

**Gruman, Mark E.**

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**From:** Zachary E. Pelham <zep@pearce-durick.com>  
**Sent:** Thursday, June 14, 2012 7:08 PM  
**To:** Gruman, Mark E.  
**Cc:** David Hogue; 'jgharrington@dowlohnes.com' (jgharrington@dowlohnes.com)  
**Subject:** Midcontinent v. Missouri Valley-PU-11-697

Dear Mr. Gruman-

I am following up on today's meeting and the discussion of the proposed interconnection agreement between Midcontinent and Missouri Valley.

Midcontinent understands that the formal comment process has been completed. However, to the extent the Commission would need any clarification on any of Midcontinent's positions in this matter, we would be happy to provide additional information.

In addition, while Midcontinent was not served with Missouri Valley's public comments, we did review them yesterday on the Commission's website. Missouri Valley's comments are somewhat concerning to Midcontinent in that they rest entirely on claims that are outside the scope of the approval process for interconnection agreements. First, Midcontinent reads the administrative code to require public comments on the interconnection agreement—not comments on matters previously resolved and an opportunity to raise new arguments for the first time as Missouri Valley has put forth in its comments. Second, the Communications Act specifically limits the issues to be considered in connection with approval of an arbitrated interconnection agreement, and those issues do not include any of the claims made by Missouri Valley. For that reason, and as noted by Mr. Fahn today, Midcontinent focused its comments on the submitted joint interconnection agreement.

In any event, while Midcontinent would be happy to respond to some of these statements that contain no support in the record, or misstate the record, we are mindful that the rules of Commission do not provide for such additional comments. (Midcontinent notes that its comments do discuss some of the public interest benefits of facilities-based competition.) Midcontinent simply wants to let the Commission know that it does not view Missouri Valley's comments as being relevant or appropriate because they attempt to re-litigate what has been litigated and decided and do not address what is to be the subject of the comments under the rules—the jointly filed interconnection agreement. The limits on the scope of comments in the Commission's rules and the Communications Act should be respected, and within those limits Missouri Valley has not provided any reason why the agreement should be rejected.

Finally, Midcontinent understands that either a decision will be issued on or before June 29<sup>th</sup> or the Commission will simply take no action and let the deadline expire, causing the submitted joint interconnection agreement to be approved pursuant to 252(e)(4).

Thank you.

Sincerely,

Zack