

BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA

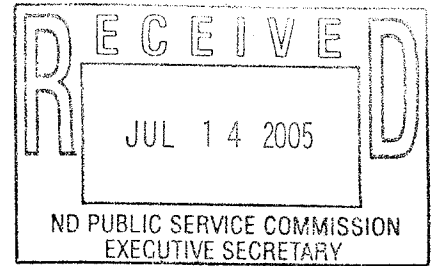
BEK Communications Cooperative,)
Consolidated Telcom, Dakota Central)
Telecommunications Cooperative, Dickey)
Rural Telephone Cooperative, Griggs)
County Telephone Company, Inter-Community)
Telephone Company, LLC, Missouri Valley)
Communications, Inc., Moore and Liberty)
Telephone Company, Nemont Telephone)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



Case No. PU-2967-03-666

**PETITION FOR
RECONSIDERATION**

COMES NOW the Rural Telephone Company Group (RTCG), Complainants herein, and moves the North Dakota Public Service Commission (Commission) for reconsideration pursuant to section 28-32-40 of the North Dakota Century Code.

The basis for the request for reconsideration is based on the issue set forth below and in the Brief in Support of Petition for Reconsideration which is attached hereto and incorporated herein by reference.

In its Notice of Hearing dated January 28, 2004, the Commission specified the following issues to be heard at the hearing that was ultimately held on May 25, 2004:

1. Whether the respondent is subject to the jurisdiction of the Commission.

2. Whether the services provided by the respondent are subject to the jurisdiction of the Commission.

3. If the respondent and services provided by the respondent are subject to the jurisdiction of the Commission, whether respondent is properly authorized to provide such services.

4. Whether respondent is using the local service facilities of the complainants.

5. If respondent is using the local service facilities of the complainants, whether respondent is liable to the complainants for compensation for the use of those facilities.

The Commission never advised the parties that it was going to determine the **amount** of compensation due the Complainants. The RTCG requests reconsideration of the Commission's Order dated June 29, 2005.

The RTCG requests one of two alternate forms of relief on reconsideration. They are:

1. If the Commission believes it has authority to determine the amount of compensation due the RTCG, then the RTCG requests proper notice and a hearing on this issue so the Commission can receive evidence on the issue of the amount of compensation and reparations due the RTCG.

2. If the Commission determines that it does not have authority to order the amount of compensation due, then the RTCG requests that paragraph 21 of the Findings of Fact be deleted and paragraph 2 of the Order be revised since it is outside the scope

of issues presented for hearing and notice issued by the Commission. In this instance, the Order should be revised to order SmartNET to comply with Commission Orders.

Respectfully submitted this 14th day of July, 2005.


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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing Petition for Reconsideration and attached Brief in Support of Petition for Reconsideration was served by both fax transmission and regular mail on the 14th day of July, 2005, on the following:

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