



Public Service Commission

State of North Dakota

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December 9, 2011

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Re: Midcontinent Communications / Missouri Valley Communications, Inc.,
Interconnection Arbitration Application, Case No. PU-11-697

Gentlemen:

On November 14, 2011, the Commission received a Petition for Arbitration from Midcontinent Communications (Midcontinent) to establish an interconnection agreement with Missouri Valley Communications, Inc. (Missouri Valley) relating to the request for a facilities based interconnection "for the purpose of exchanging local traffic" under Section 251(a) of the Communications Act and reciprocal compensation and number portability under Section 251(b) of the Communications Act. The purpose of this letter is to remind the parties of some of the requirements of the Commission's arbitration rules under N.D. Admin. Code Chapter 69-02-10.

N.D. Admin Code § 69-02-10-08 requires that within fifteen days from the date the petition is filed, the party that requests arbitration must provide to the Commission the names and qualifications of at least two qualified neutral arbitrators that are acceptable to all parties to the negotiation. If the parties are unable to agree on the acceptability of arbitrators, each party must submit the names and qualifications of at least two arbitrators that would be acceptable to that party. Under N.D. Admin Code § 69-02-10-10, the Commission must appoint an arbitrator within twenty days after the petition has been filed.

As all parties are aware, and agreement has been reached whereby these timelines have been waived, pending the submission by the parties of an agreed upon arbitrator. Once this arbitrator has been received, the Commission will proceed in due course.

Patrick Durick
David Hogue
Dec. 9, 2011
Page 2

The Commission's rules require that the parties to the arbitration proceeding must contract directly with the arbitrator for the arbitration services and pay all costs and fees of the arbitrator and any outside consultants retained to assist the arbitrator. See N.D. Admin Code § 69-02-10-12. The rules also require that the Commission will designate the court reporter for the proceeding, but the parties must pay directly to the court reporter the fees and costs of the court reporter including costs of transcripts. See N.D. Admin Code § 69-02-10-25.

N.D. Admin Code § 69-02-10-14 requires the arbitrator to schedule a prehearing conference to be held no later than two hundred days from the date of making the request for negotiation. The purpose of the prehearing conference is to have discussions concerning a procedural schedule, areas of testimony, the scope and timing of discovery, and to identify, simplify and limit issues. The arbitrator must issue an order following the prehearing conference setting forth a procedural order for the proceeding and identifying the issues in dispute. N.D. Admin Code § 69-02-10-15 requires the Commission to issue a notice of hearing within fifteen days after the prehearing conference.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Gruman", with a long horizontal flourish extending to the right.

Mark Gruman
Legal Counsel