

setting federal policy on competitive local exchange carrier access rates, Mr. Furchgott-Roth has valuable insight to provide, whether that insight is styled as a "comment" or "pre-field testimony." In fact, it is striking that Midcontinent seeks to deny the Commission the opportunity to consider Mr. Furchgott-Roth's testimony, rather than seeking leave to provide a substantive rebuttal. Midcontinent's attempt to elevate form over substance does nothing to further the Commission's efforts to set sound public policy.

Finally, the June 1 Letter also makes clear that any interested persons will have an opportunity to file written comments and provide comments at the hearing once the formal rulemaking proceeding gets underway. Thus, while Northern Valley and Sancom would not object to Midcontinent providing a substantive response, Midcontinent's argument that to "allow the Furchgott-Roth testimony to stand without opportunity for reply by the parties, or without meaningful cross examination, would deprive the remaining parties of procedural due process," is but a red herring. Midcontinent and the other parties will receive all of the process they are due, just as soon as the Commission begins the formal rulemaking proceeding.

For the foregoing reasons, the Commission should deny Midcontinent's Motion to Strike.

Dated this 16th day of July 2010.

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