



ATTORNEYS AT LAW
314 EAST THAYER AVENUE • P.O. BOX 400 • BISMARCK, ND 58502
TELEPHONE (701) 223-2890 • FAX (701) 223-7865 • www.pearce-durick.com

PATRICK W. DURICK
pwd@pearce-durick.com

February 8, 2008

RECEIVED

FEB 8 2008

PUBLIC SERVICE COMMISSION

HAND DELIVERED

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

RE: Midcontinent Communications/Missouri Valley Communications, Inc.
Notice of Bona Fide Request for Services and Interconnection and Petition to Find Rural Exemption Waived
47 U.S.C. §251(f)(1)(B)

Dear Illona:

Enclosed for filing are the original and seven copies of Notice of Bona Fide Request for Services and Interconnection and Petition to Find Rural Exemption Waived.

This document is also being transmitted electronically to your office. Also enclosed is an extra copy of the Notice to be filed stamped and returned in the self-addressed, stamped envelope. Please include the case number on the filed stamped copy.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact our office.

Sincerely,

PEARCE & DURICK

PATRICK W. DURICK

Counsel to Midcontinent Communications

PWD/ak

Enclosures

cc: David J. Hogue
William Binek (via email)
Mary Lohnes (via email)
Nancy Vogel (via email)
J.G. Harrington (via email)

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Case No. _____

Midcontinent Communications, a)
South Dakota Partnership,)
)
Complainant,)
)
vs.)
)
Missouri Valley Communications, Inc.,)
)
Respondent.)

**NOTICE OF BONA FIDE REQUEST FOR SERVICES AND
INTERCONNECTION AND PETITION TO FIND RURAL EXEMPTION WAIVED**

Pursuant to 47 U.S.C. §251(f)(1)(B) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the “Act”), Midcontinent Communications (“Midcontinent”) hereby provides notice that by letter dated November 14, 2007, a copy of which is marked as Exhibit “A” and attached hereto, it made a bona fide request to Missouri Valley Communications, Inc. d/b/a Nemont (“MVC”) under the provisions of 47 U.S.C. §251(c) of the Act for a facilities based interconnection agreement with number portability for the Williston, North Dakota, exchange. By letter dated January 30, 2008, marked as Exhibit “B” and attached hereto, MVC by its attorney, David Houge, advised Midcontinent that it was relying on the rural exemption under 47 U.S.C. §251(f)(1)(A) of the Act, and denied Midcontinent’s request.

Midcontinent respectfully avers that MVC has waived its right to the rural exemption under the Act by previously entering into an interconnection agreement with Midcontinent for the purpose of resale. Said interconnection agreement was filed with this Commission on December 3, 2004, as PU-04-638. Midcontinent’s request for a facilities based interconnection agreement hereunder is merely a request for an amendment to the existing interconnection agreement now in force between the parties.

WHEREFORE, Midcontinent respectfully requests:

1. That the Commission find that by previously entering into an interconnection agreement with Midcontinent for the purpose of resale, MVC has waived its right to claim the rural exemption under the Act with respect to a request by Midcontinent for a facilities based interconnection agreement; or in the alternative,

2. That pursuant to the provisions of 47 U.S.C. §251(f)(1)(A) of the Act, the Public Service Commission conduct an inquiry for the purpose of determining whether Midcontinent's request for a facilities based interconnection agreement with number portability from MVC under 47 U.S.C. §251(c) of the Act 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), and

3. That the Commission establish an implementation schedule for compliance with Midcontinent's request for facilities based interconnection with number portability for the Williston exchange.

Dated this 8th day of February, 2008.

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.



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314 EAST THAYER AVENUE • P.O. BOX 400 • BISMARCK, ND 58502
TELEPHONE (701) 223-2890 • FAX (701) 223-7865 • www.pearce-durick.com

PATRICK W. DURICK
pwd@pearce-durick.com

November 14, 2007

VIA EXPRESS MAIL - RETURN RECEIPT REQUESTED

Mr. Ben Boreson, President
Missouri Valley Communications, Inc.
d/b/a Nemont
P.O. Box 600
61 HWY 13 S.
Scoby, MT 59263-0600

Re: Midcontinent Communications Request for Section 251(c)(2) Facilities
Based Interconnection Agreement

Dear Mr. Boreson:

I am writing on behalf of Midcontinent Communications (Midcontinent). The purpose of this letter is to request from Missouri Valley Communications, Inc. d/b/a Nemont ("MVC") a facilities based interconnection agreement, with LNP, for the Williston exchange.

This request is made under the provisions of Section 251(c)(2) of the Act, 47 U.S.C. § 251(c)(2), and is intended to trigger the time periods for negotiation and arbitration under Section 252 of the Act.

To facilitate discussions, I have enclosed a proposed agreement. We look forward to negotiating and reaching an acceptable agreement with MVC for the Williston exchange.

Sincerely,

PEARCE & DURICK


PATRICK W. DURICK

PWD/ak

Enclosure

cc: Nancy Vogel
Mary Lohnes
Matthew Knierim, Esq.

EXHIBIT A

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

OF COUNSEL

HERBERT L. MESCHKE



LAW OFFICES OF

PRINGLE & HERIGSTAD, P.C.

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

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

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

January 30, 2008

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

**RE: Midcontinent Communications request for Section 251(c)(2) Facilities-
Based Interconnection Agreement**

Dear Mr. Durick:

As attorney Matthew Knierim indicated by electronic mail, I am assisting Missouri Valley Communications, Inc. ("Missouri Valley") with Midcontinent Communications' ("Midcontinent") request for a facilities-based interconnection agreement based on 47 U.S.C. Section 251(c)(2) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the "Act").

Missouri Valley is a "rural telephone company" as that term is used in § 251(f) of the Act. See also 47 U.S.C. § 153(37). As provided in the Act, Missouri Valley is statutorily exempt from negotiating and executing a § 251(c) interconnection agreement as Midcontinent requests. Accordingly, Missouri Valley denies the request for interconnection as made by Midcontinent.

If you have any questions regarding this matter, please contact me.

Very Truly Yours,

David J. Hogue

DJH/klo



EXHIBIT B