



Public Service Commission
State of North Dakota

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February 2, 2004

Mr. Allen C. Hoberg
Office of Administrative Hearings
1707 North 9th Street, Lower Level
Bismarck, ND 58501

Re: Case No. PU-2967-03-666
BEK Communications Cooperative, et al.
vs. SmartNET, Inc.
Complaint

Dear Mr. Hoberg:

Enclosed is a request for an administrative law judge in the above case. The Commission has scheduled a hearing for March 30, 2004, beginning at 8:30 a.m. in the Commission's Hearing Room, 12th Floor, State Capitol, Bismarck. The administrative law judge will serve as a procedural law judge, a court reporter may be present, and the hearing will be tape recorded. A copy of the case is enclosed.

Please provide the Commission with a copy of any filings issued by your office in this matter.

If you have any questions, please contact me. Thank you.

Sincerely,

William W. Binek
Hearing Administrator

/s/
Enclosure

C: Parties



REQUEST FOR ADMINISTRATIVE LAW JUDGE--COMPLAINT
NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS
 SFN 17818 (Rev. 03-2001)

Name of Agency, Board, or Commission Public Service Commission		
Name of Respondent(s) BEK Communications Coop, et al	Address % Pringle & Herigstad, PC, P. O. Box 1000, Minot, ND 58702-1000	Telephone Number 701-852-0381
SmartNET, Inc.	% Kubik, Bogner, Ridle & Selinger, P. O. Box 1173, Dickinson, ND 58602	701-225-9155

The above named agency, board, or commission has taken administrative action pursuant to its authority found in Title 49 _____ (North Dakota Century Code and/or North Dakota Administrative Code).

The administrative action is more fully described as follows:
 Case No. PU-2967-03-666 BEK Communications Cooperative, et al vs. SmartNET, Inc., Complaint. Hearing is scheduled for
 March 30, 2004, beginning at 8:30 CST in the Commission Hearing Room.

Has the respondent been provided a copy of the complaint? Yes No

Attached is a copy of the complaint, related documents and correspondence, and certificate, affidavit or admission of service. If the respondent has otherwise been notified about this administrative action, please explain in the comments section below.

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.

Agency Contact Person(s) Illona Jeffcoat-Sacco, Public Utilities Director	Telephone Number 328-2407
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Representation [attorney (or other)] if known:

Agency William W. Binek, Chief Counsel	Telephone Number 328-4088
Party Don Negaard, P. O. Box 1000, Minot, ND 58702-1000 (BEK Communications Coop, et al)	Telephone Number 701-852-0381
Party Bruce Selinger, P. O. Box 1173, Dickinson, ND 58602-1173 (SmartNET, Inc.)	Telephone Number 701-255-9155

Additional Comments
 Hearing will be tape recorded and a court reporter may be present.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person William W. Binek, Hearing Administrator	Date 2-2-04
Signature of Requesting Person X	Telephone Number 328-4088