



Bob Sahr, Chair  
Gary Hanson, Vice-Chair  
Jim Burg, Commissioner

## SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue  
Pierre, South Dakota 57501-5070  
[www.state.sd.us/puc](http://www.state.sd.us/puc)

Capitol Office  
(605) 773-3201  
(605) 773-3809 fax

Transportation/Warehouse  
(605) 773-5280  
(605) 773-3225 fax

Consumer Hotline  
1-800-332-1782

September 3, 2004

Ms. Kathy M. Hammond  
Deputy In Charge  
United States District Court  
225 South Pierre Street, No. 405  
Pierre, SD 57501

Re: Verizon Wireless, et al. v. Bob Sahr, et al.  
Civ. No. 04-3014

Dear Ms. Hammond:

Enclosed you will find original and copy of Answer to Amended Complaint for Declaratory and Injunctive Relief with reference to the above captioned matter for filing.

Very truly yours,

Rolayne Ailts Wiest  
Assistant Attorney General

RAW:dk  
Enc.

cc: Mr. Gene N. Lebrun  
Mr. Steven J. Oberg  
Mr. Philip R. Schenkenberg  
Mr. David C. McDonald



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September 3, 2004

Mr. Gene N. Lebrun  
Mr. Steven J. Oberg  
Attorneys at Law  
Lynn, Jackson, Shultz & Lebrun, P.C.  
P. O. Box 8250  
Rapid City, SD 57709-8250

Mr. Philip R. Schenkenberg  
Mr. David C. McDonald  
Attorneys at Law  
Briggs and Morgan, P.A.  
2200 First National Bank Building  
332 Minnesota Street  
St. Paul, MN 55101

Re: Verizon Wireless, et al. v. Bob Sahr, et al.  
Civ. No. 04-3014

Dear Counsel:

Enclosed each of you will find a copy of Answer to Amended Complaint for Declaratory and Injunctive Relief with reference to the above captioned matter. This is intended as service upon you by mail.

Very truly yours,

Rolayne Ailts Wiest  
Assistant Attorney General

RAW:dk  
Enc.

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

|  |   |                   |
|--|---|-------------------|
| Verizon Wireless (VAW) LLC,              | ) | Civil No. 04-3014 |
| CommNet Cellular License Holding LLC,    | ) |                   |
| Missouri Valley Cellular, Inc.,          | ) |                   |
| Sanborn Cellular, Inc., and              | ) |                   |
| Eastern South Dakota Cellular, Inc.      | ) |                   |
| d/b/a VERIZON WIRELESS,                  | ) |                   |
|  | ) |                   |
| Plaintiff,                               | ) | ANSWER TO AMENDED |
|  | ) | COMPLAINT FOR     |
| vs.                                      | ) | DECLARATORY AND   |
|  | ) | INJUNCTIVE RELIEF |
|  | ) |                   |
| Bob Sahr, Gary Hanson, and Jim Burg, in  | ) |                   |
| their official capacities as the         | ) |                   |
| Commissioners of the South Dakota Public | ) |                   |
| Utilities Commission,                    | ) |                   |
|  | ) |                   |
| Defendants.                              | ) |                   |

Defendants Bob Sahr, Gary Hanson, Jim Burg, Commissioners of the South Dakota Public Utilities Commission, named as Defendants in the above-entitled action in their official capacities, and hereinafter referred to as "Defendants," hereby answer the Amended Complaint as follows:

1. The Defendants deny each and every allegation of the Amended Complaint except those allegations specifically admitted to herein.
2. The Defendants answer that the Amended Complaint fails to state a claim upon which relief may be granted.
3. The Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraphs 1, 2, 3, 4, 5, and 6 and they therefore are denied.

4. The Defendants admit paragraphs 7, 8, 9, 10, and 11.

5. The Defendants deny the first sentence of paragraph 12. The Defendants admit the second sentence of paragraph 12.

6. The Defendants admit the first sentence of paragraph 13. Defendants deny the rest of paragraph 13.

7. The Defendants deny paragraph 14.

8. The Defendants admit the first sentence of paragraph 15. Defendants deny the rest of paragraph 15.

9. The Defendants assert that paragraphs 16, 17, 18, and 19 are legal allegations that do not require an admission or denial. To the extent that an admission or denial is required, the Defendants deny paragraphs 16, 17, 18, and 19.

10. The Defendants admit paragraphs 20 and 21.

11. The Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 22 and it therefore is denied.

12. The Defendants assert that paragraphs 23, 24, 25, 26, 27, and 28 are legal allegations that do not require an admission or denial. To the extent that an admission or denial is required, the Defendants deny paragraphs 23, 24, 25, 26, 27, and 28.

13. The Defendants admit paragraph 29.

14. The Defendants deny paragraphs 30 and 31.

15. The Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 32 and it therefore is denied.

16. The Defendants deny paragraphs 33, 34, 35, 36, 37, 38, and 39.

17. Paragraphs 40, 43, 45, 47, and 49 incorporate previous paragraphs of the Amended Complaint. The Defendants' answers thereto are the answers given to the incorporated paragraphs of the Amended Complaint as provided above.

18. The Defendants deny paragraphs 41, 42, 44, 46, 48, 50, 51, and deny the requested relief in the wherefore clauses numbered one through seven following paragraph 51.

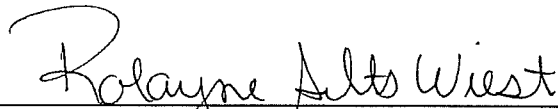
Wherefore, the Defendants pray for judgment as follows:

1. That the Court dismiss the Plaintiff's Amended Complaint for failure to state a claim upon which relief may be granted.

2. That judgment be entered in favor of the Defendants declaring the state statutes are not preempted and do not conflict with federal law and deny all other relief and dismiss the Complaint with prejudice.

3. That Defendants recover the costs and disbursements and such other and further relief as the Court deems just, equitable, and necessary.

Dated this 3rd day of September, 2004.



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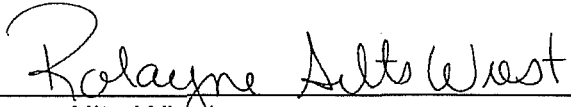
Rolayne Ailts Wiest  
Attorney for Defendants  
Assistant Attorney General  
South Dakota Public Utilities Commission  
500 East Capitol  
Pierre, SD 57501-5070  
Telephone (605) 773-3201

CERTIFICATE OF SERVICE

I hereby certify that copies of the Answer to Amended Complaint for Declaratory and Injunctive Relief were served on the following by mailing the same to them by United States Post Office First Class Mail, postage thereon prepaid, at the addresses shown below on this the 3rd day of September, 2004.

Mr. Gene N. Lebrun  
Mr. Steven J. Oberg  
Attorneys at Law  
Lynn, Jackson, Shultz & Lebrun, P.C.  
P. O. Box 8250  
Rapid City, SD 57709-8250

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