

Exhibit E

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

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**IN THE MATTER OF THE  
COMPLAINTS FILED BY CUSTOMERS  
OF S&S COMMUNICATIONS**

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) **AFFIDAVIT OF JAMES MEHLHAFF**  
) **IN SUPPORT OF MOTION FOR**  
) **SUMMARY DISPOSITION**  
)

**CT05-005**

I, James Mehlhaff, state the following under oath as my sworn affidavit in the above-entitled matter:

1. My name is James Mehlhaff. I reside in Pierre, South Dakota, and my business address is: South Dakota Public Utilities Commission, 500 East Capitol Ave., Pierre, South Dakota 57501. I am currently employed as the Director of the Grain Warehouse Division for the South Dakota Public Utilities Commission ("Commission") and have served in this capacity since June of 2005. Prior to this position, I held the position of Consumer Affairs Manager for the Commission from January, 2003 until June, 2005, and in this position I was responsible for supervision of the Commission's Consumer Affairs staff and also for responding to consumer complaints and performing other consumer affairs services myself.

2. The primary function of the Consumer Affairs staff of the Commission is to respond to and assist citizens who have complaints involving utilities regulated by the Commission or who otherwise need assistance in resolving utility-related problems in this state. The Consumer Affairs staff follows a process of attempting to first resolve complaints informally and, if the matter can not be resolved informally, providing assistance to complainants in filing formal complaints with the Commission. The Consumers Affairs staff has had a very good track record of satisfactorily resolving consumers' billing and other issues with telephone companies and other utilities without the need to take it to the formal complaint and hearing stage.

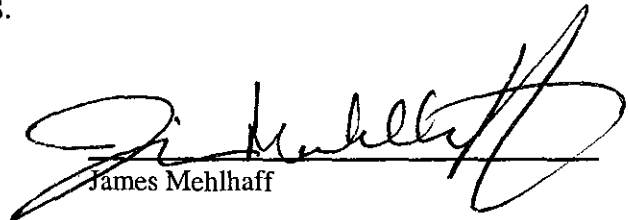
3. The Consumer Affairs staff also receives numerous contacts each month from citizens who have complaints or other problems involving matters that are not within the Commission's jurisdiction to resolve. When these non-jurisdictional matters are related to the provision of utility service, the Consumer Affairs staff will work informally with the parties involved to reach a mutually acceptable solution even though the Commission would have no legal authority to ultimately resolve the matter with formal action. Examples of this kind of assistance include customer issues with non-regulated electric utilities such as REAs and efforts to improve cell phone coverage for persons with poor or no service at their locations. The Consumer Affairs staff, however, does not attempt to resolve issues, even informally, that are not related to the provision of utility service and within the Commission's area of expertise, such as, complaints by shareholders or other investors in utility securities, ordinary commercial disputes involving utilities and vehicle accidents and other personal injury claims involving utilities.

4. I was the Consumer Affairs Manager at the time S&S Communications ("S&S") ceased providing telephone service to the Complainants in this Docket. The Consumer Affairs staff responded to hundreds of contacts from customers of S&S who had lost their long distance service on or about June 3, 2003. In addition to the expected calls regarding getting their pre-payments repaid, many of these contacts involved switch over and other issues involving third party carriers. The Consumer Affairs staff worked diligently with

the third party carriers to obtain prompt alternative service for the S&S customers and to resolve billing and other disputes on a basis that did not penalize the S&S customers. To my best knowledge and belief, all of these third party carrier issues were resolved satisfactorily in the end without monetary consequences to the S&S customers beyond the obvious need for them to pay for the substitute services they received.

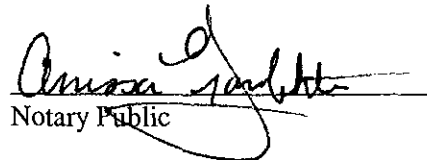
5. The Consumer Affairs staff did not attempt to resolve issues such as telephone service in other states, S&S's problems with its creditors other than South Dakota customers, loans and other investments or general business dealings with S&S or other issues outside of the utility regulatory jurisdiction of the Commission. The Consumer Affairs staff advised such persons in other states that they would have to contact their own state's Public Utilities Commission or Attorney General and such persons having non-utility type complaints here in South Dakota, that they would have to contact the Division of Securities, the Attorney General or their own attorney.

Dated this 11 day of September, 2008.

  
James Mehlhaff

On this 11<sup>th</sup> day of Sept. 2008, 2008, came before me, a Notary Public in and for the State of South Dakota, James Mehlhaff, who is well known to me and who, having been first duly sworn, executed the foregoing Affidavit in my presence.

(SEAL)

  
Notary Public

My Commission Expires: 7-1-2012