



Public Service Commission  
State of North Dakota

COMMISSIONERS

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Phone 701-328-2400

May 7, 2008

Mr. Allen C. Hoberg  
Office of Administrative Hearings  
1707 North 9<sup>th</sup> Street, Lower Level  
Bismarck, ND 58501

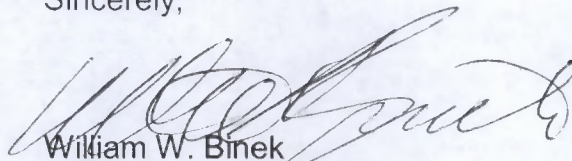
Re: Missouri Valley Communications, Inc.  
Suspend/Modify Interconnection Requirements  
Application  
Case No. PU-08-176

Dear Mr. Hoberg:

Enclosed is a request for an administrative law judge in the above case. A copy of the Notice of Consolidated Hearing is enclosed. The administrative law judge will serve as a procedural law judge, and the hearing will be tape recorded.

If you have any questions, please contact me. Thank you.

Sincerely,



William W. Binek  
Hearing Administrator

Enclosure

c: John M. Olson  
David J. Hogue



**REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION**  
 NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS  
 SFN 17819 (Rev. 03-2001)

Name of Agency, Board, or Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the hearing in Case No. PU-08-176, Missouri Valley Communications, Inc., Suspend/Modify Interconnection Requirements, Application. The hearing has been scheduled for July 9-10, 2008.

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in Title 49 \_\_\_\_\_ (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

**PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.**

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY Public Service Commission	Address 600 E Blvd Ave Dept 408 Bismarck ND 58505-0480	Telephone Number 701-328-2400
Representation William W. Binek, Chief Counsel	Address Same as above	Telephone Number 701-328-4088
PARTY Missouri Valley Communications, Inc.	Address	Telephone Number
Representation David J. Hogue	Address PO Box 1000 Minot ND 58702	Telephone Number 701-852-0381
PARTY Midcontinent Communications	Address	Telephone Number
Representation John M. Olson	Address 418 E Broadway Ste 9 Bismarck ND 58501	Telephone Number 701-222-3485

Additional Comments

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person William W. Binek, Hearing Administrator	Date 5/7/2008
Signature of Requesting Person <i>William W. Binek</i>	Telephone Number 701-328-4088

**APPROVED**

DATE: 5-7-08  
[Signature]

**MOTION**

May 7, 2008

Midcontinent Communications/Missouri  
Valley Communications, Inc.  
Rural Exemption  
Investigation

Case No. PU-08-61

Missouri Valley Communications, Inc.  
Suspend/Modify Interconnection Requirements  
Application

Case No. PU-08-176

I move the Commission adopt the Notice of Consolidated Hearing for Midcontinent Communications' request for determination concerning Missouri Valley Communications, Inc.'s rural exemption Investigation, Case No. PU-08-61, and Missouri Valley Communications, Inc.'s request to suspend or modify interconnection requirements, Case No. PU-08-176.

PJF

4 PU-08-176 Filed: 5/7/2008 Pages: 1  
Motion Adopting the Notice of Consolidated Hearing

Public Service Commission

13 PU-08-61 Filed: 5/7/2008 Pages: 1  
Motion Adopting the Notice of Consolidated Hearing

Public Service Commission

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Midcontinent Communications/Missouri  
Valley Communications, Inc.  
Rural Exemption  
Investigation**

**Case No. PU-08-61**

**Missouri Valley Communications, Inc.  
Suspend/Modify Interconnection Requirements  
Application**

**Case No. PU-08-176**

**NOTICE OF CONSOLIDATED HEARING**

**May 7, 2008**

On November 14, 2007 Midcontinent Communications ("Midcontinent") made a bona fide request for facilities based interconnection agreement, with local number portability (LNP) services for the Williston, North Dakota exchange from Missouri Valley Communications, Inc. d/b/a Nemont ("Missouri Valley"). By its filing of February 8, 2008 Midcontinent filed with the Commission its Notice of Bona Fide Request for Services and Interconnection and Petition to Find Rural Exemption Waived.

Midcontinent request that the Commission determine that Missouri Valley has waived its rural exemption, or in the alternative that the Commission conduct an inquiry under the provisions of 47 U.S.C. § 251((f)(1)(A) for the purpose of determining whether to terminate the Missouri Valley's exemption from providing its services as requested by Midcontinent.

On April 9, 2008 Missouri Valley filed and Application for Suspension Pursuant to 47 U.S.C. § 251(f)(2). Missouri Valley requests that the Commission grant to Missouri Valley a suspension of the requirements of subsections (b) and (c) of section 251 for Missouri Valley's telephone exchange service facilities in the Williston exchange area facilities for such duration as the Commission determines.

On May 1, 2008 Administrative Judge, Allen Hoberg, issued an Order for Consolidation and Scheduling pursuant to Stipulation for Consolidation filed by the parties consolidating these cases for hearing.

A public hearing has been scheduled beginning **July 9, 2008, at 9 a.m. in the Commission Hearing Room, 12<sup>th</sup> Floor, State Capitol, Bismarck, North Dakota.**

The issues to be considered in this matter are:

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**PU-08-176** Filed: 5/7/2008  
Notice of Consolidated Hearing

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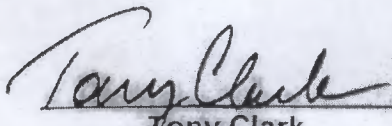
**PU-08-61** Filed: 5/7/2008  
Notice of Consolidated Hearing

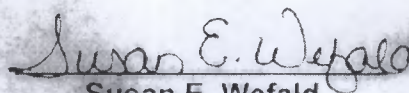
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1. Whether the request of Midcontinent is unduly economically burdensome.
2. Whether the request of Midcontinent is technically feasible.
3. Whether the request of Midcontinent is consistent with 47 U.S.C. § 254 (other than subsections (b)(7) and (c)(1)(D) thereof).
4. The implementation schedule for compliance with the request should the exemption be terminated.
5. Whether suspension or modification is necessary.
6. Whether suspension or modification is consistent with public interest, convenience and necessity.
7. The extent and duration should any suspension or modification be granted.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify Ilona A. Jeffcoat-Sacco, Executive Secretary at least 24 hours in advance.

#### PUBLIC SERVICE COMMISSION

  
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Commissioner

  
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President

  
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