

BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA

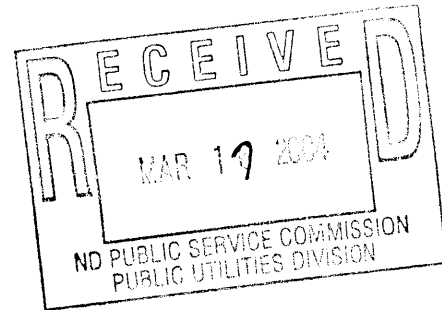
BEK Communications Cooperative,
Consolidated Telcom, Dakota Central
Telecommunications Cooperative, Dickey
Rural Telephone Cooperative, Griggs
County Telephone Company, Inter-
Community Telephone Company, LLC,
Missouri Valley Communications, Inc.,
Moore and Liberty Telephone Company,
Nemont Telephone 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.



**APPLICATION REQUESTING
TRADE SECRET PROTECTION**

Case No. PU-2967-03-666

SmartNET, Inc. ("SmartNET") requests the North Dakota Public Service Commission, pursuant to Chapter 69-02-09 of the North Dakota Administrative Code, to issue a protective order limiting the disclosure of trade secret information provided by SmartNET in responses to Discovery Requests served by the Complainants in this investigative procedure and expected to be offered at the public hearing.

The trade secret information has been appropriately marked and is submitted in a sealed envelope with this filing.

1. General Description of the Nature of the Information Sought to be Protected.

The information sought to be protected is:

- A. Confidential information to SmartNET's response to information about SmartNET's contracts, service agreements, and bills for telecommunications access and transport facilities to SmartNET's network.
- B. Confidential information to SmartNET's response to information about SmartNET's network architecture, drawings, facilities, and equipment locations.
- C. Confidential information to SmartNET's response to information about SmartNET's equipment list, including gateways, routers, and software used to develop the network.
- D. Confidential information to SmartNET's response to information about SmartNET's agreements and business names of third party providers to terminate VoIP calls.

2. An Explanation of Why the Information Derives Independent Economic Value, Actual or Potential, From Not Being Generally Known to Other Persons.

Confidential information to SmartNET's response to information about SmartNET's contracts, service agreements, and bills for telecommunications access and transport facilities to SmartNET's network. This information is confidential and proprietary to SmartNET and is not publicly disclosed. In a competitive Internet communications marketplace, this type of information is highly sensitive and its public disclosure would place SmartNET at a competitive disadvantage. If disclosed, publicly, the information would disadvantage SmartNET as the information reflects specific telecommunications services required to develop and duplicate our VoIP network.

Confidential information to SmartNET's response to information about SmartNET's

network architecture, drawings, facilities, and equipment locations. This information is confidential and proprietary to SmartNET and is not publicly disclosed. In a competitive Internet communications marketplace, this type of information is highly sensitive and its public disclosure would place SmartNET at a competitive disadvantage. If disclosed, publicly, the information would disadvantage SmartNET as the information reflects specific VoIP network design.

Confidential information to SmartNET's response to information about SmartNET's equipment list, including gateways, routers, and software used to develop the network. This information is confidential and proprietary to SmartNET and is not publicly disclosed. In a competitive Internet communications marketplace, this type of information is highly sensitive and its public disclosure would place SmartNET at a competitive disadvantage. If disclosed, publicly, the information would disadvantage SmartNET as the information reflects specific hardware and software required to develop and duplicate our VoIP network.

Confidential information to SmartNET's response to information about SmartNET's agreements and business names of third party providers to terminate VoIP calls. This information is confidential and proprietary to SmartNET and is not publicly disclosed. In a competitive Internet communications marketplace, this type of information is highly sensitive and its public disclosure would place SmartNET at a competitive disadvantage. If disclosed, publicly, the information would disadvantage SmartNET as the information reflects specific VoIP termination service providers required to develop and duplicate our VoIP network.

3. An Explanation of why the Information is Not Readily Available by Proper Means to Other Parties.

The information at issue is proprietary to SmartNET and is available only to SmartNET employees. SmartNET does not disclose this information outside the company except pursuant to the terms of strict agreements or orders to maintain the confidentiality of the information.

4. The General Description of the Persons or Entities that Would Obtain Economic Value From Disclosure of Use of the Information.

Competitors or potential competitors of SmartNET would obtain economic value from disclosure or use of the information.

5. Specific Description of Known Competitors or Competitor's Goods and Services that are Pertinent to the Information.

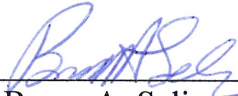
Competitors and potential competitors of SmartNET in North Dakota include BEC Communications Cooperative, Consolidated Telcom, Dakota Central Telecommunications Cooperative, Dickey Rural Telephone Cooperative, Griggs County Telephone Company, Inter-Community Telephone Company, LLC, Missouri Valley Communications, Inc., Moore and Liberty Telephone Company, Northwest Communications, Cooperative, Polar Communications Mutual Aid Corporation, Reservation Telephone Cooperative and any other provider or telecommunications or Internet services.

6. Description of the Efforts Used to Maintain the Secrecy of the Information.

See No. 3 above.

Dated this _____ day of March, 2004.

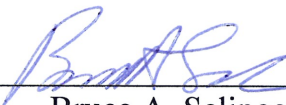
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(701) 225-9155

By: 
Bruce A. Selinger, Attorney
(ID# 04368)

CERTIFICATE OF SERVICE

I certify that I caused a true and correct copy of the foregoing APPLICATION REQUESTING TRADE SECRET PROTECTION to be mailed, by first class mail with postage duly prepaid, on the 16 day of March, 2004, to the following person:

Don Negaard
Attorney at Law
P.O. Box 1000
Minot, ND 58702


Bruce A. Selinger