



# Public Service Commission

## State of North Dakota

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April 16, 2008

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Patrick J. Ward  
Zuger, Kirmis & Smith  
P.O. Box 1695  
316 N. 5<sup>th</sup> Street  
Bismarck, ND 58502-1695

RE: Midcontinent Communications/Consolidated Telecom Interconnection Arbitration  
Application, Case No. PU-08-97

Gentlemen:

Please be advised that on April 16, 2008, the Commission appointed Patrick J. Ward as the arbitrator in this proceeding. A copy of the Commission's motion is attached.

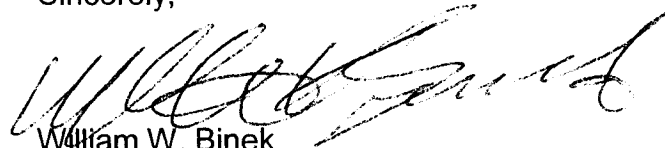
The Commission's rules require that the parties to the arbitration proceeding must contract directly with the arbitrator for the arbitration services and pay all costs and fees of the arbitrator and any outside consultants retained to assist the arbitrator. See N.D. Admin. Code § 69-02-10-12. The rules also require that the Commission will designate the court reporter for the proceeding, but the parties must pay directly to the court reporter the fees and costs of the court reporter including costs of transcripts. See N.D. Admin Code § 69-02-10-25.

N.D. Admin. Code § 69-02-10-14 requires the arbitrator to schedule a prehearing conference to be held no later than two hundred days from the date of making the request for negotiation. The purpose of the prehearing conference is to have discussions concerning a procedural schedule, areas of testimony, the scope and timing

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of discovery, and to identify, simplify and limit issues. The arbitrator must issue an order following the prehearing conference setting forth a procedural order for the proceeding and identifying the issues in dispute. N.D. Admin. Code § 69-02-10-15 requires the Commission to issue a notice of hearing within fifteen days after the prehearing conference.

Sincerely,



William W. Binek  
Chief Counsel

WWB  
Enclosure

**APPROVED**

**DATE:**

4-16-08

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**MOTION**

**April 16, 2008**

**Midcontinent Communications/Consolidated  
Telecom  
Interconnection Arbitration  
Application**

**Case No. PU-08-97**

I move the Commission appoint Patrick J. Ward, of Zuger, Kirmis & Smith, 316 N. 5<sup>th</sup> Street, Bismarck, North Dakota 58502, as arbitrator in Midcontinent Communications/Consolidated Telecom Arbitration Application, Case No. PU-08-97, subject to his availability and willingness to serve.