

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

MISSOURI VALLEY COMMUNICATIONS, INC.

Plaintiff,

v.

NORTH DAKOTA PUBLIC SERVICE  
COMMISSION and KEVIN CRAMER,  
BONNY FETCH, AND BRIAN KALK,  
In their official capacities as Commissioners  
of the North Dakota Public Service Commission

and

MIDCONTINENT COMMUNICATIONS,  
A South Dakota Partnership,

Defendants.

Case No. 4:12-CV-091  
PSC Case No. PU-11-697

**MOTION  
FOR SUMMARY JUDGMENT**

North Dakota Public Service Commission (Commission) moves pursuant to Rule 56 of the Federal Rules of Civil Procedure for summary judgment. This motion is supported by the accompanying Memorandum of Law, evidence in support, and the pleadings on file with the Court.

Dated this 26th day of November, 2012.

By: /s/ Mark Gruman  
Mark Gruman, #06019  
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CERTIFICATE OF SERVICE

I hereby certify that on November 26th, 2012, the above-captioned document **MOTION FOR SUMMARY JUDGEMENT** was filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (ECF) to the following:

David Hogue

/s/ Mark Gruman  
MARK GRUMAN