

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

AT&T Communications of the Midwest, Inc.
v. YMax Communications Corp.
Complaint

Case No. PU-12-433

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Cara DeSaye deposes and says that:

she is over the age of 18 years and not a party to this action, and, on the 14th day of **August, 2012**, she deposited in the United States Mail, at Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

Notice of Hearing

The envelopes were addressed as follows:

Thomas Kelsch
Kelsch Kelsch Ruff & Kranda
PO Box 1266
Mandan ND 58554-7266

Sharon Thomas
Technologies Management Inc.
PO Drawer 200
Winter Park FL 32790-0200

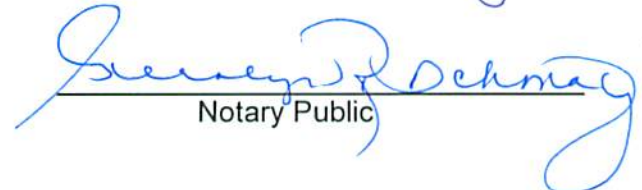
Cert. No. 7011 3500 0003 4574 5308

Cert. No. 7011 3500 0003 4574 5315

Each address shown is the respective addressee's last reasonably ascertainable post office address.

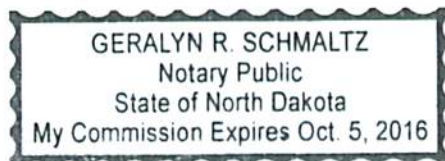
Subscribed and sworn to before me
this 14th day of **August, 2012**.





Notary Public

SEAL



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NOTICE OF HEARING
August 13, 2012

On June 29, 2012 AT&T Communications of the Midwest, Inc. ("AT&T") filed a Complaint alleging that YMAX Communications Corp.'s ("YMAX") North Dakota Tariff No. 2 – Access Service, filed with the North Dakota Public Service Commission (Commission) on June 8, 2012 (Case No. PU-12-289). AT&T alleges that the YMAX tariff includes charges for VoIP-PSTN traffic access functions that YMAX does not provide. VoIP-PSTN traffic access is traffic exchanged over public switched telephone network (PSTN) facilities that originates or terminates in internet protocol format (VoIP).

AT&T requests that the Commission suspend the YMAX tariff filed on June 8, 2012 and determine that the tariff is not in compliance with the Federal Communications Commission's (FCC) recent orders in its access reform docket including *Connect America Fund et al.*, WC Docket No. 10-90, et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, 26 FCC Rcd 17663 (2011) and *YMAX Clarification Order*, DA 12-298, released on February 27, 2012.

On July 11, 2012, the Commission found the complaint filed by AT&T states a prima facie case, and served the complaint on the Respondent

A public hearing on this matter will be held **October 18, 2012 beginning at 10 a.m.** in the Commission hearing room, State Capitol, 12th Floor, Bismarck, North Dakota 58505. Issues to be considered in this matter are:

1. Whether the Commission has jurisdiction to award the relief requested by the Complainant.
2. Whether the price for the access service is unreasonable, unfair, or inadequate.
3. Whether the Commission should set aside the price for the access service.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify the Commission.

PUBLIC SERVICE COMMISSION


Kevin Cramer
Commissioner


Brian P. Kalk
Chairman


Bonny M. Fetch
Commissioner