



Michael S. Raum

Phone: (701) 237-6983 | Fax: (701) 476-7676 | mraum@vogellaw.com

February 15, 2011

RECEIVED

FEB 16 2012

PUBLIC SERVICE COMMISSION

Executive Secretary
Public Service Commission
State Capitol
Bismarck, ND 58505

**Re: Notice of Withdrawal of Joint Application
PSC Case No. PU-11-720**

Dear Sirs and Madams:

Attached please find the Notice of Withdrawal of the Joint Application of IdeaOne Telecom Group, (“IdeaOne”) and Hickory Tech Corporation (“HTC”). Contact information for each party and their respective counsel is set forth below.

Along with this transmittal letter, this filing contains the following:

- The NOTICE OF WITHDRAWAL, including all exhibits and attachments thereto, and two (2) file copies to be stamped and returned to legal counsel for each of the respective parties, as designated below.

3 **PU-11-720** Filed: 2/16/2012 Pages: 7
Notice of withdrawal

IdeaOne Telecom Group LLC

Michael Raum, Vogel Law Firm

February 15, 2011
Page 2

The designated contact persons for questions regarding this Joint Application are as follows:

For Hickory Tech Corporation:

Bill VanderSluis
Director Regulatory Affairs
HickoryTech Corporation
221 East Hickory Street
P.O. Box 3248
Mankato, MN 56002-3248
Telephone: 507-387-1886
Fax: 507-625-9191

Counsel:
Sean R. Simpson, Esq.
Leonard, Street and Deinard
3 Civic Center Plaza, Suite 400
P.O. Box 967
Mankato, MN 56002
Telephone: 507-345-1179
Fax: 507-345-1182

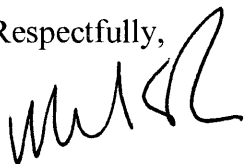
For IdeaOne Telecom Group, LLC:

Bob Johnson
IdeaOne Telecom
3312 42nd St S, Suite 100
Fargo, ND 58104

Counsel:
Michael Raum, Esq.
Vogel Law Firm
218 NP Avenue
P.O. Box 1389
Fargo ND 58107-1389
Telephone: 701-356-6358

Please advise if the Commission has any questions or requires any additional information. Please return stamped copies of the Notice of Withdrawal to both me and legal counsel for HTC at the addresses listed above.

Respectfully,



Michael S. Raum

1328261.1

MSR;MLT

Enclosures NOTICE OF WITHDRAWAL with Exhibit, and copies thereof

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

IN THE MATTER OF THE JOINT APPLICATION OF
HICKORY TECH CORPORATION AND
IDEAONE TELECOM GROUP, LLC
FOR AUTHORIZATION OF A CHANGE OF OWNERSHIP OF
IDEAONE TELECOM GROUP, LLC

PSC CASE NO. PU-11-720

NOTICE OF WITHDRAWAL OF JOINT APPLICATION


Please accept this document as the notice of withdrawal of the Joint Application of Hickory Tech Corporation ("HTC") and IdeaOne Telecom Group, LLC ("IdeaOne") for authorization pursuant to section 49-04-06 of the North Dakota Century Code for Hickory Tech Corporation to acquire all membership interests of IdeaOne Telecom Group, LLC.

Pursuant to a letter of the Public Service Commission (the "Commission"), dated February 1, 2012, a copy of which is attached hereto as Exhibit A, the Commission has determined that no application is required and the Commission is without authority to act on the change of ownership of a CLEC, such as IdeaOne. The Commission has requested that IdeaOne and HTC withdraw their Joint Application in lieu of the Commission dismissing the same for lack of jurisdiction.

Therefore, having the express permission of the Commission to do so, IdeaOne and HTC withdrawal their Joint Application pursuant to N.D. Admin. Code. § 69-02-02-07(2).


Respectfully submitted,

Counsel for IdeaOne



Michael S. Raum (#0388747)
VOGEL LAW FIRM
218 NP Avenue
P.O. Box 1389
Fargo ND 58107-1389
Telephone: 701-356-6358

Counsel for Hickory Tech Corporation



Sean R. Simpson (#288202)
LEONARD, STREET AND DEINARD,
Professional Association
3 Civic Center Plaza, Suite 400
Mankato, Minnesota 56001
Telephone: 507-345-1179

EXHIBIT A

Attached.



Public Service Commission

State of North Dakota

COMMISSIONERS

Tony Clark
Brian P. Kalk
Kevin Cramer

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

1 February 2012

Sean R. Simpson, Esq.
Leonard, Street and Deinard
P.O. Box 967
Mankato, MN 56002

Michael Raum, Esq.
Vogel Law Firm
P.O. Box 1389
Fargo, ND 58107-1389

Re: IdeaOne Telecom Group, LLC
Change of Ownership Application
PSC Case No. PU-11-720

We have received your application dated 21 December 2011 for approval of a change in ownership of IdeaOne Telecom Group, LLC. The Public Service Commission discussed this matter at the Administrative Matters portion of its 1 February 2012 Regular Meeting and asked me to respond.

The Commission does not see a need for the application because telecommunications companies (unless they elect rate of return regulation) are exempt from the provisions of N.D.C.C. § 49-04-06, under which the application was filed. Further, the application references issues related to certificates of public convenience and necessity under N.D.C.C. Chapter 49-03.1 (and corresponding Commission rules) that are applicable only to incumbent telecommunications companies. IdeaOne is not an incumbent telecommunications company but rather is a competitive local exchange company (CLEC).

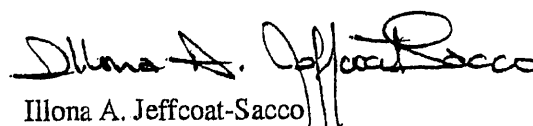
The last sentence of N.D.C.C. § 49-02-01.2 ("Nothing in this section limits the authority of the commission granted under chapters 49-03 and 49-03.1 or Sections 49-04-05 and 49-04-06.") does not make N.D.C.C. § 49-04-06 applicable to competitive local exchange companies. N.D.C.C. § 49-02-01.1 limits the Commission's jurisdiction over cooperative and government owned utilities. The last sentence of that section provides that the limitation in the section (N.D.C.C. § 49-02-01.2) does not work to limit any authority the Commission *might otherwise have* under N.D.C.C. § 49-04-06 (emphasis added). In the case of a telecommunications company that has not elected to be subject to rate of return regulation, specifically a CLEC such as IdeaOne, the Commission has no authority under § 49-04-06.

Sean R. Simpson and Michael Raum
1 February 2012
Page 2

Given that no application is required and the Commission is without authority to act on a CLEC's change of ownership, the applicants can withdraw the application or the Commission can dismiss the application for lack of jurisdiction. Please let me know at your earliest convenience if the applicants wish to withdraw the application.

Thank you in advance for your attention to this matter. Please call or e-mail if you have questions.

Best regards,


Ilona A. Jeffcoat-Sacco
General Counsel

c: Bill VanderSluis
Bob Johnson