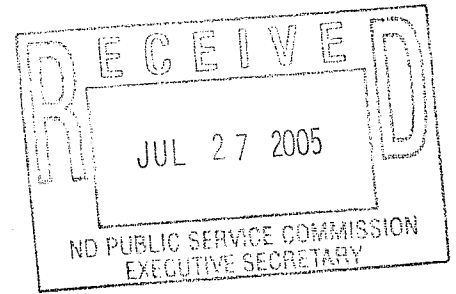


BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA



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.

**RESPONDENT'S REPLY TO
RTCG'S PETITION FOR
RECONSIDERATION**

Case No. PU-2967-03-666

The Respondent SmartNET, Inc. hereby responds to the Complainant (RTCG) Petition for Reconsideration. The commission did consider whether reparations were due the Complainants as noted in the following issue before the Commission:

5. If Respondent is using the local service facilities of the Complainants, whether Respondent is liable to Complainants for compensation for the use of their facilities.

This Commission ruled that Respondent is not liable for access charges at this time:


2. The Commission has insufficient evidence of record to determine whether SmartNET has a liability to pay access charges to the Complainants for origination or termination of interchange telecommunication service.

Since SmartNET is not liable for access charges at this time, why would you attempt to determine an amount. The amount is 0. The Complainants offered no new evidence to this Commission in support of any argument regarding access charges.

Thus, SmartNET respectfully requests that the Commission reconsider their current Order consistent with SmartNET's Petition to Reconsider to avoid the confusion being caused by the present Order. It is prudent to all concerned to wait for some real direction from the FCC regarding phone to phone VoIP.

Dated this 26th day of July, 2005.

KUBIK, BOGNER, RIDL & SELINGER
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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 RESPONDENT'S REPLY TO RTCG'S PETITION FOR RECONSIDERATION to be mailed, by first class mail with postage duly prepaid, on the 26th day of July, 2005, to the following persons:

Don Negard
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Bruce A. Selinger