

LAW OFFICES
RITER, ROGERS, WATTIER & BROWN, LLP
Professional & Executive Building
319 South Coteau Street
P.O. Box 280
Pierre, South Dakota 57501-0280
www.riterlaw.com

OF COUNSEL:
Robert D. Hofer
E. D. Mayer
TELEPHONE
605-224-5825
FAX
605-224-7102

ROBERT C. RITER, Jr.
DARLA POLLMAN ROGERS
JERRY L. WATTIER
JOHN L. BROWN

MARGO D. NORTHRUP, Associate

August 18, 2005

Pamela Bonrud, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501

Re: DOCKET NO. CT05-001
COMPLAINT OF WWC AGAINST GOLDEN WEST COMPANIES
Our File Number 05-006C

RECEIVED
AUG 19 2005
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Dear Pam:

Please find enclosed herein original and ten copies of Golden West Companies' **Opposition to Motion to Bifurcate Complaint and Counterclaim** in the above-entitled docket.

By copy of this letter, I am also serving those persons named on the Certificate of Service attached to the document.

Sincerely yours,



Margo D. Northrup
Attorney at Law

MDN/ph

Enclosures

CC: Talbot J. Wieczorek
Rolayne Ailts Wiest
Harlan Best

RECEIVED

AUG 19 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
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Opposition to Motion to Bifurcate Complaint and Counterclaim

COMES NOW, the above-named, Golden West Telecommunications Cooperative, Inc., by and through its attorney, Darla Pollman Rogers of Riter, Rogers, Wattier & Brown, LLP, Pierre, South Dakota, and files this motion in Opposition to WWC's Motion to Bifurcate Complaint and Counterclaim.

The issues in the Complaint and the Counterclaim are inter-related. They both arise from the same Interconnection Agreement and the obligations of the parties arise from the same transaction. Golden West has continually argued that the amount of money allegedly owed to WWC should be off-set by the money WWC owes to Golden West under the agreement.

SDCL 15-6-42(b) gives a court the discretion to separate trials if it is in the furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and judicial economy. Bifurcation is an exception rather than the normal procedure. Dallas v. Goldberg, 143 F Supp 2d 312, 315 (SD NY 2001).

Bifurcating these two claims does not further convenience nor avoid prejudice. Golden West would be specifically prejudiced because they may be required to pay monies on

the agreement when in fact WWC owes them money on the same agreement. WWC is the party that brought late-filed claims to the Commission and disputed the data they provided.

Separating this trial would not be conducive to expedition and judicial economy. By separating these two matters the Commission would be forced to have an additional hearing on the same matter with many of the same facts and the same witnesses.

Neither case cited by WWC is on point in this situation. WWC cites Fullmer v. State Farm, 498 NW2d 357, 360 for the proposition that bifurcation of counter-claims has been deemed proper. In that case the trial court decided that it had made a mistake by bifurcating the trials and that the purpose of bifurcation is "to avoid prejudice, not to create it". *Id.* WWC further cites Christiansen v. Strand, 132 NW2d 386, 389. The court allowed bifurcation in that case in large part because the counterclaim involved claims against an individual who was not a party to the lawsuit.

WHEREFORE, Golden West requests that:

1. The Commission should deny the Motion to Bifurcate Complaint and Counterclaim by WWC and grant the Motions previously filed by Golden West.

DATED this 18 day of August, 2005.

RITER, ROGERS, WATTIER & BROWN, LLP

By: Margo D. Northrup
Darla Rollman Rogers
Margo D. Northrup
319 S. Coteau – P.O. Box 280
Pierre, SD 57501-0280
(605) 224-5825

CERTIFICATE OF SERVICE

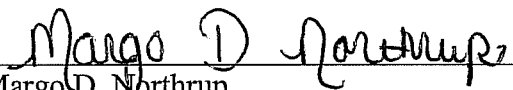
I hereby certify that a true and correct copy of the OPPOSITION TO BIFURCATE COMPLAINT AND COUNTERCLAIM was served via the method(s) indicated below, on the eighteenth day of August, 2005, addressed to:

Talbot J. Wieczorek	()	First Class Mail
Gunderson, Palmer, Goodsell & Nelson, LLP	()	Hand Delivery
P. O. Box 8045	(X)	Facsimile
Rapid City, South Dakota 57709	()	Overnight Delivery
	()	E-Mail

Rolayne Ailts Wiest, General Counsel	()	First Class Mail
South Dakota Public Utilities Commission	()	Hand Delivery
500 East Capitol Avenue	(X)	Facsimile
Pierre, South Dakota 57501	()	Overnight Delivery
	()	E-Mail

Harlan Best, Telecommunications Analyst	()	First Class Mail
South Dakota Public Utilities Commission	()	Hand Delivery
500 East Capitol Avenue	(X)	Facsimile
Pierre, South Dakota 57501	()	Overnight Delivery
	()	E-Mail

Dated this eighteenth day of August, 2005.



Margo D. Northrup
Darla Pollman Rogers
Riter, Rogers, Wattier & Brown, LLP
P. O. Box 280
Pierre, South Dakota 57501
Telephone (605) 224-5825
Fax (605) 224-7102