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CERTIFIED CIVIL TRIAL ADVOCATE BY THE
NATIONAL BOARD OF TRIAL ADVOCACY
FORMER MONTANA SUPREME COURT JUSTICE
SHARON M. MORRISON
SEAN S. FRAMPTON
DIANE SMITH ■

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† ALSO ADMITTED IN IDAHO
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2

October 20, 2004

VIA U.S. MAIL

Ms. Kate Whitney
Administrator – Utility Division
Montana Public Service Commission
PO Box 202601
Helena, Montana 59620-2601

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2004 OCT 21
MONTANA PUBLIC SERVICE COMMISSION

Dear Ms. Whitney:

Enclosed are the original and ten copies of the Montana Telecommunications Association Prehearing Memorandum in the Matter of Cable & Communication Corporation, dba MID-RIVERS CELLULAR, Petition for Designation as an Eligible Telecommunications Carrier.

Respectfully,

Diane Smith
Morrison & Frampton, PLLP

DS/ hma
Enclosure(s)
cc: Service List

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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PUBLIC SERVICE
COMMISSION

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IN THE MATTER OF CABLE &) UTILITY DIVISION
COMMUNICATIONS CORPORATION, dba)
MID-RIVERS CELLULAR, Petition for) DOCKET NO. D2003.8.105
Designation as an Eligible)
Telecommunications Carrier)

**PREHEARING MEMORANDUM
OF THE MONTANA TELECOMMUNICATIONS ASSOCIATION**

The Montana Telecommunications Association (“MTA”), pursuant to the Montana Public Service Commission’s (the “Commission’s”) amended Procedural Order in this matter, provides the following information in anticipation of hearing:

I. CONTESTED ISSUES.

- A. Whether the Commission should deny Mid-Rivers Cellular petition for designation as an Eligible Telecommunications Carrier on the grounds that it is not in the public interest.
- B. Whether, in the event the Commission approves the petition, approval should be conditioned upon standards and reporting requirements such as those set forth in the MITS/MTA Petition for Rulemaking currently pending before the Commission (Docket No. D2004.2.23).
- C. Whether the petitioner has sustained its burden of proof.

II. WITNESSES.

MTA will offer no witnesses. MTA respectfully requests the opportunity to cross-examine all witnesses and call rebuttal witnesses if necessary.

III. EXHIBITS.

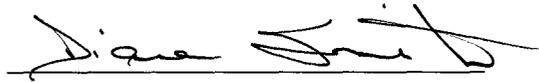
MTA will offer no exhibits.

IV. SPECIAL NEEDS.

There are no special needs to accommodate witness sequence or scheduling.

Respectfully submitted October 20, 2004.

MORRISON & FRAMPTON, PLLP

A handwritten signature in black ink, appearing to read "Diane Smith", written over a horizontal line.

Diane Smith
Attorney for Montana Telecommunications
Association
341 Central Avenue
Whitefish, Montana 59937