

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

| | | |
|---|---|--|
| Midcontinent Communications, a |) | |
| South Dakota Partnership, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| 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. |) | |

**STIPULATION FOR EXTENSION
OF TIME**

Case No. 1:09-cv-017

WHEREAS the Defendants, Missouri Valley Communications, Inc., ("Missouri Valley") and the North Dakota Public Service Commission, Kevin Cramer, Tony Clark, and Brian Kalk (collectively, the "Commission") have filed Motions to Dismiss the Plaintiff's, Midcontinent Communications, Inc., ("Midcontinent"), Complaint; and

WHEREAS Midcontinent's Response to Missouri Valley's Motion to Dismiss was scheduled to be due July 6, 2009 and Midcontinent's Response to the Commission's Motion to Dismiss was scheduled to be due on July 15, 2009; and

WHEREAS it was previously stipulated in the Stipulation for Extension of Time dated July 1, 2009, that Midcontinent would file its Consolidated Opposition to Missouri Valley's Motion to Dismiss and to the Commission's Motion to Dismiss together with its Motion for Summary Judgment on or before July 24, 2009; and

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WHEREAS Midcontinent will still file its Consolidated Opposition to Missouri Valley's Motion to Dismiss and to the Commission's Motion to Dismiss on or before July 24, 2009; and

WHEREAS David E. Mills, a litigator for Midcontinent, has had a death in his family which has caused him to be absent for several days thereby requiring an extension of time for Midcontinent to file its Motion for Summary Judgment on or before July 31, 2009;

NOW THEREFORE IT IS HEREBY stipulated and agreed by and among John M. Olson, counsel on behalf of Midcontinent, David J. Hogue, counsel on behalf of Missouri Valley, and Annette Bendish, counsel on behalf of the Commission, that the Plaintiff will have until July 31, 2009, to file its Motion for Summary Judgment.

Dated this 21st of July, 2009.

MIDCONTINENT COMMUNICATION, INC.

By: /s/ John M. Olson
John M. Olson ID# 03053
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Its Attorneys

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MISSOURI VALLEY COMMUNICATIONS, INC.

By: /s/ David J. Hogue
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P.O. Box 1000
Minot, ND 58702

Its Attorney

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

By: /s/ Annette M. Bendish
Annette M. Bendish ID#05790
North Dakota Public Service Commission
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Their Attorney