

**IN THE MATTER OF THE ARBITRATION OF MIDCONTINENT COMMUNICATIONS  
AND MISSOURI VALLEY COMMUNICATIONS, INC.**

**PU-11-697**

JAN 26 2012

**REVISED SCHEDULING ORDER**

**PUBLIC SERVICE COMMISSION**

The parties participated in a telephone pretrial conference on **January 13, 2012**, for purposes of scheduling dates in which to complete the arbitration of the above matter. Midcontinent was represented by attorneys Patrick Durick, Zach Pelham, and JG Harrington. Missouri Valley Communications, Inc. was represented by David Hogue.

The following issues were agreed upon and a timetable was set:

1. Type of arbitration. The parties have agreed that the procedure for arbitration will be issue-by-issue modified final offer arbitration as outlined in Chapter 69-02-10 of the North Dakota Administrative Practices Act.

2. Proposed interconnection agreement. Midcontinent will submit a proposed interconnection agreement to Missouri Valley by **February 3, 2012**.

3. Written discovery requests. **January 30, 2012**, is the final date for each party to submit written discovery requests to the other without further permission from the arbitrator. Discovery requests are to be reasonable in scope and number.

4. Objections to discovery requests. The parties will file objections to discovery requests by **February 15, 2012**.

5. Discovery response. The parties will each disclose their expert witnesses by **February 27, 2012**, in the form to comply with Rule 26(c) of the Federal Rules of Civil Procedure.

6. Expert witness deposition. If either party determines the need to take deposition testimony of any expert witness identified by the other party, they will do so no later than **March 16, 2012**.

7. Direct testimony. Direct testimony of witnesses will be pre-filed in written form by **March 26, 2012**. The parties will be permitted to cross examine or perform redirect opening statements on subjects of cross examination at the time of the hearing.

8. Final pretrial conference. If any party deems a need for a final pretrial conference with the arbitrator, it is set for **April 2, 2012**, at **3:00 p.m.** by telephone conference.

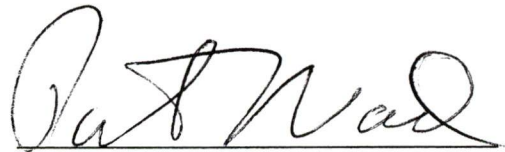
9. Hearing. The hearing of this matter, which will consist primarily of cross examination and redirect of witnesses whose testimony has been pre-filed, will take place commencing at **10:00 a.m.** on **April 4-5, 2012**, in Bismarck at the Commission Hearing Room at the State Capital Building. The hearing is expected to last one day, but two are reserved. The parties will agree on exhibits and numbering of exhibits prior to the final pretrial conference. A court reporter will be provided for the hearing by the parties.

10. Post hearing briefs. Each side will submit post hearing briefs no later than **April 20, 2012.**

11. Proposed award form. After the hearing and no later than **April 20, 2012**, each side shall submit a proposed arbitration award on each issue in sufficient form for the arbitrator to sign and use as his final opinion and recommendation to the Commission, if necessary.

12. Final decision. A final decision on each of the issues will be issued by the arbitrator on or before **May 1, 2012.**

Dated this 24<sup>th</sup> day of January, 2012.



Patrick J. Ward  
Arbitrator  
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