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**UNITED STATES DISTRICT COURT  
MEMORANDUM**

Date: October 20, 2004  
To: Counsel  
Re: Verizon, et al. v. Sahr, et al., CIV 04-3014  
From: Judge Kornmann

I have looked at the motion of SDTA and Venture to intervene as defendants. In connection therewith, what position did the PUC take during the legislative session as to SB 144? All or some of you may respond.

Should not the FCC be at least notified of this action and perhaps permitted to intervene? The FCC may even be an indispensable party. The amended complaint sets forth no reason why the FCC was not joined in the action as may well be required by Fed.R.Civ.P. 19(c).

I look forward to hearing from you with your comments.



CHARLES B. KORNMAN  
UNITED STATES DISTRICT JUDGE  
United States Courthouse  
102 Fourth Avenue SE, Suite 408  
Aberdeen, SD 57402

Clerk's file  
Zachary Peterson