
333 West Wacker Ste 1500
Chicago IL 60606

GLOBCOM INCORPORATED
2100 Sanders Rd Ste 150

Go Solo Technologies Inc
5053 Ocean Blvd #54
Sarasota FL 34242

Gold Line Telemanagement Inc
180 W Beaver Creek Rd
Richmond Hill Ontario CA L4B 1B4

Granite Telecommunications LLC
100 Newport Ave Ext
Quincy MA 02171

Group Long Distance Inc
1 Cavalier Ct
Ringoes NJ 08551-0534

GTC Telecom
3151 Airway Ave Ste p_3
Costa Mesa CA 92626

Houlton Enterprises Inc
2201 W Bdwy Ste 1
Council Bluffs IA 51501

IBFA Acquisition Company LLC
1850 Howard St Unit C
Elk Grove Village IL 60007

Julia Waysdorf
ICG Telecom Group Inc
161 Inverness Dr W
Englewood CO 80112

Infone LLC
11200 Murray Scholls Place
Beaverton OR 97007-9702

Intercontinental Communicatiosn Group I
420 Lexington Ave Ste 518
New York NY 10170

Ken Hanks
International Telcom Ltd
417 2nd Ave W
Seattle WA 98119

International Telemanagement Group Inc
206 E Market St
Lima OH 45801

David A. Huberman
Intrado Communications Inc
1601 Dry Creek Dr
Longmont CO 80503-6493

Ionex Communications North Inc
2300 Main St Fl 6
Kansas City MO 64108-2415

IPVoice Communications Inc
14860 Montfort Dr Ste 210
Dallas TX 75254

Nanette Edwards
ITC DeltaCom Communications Inc
7037 Old Madison Pike NW #400
Huntsville AL 35806-2107

KMC Data LLC
1545 Route 206
Bedminster NJ 07921

Myer Shark
Knollwood Place Apts #221
3630 Phillips Pkwy
St Louis Park MN 55426

Thomas K Crowe
Law Offices of Thomas K Crowe PC
1250 24th St NW Ste 300
Washington DC 20037

LCI Telemanagement Corp
4650 Lakehurst Ct

LCR Telecommunications LLC
100 West Big Beaver Rd Ste 200
Troy MI 48084

LDC Telecommunications Inc
10012 N Dale Mabry Hwy
Tampa FL 33618

Level 3 Communications LLC
1025 Eldorado Blvd
Broomfield CO 80021

Lightyear Network Solutions LLC
201 E Main St Ste 1000
Lexington KY 40507

Local Telcom Holdings LLC
485 Madison Ave 15th Fl
New York NY 10022-5803

Long Distance Billing Services Inc
436 Lynchburg Ave
Brookneal VA 24528

Main Street Telephone Company
470 Norristown Rd Ste 201
Blue Bell PA 19422-2322

Maxcess Inc
P O Box 951419
Lake Mary FL 32795-1419

McGraw Communications Inc
228 E 45th St 12th Fl
New York NY 10017

MCI Worldcom Network Services Inc
22001 Loudoun Cty Pkwy
Ashburn VA 20147-6105

MCImetro Access Transmission Services
22001 Loudoun County Pkwy
Ashburn VA 20147-6105

McKenzie Consolidated Telecom LLC
P O Box 1408
Dickinson ND 58602-1408

McLeodUSA
1 Martha's Way
Hiawatha IA 52233-2402

Mercury Long Distance Inc
2288 Gunbarrel Rd Ste 111-269
Chattanooga TN 37421

Metropolitan Telecomm of ND Inc
44 Wall St 6th Fl
New York NY 10005

MGEN Services Corp
2510 N Red Hill Ave
Santa Ana CA 92705

Micro-Comm Inc
2612 Cameron
Mobile AL 36670-0461

Mid-Rivers Long Distance Inc
106 2nd Ave S
Circle MT 59215

Minnesota Independent Equal Access Corp
300 S Hwy 169 Ste 700
Minneapolis MN 55426

Miracle Communications Inc
725 Lakefield Rd Ste G

Mike Strand
MITS
PO Box 5237
Helena MT 59604-5237

National Access Long Distance Inc
2055 Gateway Place Ste 400
San Jose CA 95110

National Directory Assistance LLC
12700 Shelbyville Rd Danville Bldg
Louisville KY 40243

Jim Arbury
National Multi Housing Council
1850 M St NW Ste 540
Washington DC 20036

National Professional Teleservices LLC
14001 63rd Way N
Clearwater FL 33760

National Telecom Inc
2235 E Flamingo Rd Ste 405
Las Vegas NV 89119

Dave Crothers
NDATC
Box 1144
Mandan ND 58554-1144

NECC Telecom Inc
605 N Shore Dr Unit 101-103
Jeffersonville IN 47130

Nemont Communications Inc
P O Box 600
Scobey MT 59263

Net One International Inc
4037 Metric Dr
Winter Park FL 32792-6808

Netlojix Telecom Inc
104 W Anapamu St Ste C
Santa Barbara CA 93101

Network Billing Systems LLC
155 Willowbrook Blvd
Wayne NJ 07470

Network Communications International Co
606 E Magrill St
Longview TX 75601

Network Enhanced Technologies Inc
700 S Flower St Ste 420
Los Angeles CA 90017-4106

Network Operator Services Inc
119 West Tyler Ste 260
Longview TX 75601

Network PTS Inc
14472 Wicks Blvd
San Leandro CA 94577

Network Service Billing Inc
7251 W Lake Mead Blvd Ste 300
Las Vegas NV 89128

Network US Inc
1842 Centre Point Dr Ste 128
Naperville IL 60563-4851

NetworkIP LLC
119 West Tyler St Ste 168
Longview TX 75601

New Century Telecom Inc
8180 Greensboro Dr #700

New Edge Network Inc
3000 Columbia House Blvd Ste 106
Vancouver WA 98661

Bob Edgerly
Nextel West Corp
2001 Edmund Halley Dr
Reston VA 20191

NobelTel LLC
5759 Fleet St
Carlsbad CA 92008

Norlight Inc
13935 Bishops Dr
Brookfield WI 53005-6605

Cheryl Jung
Norstan Network Services Inc
5101 Shady Oak Rd
Minnetonka MN 55343

Angel Sotomayor
North Dakota 5-Kidder Ltd Ptnshp
180 Washington Valley Rd
Bedminster NJ 07921-2120

Carmine Russo
North Dakota Big Sky Telecom
374 Ansin Blvd
Hallandale FL 33009

Dave Dircks
North Dakota Long Distance Inc
P O Box 180
Devils Lake ND 58301-0180

North Dakota Long Distance LLC
104 Eastwood Dr
Grafton ND 58237

Nosva Limited Partnership
4380 Boulder Hwy
Las Vegas NV 89121-3002

NPCR Inc
4500 Carillon Pt
Kirkland WA 98033

OCMC Inc
801 Congressional Blvd
Carmel IN 46032

OLS Inc
1030 Cambridge Sq Ste E
Alpharetta GA 30201

One Call Communications Inc
801 Congressional Blvd
Carmel IN 46032

Opcom Inc
512 N 29th St
Billings MT 59101-1128

Brad Van Leur
OrbitCom Inc
1701 N Louise Ave
Sioux Falls SD 57107

OU Connection Inc
13 E 4th Ave
Ada MN 56510

Ozark Telecom Inc
1115 Mill St
Camden SC 29020

Pacific Centrex Services Inc
6855 Tujunga Ave
North Hollywood CA 91605

PAETEC Communications Inc
1 PaeTec Plaza
600 Willowbrook Office Pk

Phonel Inc
100 N Biscayne Blvd 25th FL
Miami FL 33132

PNG Telecommunications Inc
100 Commercial Dr
Fairfield OH 45014

POPP Telcom Inc
620 Mendelssohn Ave N
Golden Valley MN 55427

Powercom Corporation
1807 N Center St
Beaver Dam WI 53916-1031

Preimiercom Inc
500 E Higgins Rd Ste 200
Elk Grove Village IL 60007

Premiere Network Services Inc
1510 N Hampton Rd Ste 120
DeSoto TX 75115

Professional Comm Management Serv Inc
RR 3 Box 69G
Bruceton Mills WV 26525-9611

Public Communications Services Inc
11859 Wilshire Blvd Ste 600
Los Angeles CA 90026

Public Communications Services Inc
11859 Wilshire Blvd Ste 600
Los Angeles CA 90025

Quasar Communications Corporation
15610 Boulder Oaks Dr
Houston TX 77084

Quick Tel Inc
3822 Ironwood Pl
Landover MD 20785

Qwest Corporation
1801 California St Ste 900
Denver CO 80202

Kristin L Smith
Qwest Corporation
1801 California St Ste 900
Denver CO 80202

Qwest Interprise America Inc
1801 California St Ste 5100
Denver CO 80202

Qwest LD Corp
1801 California St Ste 5100
Denver CO 80202

QX Telecom LLC
230 5th Ave
New York NY 10001

R2C Communications Inc
9532 Mission Rd #25
Overland Park KS 66206

Radiant Telecom Inc
1020 NW 163 Dr
Miami FL 33169

RCC Network Inc
3905 Dakota St SW
Alexandria MN 56308-2000

Dean Polkow
RCC Network Inc
PO Box 2000

RCC Paqing Inc
P O Box 2000
Alexandria MN 56308

Reduced Rate Long Distance LLC
1800 Pembroke Dr Ste 300
Orlando FL 32810

Reliance Telephone Systems Inc
118 Gateway Dr
East Grand Forks ND 56721

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

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

Ridley Telephone Company LLC
470 Norristown Rd Ste 201
Blue Bell PA 19422-2322

Kimberly Nielson
RTC-1
Legal & External Affairs
7277 164th Ave NE
Redmond WA 98052

Smartnet Inc
649 4th Ave SW
Dickinson ND 58601

Smartstop Inc
333 SW Taylor St
Portland OR 97204-2446

Snip Link LLC
100-A Twinbridge Dr
Pennsauken NJ 08110

Souris River Telecommunications Company
P O Box 2027
Minot ND 58702-2027

Andrew Jones
Sprint Communications Company
6391 Print Pkwy
Overland Park KS 66251-6100

Sprint Spectrum LP
6160 Sprint Pkwy 4th Fl
KSOPHIO414
Overland Park KS 66251

Startec Global Licensing Company
1151 Seven Locks Rd
Potomac MD 20854-2968

Harris Saele
T P C Inc
PO Box 180
Devils Lake ND 58301-0180

TCPB Marketing Company Ltd
P O Box 40149
Bay Village OH 44140-0149

William Staycoff
Telcom Billing Services Inc
9243 E River Rd NW
Coon Rapids MN 55433-5722

Donald Roudebush
Telecare Incorporated
444 Lafayette Rd
Noblesville IN 46060

TeleCents Communications Inc
8615 Richardson Rd Ste 200
Walled Lake MI 48390

Telecom Management Inc
563 Warren Ave

Teleconnect Long Dist Services & Systems
500 2nd Ave SE
Cedar Rapids IA 52401

Telefyne Incorporated
4286 Woodbine Rd Ste B
Pace FL 32571

Telenational Communications Inc
7310 Woolworth Ave
Omaha NE 68124

Telera Communications Inc
910 E Hamilton Ave Ste 200
Campbell CA 95008

Telliss LLC
10142 Brooks School Rd Ste 198
Fishers IN 46038

Telrite Corporation
14500 Lochridge Blvd Ste D
Covington GA 30014-4941

TelVue Corporation
16000 Horizon Way
Mt Laurel NJ 08054

The Farm Bureau Connection
600 Maryland Ave SW Ste 800
Washington DC 20024-2520

Jonathan Marashlian
The Helein Law Group P C
8180 Greensboro Dr Ste 700
McLean VA 22102

CURTIS HOPFINGER
T-NETIX TELECOMMUNICATIONS SERVICES, IN
14651 DALLAS PARKWAY SUITE 600
DALLAS TX 75254

Total Call International Inc
707 Wilshire Blvd 9th Fl
Los Angeles CA 90017-3501

Touch I Communications Inc
100 Brookwood Rd
Atmore AL 36504-5751

Touchtone Communications Inc
16 S Jefferson Rd
Whippany NJ 07981

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
Santa Barbara CA 93101

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

Uni-Tel Communications Group Inc
47 E Chicago Ave Ste 328
Naperville IL 60540

US LEC Communications Inc
6801 Morrison Blvd Morrocroft III

USA Digital Communications Inc
1603 SE 19th St Ste 120
Edmond OK 73013-6621

Val-Ed Joint Venture LLP/702
702 Main Ave
Moorhead MN 56560

Rick Cantu
Value-Added Communications Inc
3801 E Plano Pkwy Ste 100
Plano TX 75074-1808

Virgin Mobile USA LLC
10 Independence Blvd
Warren NJ 07059-6747

WDT World Discount Tele Co
13644 Neuton Rd
Dallas TX 75244

WebNet Communications Inc
20904 Winola Ter
Ashburn VA 20147-6482

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

Wholesale Carrier Services Inc
7200 W Camino Real Ste 303
Boca Raton FL 33433

Carolyn Fodor
Winstar Communications
520 Broad St
Newark NJ 07102

Wireless Alliance LLC
P O Box 2000
Alexandria MN 56308-2000

Working Assets Funding Services
101 Market St #700
San Francisco CA 94105-1533

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

X2Comm Inc
270 S Main St
Flemington NJ 08822

XO Communications Services Inc
11111 Sunset Hills Rd
Reston VA 20190

Yak Communications (America) Inc
300 Consilium Pl Ste 500
Toronto Ontario CA M1H 3G2

Jill Papenhausen
Zone Telecom Inc
3 Executive Campus Ste 520
Cherry Hill NJ 08002

Helbling, Sharon D.

From: Helbling, Sharon D.
Sent: Monday, October 16, 2006 10:03 AM
To: ndna
Cc: Scott, Sandi L.
Subject: Attached Notice of Hearing, Case No. PU-06-400

Attachments: Notice of Hearing.doc

Colleen Park
North Dakota Newspaper Association

Colleen,

Please have the attached Notice of Hearing published as a legal publication in the next issue of the Dickinson Press and run it as a News Item Only article as well.

Send the bill to the Public Service Commission, along with a tear sheet for billing purposes.

If you have any questions, please let me know. Thank you.

Sharon Helbling
Public Utilities Division



**Notice of
ing.doc (41**

APPROVED

DATE: 10-12-06
(Signature)

MOTION

October 12, 2006

**Midcontinent Communications/Consolidated Telecom
Rural Exemption
Investigation**

Case No. PU-06-400

I move the Commission issue a Notice of Hearing in this proceeding.

PJF/sdh

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Midcontinent Communications/Consolidated Telecom
Rural Exemption
Investigation**

Case No. PU-06-400

NOTICE OF HEARING

October 12, 2006

On May 18, 2006, June 20, 2006 and July 13, 2006, Midcontinent Communications ("Midcontinent") made bona fide requests under 47 U.S.C. § 251(c) for wholesale resold services for the Mott, Killdeer, Halliday, Bowman, Richardton and Rhame, North Dakota exchanges from Consolidated Telecom ("Consolidated"). By its filing on September 8, 2006 Midcontinent notified the Commission of its bona fide request.

Consolidated filed its response on September 15, 2006. Consolidated contends that Midcontinent's letter of request dated May 18, 2006 was in error and that June 20, 2006 is the effective date of request for wholesale resale services under Section 251(c)(4)(A) for the Mott, Killdeer, Halliday, Bowman and Richardton exchanges and that July 13, 2006 is the effective date of the request for the Rhame exchange. Consolidated contends that Midcontinent's Notice was filed prematurely with the Commission.

Under 47 U.S.C. § 251(f)(1)(A) a rural telephone company is exempt from the requirements of Section 251(c) until it receives a bona fide request and until the state commission determines that the exemption should be terminated.

Midcontinent requests that the Commission conduct an inquiry for the purpose of determining whether to terminate the Consolidated's 47 U.S.C. § 251(f)(1)(A) exemption from providing its services for resale.

Under 47 U.S.C. § 251(f) the Commission must conduct an inquiry within 120 days after the Commission receives notice of a bona fide request.

A public hearing has been scheduled for **December 6, 2006 at 9 a.m. (CST) in the Commission Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota.**

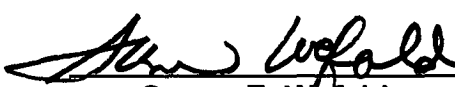

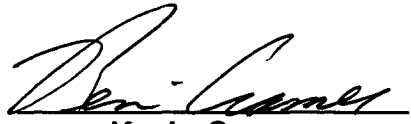
The issues to be considered in this matter are:

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 (c)(1)(D) thereof).

4. The implementation schedule for compliance with the request should the exemption be terminated.
5. If Consolidated's exemption under 47 U.S.C. § 251(f)(1)(A) is terminated, whether the exemption is to be terminated for the whole company.
6. If Consolidated's exemption under 47 U.S.C. § 251(f)(1)(A) is terminated, whether the exemption is to be terminated for all services required under 47 U.S.C. § 251(c).

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify Illona A. Jeffcoat-Sacco, Executive Secretary at least 24 hours in advance.

PUBLIC SERVICE COMMISSION

		
Susan E. Wefald Commissioner	Tony Clark President	Kevin Cramer Commissioner



WILLIAM P. PEARCE
PATRICK W. DURICK
B. TIMOTHY DURICK
GARY R. THUNE
JEROME C. KETTLESON
LARRY L. BOSCHEE ♦♦
LAWRENCE BENDER, PC ♦
JONATHAN P. SANSTEAD
TIFFANY L. JOHNSON

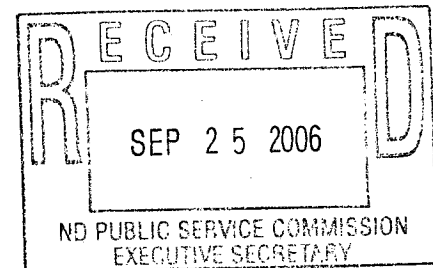
ATTORNEYS AT LAW
314 EAST THAYER AVENUE
P.O. BOX 400
BISMARCK, NORTH DAKOTA 58502

TELEPHONE (701) 223-2890
FAX (701) 223-7865
E-MAIL: law.office@pearce-durick.com

September 25, 2006

VIA HAND DELIVERY

Illona Jeffcoat-Sacco
Executive Director
North Dakota Public Service Commission
Capitol
600 East Boulevard, Ninth Floor
Bismarck, North Dakota 58505



Re: Midcontinent Communications - Consolidated Telcom
Notice to Take the Deposition of Consolidated Telcom

Dear Director Jeffcoat-Sacco:

Enclosed is a copy of **RULE 30(b)(6) NOTICE TO TAKE THE DEPOSITION OF CONSOLIDATED TELCOM**. We are also electronically filing this document with the Commission.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

Patrick W. Durick
Counsel to Midcontinent Communications

PWD/me

Enclosures.

c: Mr. Michael J. Maus

5 PU-06-400

Pages: 6

Notice to Take the Deposition of Consolidated
Telcom
by Midcontinent Communications by Patrick Durick, Atty.
09/25/2006 CC: Comm Legal Illona, Pat, Annette . .

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Midcontinent Communications,)
a South Dakota Partnership,)
Complainant,)
Consolidated Telcom,)
Respondent.)

AFFIDAVIT OF SERVICE BY MAIL

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

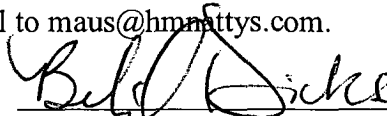
BELINDA DICKSON, hereby certifies that on September 22, 2006, she served a copy of the foregoing:

RULE 30(b)(6) NOTICE TO TAKE THE DEPOSITION OF CONSOLIDATED TELECOM

by placing a true and correct copy thereof in an envelope and depositing the same, with postage prepaid, in the United States mail at Bismarck, North Dakota. addressed to the following:

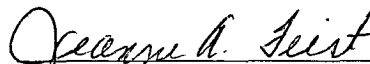
Mr. Michael Maus
Hardy, Maus & Nordsven
P. O. Box 570
Dickinson, ND 587602-0570

and by facsimile to 701-483-4501 and email to maus@hmnattys.com.



BELINDA DICKSON

Subscribed and sworn to before me September 22, 2006.



Notary Public
Burleigh County, North Dakota

JEANNE A. FEIST
Notary Public State of North Dakota
My Commission Expires MARCH 7, 2007

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Midcontinent Communications,)
a South Dakota Partnership,)
)
Complainant,)
)
vs.)
)
Consolidated Telcom,)
)
Respondent.)

Case No. PU-06-400

**RULE 30(b)(6) NOTICE TO TAKE THE DEPOSITION OF
CONSOLIDATED TELCOM**

TO: CONSOLIDATED TELCOM AND ITS ATTORNEY, MICHAEL J. MAUS, ESQ.,
HARDY, MAUS & NORDSVEN, P.C., 137 FIRST AVENUE WEST, DICKINSON, ND
58601.

PLEASE TAKE NOTICE that deposition of a representative of Consolidated Telcom
(hereinafter "Respondent Consolidated") will be taken at the Stark County Courthouse, Dickinson,
North Dakota, on Friday, October 27, 2006 at 9:00 a.m. and thereafter until the same shall be
completed.

YOU ARE HEREBY NOTIFIED that Rule 30(b)(6) requires Respondent Consolidated to
designate and have at the deposition one or more of its officers, directors or managing agents (or
other employees or persons who consent to testify for the corporation), and may designate different
individuals to testify for the corporation on the various matters by specifying the matters which each
will testify. Said designated individual(s) shall have knowledge of and testify to the following
matters:

1. Individual(s) knowledgeable on the financial condition of Respondent Consolidated, including the balance sheet and results of operations of Respondent Consolidated for the last five years and financial projections for the next three years.

2. Individual(s) knowledgeable concerning the potential financial impact on Respondent Consolidated of competition from Midcontinent Communications in the market for telephone services, including assumptions on the number of customers that would switch their telephone services to Midcontinent during the first three years by one year intervals and the need, if any, to increase rates to remaining customers of Respondent Consolidated.

3. Individual(s) knowledgeable regarding Respondent Consolidated's plans to offer video programming to its customers, including the specific services to be offered, the area where the services will be offered and the time line for the offering of those services.

4. Individual(s) knowledgeable on the technical feasibility of providing resold telephone services to Midcontinent Communications including the network design of Respondent Consolidated's system and the ability of Respondent Consolidated to provide resold services to Midcontinent as well as any specific problems anticipated in providing such services.

5. Individual(s) knowledgeable of the anticipated impact on the Universal Service Requirements of section 254 of Title 47 U.S.C. of Respondent Consolidated's providing resold services to Midcontinent Communications.

Respondent Consolidated is also hereby required to produce pursuant to Rules 34 of the North Dakota Rules of Civil Procedure at its deposition at the Stark County Courthouse, the following documents regarding this matter:

1. Copies of Respondent Consolidated's annual financial statements including but not limited to

a balance sheet and an operating statement for the last five calendar years.

2. Copies of financial projections for Respondent Consolidated for the next three years.

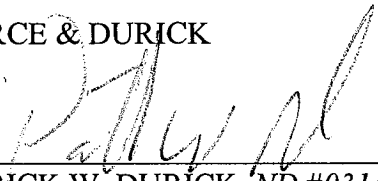
3. Copies of job description(s), advertising and any other materials concerning position(s) in Respondent Consolidated relating to deployment, provision and/or marketing of video programming.

4. Copies of any studies done by Respondent Consolidated or by consultants retained by Respondent Consolidated on the potential impact of competition in the market for telephone services in the Mott, Killdeer, Halliday, Bowman, Richardton or Rhame markets.

5. Copies of any studies done by Respondent Consolidated or by consultants retained by Respondent Consolidated on the subject of Respondent Consolidated entering the market to provide video programming in competition with Midcontinent Communications in the Mott, Killdeer, Halliday, Bowman, Richardton or Rhame markets.

Dated this 21st day of September, 2006.

PEARCE & DURICK



PATRICK W. DURICK ND #03141
Individually and as a Member of the Firm
314 E. Thayer Avenue
P. O. Box 400
Bismarck, ND 58502-0400
(701) 223-2890

Attorneys for Midcontinent Communications, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE TO TAKE RULE 30b(6) DEPOSITION OF CONSOLIDATED TELECOM** was on the 21ST day of September, faxed and mailed to the following:

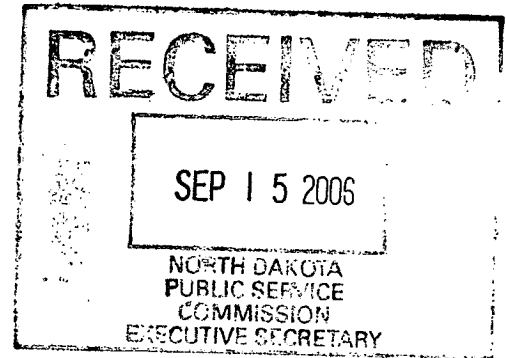
Michael J. Maus, Esq.
Hardy, Maus & Nordsven, P.C.
137 First Avenue West
Dickinson, ND 58601

Albert J. Hardy
Michael J. Maus
Mary E. Nordsven
Gail Bloom, CLA
Some members also authorized to practice
law in Montana, Colorado and Texas

**Hardy, Maus
& Nordsven, P.C.**
ATTORNEYS • AT • LAW

137 First Avenue West
P.O. Box 570
Dickinson, ND 58602-0570
Telephone: (701) 483-4500
Facsimile: (701) 483-4501
hmn@hmnattys.com

September 14, 2006



Illona Jeffcoat-Sacco, Executive Secretary
North Dakota Public Service Commission
State Capitol
600 E. Boulevard Ave., 9th Floor
Bismarck, ND 58505

Re: Midcontinent Communications - Consolidated Telcom
Response to Bona Fide Request for Services

Dear Ms. Jeffcoat-Sacco:

Enclosed for filing are the original and seven copies of Consolidated Telcom's Response to Bona Fide Request for Services. We are also electronically filing the same with the Commission.

If you have any questions, please contact me.

Sincerely,

HARDY, MAUS & NORDSVEN, P.C.

A handwritten signature in black ink, appearing to read "Michael J. Maus". The signature is fluid and cursive.

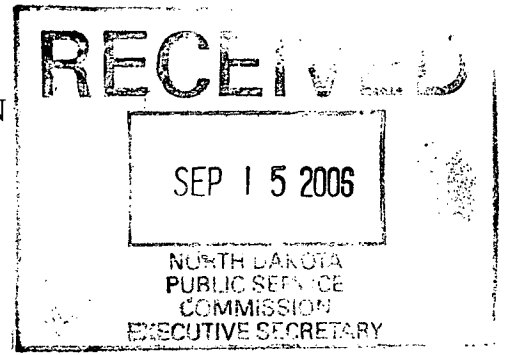
Michael J. Maus

MJM:sk

Enclosure

cc: Patrick W. Durick

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION



Midcontinent Communications, a)
South Dakota Partnership,)
)
Complainant,)
)
vs.)
)
Consolidated Telcom,)
)
Respondent.)

Case No.

RESPONSE TO BONA FIDE REQUEST FOR SERVICES

Midcontinent Communications has filed a Notice with the Public Service Commission entitled "Notice of Bona Fide Request for Services" dated September 8, 2006. This is the Response of Consolidated Telcom to that Notice.

The initial letter of Request from Midcontinent Communications dated May 18, 2006, was in error in that it did not correctly identify the company to whom the request was being made, nor did it correctly identify all exchanges where it was requesting an agreement for wholesale resale telecommunication services. The letter from Midcontinent's attorney dated June 20, 2006, correctly identifies Consolidated Telcom and the exchanges where the services are being requested. June 20, 2006, is the effective date of the request for wholesale resale services under Section 251(c)(4)(A).

Midcontinent Communications did not make any request for wholesale resale services for the Rhame exchange until July 13, 2006. This is the effective date of the request under Section 251(c)(4)(A) with regard to wholesale resale services for the Rhame exchange.

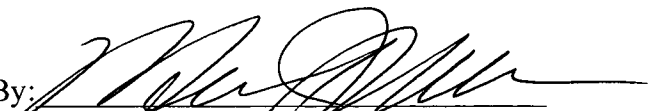
Consolidated Telcom has always been willing to negotiate with Midcontinent Communications based upon the proposed contract that they sent out. By letter dated July 28, 2006,

Midcontinent was informed that Consolidated would like to meet with representatives and negotiate the terms and conditions of resale between Consolidated Telcom and Midcontinent Communications. Midcontinent Communications subsequently declined to honor the terms that they had offered, but they did not notify Consolidated Telcom of this fact until an email was sent August 25, 2006, a copy of which is attached, wherein Midcontinent Communications stated for the first time that the discount rate they had proposed was no longer available and that they would suggest a rate in the near future. Consolidated Telcom responded with a letter of September 7, 2006, requesting that the suggested discount rate be sent out as soon as possible so it could be considered at their next Board meeting on September 22, 2006. Instead of providing a suggested discount rate, Midcontinent Communications filed a Notice with the Public Service Commission. Midcontinent Communications did not suggest any discount rate between August 25th and September 7th nor have they as of the date of this Response, but they don't want to give Consolidated Telcom until their Board meeting to consider the suggested discount rate.

Consolidated Telcom never indicated to Midcontinent Communications that it was not willing to meet and negotiate the terms and conditions of an agreement. The next move was up to Midcontinent Communications. They were invited to propose a discount rate. The Notice was filed prematurely with the Commission.

Dated this 14th day of September, 2006.

HARDY, MAUS & NORDSVEN, P.C.
Attorneys for Consolidated Telcom
137 First Avenue West, P.O. Box 570
Dickinson, ND 58602-0570
Telephone: 701-483-4500

By: 
Michael J. Maus #03499

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing RESPONSE TO BONA FIDE REQUEST FOR SERVICES was on the 14th day of September, 2006, mailed to:

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



Michael J. Maus

Albert J. Hardy
Michael J. Maus
Mary E. Nordsvan
Rhonda R. Ellis

Some members also authorized to practice
law in Montana, Colorado and Texas

**Hardy, Maus
& Nordsvan, P.C.**
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Facsimile: (701) 483-4501
hmn@hmnattys.com

August 24, 2006

Patrick W. Durick
Attorney at Law
P.O. Box 400
Bismarck, ND 58502-0400


Re: Midcontinent

Dear Pat:

Consolidated will negotiate with Midco on the affected exchanges as to resale. Consolidated agrees to the proposed 10% discount, but has some other language changes with regard to the proposed agreement. We hope to get those to you within two weeks.

Sincerely,

HARDY, MAUS & NORDSVAN, P.C.



Michael J. Maus

MJM:sk

cc: Paul Schuetzler
Jim Howard
Valerie Wimer

EXHIBIT A

Cc: ZZLohnes, Mary; Harrington, J.G.
Subject: Midcontinent - Consolidated Telecom

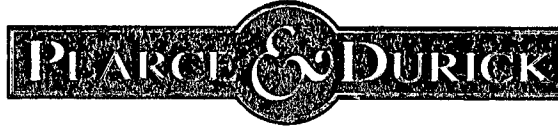
Mike:

I have your letter of August 24, 2006 and I interpret the offer to negotiate as a confirmation that Consolidated will not claim the rural exemption. The 10% discount rate that you mention in your letter was contained in an earlier template and that rate is no longer available. Since that template was provided to you Midcontinent has been involved in a hearing on setting an interim rate and the results of the hearing indicate that a higher rate is appropriate. Midcontinent will agree to a rate that is consistent with the results of the hearing and financial data from Consolidated. I will suggest a rate to you in the near future.

I look forward to your comments on the suggested terms of an agreement.

Patrick W. Durick
P.O. Box 400
314 East Thayer Ave.
Bismarck, ND 58502-0400
(701) 333-0102 - Direct
(701) 333-0126 - Fax
(701) 220-3290 - Cell
pwd@pearce-durick

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WILLIAM P. PEARCE
 PATRICK W. DURICK
 B. TIMOTHY DURICK
 GARY R. THUNE
 DAVID E. REICH
 JEROME C. KETTLESON
 LARRY L. BOSCHEE ♦♦
 LAWRENCE BENDER, PC ♦
 JONATHAN P. SANSTEAD
 TIFFANY L. JOHNSON

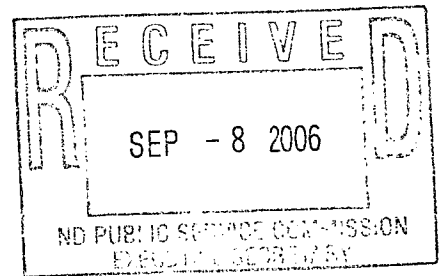
ATTORNEYS AT LAW
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 P.O. BOX 400
 BISMARCK, NORTH DAKOTA 58502

TELEPHONE (701) 223-2890
 FAX (701) 223-7865
 E-MAIL: law.office@pearce-durick.com

September 8, 2006

VIA HAND DELIVERY

Illona Jeffcoat-Sacco
 Executive Director
 North Dakota Public Service Commission
 Capitol
 600 East Boulevard, Ninth Floor
 Bismarck, North Dakota 58505



Re: Midcontinent Communications - Consolidated Telcom
 Bona Fide Request for Service

Dear Director Jeffcoat-Sacco:

Enclosed for filing herewith is an original and seven copies of **NOTICE OF BONA FIDE REQUEST FOR SERVICES**. We are also electronically filing these documents with the Commission.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

Patrick W. Durick
 Counsel to Midcontinent Communications

PWD/jf

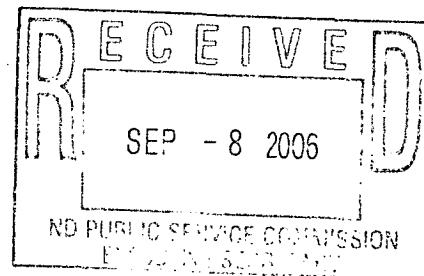
Enclosures.

c: Mr. Michael J. Maus

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Case No. _____

Midcontinent Communications, a)
South Dakota Partnership,)
)
Complainant,)
)
vs.)
)
Consolidated Telcom)
)
Respondent.)



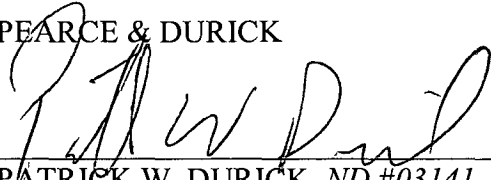
NOTICE OF BONA FIDE REQUEST FOR SERVICES

Pursuant to 47 U.S.C. §251f(1)(B), Midcontinent hereby provides notice that by letters dated May 18, 2006, June 20, 2006 and July 13, 2006, copies of which are marked as Exhibits "A" , "B" and "C" respectively and attached hereto, it made a bona fide request under the provisions of 47 U.S.C. §251(c) for wholesale resold services for the Mott, Killdeer, Halliday, Bowman, Richardton and Rhame, North Dakota exchanges from Consolidated Telcom ("Consolidated"), the incumbent local exchange carrier for those exchanges. By letters dated July 28, 2006 and September 7, 2006 marked as Exhibits "D" and "E" respectively and attached hereto, Consolidated refused to advise Midcontinent whether it will claim the rural exemption status provided in 47 U.S.C. §251(f)(1)(A).

WHEREFORE, Midcontinent requests that pursuant to the provisions of 47 U.S.C. §251(f)(1)(A), this agency conduct an inquiry for the purpose of determining whether Midcontinent's request for wholesale resold services from Consolidated under 47 U.S.C. §251(c) is not unduly economically burdensome, is technically feasible, and is consistent with section 254 of Title 47 U.S.C. (other than subsections (b)(7) and (c)(1)(D) of Section 254 of that Title).

Dated this 8th day of September, 2006.

PEARCE & DURICK

A handwritten signature in black ink, appearing to read 'P. W. Durick', is written over a horizontal line.

PATRICK W. DURICK *ND #03141*

Individually and as a Member of the Firm

314 E. Thayer Avenue

P. O. Box 400

Bismarck, ND 58502-0400

(701) 223-2890

Attorneys for Midcontinent Communications, Inc.



WILLIAM P. PEARCE
PATRICK W. DURICK
B. TIMOTHY DURICK
GARY R. THUNE
JEROME C. KETTLESON
LARRY I. BOSCHEE ••
LAWRENCE BENDER, PC •
JONATHAN P. SANSTEAD
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BISMARCK, NORTH DAKOTA 58502

TELEPHONE (701) 223-2890
FAX (701) 223-7865
E-MAIL: low.office@pearce-durick.com

May 18, 2006

VIA EXPRESS MAIL – RETURN RECEIPT REQUESTED

Mr. Paul Schuetzler
Consolidated Telcom
PO Box 1408
507 South Main
Dickinson, ND 58601

Re: Midcontinent Communications
Request for Section 251(c)(4)(A) Wholesale Resale Service

Dear Sir:

I am writing on behalf of Midcontinent Communications (“Midcontinent”). The purpose of this letter is to request from Consolidated Telecom (“Consolidated”) an agreement for wholesale resale telecommunications services that Consolidated provides at retail to subscribers who are not telecommunications carriers for the Mott, Kildeer, Haliday, Bowman & Richardton exchanges.

This request is made under the provisions of Section 251(c)(4)(A) of the Act, 47 U.S.C. § 251(c)(4)(A), and is intended to trigger the time periods for negotiation and arbitration under Section 252 of the Act.

We would like to begin negotiations expeditiously and to facilitate those negotiations, we have enclosed a proposed Resale Agreement that has been used in an exchange here in North Dakota which is similar to the exchanges involved in this matter.

We look forward to negotiating and reaching an acceptable Resale Agreement with Consolidated for the exchanges involved. Please provide me with your questions, comments or suggestions on the agreement enclosed.

Sincerely,

PEARCE & DURICK


PATRICK W. DURICK

PWD/jf

cc: Nancy Vogel
Mary Lohnes

FILE COPY



WILLIAM P. PEARCE
PATRICK W. DURICK
B. TIMOTHY DURICK
GARY R. THUNE
JEROME C. KETTLESON
LARRY L. BOSCHEE ♦♦
LAWRENCE BENDER, PC ♦
JONATHAN P. SANSTEAD
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BISMARCK, NORTH DAKOTA 58502

TELEPHONE (701) 223-2890
FAX (701) 223-7865
E-MAIL: law.office@pearce-durick.com

June 20, 2006

VIA EXPRESS MAIL RETURN RECEIPT REQUESTED

Michael J. Maus, Esq.
Hardy, Maus & Nordsvan, P.C.
137 First Avenue West
P.O. Box 570
Dickinson, ND 58602-0570

Re: Midcontinent Communications
Request for Section 251(c)(4)(A) Wholesale Resale Service

Gentlemen:

I am writing on behalf of our client Midcontinent Communications in connection with Midcontinent's request dated May 18, 2006, for an agreement with Consolidated Telcom ("Consolidated") for wholesale resale of telecommunications services that Consolidated provides at retail to subscribers who are not telecommunications carriers for the Mott, Killdeer, Halliday, Bowman & Richardton exchanges. Thank you for your letter of June 16th, 2006 providing me with the correct spelling for Telcom and Killdeer.

The purpose of this letter is to advise you that, notwithstanding the misspellings of Telcom and Killdeer, Midcontinent considers its letter of May 18, 2006 to be a bona fide request for an agreement for wholesale resale on the terms requested. However, to the extent that Consolidated does not agree, Consolidated should consider this letter as a new bona fide request for wholesale resale, on the same terms as described in the earlier correspondence.

Please inform me if any questions should arise in connection with this letter, my email message to you of June 5, 2006 or my previous correspondence addressed to Mr. Schuetzler.

Midcontinent assumes that Consolidated received its correspondence dated May 18, 2006 no later than Monday, May 22, 2006. If we are unable to reach an agreement for wholesale resale by Tuesday, September 6, 2006 Midcontinent intends on filing a petition with the North Dakota Public Service Commission under 47 U.S.C. § 252. A proposed form of agreement was sent to Consolidated with my correspondence dated May 18, 2006 and we are open to your comments or


Michael J. Maus, Esq.
June 20, 2006

-2-

suggestions concerning that suggested agreement. Midcontinent stands ready to meet with Consolidated at a mutually convenient time and place to discuss terms of an agreement for wholesale resale.

Sincerely,

PEARCE & DURICK



PATRICK W. DURICK

Counsel to Midcontinent Communications

PWD/jf

cc: Mary Lohnes
J.G. Harrington



WILLIAM P. PEARCE
PATRICK W. DURICK
B. TIMOTHY DURICK
GARY R. THUNE
JEROME C. KETTLESON
LARRY L. BOSCHEE ••
LAWRENCE BENDER, PC •
JONATHAN P. SANSTEAD
TIFFANY L. JOHNSON

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TELEPHONE (701) 223-2890
FAX (701) 223-7865
E-MAIL: law.office@pearce-durick.com

July 13, 2006

VIA EXPRESS MAIL RETURN RECEIPT REQUESTED

EL408967175US

Michael J. Maus, Esq.
Hardy, Maus & Nordsven, P.C.
137 First Avenue West
P.O. Box 570
Dickinson, ND 58602-0570

Re: Midcontinent Communications
Request for Section 251(c)(4)(A) Wholesale Resale Service

Dear Mike:

Under dates of May 18, 2006 to Mr. Paul Schuetzler and June 20, 2006 to you, I have requested on behalf of Midcontinent Communications ("Midcontinent") an agreement with Consolidated Telcom ("Consolidated") for wholesale resale telecommunications services that Consolidated provides at retail to subscribers who are not telecommunications carriers for the Mott, Killdeer, Halliday, Bowman & Richardton exchanges. Please add the Rhame exchange to this request.

Please advise me whether Consolidated intends to claim the rural exemption under 47 U.S.C. 251(f)(1) and deny Midcontinent's request.

Sincerely,

PEARCE & DURICK


PATRICK W. DURICK
Counsel to Midcontinent Communications

PWD/jf

cc: Mary Lohnes
J.G. Harrington

Albert J. Hardy
Michael J. Maus
Mary E. Nordsven
Rhonda R. Ehlis
Some members also authorized to practice
law in Montana, Colorado and Texas

**Hardy, Maus
& Nordsven, P.C.**
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137 First Avenue West
P.O. Box 570
Dickinson, ND 58602-0570
Telephone: (701) 483-4500
Facsimile: (701) 483-4501
hmn@hmnattys.com

July 28, 2006

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

Re: Midcontinent Communications

Dear Mr. Durick:

We received your letter of July 13, 2006, adding a request for the Rhame Exchange. We will consider your letter of July 13, 2006, a request for wholesale resale service in Rhame, such request being effective July 13, 2006.

It is Consolidated's position that your letter of June 20, 2006, is the bona fide request to Consolidated Telcom for services in Mott, Killdeer, Halliday, Bowman and Richardton.

Consolidated has not determined whether it intends to claim the rural exemption under 47 U.S.C. 251(f)(1), and that matter is still under consideration. We would like to meet with representatives of Midcontinent and negotiate the terms and conditions of resale between Consolidated Telcom and Midcontinent Communications of North Dakota. Perhaps that is best done by teleconference.

What do you propose as a convenient time and date to discuss the agreement for wholesale resale.

Sincerely,

HARDY, MAUS & NORDSVEN, P.C.



Michael J. Maus

MJM:sk

cc: Consolidated Telcom

EXHIBIT "D"

Albert J. Hardy
Michael J. Maus
Mary E. Nordsven
Rhonda R. Ehlis

Some members also authorized to practice
law in Montana, Colorado and Texas

**Hardy, Maus
& Nordsven, P.C.**
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137 First Avenue West
P.O. Box 570
Dickinson, ND 58602-0570
Telephone: (701) 483-4500
Facsimile: (701) 483-4501
hmn@hmnattys.com

September 7, 2006

Patrick W. Durick
Attorney at Law
P.O. Box 400
Bismarck, ND 58502-0400

Re: Midcontinent - Consolidated Telcom

Dear Pat:

We were very taken aback that Midcontinent offered a 10% discount rate and now refuses to honor that offer. Because Midcontinent has withdrawn the offered 10% discount rate, you should not interpret the offer to negotiate as confirmation that Consolidated will not claim its rural exemption. The Board of Consolidated will have to reconsider this entire matter. As you know, it is very difficult to negotiate a settlement when one of the parties goes backwards from something that has been put on the table. Please advise us of your suggested discount rate as soon as you have a proposal. The Board next meets on September 22, 2006, and we will inform you of their decision after that.

Sincerely,

HARDY, MAUS & NORDSVEN, P.C.



Michael J. Maus

MJM:sk

cc: Paul Schuetzler
Valerie Wimer
Jim Howard

SEP

EXHIBIT "E"

P4-06-400

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:

Patrick W Durick #300
 Pearce & Durick #310
 314 E Shayer Ave
 Bismarck ND 58502-0400

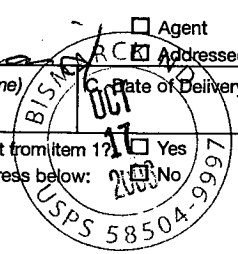
A. Signature
 X *Patrick Durick* Agent Addressee

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

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

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 6397

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-154C

P4-06-400

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:

Michael J. Maus
 Hardy Maus & Nordseen
 137 1st Ave W
 Dickinson ND 58601

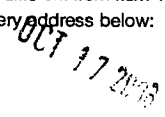
A. Signature
 X *Heidi Dullum* Agent Addressee

B. Received by (Printed Name) *Heidi Dullum* C. Date of Delivery *10-17-06*

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

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 6403

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

-06-400

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:

Michael J. Maus
 Hardy Maus & Nordseen PC
 137 1st Ave W
 Dickinson ND 58601

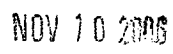
A. Signature
 X *Gail Bloom* Agent Addressee

B. Received by (Printed Name) *Gail Bloom* C. Date of Delivery *NOV 10 2005*

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

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 3518

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

PN 06-400

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:
 Patrick W Durick
 Pearce & Durick
 314 E Hayes Ave
 Bemard ND 58562-0400

A. Signature: *[Signature]* Agent Addressee
 B. Received by (Printed Name): USA *[Redacted]*
 C. Date of Delivery: 11-10-04
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

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 3501