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*From the offices of Gene N. Lebrun
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RECEIVED

JUL 18 2005

July 15, 2005

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Ms. Darla Pollman Rogers
Riter, Rogers, Wattier & Brown, LLP
319 S. Coteau
PO Box 280
Pierre, SD 57501

Ms. Rolayne Ailts Wiest
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57504-5070

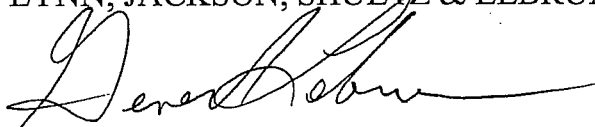
Re: Verizon Wireless et al. (v. State of South Dakota et al)
Court File No. 04-3014
Our File No. 040061-00001

Ladies:

I have enclosed a copy of Plaintiff's First Set of Interrogatories, Requests for Production of Documents and Requests for Admissions. Please consider this service by mail.

Sincerely yours,

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.



Gene N. Lebrun

GNL:bjc
enclosure

cc: Philip R. Schenkenberg

RECEIVED

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION**

JUL 18 2005

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Verizon Wireless (VAW) LLC,
CommNet Cellular License Holding, LLC,
Missouri Valley Cellular, Inc.,
Sanborn Cellular, Inc., and
Eastern South Dakota Cellular, Inc.,
d/b/a VERIZON WIRELESS,

Plaintiff,

vs.

Bob Sahr, Gary Hanson, and Dustin Johnson,
in their official capacities as
the Commissioners of the South Dakota
Public Utilities Commission,

Defendants,

South Dakota Telecommunications Ass'n
and Venture Communications Cooperative,

Intervenors.

Civil Number 04-3014

**PLAINTIFF'S FIRST SET OF
INTERROGATORIES, REQUESTS FOR
PRODUCTION OF DOCUMENTS AND
REQUESTS FOR ADMISSION**

To: Defendants Bob Sahr, Gary Hanson, and Dustin Johnson, in their official capacities as the Commissioners of the South Dakota Public Utilities Commission and their attorney, Rolayne Ailts Wiest, Assistant Attorney General, South Dakota Public Utilities Commission, 500 East Capitol, Pierre, SD, 57501 and Intervenors South Dakota Telecommunications Ass'n and Venture Communications Cooperative and their attorneys, Darla Pollman Rogers and Margo D. Northrup, Riter, Rogers, Wattier & Brown, LLP, P.O. Box 280, Pierre, SD 57501.

PLEASE TAKE NOTICE that, pursuant to Rules 33, 34 and 36 of the Federal Rules of Civil Procedure, Plaintiffs request that Defendants and Intervenors answer the following interrogatories, document requests and requests for admission within thirty (30) days hereof. Answers and responses should be provided to Gene N. Lebrun, Lynn, Jackson, Shultz & Lebrun,

P.C., 909 St. Joseph Street, P.O. Box 8250, Rapid City, SD 57709 and to Philip R. Schenkenberg, Briggs and Morgan, P.A., 2200 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402.

The following definitions and instructions apply to the discovery requests below:

DEFINITIONS

1. "Verizon Wireless" means the plaintiffs herein.
2. "SDTA" means the South Dakota Telecommunications Association.
3. "Venture" means Venture Communications Cooperative and/or an affiliate that provides service as an ILEC under operator carrier number 1680 in South Dakota.
4. "SDPUC" means Bob Sahr, Gary Hanson, and Dustin Johnson in their official capacities as Commissioners of the South Dakota Public Utilities Commission.
5. "You" and "your" means the SDTA, Venture and the SDPUC collectively, as defined above.
6. "ILEC" means "incumbent local exchange carrier" as defined in 47 C.F.R. § 51.5.
7. "MSC" means "mobile switching center."
8. "MTA" means "major trading area" as defined in 47 C.F.R. § 24.202(a).
9. "SS7" means "Signaling System 7."
10. "CMRS" means "commercial mobile radio services" as defined in 47 C.F.R. § 20.3.
11. "FCC" means the Federal Communications Commission.
12. "Including" means "including, but not limited to."
13. "Document" means the complete original, complete copy of the original, and each non-identical copy (whether different from the original because of notes made on the copy or otherwise) of any written, printed, typed, photocopied, photographic and graphic matter of any kind or character, and any recorded material, however produced or reproduced, in your possession or control, or known by you to exist, including, without limiting the generality of the foregoing, all drafts, contracts, diaries, agreements, calendars, desk pads, correspondence, computer printouts, telegrams, teletypes, memoranda, notes, studies, reports, lists, minutes, maps, graphs and entries in books of account relating in any way to the subject matter of these discovery requests.

INSTRUCTIONS

1. These discovery requests are to be answered by Defendants and Intervenors unless it is otherwise indicated in the request itself.
2. Each interrogatory and request is to be answered separately.
3. For each discovery request, state the full name, address, job title and employer of each person answering the discovery request, and, if more than one person is so answering, identify which portion of the discovery request was answered by each person.
4. Each discovery request is intended to, and does, request that each and every particular and part thereof be answered with the same force and effect as if each part and particular were the subject of and were asked by a separate discovery request.
5. If you are unable to answer any discovery request completely, so state, answer to the extent possible, set forth the reasons for your inability to answer more fully, and state whatever knowledge or information you have concerning the unanswered portion.
6. If any act, event, transaction, occasion, instance, matter, course of conduct, course of action, person or document is mentioned or referred to in response to more than one of these discovery requests, you need not completely identify and describe it or him in every such instance, provided you supply a complete identification in one such instance and in each other such instance make a specific reference to the place in the answers to these discovery requests where it or he is fully identified and described, giving page number and the beginning and ending line numbers.
7. If you deem any interrogatory or request to call for privileged information, identify:
 - (a) The name and address of the speaker or the author of the document that contains any part of the information withheld;
 - (b) The date of the communication or document;
 - (c) The name and address of any person to whom the communication was made or the document was sent or received or to whom copies were sent or circulated at any time;
 - (d) The form of the communication or document (i.e., letter, memorandum, invoice, contract, etc.);
 - (e) The names and addresses of any person currently in possession of the document or a copy thereof; and
 - (f) A description of the subject matter of the communication or document; and the specific grounds for withholding the information and the nature of the privilege claimed.
8. Whenever you are asked for the identity of or to identify a person, please state with respect to each such person:

- (a) The person's name;
- (b) The person's last known address;
- (c) The person's current business affiliation and title;
- (d) The person's current business address; or if that be unknown, the person's last known business address;
- (e) The business affiliation, business address and the correct title of such person with respect to the business, organization, or entity with which the person was associated and the capacity in which such person acted in connection with the subject matter of this interrogatory or request; and
- (f) Whether such person has given a statement in writing, or in any other tangible or permanent form, which in any way bears upon or relates to the subject matter of the interrogatory or request.

9. Whenever you are asked the identity of or to identify an oral statement, or the answer to an interrogatory refers to an oral statement, state with respect to each such oral statement:

- (a) The date and place each such oral statement was made;
- (b) The identity of each person who participated in or heard any part of such oral statement;
- (c) The substance of what was said by each person who made such oral statement; and
- (d) The name and identity of the custodian of any written record or any mechanical or electrical recording that recorded, summarized or confirmed such oral statement.

10. Whenever you are asked the identity of or to identify a document, please state with respect to each such document:

- (a) Its nature (*e.g.*, letter, memorandum, photograph, etc.)
- (b) Its title or designation;
- (c) The date it bears;
- (d) The name, title, business affiliation, and business address of the person preparing it, and the person who signed it or over whose name it was issued;
- (e) A statement of the subject and substance of the document, with sufficient particularity to enable the same to be identified;

- (f) The addressee or addressees;
- (g) A precise description of the place where such document is presently kept, including (a) the title or the description of the file in which such document would be found; and (b) the exact location of such file;
- (h) The name, title, business affiliation, and business address of each person who presently has custody of such document; and
- (i) Whether you claim any privilege as to such document, and if so, a precise statement of the facts upon which said claim of privilege is based.

11. Whenever you are asked to identify a document, or to identify information contained in or information about any document, you may respond by producing a copy of any document(s) responsive to the interrogatory or request.

12. The interrogatories and requests shall be deemed to be continuing under Rule 26 of the Federal Rules of Civil Procedure and should be supplemented in accordance with the Federal Rules of Civil Procedure.

13. Please be advised that your answers must include all information available not only to you, but to your agents, officers, representatives, employees, attorneys, insurers, or others who have information available to you upon inquiry to them.

INTERROGATORIES

1. Identify all persons furnishing information used in responding to these interrogatories.

2. For Venture and each ILEC member company of the SDTA, identify the rates it charges other carriers for reciprocal compensation, interstate access, and intrastate access. If a range of rates is charged (based on mileage, for example) provide the range within each category. This request does not apply to the SDPUC.

3. For Venture and each ILEC member company of the SDTA, identify the companies' interstate and intrastate access rates. This request does not apply to the SDPUC.

4. For Venture and each ILEC member company of the SDTA, identify the MTA(s) in which it terminates calls. This request does not apply to the SDPUC.

5. For Venture and each ILEC member company of the SDTA, state whether the trunks on which it receives wireless traffic from Verizon Wireless are SS7 capable. This request does not apply to the SDPUC.

6. For Venture and each ILEC member company of the SDTA, state whether terminating switches are capable of receiving, processing and billing based on information in SS7 messages. This request does not apply to the SDPUC.

7. Identify all experts retained or consulted by you, including employees who may provide expert testimony, that are likely to be called to testify by you with respect to this litigation, and specify the following:

- (a) His or her experience and qualifications as an expert;
- (b) The date you retained him as an expert;
- (c) The purpose for which you retained him as an expert (e.g., whether for trial or otherwise);
- (d) The identity of any documents prepared by him for you;
- (e) The subject matter upon which the expert is expected to testify;
- (f) The substance of the facts and opinions to which the expert is expected to testify; and
- (g) A summary of the grounds of reach opinion.

8. Identify each person you expect to call as a non-expert witness and for each non-expert witness, please state the facts to which you expect each non-expert to testify.

DOCUMENT REQUESTS

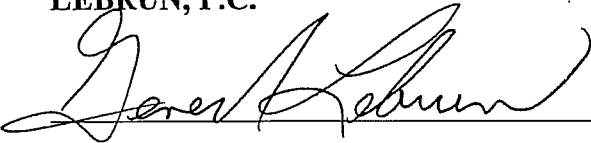
1. Provide all documents exchanged between SDTA and one or more of its member companies related to Senate Bill No. 144 and SDTA's support for the bill as set forth in the SDTA and Venture petition for intervention in this case. This request does not apply to the SDPUC.
2. Provide all documents exchanged between SDTA and one or more elected officials related to Senate Bill No. 144. This request does not apply to the SDPUC.
3. Provide any portions of interstate access tariffs that on their terms apply to calls Verizon Wireless originates, delivers to Qwest in its role as transit provider, and terminated to Venture or ILEC member companies of the SDTA. This request does not apply to the SDPUC.
4. Provide any portions of intrastate access tariffs that on their terms apply to calls Verizon Wireless originates, delivers to Qwest in its role as a transit provider, and terminated to Venture or ILEC member companies of the SDTA.
5. Provide all documents exchanged between you and each and every expert that you have retained or consulted, including but not limited to, reports, opinions, charts, records, graphs, diagrams, photographs and technical publications.
6. Provide any documents which may be relied on by each and every expert that you have retained or consulted, including but not limited to, reports, opinions, charts, records, graphs, diagrams, photographs and technical publications.
7. Provide copies of documents identified in Paragraph B of your Rule 26(a) disclosures. Provide information in electronic format if available.
8. Provide any documents referred to in your responses to the above interrogatory requests.

REQUESTS FOR ADMISSION

1. Admit that SS7 is the most common signaling protocol currently used in the telecommunications industry.
2. Admit that for calls originated through a cell tower that serves more than one MTA, Verizon Wireless is not capable today of determining the originating MTA for purposes of reciprocal compensation or populating SS7 fields.
3. Admit that based on current industry standards neither the information in the header for the SS7 message nor the mandatory SS7 fields will tell the terminating carrier whether a wireless call is intraMTA, interMTA and interstate, or interMTA and intrastate.
4. Admit that there is no industry-standard SS7 field that Verizon Wireless could use to identify whether a call is intraMTA, interMTA and intrastate, or interMTA and interstate, and because of this, there is no way Verizon Wireless could format such information in an SS7 message that would be understood by other telecommunications providers.
5. Admit that the industry standards for populating SS7 fields have been developed through the Alliance for Telecommunications Industry Solutions ("ATIS") Network Interconnection Interoperability Forum ("NIIF"), and ATIS-0300011, *Network Interconnection Interoperability (NIIF) Reference Document, Part III, Installation and Maintenance Responsibilities for SS7 Links and Trunks*, represents the current industry standard with regard to the population of the jurisdictional information parameter ("JIP") field.
6. Admit that the majority of the telecommunications trunks that deliver calls to the SDTA companies have not been upgraded to utilize SS7 information and that the majority, if not all, SDTA companies do not have the capability to receive, process and bill based on SS7 messages.
7. If you fail to admit any of the Requests For Admission served herewith, state all facts and identify all documents on which you rely for such failure to admit.

Dated: July 15, 2005

**LYNN, JACKSON, SHULTZ &
LEBRUN, P.C.**



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ATTORNEYS FOR PLAINTIFFS

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

RECEIVED

JUL 18 2005

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Civil Number 04-3014

Verizon Wireless (VAW) LLC,
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d/b/a VERIZON WIRELESS,

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CERTIFICATE OF SERVICE

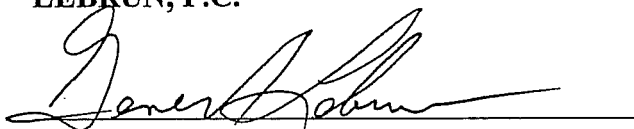
I HEREBY CERTIFY that on this 15th day of July 2005, a true and correct copy of Plaintiff's First Set of Interrogatories, Requests for Production of Documents and Requests for Admissions has been provided by First Class Mail to:

Darla Pollman Rogers
Riter, Rogers, Wattier & Brown, LLP
319 S. Coteau
PO Box 280
Pierre, SD 57501

Dated: July ~~15~~¹⁴, 2005

Rolayne Ailts Wiest
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57504-5070

**LYNN, JACKSON, SHULTZ &
LEBRUN, P.C.**



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