

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

MIDCONTINENT COMMUNICATIONS,
A SOUTH DAKOTA PARTNERSHIP,

Plaintiff,

v.

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.

Case No. 1:09-cv-017

MOTION FOR PARTIAL SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiff Midcontinent Communications hereby moves for partial summary judgment. A memorandum in support of the motion is submitted herewith.

Respectfully submitted,

/s/ John M. Olson

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Its Attorneys

Dated: July 31, 2009

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

MIDCONTINENT COMMUNICATIONS,)
A SOUTH DAKOTA PARTNERSHIP,)
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Plaintiff,)
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COMMISSION, KEVIN CRAMER,)
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and)
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MISSOURI VALLEY COMMUNICATIONS,)
INC.,)
))
Defendants.)

CERTIFICATE OF SERVICE

Case No. 1:09-cv-017

I hereby certify that on July 31, 2009, the following document:

MOTION FOR PARTIAL SUMMARY JUDGMENT

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

David J. Hogue (dhogue@srt.com)
Annette Marie Bendish (abendish@nd.gov)

I further certify that a copy of the foregoing documents will be mailed by first class mail, postage paid, to the following non-ECF participants:

(NONE)

Dated: July 31, 2009

s/ Tara B. Brandner
Tara B. Brandner