

*Handwritten signature and date: 12/5*

# public notices

Saturday, December 5, 2009 A9

ove estate. All persons having claims against the said deceased are required to present their claims within three months after the date of the first publication of this notice said claims will be forever barred. Claims must either be presented to Edsel Kercher personal representative of the estate at 313 N. Ave. East, West Fargo, ND 58078 or filed with the Court.

ated this 20th day of November, 2009.  
Edsel Kercher, Personal Representative Of the Estate of Emma Kercher  
Edsel M. Lipp  
Attorney for Personal Representative  
First publication on the 28th day of November, 2009.  
November 28, December 5, 12, 19, 2009

## IN THE DISTRICT COURT OF NORTH DAKOTA, COUNTY OF STUTSMAN In the Matter of the Estate of ORRAINE L. WRIGHT, Deceased.

**NOTICE TO CREDITORS**  
NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the above estate. All persons having claims against the said deceased are required to present their claims within three months after the date of the first publication or mailing of this notice or said claims will be forever barred. Claims must either be presented to Timothy J. Ottmar, attorney for the personal representative of the estate, at PO Box 1397, Jamestown, ND 58402-1397 or filed with the Court.

ated this 3rd day of December, 2009.  
Timothy J. Wright - Personal Representative  
14 7th Avenue SE  
Jamestown, ND 58401  
Timothy J. Ottmar - ID #03601  
OTTMAR & OTTMAR, P.C.  
156 Second Avenue SW/PO Box 1397  
Jamestown, North Dakota  
58402-1397  
(701) 252-7229  
Attorney for personal representative  
First publication on the 5th day of December, 2009.  
December 5, 12, 19, 2009

**Public Notice:**  
The Pingree-Buchanan School District is accepting bids for a 47 passenger school bus. The bus must meet both Federal and North Dakota requirements, be made in America, and meet the 2007 or 2010 EPA Diesel Engine Emissions standards. A copy of the complete specifications can be obtained by contacting the High School Office, 701-252-5563. The Pingree-Buchanan School Board reserves the right to accept or reject any or all bids. Please submit all bids to: Bill Utan, Business Manager, Pingree-Buchanan School, 111 Lincoln Ave., Pingree, ND 58476. All bids must be submitted by December 15th.  
12/5-25-Dec 7, 2009

## STATE OF NORTH DAKOTA IN DISTRICT COURT COUNTY OF STUTSMAN SOUTHEAST JUDICIAL DISTRICT STATE OF NORTH DAKOTA, EX. REL., JENNIFER L. NOLDEN, Plaintiffs, -vs- OTIS L. HEARD III, Defendant. Civil No. \_\_\_\_\_ SUMMONS

STATE OF NORTH DAKOTA TO ABOVE NAMED DEFENDANT: You are hereby summoned and required to appear and defend against the Complaint in this action, which is herewith served on you, and which has been or will be filed with the Clerk of this Court, by serving upon the undersigned an Answer or other response within twenty (20) days after the service of this Summons on you, exclusive of the date of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the Complaint.  
DATED this 4th day of November, 2009.

Christina G. Schaar  
Social Assistant Attorney General  
ND 04760  
Box 427  
Jamestown, ND 58402-0427  
(701) 253-6260  
Attorney for the Child Support Enforcement Program  
November 28, December 5, 12, 19, 2009

## STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION Best Performance Assurance Investigation

Case No. PU-06-58  
PUBLIC SERVICE COMMISSION  
Best Performance Assurance  
Investigation

## STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION Best Performance Assurance Investigation

Case No. PU-07-256  
PUBLIC SERVICE COMMISSION  
Best Performance Assurance  
Investigation

### November 25, 2009 Preliminary Statement

For telecommunications companies that have, or intend to have, an agreement with Qwest Corporation (Qwest) for interconnection services, Qwest offers a Performance Assurance Plan (PAP) option. A PAP provides for self-executing payments to the competitive local exchange carrier (CLEC) if Qwest does not provide interconnection services to the CLEC at parity to the service it provides to its own retail customers, or if Qwest fails to meet certain service benchmarks.

The PAP provides for periodic reviews to determine whether performance measures should be added to, deleted from, or modified; whether benchmark standards should be modified or replaced by parity standards; and whether to move a classification of a performance measurement to High, Medium, or Low or Tier 1 to Tier 2. Participants of the review may include Qwest, CLECs, and the Commission.

PAP revisions approved by the Commission as a result of such reviews apply to existing and future interconnection agreements that incorporate the PAP. The most recent PAP revision was effective beginning January 1, 2008, as approved in Case No. PU-06-58. That proceeding was continued in the event an ongoing multistate Regional Oversight Committee review might result in further PAP or performance measurement changes.

On June 13, 2007, the Commission joined in a multistate collaborative audit of Qwest's PAP performance reporting and payment process for calendar year 2005, Case No. PU-07-256. The Final Report for the Audit of 2005 Qwest's Performance Assurance Plans by Liberty Consulting Group was issued November 30, 2007. The report is available for viewing and downloading from the Commission's internet site at <http://www.psc.state.nd.us/databases/documents/07-0256/014-010.pdf>.

On December 17, 2008, the Commission joined in a multistate review of the effectiveness of the PAP and whether its continuation is necessary, Case No. PU-08-920. The review was a multistate effort organized by the Regional Oversight Committee. On February 11, 2009, the Commission issued a Notice of Qwest Performance Assurance Plan Review and Notice of Opportunity for Comment in Case No. PU-08-920, for comments from interested persons on trends in Qwest performance in providing interconnection, comments on the structural components of the PAP and performance measures, stakeholder recommendations and experiences with the PAP and performance measures, and comments on the competitive environment. The Notice stated that the Commission would receive written comments until March 27, 2009. On March 27, 2009, Integra Telecom of North Dakota, Inc. filed comments and petitioned to intervene. The Regional Oversight Committee contracted with Liberty Consulting Group (Liberty) to perform the review. Based on comments received from Integra Telecom of North Dakota, Inc. and other competitive local exchange carriers and data provided by Qwest, Liberty issued its June 30, 2009 Analysis of Qwest's Performance Assurance Plans Final Report. Liberty concluded that the PAP is still serving a useful purpose. The report also offers several recommendations for changes to the PAP and performance measures, and makes several findings that may have affected Qwest's reported performance results or payments under the PAP. The report is available for viewing and downloading from the Commission's internet site at: <http://www.psc.state.nd.us/databases/08-0920/018-020.pdf> with appendices at: <http://www.psc.state.nd.us/databases/documents/08-0920/018-010.pdf>. Comments and requests for hearing must be filed by January 15, 2010. Comments should address the following:

1. Whether there exists an omission or failure of existing performance measures to capture intended performance.
2. Where there is duplication of another performance measurement.
3. Whether such omission, failure, or duplication of a performance measure justifies the addition, modification, or removal of a performance measure.
4. Whether any benchmark standards should be modified or replaced by parity standards.
5. Whether the actual volume of data points have been less or greater than anticipated, and, if so, whether there is justification for the reclassification of a performance measurement.

tained from the Commission. For more information contact the North Dakota 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 the Commission at least 24 hours in advance.

PUBLIC SERVICE COMMISSION  
Tony Clark, Commissioner  
Kevin Cramer, Chairman  
Brian P. Kalk, Commissioner  
December 5, 2009

### STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION FirstLink 211 Designation Application

Case No. PU-09-713  
NOTICE OF OPPORTUNITY FOR HEARING  
November 25, 2009

The Federal Communications Commission (FCC) has designated the 211 dialing code to provide direct access to organizations providing community information and referral services that are currently not available through the 911 emergency code or the 311 police non-emergency code.

On September 24, 2003, the Commission designated the Mental Health Association in North Dakota (MHAND), as the user of the 211 dialing code in North Dakota.

On March 7, 2007, the Commission authorized MHAND to subcontract 211 operations within North Dakota. MHAND has been subcontracting with FirstLink for the provision of 211 operations in Cass County. In its October 30, 2009 letter, MHAND notified the Commission that, due to lack of economic support, it must relinquish its designation as the 211 dialing code user.

On November 2, 2009, the Commission received a letter stating that effective October 30, 2009, FirstLink will temporarily provide 211 operations for North Dakota until a decision is made about 211's future.

On November 23, 2009, FirstLink filed a letter requesting designation as the 211 dialing code user for North Dakota.

The issues to be considered are:

1. Is any other entity interested in designation as the user of the 211 dial code in North Dakota?
2. Is the FirstLink's intended use of the 211 dial code in North Dakota consistent with the FCC intended use of that code?

Those interested are invited to comment in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. Comments and requests for hearing must be received by January 8, 2010. If deemed appropriate, the Commission can determine the matter without a hearing.

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 the Commission.

### STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION Qwest Corporation Request to Withdraw SGAT Available Terms/Conditions Application

Case No. PU-07-314  
NOTICE OF OPPORTUNITY FOR HEARING  
November 25, 2009

On June 14, 2007, Qwest Corporation (Qwest) filed an application to withdraw its Statement of Generally Available Terms and Conditions (SGAT). The SGAT is a statement of the terms and conditions under which Qwest provides access and interconnection to its network facilities for the network facilities of unaffiliated, competing providers of telephone exchange services. Qwest states that the SGAT was last updated on May 30, 2002 and, due to changes in applicable law since then, the SGAT is outdated. Qwest states that it will continue to

make its Performance Indicator Definitions and its Performance Assurance Plan available to competitive local exchange companies.

On July 25, 2007, the Commission issued a Notice of Opportunity for Hearing. On August 29, 2007, Level 3 Communications, LLC filed comments requesting that the Commission require Qwest to file an updated SGAT for approval, that all carriers have the opportunity to participate in the approval process regarding the SGAT, and that the Commission order Qwest to allow Level 3 to continue to operate under its current interconnection agreement until an updated SGAT has been submitted and approved.

On October 15, 2009, Qwest filed a request that the Commission issue an order approving withdrawal of the SGAT. Qwest believes that three developments support the withdrawal: (1) on June 9, 2008, Level 3, entered into a Term Extension Agreement of its interconnection agreement with Qwest, extending that agreement until July 31, 2010; (2) the Idaho Commission granted Qwest's request to withdraw the Idaho SGAT finding that intervenors did not identify a legal requirement in Idaho that an SGAT remain in effect; and (3) in the two years since Qwest made its filing to withdraw the SGAT, no CLEC has opted into the SGAT in North Dakota.

Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. Requests for hearing must be received by January 15, 2010. If deemed appropriate, the Commission can determine the matter without a hearing.

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 the Commission.  
PUBLIC SERVICE COMMISSION  
Tony Clark, Commissioner

Kevin Cramer, Chairman  
Brian P. Kalk, Commissioner  
December 5, 2009

The North Dakota School for the Deaf, Future Services Plan Transition Team will meet on Thursday December 17th, 2009 from 9:00-4:00pm CST. This meeting will be held at the Chautauqua Gallery Room, Lake Region College, Devils Lake, ND. A public comment period will be take place 3:30 to 4:00pm CST.

For further information, or if you have any special needs, contact Department of Public Instruction, Office of Special Education, 600 E Boulevard Ave., Dept. 201, Bismarck, ND 58505-0440, (701) 328-2277.  
December 5, 2009

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## PUBLIC NOTICES

A public notice is information informing citizens of government activities that may affect the citizens' everyday lives. Public notices have been printed in local newspapers, the trusted sources for community information, for more than 200 years.


North Dakota newspapers also post public notices that are printed in newspapers on [www.ndpublicnotices.com](http://www.ndpublicnotices.com) at no additional charge to units of government.

## JAMESTOWN CITY COUNCIL AGENDA REGULAR MEETING DEC. 7, 2009, 5:00PM COUNCIL ROOM, CITY HALL 102 3rd Avenue SE, Jamestown, ND

1. ROLL CALL:
2. APPROVAL OF MINUTES:
  - A. Minutes of the regular council meeting, November 2, 2009
  - B. Minutes of the special council meeting, November 24, 2009
  - C. Minutes of the committee meeting, November 24, 2009
3. BIDS:
  - A. Opening bids for the sale of impounded and abandoned vehicles.
4. CONSENT AGENDA ITEMS:

To provide more time to discuss controversial or disputed issues, the Council will consider the items on the consent agenda together at the beginning of the public meeting. If a member of the City Council or public requests to be heard on one of these items, the Council will remove the item from the consent agenda and consider that item individually.

  - A. Resolution to approve the recommendation from JSDC to reimburse the City Sewer Utility from Economic Development Funds to provide \$113,571 in partial payment of the repairs to replace elbows and joints on the sewer main from the I-94 Food Processing Industrial Park to the WWTP, with the City Share to be 100% and paid from the City Sales Tax Fund.
  - B. Resolution to approve the request from JSDC for \$50,000 from Economic Development Funds for JSDC building repairs, with the City Share to be \$40,000 and paid from the City Sales Tax Fund.
  - C. Resolution to approve the recommendation from JSDC for \$29,973 from Economic Development Funds for South Central Dakota Regional Council dues and funding SBDC, with the City Share to be \$18,442 and paid from the City Sales Tax Fund.
  - D. Resolution to recommend that Stutsman County deny the request for abatement received from Richard and Donna LeFevre for a reduction in the 2008 property valuation on Lot 5, Block 19, McGinnis Addition, by reducing the valuation from \$93,100 to \$77,200.
  - E. Resolution to approve the adjustment of water, sewer sanitation collection and solid waste disposal fees effective January 1, 2010, as recommended in the approval of the 2010 budgets for City Utilities as follows: Water Utility Rates 5% Increase; Sewer Utility Rates Domestic 3% Increase; Sanitation Collection Rates 5% Increase; Solid Waste Disposal Rates 10% Increase.
  - F. Resolution to approve City reimbursement to the seven property owners for the cost of repairs to their property to include insurance deductibles, minus any reimbursement received from their private homeowners insurance coverage, and to include in the authorization for payment that the City is not admitting any negligence on the part of the City or its employees as a result of the incident.
  - G. Resolution to approve Estimate No. 1, to Border States Paving, Inc., for construction on FEMA Flood Road Repairs, in the amount of \$365,490.42.
  - H. Resolution to approve Estimate No. 2 & Final, to Scherbenke & Son, Inc., for construction on Sanitary Sewer District #08-31 (4th Ave SW/100 Block), in the amount of \$3,675.00.
  - I. Resolution to approve Estimate No. 3, to Northern Excavating Co., Inc., for construction on Utility & Street Improvement District #09-51 (McElroy Addition), in the amount of \$1,049.94.
  - J. Resolution to approve Estimate No. 5, to Lindberg Brothers, Inc., for construction on 2009 Sidewalk and Curb & Gutter District #09-11, in the amount of \$80,211.80.
  - K. Resolution to approve Payment No. 2 (Inv. No. 2628), to Interstate Engineering, Inc., for engineering services on Facility Planning for Water System Improvements, in the amount of \$5,872.38.
  - L. Resolution to approve Payment No. 3 (Inv. No. 2706), to Interstate Engineering, Inc., for construction engineering services on 3rd Street East Mill and Overlay from BNSF tracks to 87th Avenue, STM-SU-2-987(031)035, in the amount of \$5,703.60.
  - M. Resolution to approve Payment No. 7 & Final (Inv. No. 2705 Final), to Interstate Engineering, Inc., for preliminary engineering services on Mill Hill (US 52) Dowel Bar Retrofit, Grinding & CPR, STM-S-NHU-2-281(036)067, in the amount of \$727.10.
  - N. Motion to accept the reports of the Municipal Judge, Police Department, Fire Department, Public Works Departments, Inspection Department, Forestry Department, Civic Center, Central Valley Health Unit, and financial status.



**Thought for the Week**  
with Pastor Richard Reynolds

There is a big difference between the Christmas season and the Christmas spirit. The season is based on external calculations. The spirit is based