

United States District Court
District of North Dakota

Midcontinent Communications,)	
A South Dakota Partnership,)	
	)	NOTICE OF MOTION TO
Plaintiff,	)	DISMISS UNDER RULES
vs.	)	12(b) and 56 OF THE
	)	FEDERAL RULES OF CIVIL
North Dakota Public Service Commission	)	PROCEDURE FOR LACK OF
Kevin Cramer, Tony Clark, and Brian Kalk,	)	JURISDICTION and FOR
In their official capacities as Commissioners of	)	FAILURE TO STATE A CLAIM
the North Dakota Public Service Commission	)	UPON WHICH RELIEF CAN
	)	BE GRANTED
and)	
)	
Missouri Valley Communications, Inc.,	)	Case No: 1:09-cv-017
)	
Defendants.)	

**TO: Plaintiff Midcontinent Communications, by and through its attorneys
John Olson, J.G. Harrington, and David E. Mills**

PLEASE TAKE NOTICE that Defendant Missouri Valley Communications, by and through its attorney, David J. Hogue, of the law firm of Pringle & Herigstad, P.C., Minot, North Dakota, has filed and herewith serves upon you a Motion for Dismissal under Rules 12(b) and 56 of the Federal Rules of Civil Procedure. No oral argument is requested.

Dated this 29th day of May, 2009.

PRINGLE & HERIGSTAD, P.C.

/s/ David J. Hogue
David J. Hogue, (ID#0 4486)
2525 Elk Drive
P. O. Box 1000
Minot, ND 58702-1000
Phone: (701) 852-0381
Fax: (701) 857-1361

37 **PU-08-176** Filed: 6/11/2009 Pages: 3
**Notice of Motion to Dismiss and Motion to Dismiss
with Certificate of Service**

Pringle & Herigstad
David Hogue

1

61 **PU-08-61** Filed: 6/11/2009 Pages: 3
**Notice of Motion to Dismiss and Motion to Dismiss
with Certificate of Service**

Pringle & Herigstad
David Hogue

United States District Court
District of North Dakota

Midcontinent Communications,)
A South Dakota Partnership,)
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Plaintiff,)
vs.)
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North Dakota Public Service Commission)
Kevin Cramer, Tony Clark, and Brian Kalk,)
In their official capacities as Commissioners of)
the North Dakota Public Service Commission)
)
and)
)
Missouri Valley Communications, Inc.,)
)
Defendants.)

CERTIFICATE OF SERVICE

Case No: 1:09-cv-017

I certify that on the 29th day of May, 2009, the following documents:

Notice of Motion and Motion

were filed electronically with the Clerk of Court through ECF, and the ECF will send a Notice of Electronic Filing (NEF) to the following:

John Olson (olsonpc@midconetwork.com)
J.G. Harrington (jharrington@dowlohnes.com)
David E. Mills (dmills@dowlohnes.com)

I further certify that on 29th day of May, 2009, a copy of the foregoing documents AND THE NOTICE OF ELECTRONIC FILING will be mailed by first-class mail, postage paid, to the following non-ECF participant(s):

(NONE)

Dated this 2nd day of June, 2009

/s/ Kristi L. Olson
Kristi L. Olson