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APR 09 2008

PUBLIC SERVICE COMMISSION

April 8, 2008

North Dakota Public Service Commission
600 E. Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

RE: *Midcontinent Communications, a South Dakota partnership v. Missouri Valley Communications, Inc. Case No. PU-08-61*

Enclosed please find one original and eight copies of the following document:

Application for Suspension or Modification Pursuant to 47 USC § 251(f)(2).

If you have any questions, please do not hesitate to contact me.

Very Truly Yours,



David J. Hogue

DJH/klo

Enclosures

cc: Mr. John Olson

1 PU-08-176 Filed: 4/9/2008 Pages: 7
Application for Suspension or Modification of
Interconnection Requirements

Missouri Valley Communications, Inc.

Pringle & Herigstad, P.C.

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE COMMISSION

Missouri Valley Communications, Inc.
Case No. _____

Application for
Suspension or Modification
Pursuant to 47 USC § 251(f)(2)

Missouri Valley Communications, Inc., Applicant

1. Missouri Valley Communications, Inc. (Missouri Valley) is a business corporation whose articles of incorporation have previously been filed with the Commission in PSC Case No. PU-2779-02-452.

Missouri Valley is:

a. a "telecommunications company" (as defined in N.D.C.C. § 49-21-01(19)) providing "telecommunications services" (N.D.C.C. § 49-21-01(20)) subject to applicable provisions of Title 49 of the North Dakota Century Code and of Title 47 of the United States Code. (Title 47 codifies the Communications Act of 1934 as amended by the Telecommunications Act of 1996 and is referred to as the federal act, under N.D.C.C. § 49-21-01(11)).

b. a "local exchange carrier" that is engaged in the provision of "telephone exchange service" in the "local exchange area" of Williston, North Dakota (47 U.S.C. §§ 153 (26), (16) and (47), and N.D.C.C. §49-21-01(9)) under a certificate of public convenience and necessity issued by the North Dakota Public Service Commission (the

Commission) under N.D.C.C. Chapter 49-03.1. Order, Public Service Commission Case No. PU-2779-02-452.

c. an "incumbent local exchange carrier" (47 U.S.C. § 251(h) and N.D.C.C. § 49-21-01(6)).

d. a "rural telephone company" (47 U.S.C. 153 (37) and N.D.C.C. § 49-21-01(16)).

e. a local exchange carrier with fewer than 2 percent of the Nation's subscriber lines installed in the aggregate nationwide.

f. an "eligible telecommunications carrier" designated under § 214(e) of the federal act as eligible to receive universal service support in accordance with §254 of the federal act, in the Williston exchange area. (N.D.C.C. § 49-21-01(3); Order, Public Service Commission Case No. PU-2779-02-451.)

Missouri Valley does not provide video programming and has not otherwise waived its rural exemption as provided in the federal act.

2. Midcontinent Communications/North Dakota (Midcontinent) is a local exchange carrier that is engaged in the provision of telephone exchange service in the local exchange area of Williston, North Dakota under a certificate of public convenience and necessity to provide local exchange telecommunications services throughout North Dakota, subject to the rights and exemptions of rural telephone companies under 47 U.S.C. 251(f). Order, Public Service Commission Case No. PU-04-456. Midcontinent is a "competitive local exchange carrier" under the federal act and NDCC § 49-21-01(2). Midcontinent is a cable operator providing video programming.

3. On February 8, 2008, Midcontinent filed with the Commission a Notice of Bona Fide Request for Interconnection Services with Missouri Valley under 47 U.S.C. 251(f)(1)(A), requesting that the Commission conduct an inquiry for the purpose of determining whether Midcontinent's request for services from Missouri Valley under 47 U.S.C. 251(c) is not unduly economically burdensome, is technically feasible, and is consistent with § 254 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996

4. Under § 251(f)(1)(A) of the federal act, a rural telephone company is exempt from the requirements of § 251(c) until (1) the rural company has received a bona fide request for interconnection, services, or network elements, and (2) the state commission determines that such request is not unduly economically burdensome, is technically feasible, and is consistent with the universal service requirements of § 254.

5. Under § 251(f)(1)(A) of the federal act, Missouri Valley is exempt from the requirement to provide the service requested by Midcontinent until Missouri Valley has received a bona fide request from Midcontinent and the Commission determines that such request is not unduly economically burdensome, is technically feasible, and is consistent with § 254 of the federal act. To initiate a Commission proceeding to terminate the rural exemption, Midcontinent is required to submit to the Commission a § 251(f)(1)(B) notice of its bona fide request.

6. Under § 251(f)(2) of the federal act Missouri Valley may petition the Commission for a suspension or modification of the application of a requirement or requirements of subsection (b) or (c) of section 251. Under the federal act and N.C.C.C. § 49-21-01.7(16), the Commission shall grant such petition to the extent that, and for such duration as the Commission determines that suspension or modification-

(A) is necessary -

(i) to avoid a significant adverse economic impact on users of telecommunications services generally;

(ii) to avoid imposing a requirement that is unduly economically burdensome; or

(iii) to avoid imposing a requirement that is technically infeasible; and

(B) is consistent with the public interest, convenience and necessity.

8. Missouri Valley applies for and petitions the Commission to grant to Missouri Valley a suspension of the application of the requirements of subsections (b) and (c) of § 251 of the federal act to Missouri Valley's telephone exchange service facilities in the Williston exchange area facilities, for an indefinite duration and subject to the Commission's continuing jurisdiction.

Alternatively, Missouri Valley applies for and petitions the Commission to grant to Missouri Valley a suspension of the application of the requirements of subsections (b) and (c) of section 251 of the federal act to Missouri Valley's telephone exchange service facilities in the Williston exchange area facilities, for such duration as the Commission determines and subject to the Commission's continuing jurisdiction.

This petition for suspension or modification includes but is not limited to facilities based interconnection with number portability requested by Midcontinent and referred to in its Notice of Bona Fide Request filed with the Commission on February 8, 2008.

Missouri Valley's grounds for this application and petition are that such suspension or modification-

(A) is necessary -

(i) to avoid a significant adverse economic impact on users of telecommunications services generally;

(ii) to avoid imposing a requirement that is unduly economically burdensome;

and

(B) is consistent with the public interest, convenience and necessity.

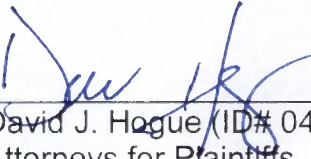
9. Pending action by the Commission, Missouri Valley requests the Commission to issue its interim order to suspend enforcement of the requirements of subsections (b) and (c) of § 251 of the federal act to Missouri Valley's telephone exchange service facilities in the Williston exchange area facilities.

10. Missouri Valley makes this application under North Dakota Administrative Rules, Rule 69-02-02-02. The Commission has jurisdiction over Missouri Valley and the subject matter of this application under 47 USC 251 (f)(2) and NDCC § 49-21-01.7 (16).

Dated at Minot, North Dakota, this 8th day of April, 2008.

PRINGLE & HERIGSTAD, P.C.

By

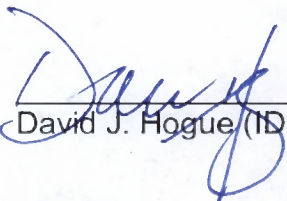


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Certificate of Service

A true and correct copy of the foregoing Application was, on the 8 day of April, 2008, mailed to:

John M. Olson
418 E. Broadway
Bismarck, ND 58501



David J. Hogue (ID #04486)