



# OFFICE OF ADMINISTRATIVE HEARINGS

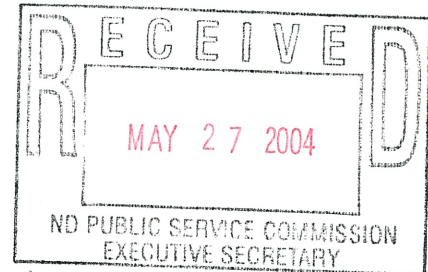
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May 26, 2004

Mr. William W. Binek  
Hearing Administrator  
Public Service Commission  
600 E. Boulevard Avenue – Dept. 408  
Bismarck, ND 58505



Dear Mr. Binek:

On May 25, 2004, I presided as a procedural administrative law judge in the matter of BEK Communications Cooperative, et al, v SmartNET, Inc. (PU-2967-03-666). The hearing is closed. Accordingly, I am closing our file on this matter and returning that portion of the record I have in my possession to you. Please find enclosed copies of documents that have been transmitted to us, as well as originals and copies of documents received while the file was in our possession, for filing with the official agency record of this matter. Some how I also ended up with five pages of the "red jacket" file. I believe it happened when we were considering what to do with the trade secret attachments to the document (which were withdrawn). Please refile these in the "red jacket" file.

Thank you for your attention to this matter.

Sincerely,

Allen C. Hoberg  
Administrative Law Judge

ACH/ljc

Encl.

cc: Mr. Don Negaard  
Pringle & Herigstad  
Mr. Bruce A. Selinger  
Kubik, Bogner, Ridl & Selinger  
Mr. Bruce Burke  
SmartNET, Inc.