

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

In the Matter of the Complaint of)
WWC License LLC against)
VENTURE COMMUNICATIONS)
COOPERATIVE)
)

DOCKET NO. CT05 - 002

AFFIDAVIT OF TALBOT J. WIECZOREK IN SUPPORT OF MOTION TO DISMISS

STATE OF SOUTH DAKOTA)
)
COUNTY OF PENNINGTON)

COMES NOW Talbot J. Wieczorek, being first duly sworn upon oath, deposes and states as follows:

1. I have been counsel for WWC License LLC in this matter throughout the pendency of this proceeding.
2. The Complaint in this matter was filed on March 21, 2005.
3. On April 11, 2005, Venture Communications Cooperative filed an Answer and Counterclaims to the Complaint of WWC License LLC.
4. On July 11, 2005, WWC License LLC filed an Answer to Venture Communications Cooperative’s Counterclaims. No other filings were made in this matter until the filing of the Motion to Dismiss to which this Affidavit is in support.
5. I was also counsel for WWC License LLC in Docket CT 05-001, *In the Matter of the Complaint filed by WWC License LLC against Golden West Telecommunications Cooperative, Inc., Vivian Telephone Company, Sioux Valley Telephone Company, Armour Independent Telephone Company, Bridgewater-Canistota Independent Telephone Company and*

Kadoka Telephone Company Regarding Intercarrier Billings, (Golden West Complaint).

6. The claims asserted in the *Golden West* matter and those asserted in this matter, both the Complaint and Counterclaims, presented the same legal issues with the exception that in the *Golden West* action, a question of transiting charges also existed.

7. By the end of October, 2006, the parties in the *Golden West* matter had resolved all claims between them, except the transiting matter.

8. WWC License, LLC, was a division of Western Wireless Corporation. Western Wireless Corporation was acquired by Alltel Communications, Inc. in 2005.

9. Alltel Communications, Inc. was acquired by Cellco Partners, d/b/a Verizon on January 9, 2009.

10. WWC's witnesses in the *Golden West* case are no longer with the company. Mike Wilson left the company in 2006 and Ron Williams left the company and its successors in 2009. These two witnesses were the company witnesses that had the factual background regarding the allegations in the counterclaim asserted by Venture.

11. Attached as **Exhibit A** is a true and correct copy of an email dated March 24, 2010, from Rolayne Wiest and a reply from me dated April 9, 2010. In between the filing of the Answer of WWC and the attached email, there had been no activity on this matter initiated by either party.

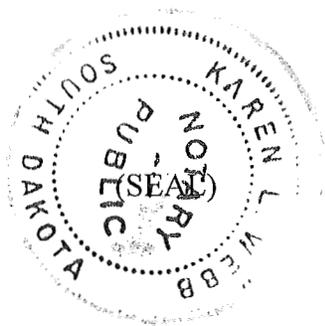
12. Attached as **Exhibit B** is a true and correct copy of an email from John Smith and a reply from me dated March 11, 2011. Attached to that email is a true and correct copy of my letter dated February 15, 2011 with a Stipulation to Dismiss with Prejudice dated the same day sent to Venture's counsel of record.

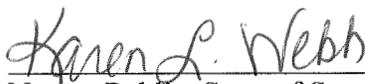
Dated this 12th day of August, 2011.



Talbot J. Wiczorek

Subscribed and sworn to before me this 12th day of August, 2011.





Notary Public, State of South Dakota
My commission expires: Oct 13, 2013