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PATRICK W. DURICK

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July 9, 2010

RECEIVED

JUL 09 2010

PUBLIC SERVICE COMMISSION

HAND DELIVERED

Darrell Nitschke
Executive Director
North Dakota Public Service Commission
Capitol
600 East Boulevard, Twelfth Floor
Bismarck, North Dakota 58505

Re: Midcontinent Communications/Turtle Mountain Communications, Inc.
Case No. PU-10-157
RURAL EXEMPTION INVESTIGATION

Dear Mr. Nitschke:

Enclosed for filing are the original and seven copies of MIDCONTINENT COMMUNICATION'S REQUEST FOR ORDER OF DISMISSAL.

This document is also being transmitted electronically to your office. Also enclosed is an extra copy of the Request to be filed stamped and returned in the self-addressed, stamped envelope.

Please present this request to the Commission at the Commission's regular meeting on July 14, 2010.

Thank you for your attention to this matter.

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

Sincerely,

PEARCE & DURICK


Patrick W. Durick

Counsel to Midcontinent Communications

PWD/ak

Enclosures

cc: Valerie Wilmer (via email)
Annette Bendish (via email)
Nancy Vogel (via email)
J.G. Harrington (via email)
Patrick Fahn (via email)

12 PU-10-157 Filed: 7/9/2010 Pages: 3
Request for Order of Dismissal

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Case No. PU-10-157

Midcontinent Communications, a)
South Dakota Partnership,)
)
Complainant,)
)
vs.)
)
Turtle Mountain Communications, Inc.)
)
Respondent.)

RURAL EXEMPTION INVESTIGATION
REQUEST FOR ORDER OF DISMISSAL

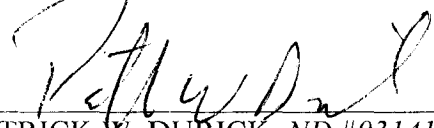
On May 12, 2010, Midcontinent Communications (“Midcontinent”) filed a Notice of Request for Services from Turtle Mountain Communications, Inc. (“Turtle Mountain”) for the Bisbee, Dunseith and Willow City, North Dakota, exchanges and requested that the Commission conduct an inquiry for the purpose of determining whether Midcontinent’s request for wholesale resale of telecommunications services that Turtle Mountain provides at retail to subscribers who are not telecommunications carriers for the Willow City, Dunseith and Bisbee, North Dakota, exchanges and also for interconnection agreements with Turtle Mountain for the purpose of facilities-based interconnection, the exchange of traffic, number portability and other customary arrangements between incumbent telephone companies such as Turtle Mountain and competitive CLECs such as Midcontinent for those exchanges under 47 U.S.C. §251(c) is not unduly economically burdensome, is technically feasible, and is consistent with section 254 of Title 47 U.S.C. (other than subsections (b)(7) and (c)(1)(D) of Section 254 of that Title).

Midcontinent and Turtle Mountain voluntarily entered in to an Amendment to an existing Interconnection Agreement with Turtle Mountain which added the Bisbee, Dunseith and Willow City, North Dakota, Exchanges to that agreement and Midcontinent has filed a Petition to approve that Amendment. By reason of the aforementioned Amendment to the existing Interconnection Agreement, the above captioned Rural Exemption Investigation is now unnecessary.

Wherefore, Midcontinent requests that the Commission enter its order dismissing the above captioned Rural Exemption Investigation.

Dated this 9th day of July, 2010.

PEARCE & DURICK



PATRICK W. DURICK ND #03141

Individually and as a Member of the Firm

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