



**REQUEST FOR ADMINISTRATIVE LAW JUDGE--COMPLAINT**  
**NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS**  
 SFN 17818 (Rev. 03-2001)

Name of Agency, Board, or Commission Public Service Commission		
Name of Respondent(s) SmartNET, Inc.	Address 649 4th Avenue SW, Dickinson, ND 58601	Telephone Number

The above named agency, board, or commission has taken administrative action pursuant to its authority found in Title 49 \_\_\_\_\_ (North Dakota Century Code and/or North Dakota Administrative Code).

The administrative action is more fully described as follows: Hearing on a Second Petition for Reconsideration will be held January 13, 2006 at 9 a.m. in the Commission's Hearing Room, 12th floor, State Capitol, Bismarck, in Case No. PU-2967-03-666, BEK Communications Cooperative et al. vs SmartNET, Inc., Complaint
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Has the respondent been provided a copy of the complaint?  Yes  No

Attached is a copy of the complaint, related documents and correspondence, and certificate, affidavit or admission of service. If the respondent has otherwise been notified about this administrative action, please explain in the comments section below.

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

**PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.**


Agency Contact Person(s) William W. Binek, Chief Counsel	Telephone Number 328-4088
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Representation [attorney (or other)] if known:

Agency William W. Binek, Chief Counsel, Public Service Commission, 600 E Blvd. Ave., Dept. 408, Bismarck, ND	Telephone Number 328-4088
Party Don Negaard, Counsel for BEK Communications, P. O. Box 1000, Minot, ND 58702-1000	Telephone Number 701-852-0381
Party Bruce A. Selinger, Counsel for SmartNET, Inc., P. O. Box 1173, Dickinson, ND 57602-1173	Telephone Number 701-225-9155

Additional Comments Hearing will be tape recorded, court reporter may be requested.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person William W. Binek, Hearing Administrator	Date November 18, 2005
Signature of Requesting Person 	Telephone Number 328-4088