

GUNDERSON, PALMER, GOODSSELL & NELSON, LLP

ATTORNEYS AT LAW

J. CRISMAN PALMER
G. VERNE GOODSSELL
JAMES S. NELSON
DANIEL E. ASHMORE
TERENCE R. QUINN
DONALD P. KNUDSEN
PATRICK G. GOETZINGER
TALBOT J. WIECZOREK
MARK J. CONNOT
JENNIFER K. TRUCANO
MARTY J. JACKLEY

ASSURANT BUILDING
440 MT. RUSHMORE ROAD
POST OFFICE BOX 8045
RAPID CITY, SOUTH DAKOTA 57709-8045
TELEPHONE (605) 342-1078 • FAX (605) 342-0480
www.gundersonpalmer.com
ATTORNEYS LICENSED TO PRACTICE IN
SOUTH DAKOTA, NORTH DAKOTA, NEBRASKA
COLORADO, MONTANA, WYOMING & MINNESOTA

DAVID E. LUST
THOMAS E. SIMMONS
TERRI LEE WILLIAMS
PAMELA SNYDER-VARNS
SARA FRANKENSTEIN
AMY K. SCHULTZ
JASON M. SMILEY
SHANE C. PENFIELD
WYNN A. GUNDERSON
Of Counsel

August 9, 2005

RECEIVED

AUG 10 2005

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Pamela Bonrud
Executive Director
SD Public Utilities Commission
500 E Capitol Avenue
Pierre SD 57501

RE: WWC's Complaint against Golden West Companies Regarding
Intercarrier Billings
Docket CT 05-001

GPGN File No. 5925.050089

Dear Ms. Bonrud:

Enclosed for filing, please find the original plus ten copies of WWC's NOTIFICATION OF QUESTION OF CONSTITUTIONALITY OF SDCL §§ 49-31-109 to 49-31-115 in the above-entitled matter.

Please feel free to contact me with any questions.

Sincerely,



Talbot J. Wieczorek

TJW:klw
Enclosures
c: (w Encl)

Darla Pollman Rogers
Rolayne Wiest
Client

RECEIVED

AUG 10 2005

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT OF WWC
LICENSE LLC AGAINST GOLDEN WEST
TELECOMMUNICATIONS COOPERATIVE INC., ET AL.

CT05-001

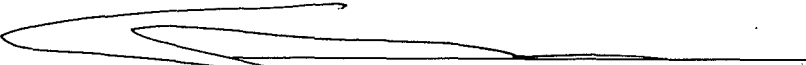
**NOTIFICATION OF QUESTION OF CONSTITUTIONALITY
OF SDCL §§ 49-31-109 to 49-31-115 AND NOTICE TO INTERVENE**

WWC LICENSE LLC, pursuant to SDCL §15-6-24(c), hereby provides notice by and through its attorney of record, Talbot J. Wieczorek of Gunderson, Palmer, Goodsell & Nelson, LLP, that as part of the pending procedure in the above matter and in any appeal of the above matter, it will raise and attack the constitutionality of SDCL §§ 49-31-109 to 49-31-115 to the extent that those statutes violate federal law, including but not limited to the 1996 Telecommunications Act and FCC Rules adopted expressly interpreting provisions of such act, by regulating commercial mobile radio services in violation of such federal act and regulation.

This notice is given to the Attorney General's Office in time to intervene in such action, said action set for a two-day proceeding in front of the South Dakota Public Utilities Commission on August 30th and 31st, 2005.

Dated this 7 of August, 2005.

GUNDERSON, PALMER, GOODSSELL
& NELSON, LLP



Talbot J. Wieczorek
Attorneys for WWC License LLC
440 Mt. Rushmore Road, Fourth Floor
PO Box 8045
Rapid City SD 57709
605-342-1078
Fax: 605-342-0480

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of August, 2005, that a true and correct copy of the foregoing WWC'S NOTIFICATION OF QUESTION OF CONSTITUTIONALITY OF SDCL §§ 49-31-109 to 49-31-115 AND NOTICE TO INTERVENE was served via facsimile to:

VIA FAX : 605-773-4106

Larry Long
SD Attorney General
500 E. Capital Avenue
Pierre, SD 57501

and by postage paid, U.S. Mail, on the 9th day of August, 2005, addressed to:

Darla Pollman Rogers
P.O. Box 280
Pierre, SD 57501

Rolayne Wiest
SDPUC
500 E Capitol
Pierre SD 57501



Talbot J. Wiczorek