

DeSaye, Cara G.

From: Colleen Park <colleenp@ndna.com>
Sent: Tuesday, August 14, 2012 1:07 PM
To: DeSaye, Cara G.
Subject: RE: Case No. PU-12-433 Notice of Hearing

Received.
I will schedule as shown below.

Colleen Park
Advertising and Public Notice Coordinator
North Dakota Newspaper Association

From: DeSaye, Cara G. [<mailto:cdesaye@nd.gov>]
Sent: Tuesday, August 14, 2012 10:08 AM
To: colleenp@ndna.com
Subject: Case No. PU-12-433 Notice of Hearing

Colleen
North Dakota Newspaper Association

Please have the attached Notice of [Hearing](#) published one time as a legal publication in the next issue of the following newspapers:

Bismarck Tribune **8/18**
Devils Lake Journal **8/17**
Dickinson Press **8/18**
The Fargo Forum **8/27**
Grand Forks Herald **8/18**
Jamestown Sun **8/18**
Minot Daily News **8/19**
Valley City Times-Record
The Daily News **8/19**
Williston Daily Herald **8/19**

Don not publish in the classifieds. Please run it as a "News Item Only" article as well.

Send the bill to the Public Service Commission along with a tear sheet for billing purposes.

Please confirm via email that you received this request.

If you have any questions or cannot open the files, please call me at 328-4076 or email.

Thank You

Cara DeSaye

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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

Case No. PU-12-433

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**