

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**BEK Communications Cooperative, et al.**  
**Vs SmartNET, Inc.**  
**Complaint**

**Case No. PU-2967-03-666**

**NOTICE OF HEARING**

**January 28, 2004**

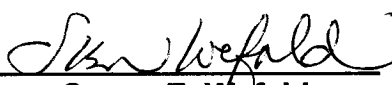

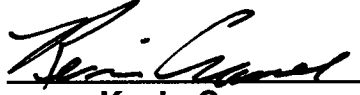
On November 25, 2003, BEK Communications Cooperative, Consolidated Telecom, Dakota Central Telecommunications Cooperative, Dickey Rural Telephone Cooperative, Griggs County Telephone Company, Inter-Community Telephone Company, LLC, Missouri Valley Communications, Inc., Moore and Liberty Telephone Company, Nemont Telephone Cooperative, Inc., North Dakota Telephone Company, Northwest Communications Cooperative, Polar Communications Mutual Aid Corporation, and Reservation Telephone Cooperative (complainants) filed a complaint alleging that SmartNET, Inc. (respondent) (1) operates as an intrastate long distance telecommunications provider without authority from the Commission in violation of North Dakota law including North Dakota Century Code Chapter 49-21, Chapter 49-02, and Chapter 49-03.1 and lawful regulations and orders of the Commission and (2) operates as an intrastate long distance telecommunications provider without paying the Complainants for access fees for the use of their local switched network facilities in accordance with North Dakota law and prior Commission rules and orders.

**A public hearing** on this matter will be held beginning **March 30, 2004 at 8:30 a.m. CST** in the Commission hearing room, State Capitol, 12<sup>th</sup> Floor, Bismarck, North Dakota 58505. Issues to be considered in this matter include:

1. Whether the respondent is subject to the jurisdiction of the Commission.
2. Whether the services provided by the respondent are subject to the jurisdiction of the Commission.
3. If the respondent and services provided by the respondent are subject to the jurisdiction of the Commission, whether respondent is properly authorized to provide such services.
4. Whether respondent is using the local service facilities of the complainants.
5. If respondent is using the local service facilities of the complainants, whether respondent is liable to the complainants for compensation for the use of those facilities.

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 Jon Mielke, Executive Secretary.

**PUBLIC SERVICE COMMISSION**

 _____ <b>Susan E. Wefald</b> Commissioner	 _____ <b>Tony Clark</b> President	 _____ <b>Kevin Cramer</b> Commissioner
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