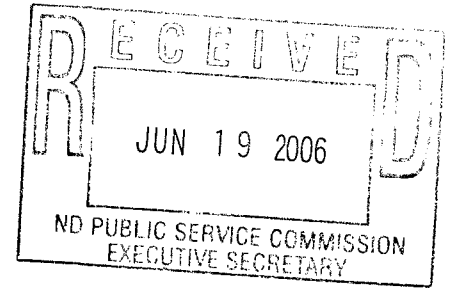


BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA

BEK Communications Cooperative,)
 Consolidated Communications Networks, Inc.,)
 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
**BRIEF IN OPPOSITION TO
 MOTION FOR CONTINUANCE**

This matter was commenced in November of 2003. Since the date it was filed with the North Dakota Public Service Commission (The Commission) the Respondent, SmartNET, Inc. d/b/a CallSmart (herein SmartNET) has continually urged the Commission to defer action because of the potential for definitive rulings by the FCC or other bodies.

The Commission has rejected these arguments in the past, and the current list of pending decisions in other jurisdictions, or in Washington, D.C., offer no more promise to resolve this matter than the list of reasons listed by SmartNET over the past 2½ years.

The Commission should deny the request of SmartNET because the Motion and

Brief in Support thereof contain a long list of facts unsupported by the record. The events SmartNET claimed were on the verge of resolving this matter two years ago, still have not been resolved and it is less likely they will resolve the matter now. It is further unlikely that any legislation or FCC action will have prospective application, even if they do occur. The Commission has the sole jurisdiction to determine issues related solely to intrastate access charges, which are the crux of this matter. The Commission is the proper authority to resolve this matter.

Dated at Minot, North Dakota, this 16th day of June, 2006.

PRINGLE & HERIGSTAD, P.C.



Don Negaard, ND Bar ID #3598
2525 Elk Drive
PO Box 1000
Minot, ND 58702-1000
Telephone: (701) 852-0381
Fax: (701) 857-1361
pringle@srt.com
Attorney for Complainants

CERTIFICATE OF SERVICE

A copy of the foregoing Brief in Opposition to Motion for Continuance was mailed to the following on June 16, 2006:

Bruce A. Selinger
Attorney at Law
PO Box 1173
Dickinson, ND 58602-1173



Don Negaard