

BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA

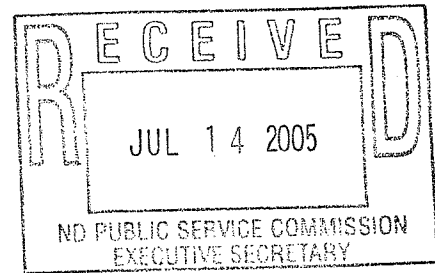
BEK Communications Cooperative,  
Consolidated Telcom, Dakota Central  
Telecommunications Cooperative, Dickey  
Rural Telephone Cooperative, Griggs  
County Telephone Company, Inter-  
Community Telephone Company, LLC,  
Missouri Valley Communications, Inc.,  
Moore and Liberty Telephone Company,  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



**PETITION FOR  
RECONSIDERATION**

Case No. PU-2967-03-666

SmartNET, Inc. hereby respectfully requests that the North Dakota Public Service Commission reconsider their Order dated June 29, 2005. The issues that need to be reconsidered are:


- (1) The AT&T decision by the FCC this Commission is relying on is only applicable to AT&T and is not applicable to SmartNET, Inc.'s service.
- (2) SmartNET's service is different than AT&T's.

- (3) SmartNET, Inc. is an information service business, not a telecommunications company subject to access charges.
- (4) Texas Court rules VoIP phone to phone not subject to access charges.
- (5) The Commission's prior decision to wait for guidance from the FCC is the best course of action in order to not stifle the growth of VoIP in North Dakota and to clarify that as of to date no access charges can be charged.

Dated this 13<sup>th</sup> day of July, 2005.

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By: \_\_\_\_\_

  
Bruce A. Selinger, Attorney  
(ID# 04368)

CERTIFICATE OF SERVICE

I certify that I caused a true and correct copy of the foregoing PETITION FOR RECONSIDERATION and BRIEF IN SUPPORT OF SMARTNET'S MOTION FOR RECONSIDERATION to be mailed, by first class mail with postage duly prepaid, on the 13<sup>th</sup> day of July, 2005, to the following persons:

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Bismarck, ND 58501-1882

William W. Binek  
Public Service Commission  
State Capitol  
600 E. Blvd.  
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Bruce A. Selinger