



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

## SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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November 2, 2004

The Honorable Charles B. Kornmann  
United States District Judge  
United States Courthouse  
102 Fourth Avenue SE, Suite 408  
Aberdeen, SD 57402

Re: Verizon Wireless, et al. v. Sahr, et al., Civil No. 04-3014  
Response to Court's Memorandum of October 20, 2004

Dear Judge Kornmann:

This letter is in response to your Memorandum to counsel dated October 20, 2004. With respect to your first question, the Public Utilities Commission (PUC) supported SB 144 during the legislative session.

As to your second question regarding whether the Federal Communications Commission (FCC) is an indispensable party, the PUC does not believe that the FCC is required to be joined under Fed. R. Civ. P. 19(a). We have reviewed Verizon Wireless' response to your Memorandum regarding this issue and agree with Verizon Wireless' analysis of this issue.

The PUC would also like to state for the record that we do not oppose the intervention of the South Dakota Telecommunications Association and Venture Communications Cooperative.

Sincerely,

ROLAYNE AILTS WIEST  
Attorney for Defendants  
Assistant Attorney General

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