



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

29 June 2012

Mr. Allen C. Hoberg
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, ND 58503

Re: AT&T Communications of the Midwest, Inc.
v. YMax Communication Corporation
Complaint
Case No. PU-12-433

Dear Mr. Hoberg:

Enclosed is a request for an Administrative Law Judge in the captioned case. The Notice of Hearing has not yet been issued.

The Administrative Law Judge will serve as a procedural law judge with the potential of being switched to a substantive law judge later, as determined by the Commission. The hearing will be electronically recorded.

If you have any questions, please contact me. Thank you.

Best regards,


Illona A. Jeffcoat-Sacco
General Counsel

Enclosure
c: w/encl. Thomas Kelsch



REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION
 NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS
 SFN 17819 (Rev. 06-2007)

Name of Agency, Board, or Commission
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the AT&T Communications of the Midwest, Inc. v. YMax Communication Corporation

Complaint - PSC Case No. PU-12-433

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code 49-21-06 (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:
 AT&T Communications of the Midwest, Inc. would like the YMax Communication Corporation's Tariff filed on 6/8/12

suspended and that the YMax tariff be determined not to be in compliance with the relevant FCC orders. (see complaint)

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 28-32-31(5). See NDCC 54-57-04.
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY See attached	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number

Additional Comments
 There is the potential of being switched to a substantive law judge later, as determined by the Commission.

The Notice of Hearing has not yet been issued.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person Illona A. Jeffcoat-Sacco, General Counsel	Date 6/29/2012
Signature of Requesting Person X	Telephone Number (701) 328-2407

Attachment
Request for ALJ
29 June 2012

AT&T Communications of the Midwest, Inc.
v. YMax Communication Corporation
Complaint
Case No. PU-12-433

AGENCY	Address	Telephone Number
North Dakota Public Service Commission	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2400
Representation Mark Gruman Legal Counsel	Address 600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	Telephone Number 701-328-2421
PARTY AT&T Communications of the Midwest, Inc	Address 1016 East Owens Avenue Suite 20 Bismarck, ND 58501	Telephone Number 612-376-6764
Representation Thomas D. Kelsch, Attorney	Address Kelsch Kelsch Ruff & Kranda PO Box 1266 Mandan, ND 58554-7266	Telephone Number 701-663-9818
PARTY YMax Communication Corporation	Address 223 Sunset Ave. Suite 223 Palm Beach, FL 33480	Telephone Number 561-832-3140
Representation Not yet determined	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number