



OFFICE OF ADMINISTRATIVE HEARINGS

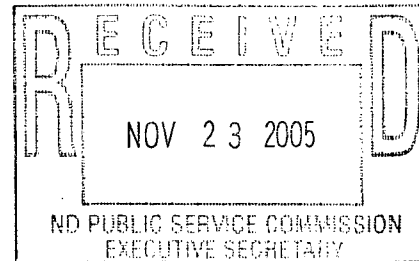
STATE OF NORTH DAKOTA
1707 North 9th Street
Bismarck, North Dakota 58501-1882

Allen C. Hoberg
DIRECTOR

November 22, 2005

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Mr. William W. Binek
Chief Counsel
Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480



Dear Mr. Binek:

Thank you for your November 18, 2005, request of the designation of an administrative law judge from the Office of Administrative Hearings to conduct a hearing in the matter of BEK Communications Cooperative et al. vs. Smart NET, Inc.. I hereby designate myself, Allen C. Hoberg, to be assigned as an administrative law judge to conduct the hearing in regard to this matter. Because the administrative law judge will not be making recommended findings of fact and conclusions of law, or issuing a recommended order, the person or persons who will be making the final administrative decision in regard to this matter (*i.e.*, agency head, deputy, board, commission) must be in attendance at the hearing.

Please send all additional relevant documents (correspondence, and other pleadings and documents) to the designated administrative law judge in care of the Office of Administrative Hearings, 1707 North 9th Street, Bismarck, North Dakota 58501-1882. I understand the hearing is scheduled for January 13, 2006, beginning at 9:00 a.m., in the Commission's Hearing Room at the State Capitol, Bismarck, North Dakota. Because the administrative law judge is requested to conduct the hearing only, the agency must give proper notice of the hearing.

Your request has been assigned OAH File No. 20050466. Please include this number on all future documents and correspondence filed for this matter with the Office of Administrative Hearings.

Sincerely,

Allen C. Hoberg
Director

ACH/lmw

cc: Mr. Don Negaard
Counsel for BEK Communications
Mr. Bruce A. Selinger
Counsel for SmartNet, Inc.