

Jeffcoat-Sacco, Illona

From: Hoberg, Allen C.
Sent: Monday, July 07, 2008 1:16 PM
To: Olson, John M.; 'David Hogue'
Cc: Jeffcoat-Sacco, Illona; Bendish, Annette M.; 'Harrington, J.G.'; 'Nancy Vogel'; 'ZZLohnes, Mary'; tara.olsonpc@midconetwork.com
Subject: RE: Midcontinent Communnications v Missouri Valley Commnications Case # PU-08-61; OAH File # 20080079

We will hear oral argument promptly at 8:30 just prior to the hearing. Counsel for the parties will each get 12 minutes to argue and Counsel for the Commission will have 6 minutes to make an argument, if desired. I may have some questions of counsel during argument. The hearing will begin promptly as scheduled, at 9:00 a.m. Unless I am strongly convinced one way or the other by the arguments (and briefs), I will not make a ruling prior to the hearing. The Commissioners may sit in on oral argument if they wish, but they are not required to be there as the ALJ will be issuing the order on the motion. Any requests related to the motion should be made at oral argument or before the close of the hearing. ALJ Hoberg

From: John Olson [mailto:olsonpc@midconetwork.com]
Sent: Monday, July 07, 2008 12:26 PM
To: 'David Hogue'; Hoberg, Allen C.
Cc: Jeffcoat-Sacco, Illona; Bendish, Annette M.; 'Harrington, J.G.'; 'Nancy Vogel'; 'ZZLohnes, Mary'; tara.olsonpc@midconetwork.com
Subject: RE: Midcontinent Communnications v Missouri Valley Commnications Case # PU-08-61; OAH File # 20080079

Judge Hoberg: Although my client does not believe oral argument is necessary to resolve MVC's motion, if it is scheduled, we would suggest arguments be heard prior to the scheduled hearing on Wednesday at 8:30 AM.

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Emails Regarding Oral Arguments

From: David Hogue [mailto:dhogue@srt.com]
Sent: Monday, July 07, 2008 9:19 AM
To: 'Hoberg, Allen C.'; 'John Olson'
Cc: 'Jeffcoat-Sacco, Illona'; 'Harrington, J.G.'; 'Nancy Vogel'; 'ZZLohnes, Mary'; tara.olsonpc@midconetwork.com
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Public Service Commission

Judge Hoberg: My client requests oral argument on its motion pursuant to Rule 3.2 of the North Dakota Rules of Court. I will be available when requested, but suggest Tuesday afternoon or at the hearing scheduled for July 9.

From: Hoberg, Allen C. [mailto:ahoberg@nd.gov]
Sent: Friday, June 27, 2008 2:55 PM
To: John Olson
Cc: dhogue@srt.com; Jeffcoat-Sacco, Illona; Binek, William W.; Harrington, J.G.; Nancy Vogel; ZZLohnes, Mary; tara.olsonpc@midconetwork.com

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 Public Service Commission

7/7/2008

Subject: RE: Midcontinent Communications v Missouri Valley Communications Case # PU-08-61; OAH File # 20080079

Mr. Olson: Should I assume that with that written testimony will be Midcontinent's evidence that the interconnection proposed by Midcontinent is not unduly burdensome to Missouri Valley? Or, in the alternative, Midcontinent will argue persuasively in its response to Missouri-Valley's alternative motions that Midcontinent does not have the burden of proof as seems to be indicated by *Iowa Utilities Board v. Fed. Commun. Com.* ? Please be advised that I will be out of the office from June 30 - July 3, and the 4th is a Holiday when I will also be out of the office. Thus, I may not be able to issue a ruling on the alternative motions until Monday, July 7. ALJ Hoberg

From: John Olson [mailto:olsonpc@midconetwork.com]

Sent: Friday, June 27, 2008 2:37 PM

To: Hoberg, Allen C.

Cc: dhogue@srt.com; Jeffcoat-Sacco, Ilona; Binek, William W.; 'Harrington, J.G.'; 'Nancy Vogel'; 'ZZLohnes, Mary'; tara.olsonpc@midconetwork.com

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6/27/08

Judge Hoberg:

I received in the mail today copies of Missouri Valley's (1) written testimony with exhibits by Shawn Hanson; and (2) Motion for Immediate Order Compelling Discovery or, in the alternative, Motion to Dismiss Petition of Midcontinent Communications, Inc. for removal of rural exemption, with exhibits.

Please be advised that the parties have agreed to the filing of pre-filed testimony no later than July 2, 2008, and Midcontinent will make its filing with the PSC on that date.

Further, Midcontinent will file its response to Missouri Valley's alternative motions on July 2nd as well.

Please advise if this is unacceptable. Thank you for your consideration.

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7/7/2008