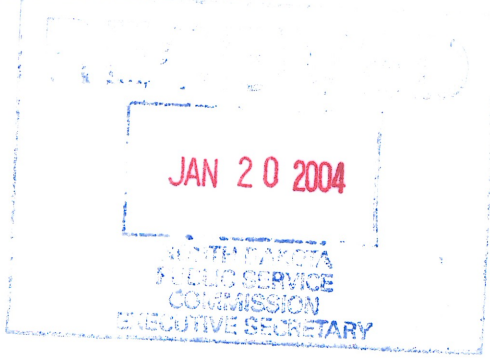


BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA

BEK Communications Cooperative,)
 Consolidated Telcom, Dakota Central)
 Telecommunications Cooperative, Dickey)
 Rural Telephone Cooperative, Griggs)
 County Telephone Company, Inter-Community)
 Telephone Company, LLC, Missouri Valley)
 Communications, Inc., Moore and Liberty)
 Telephone Company, Nemont Telephone)
 Cooperative, Inc., North Dakota Telephone)
 Company, Northwest Communications)
 Cooperative, Polar Communications Mutual)
 Aid Corporation, and Reservation Telephone)
 Cooperative,)
)
 Complainants,)
)
 vs.)
)
 SmartNET, Inc., d/b/a CallSmart,)
)
 Respondent.)



Case No. PU-2967-03-666

**NOTICE TO TAKE
 DEPOSITION UPON ORAL
 EXAMINATION AND FOR
 PRODUCTION OF DOCUMENTS**

TO: RESPONDENT AND ITS ATTORNEY, BRUCE A. SELINGER

PLEASE TAKE NOTICE that the Complainants will take the deposition of Bruce Burke, owner, officer, and represent to present evidence and testimony on behalf of SmartNET, Inc., d/b/a CallSmart, at 9 a.m. MST on Tuesday, February 3, 2004, at the offices of Kubik, Bogner, Ridl & Selinger located at 26 East Third Street, Dickinson, North Dakota 58601, with authority to adjourn from day to day until such deposition is completed. At such time and place you are notified to appear and take such part in the examination as you may be advised and as shall be fit and proper.

YOU ARE FURTHER NOTIFIED that the above individual will produce the following documentation. All documents requested herein relate to the time period from the

inception of the business operations of SmartNET, Inc., and/or CallSmart, to the current date. Please produce the following:

1. All quarterly sales tax reports of SmartNET, Inc.
2. A copy of all contracts, service agreements, and bills for local telecommunications access facilities, used to connect a local wire center to the SmartNET network. (As used herein, the term SmartNET network will also refer to the CallSmart network.)
3. A copy of all contracts, service agreements, and bills for telecommunications access and transport facilities purchased by the SmartNET network to connect locations on the SmartNET network together.
4. A copy of all contract, service agreements, and bills for telecommunications facilities or services purchased from interexchange carrier companies.
5. A copy of all contracts, service agreements, and bills for all transport and access services purchased from another telecommunications provider and not already provided in the previous disclosures.
6. A copy of all contracts, service agreements, and bills for all internet service provider connections and transport purchased from an internet service provider.
7. A detailed schematic diagram of how the SmartNET network architecture is configured in North Dakota and how the SmartNET network connects to the national and international networks. Please include all equipment locations, locations where the SmartNET network connects to other telecommunications providers facilities, switch locations, router locations, access hubs, interexchange carrier points of interface, internet points of interface, and all other significant network locations, components, transport facilities, operations points, or carrier access points of presences.
8. A detailed list of all routing and switching equipment owned and operated in the SmartNET network, including product manufacturer and part number.
9. A copy of all agreements, contracts, and bills for telecommunications switching and routing services provided by a third party.

10. A complete description of all equipment and appliances required on the customer premise allowing a user to access the SmartNET network for voice communications services.
11. A detailed description of the steps an end user takes to connect to the SmartNET network and complete a voice call from each wire center in which SmartNET has customers.
12. A detailed explanation of how a voice call placed over the SmartNET network is completed, including a detailed discussion of facility type and ownership used as the call traverses the network. Also, the case of one SmartNET user calling another SmartNET user.
13. A description of the minimum internet service connection required at the customer premise to access the SmartNET network.
14. A complete list of all information and content services offered to end users by SmartNET.
15. A complete list of the routable IP addresses registered and available to SmartNET and its affiliates.
16. A complete list of all domain names registered and available to SmartNET and its affiliates.
17. A complete list and description of all content and information service types that originate, terminate, or transit over the SmartNET network.
18. A breakdown of network utilization by relative use of each type of content or information service that originates, terminates, or transits the SmartNET network.
19. A copy of all contracts, service agreements, and bills for network peering arrangements used to transit internet traffic from one provider network to another.
20. A complete list of all locations where SmartNET services can be completed to the end user without mediation of a third party.
21. All terminating and originating traffic records.
22. Balance sheet of SmartNET, Inc.

- 23. Current subscriber/customer list showing wire center and address.
- 24. Statements showing remittance to or for:
 - a. Universal Service Funds,
 - b. 911 or E911 taxes or funds,
 - c. Gross receipts taxes,
 - d. Dickinson and any other city's sales taxes, and
 - e. Federal excise taxes.

Dated at Minot, North Dakota, this 19th day of January, 2004.



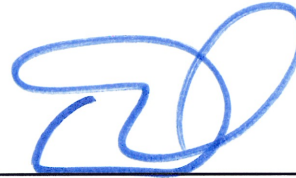
PRINGLE & HERIGSTAD, P.C.

By: Don Negaard, ND Bar ID #03598
Second Floor, Bremer Bank Building
P.O. Box 1000
Minot, ND 58702-1000
Telephone: (701) 852-0381
Fax: (701) 857-1361
pringle@ndak.net
Attorney for Complainants

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing Notice to Take Deposition Upon Oral Examination and for Production of Documents was mailed on the 19th day of January, 2004, to the following:

Bruce A. Selinger
KUBIK, BOGNER, RIDL & SELINGER
26 East Third Street
P.O. Box 1173
Dickinson, ND 58602-1173



Don Negaard, ND Bar ID #03598