

**Jeffcoat-Sacco, Illona**

**From:** David Hogue [dhogue@srt.com]  
**Sent:** Monday, July 07, 2008 9:19 AM  
**To:** Hoberg, Allen C.; Olson, John M.  
**Cc:** Jeffcoat-Sacco, Illona; 'Harrington, J.G.'; 'Nancy Vogel'; 'ZZLohnes, Mary'; tara.olsonpc@midconetwork.com  
**Subject:** RE: Midcontinent Communications v Missouri Valley Communications Case # PU-08-61; OAH File # 20080079

Judge Hoberg: My client requests oral argument on its motion pursuant to Rule 3.2 of the North Dakota Rules of Court. I will be available when requested, but suggest Tuesday afternoon or at the hearing scheduled for July 9.

**From:** Hoberg, Allen C. [mailto:ahoberg@nd.gov]  
**Sent:** Friday, June 27, 2008 2:55 PM  
**To:** John Olson  
**Cc:** dhogue@srt.com; Jeffcoat-Sacco, Illona; Binek, William W.; Harrington, J.G.; Nancy Vogel; ZZLohnes, Mary; tara.olsonpc@midconetwork.com  
**Subject:** RE: Midcontinent Communications v Missouri Valley Communications Case # PU-08-61; OAH File # 20080079

Mr. Olson: Should I assume that with that written testimony will be Midcontinent's evidence that the interconnection proposed by Midcontinent is not unduly burdensome to Missouri Valley? Or, in the alternative, Midcontinent will argue persuasively in its response to Missouri-Valley's alternative motions that Midcontinent does not have the burden of proof as seems to be indicated by *Iowa Utilities Board v. Fed. Commun. Com.* ? Please be advised that I will be out of the office from June 30 - July 3, and the 4th is a Holiday when I will also be out of the office. Thus, I may not be able to issue a ruling on the alternative motions until Monday, July 7. ALJ Hoberg

**From:** John Olson [mailto:olsonpc@midconetwork.com]  
**Sent:** Friday, June 27, 2008 2:37 PM  
**To:** Hoberg, Allen C.  
**Cc:** dhogue@srt.com; Jeffcoat-Sacco, Illona; Binek, William W.; 'Harrington, J.G.'; 'Nancy Vogel'; 'ZZLohnes, Mary'; tara.olsonpc@midconetwork.com  
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6/27/08

Judge Hoberg:

I received in the mail today copies of Missouri Valley's (1) written testimony with exhibits by Shawn Hanson; and (2) Motion for Immediate Order Compelling Discovery or, in the alternative, Motion to Dismiss Petition of Midcontinent Communications, Inc. for removal of rural exemption, with exhibits.

Please be advised that the parties have agreed to the filing of pre-filed testimony no later than July 2, 2008, and Midcontinent will make its filing with the PSC on that date.

Further, Midcontinent will file its response to Missouri Valley's alternative motions on July 2<sup>nd</sup> as well.

Please advise if this is unacceptable. Thank you for your consideration.

**24** **PU-08-61** Filed: 7/7/2008 Pages: 2  
**Email from David Hogue, Attorney to Allen Hoberg, ALJ**

Missouri Valley Communications, Inc.

David Hogue, Attorney

7/7/2008

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