

LAW OFFICES

**Lynn, Jackson, Shultz & Lebrun, P.C.**

FIRST NATIONAL BANK BUILDING  
909 St. JOSEPH STREET  
EIGHTH FLOOR  
P.O. Box 8250  
RAPID CITY, SD 57709-8250  
605-342-2592  
FAX 605-342-5185

LAWYERS ALSO ADMITTED IN MINNESOTA AND IOWA  
www.lynnjackson.com

Member of Lex Mundi

A Global Association of 125 Independent Law Firms

REPLY TO: Rapid City 605-342-2592

US BANK BUILDING  
141 N. MAIN AVENUE  
EIGHTH FLOOR  
P.O. Box 1920  
SIOUX FALLS, SD 57101-3020  
605-332-5999  
FAX 605-332-4249

From the offices of Gene N. Lebrun  
e-mail address: glebrun@lynnjackson.com

**RECEIVED**

JUL 19 2005

July 12, 2005

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

Ms. Rolayne Aill  
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION  
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:

Enclosed is a copy of Plaintiff's Rule 26(a) Disclosures. Please consider this as service upon you by mail.

Sincerely yours,

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



Gene N. Lebrun

GNL:fjs

Enclosure

Enc/cc: Philip R. Schenkenberg  
David C. McDonald

**RECEIVED**

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

JUL 13 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 RULE 26(a)

DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Plaintiffs 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 ("Verizon Wireless") make the following initial disclosures. The forgoing information is based upon information currently known to Verizon Wireless. Verizon Wireless reserves the right at any time to supplement this disclosure as discovery commences and proceeds in litigation. This disclosure is not intended, and shall not be construed as, a waiver of any privilege that may attach to any documents or information responsive hereto. Additionally, these disclosures are made without waiving any objections to introduction of any evidence at trial. By virtue of these

disclosures, Verizon Wireless does not admit that the disclosed information is relevant or admissible.

- (A) **Identification of Individuals.** The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

John Clampitt  
Verizon Wireless  
2785 Mitchell Drive, MS 7-1  
Walnut Creek, CA 94598  
(925) 708-7018

Mr. Clampitt has knowledge regarding licenses held by Verizon Wireless, the ways in which Verizon Wireless connects to the public switched network in South Dakota, the way calls are delivered to incumbent telephone companies, and Verizon Wireless' current interconnection agreements in the state.

Doug Miller  
Verizon Wireless  
9725 Pflumm Rd.  
Lenexa, KS 66215  
816-520-0077

Ron Sampson  
Verizon Wireless  
1530 E. Army Post Rd.  
Des Moines, IA 50320  
515-240-0034

Mr. Miller and Mr. Sampson have knowledge regarding the location and coverage of Verizon Wireless' cell towers that serve South Dakota, and of the location of the switches that are connected to these cell towers.

Jeff Harmon  
Verizon Wireless  
MTS Network Planning-Signaling Systems Planning  
2785 Mitchell Dr., MS 9-2  
Walnut Creek, CA 94598  
925-279-6756

Mr. Harmon has knowledge regarding industry standards and Verizon Wireless' capability with regard to signaling protocol and the population of signaling fields.

Ben Campomanes  
2785 Mitchell Dr., MS9-2  
Walnut Creek, CA  
925-279-6347 (office), 925-788-5751 (cell)

Mr. Campomanes has knowledge with regard to what call data is stored in Verizon Wireless' systems.

Sam Giannini  
Verizon Wireless  
10740 Nall Ave.  
Overland Park, KS 66211  
913-344-2888

Mr. Giannini has knowledge with regard to traffic engineering issues in South Dakota.

In accordance with FRCP 30(b)(6), Verizon Wireless will identify a person or persons to testify on the organization's behalf as to software and administrative upgrades would be needed for Verizon Wireless to have the ability to generate and transmit reports identifying traffic by MTA and by state.

**(B) Documents. A copy of, or a description by category and location of, all documents, data compilations, and tangible things in the possession, custody, or control of the party that the disclosing party may use to support its claims or defenses, unless solely for impeachment.**

The following general categories of documents may include discoverable information relevant to disputed facts alleged with particularity in the Complaint:

1. License information for Verizon Wireless, which is available in the FCC's Universal Licensing System that can be accessed through the [www.fcc.gov](http://www.fcc.gov).
2. Alliance for Telecommunications Industry Solutions ("ATIS") standards documents, including Document No. ATIS-030011, a copy of which is in the possession of Plaintiffs' counsel at 2200 IDS Center, 80 South Eighth Street, Minneapolis, Minnesota 55402.
3. Coverage maps and tower location information, which are in the possession of Plaintiffs' counsel at 2200 IDS Center, 80 South Eighth Street, Minneapolis, Minnesota 55402.

These initial disclosures are based on the information presently available to Verizon Wireless. As discovery in this case proceeds, additional information responsive to each of the above categories of information may come to the attention of both parties.

- (C) **Computation of Damages.** A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

Not applicable.

- (D) **Insurance and/or Indemnity Agreements.** For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Not applicable.

Dated: July 12, 2005

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



Gene N. Lebrun  
909 St. Joseph Street  
P. O. Box 8250  
Rapid City, South Dakota 57709  
Telephone: (605) 342-2592

Philip R. Schenkenberg  
David C. McDonald  
Briggs and Morgan, P.A.  
2200 IDS Center  
80 South Eighth Street  
Minneapolis, Minnesota 55402  
Telephone: (612) 977-8400

**ATTORNEYS FOR PLAINTIFFS**

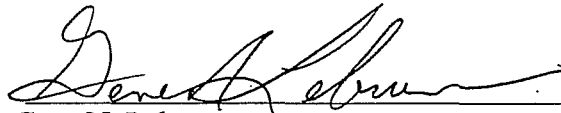
**CERTIFICATE OF SERVICE**

I hereby certify that on the 12th day of July, 2005, I sent to:

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

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

by first class mail, postage prepaid, a true and correct copy of the foregoing **Plaintiff's Rule 26(a) Disclosures** relative to the above-entitled matter.



Gene N. Lebrun