

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

**FILED**

JAN 10 2005

*[Signature]*  
CLERK

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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;

Plaintiffs,

-vs-

STATE OF SOUTH DAKOTA; SOUTH  
DAKOTA PUBLIC UTILITIES  
COMMISSION; and BOB SAHR, GARY  
HANSON, and DUSTY JOHNSON, in their  
official capacities as the Commissioners  
of the South Dakota Public Utilities  
Commission,

Defendants,

SOUTH DAKOTA  
TELECOMMUNICATIONS ASSOCIATION  
and VENTURE COMMUNICATIONS  
COOPERATIVE,

Intervenors.

CIV 04-3014

**RECEIVED**

JAN 11 2005

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

ORDER

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The five plaintiff entities all provide wireless telecommunication services in South Dakota under the "Verizon Wireless" brand name. They instituted this action against the State of South Dakota, the Public Utilities Commission, and the public utilities commissioners<sup>1</sup> in their official capacities seeking an order that the Federal Communications Act preempts Senate Bill

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<sup>1</sup>Dusty Johnson is substituted for Jim Burg pursuant to Fed R. Civ. P. 25(d).

144, Chapter 284 of the 2004 Session Laws, codified at SDCL §§ 49-31-109 to 49-31-115. Chapter 284 regulates certain aspects of Verizon Wireless' relationship with state regulated landline telephone companies ("LECs").

South Dakota Telecommunications Association ("SDTA") represents the common interests of LECs operating in South Dakota, acting as a lobbyist in legislative and regulatory matters affecting LECs. Venture Communications Cooperative is a member company of SDTA. Intervenor drafted and caused Senate Bill 144 to be introduced in the 2004 legislative session. SDTA and Venture filed a motion (Doc. 18) to intervene, seeking to protect the economic interests of Venture and all other SDTA members in billing Verizon Wireless for their customers' calls to customers of LECs.

No parties object to intervention. Good cause appearing,

IT IS ORDERED that the motion (Doc. 18) to intervene is granted.

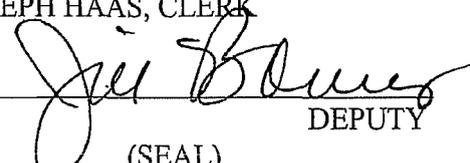
Dated this 12th day of January, 2005.

BY THE COURT:

  
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CHARLES B. KORNMANN  
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: 

DEPUTY

(SEAL)