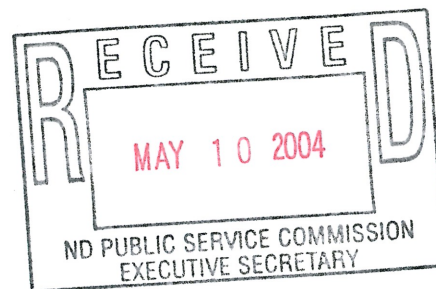


Scott, Sandi L.

From: Binek, William W.
Sent: Monday, May 10, 2004 9:28 AM
To: 'ahoberg@state.nd.us
Cc: PUD; Legal
Subject: FW: Smart Net Complaint



-----Original Message-----

From: Don Negaard [mailto:donn@srt.com]
Sent: Monday, May 10, 2004 9:13 AM
To: Fahn, Patrick J.
Cc: Iilona A. Jeffcoat-Sacco; William Binek; Bruce Selinger
Subject: Smart Net Complaint

I am writing concerning the PSC's agenda item concerning a request by SmartNET, Inc. d/b/a Call Smart that the hearing set for May 25, 2004 be delayed.

We oppose this motion. At the time SmartNET made this request for delay it did not reference the recent FCC decision in the petition by AT&T. A copy of that decision was attached to our response brief on discovery motions that are before the Office of Administrative Hearings. In deference to Smart NET we would assume they were not aware of the decision. SmartNET has asked this matter be deferred until the FCC issues its awaited decision. We submit that time is here now and this hearing should continue as scheduled.

5/10/2004

41 PU-2967-03-666

Pages: 1

E-mail response to motion for
 continuance by SmartNET
 by BEK Communications Cooperative, et al. by Don Ne
 05/10/2004 CC: Comm Legal PUD (3) ALJ .