



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian P. Kalk
Kevin Cramer
Bonny M. Fetch

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

July 17, 2012

David J Hogue
Pringle & Herigstad, P.C.
PO Box 1000
Minot, ND 58702-1000

Re: Waiver of Service of Summons
Missouri Valley v. NDPSC, Midcontinent
4:12-CV-091
PSC Case No. PU-11-697

Enclosed with this correspondence should be a signed original of the Commission's Waiver of Service of Summons for this matter.

Please let me know if you have any questions,

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

Mark Gruman
Legal Counsel
North Dakota Public Service Commission

Enc. Waiver of Service of Summons

UNITED STATES DISTRICT COURT
for the

Missouri Valley Communications, Inc.
Plaintiff
v.
NDPSC & Midcontinent Communications,
Defendant

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Civil Action No. 4:12-cv-091

WAIVER OF THE SERVICE OF SUMMONS

To: Missouri Valley Communications, Inc.
(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from July 11, 2012, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: July 17, 2012

Mark Gruman
Printed name of party waiving service of summons

Mark Gruman
Signature of the attorney or unrepresented party

Mark Gruman
Printed name

600 East Blvd Ave, Dept 400 Bismarck, ND 58501
Address

mgruman@nd.gov
E-mail address

701-328-2421
Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.