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JUL 03 2006

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

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MARGO D. NORTHRUP, Associate

June 28, 2006

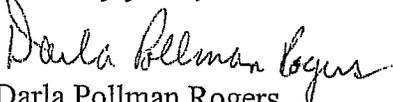
Patty Van Gerpen  
South Dakota Public Utilities Commission  
500 East Capitol Avenue  
Pierre, South Dakota 57501

Re: IN THE MATTER OF THE ESTABLISHMENT OF LECs' 2004 SWITCHED  
ACCESS REVENUE REQUIREMENTS  
SANTEL COMMUNICATIONS COOPERATIVE

Dear Patty:

Please find enclosed herein for filing the original and ten (10) copies of MOTION FOR HEARING AND MOTION TO COMPEL for the above named companies.

Sincerely yours,

  
Darla Pollman Rogers  
Attorney at Law

DPR/ea

Enclosures

cc: Jeffery Larson  
Karen Cremer

RECEIVED

JUL 03 2006

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

IN THE MATTER OF THE ESTAB-  
LISHMENT OF LECs' 2004 SWITCHED  
ACCESS REVENUE REQUIREMENTS  
SANTEL COMMUNICATIONS COOP-  
ERATIVE

TC04-116

MOTION FOR HEARING AND  
MOTION TO COMPEL

COME NOW, Santel Communications Cooperative ("Santel"), by and through its attorneys, Darla Pollman Rogers and Margo D. Northrup of Riter, Rogers, Wattier & Brown, LLP, pursuant to SDCL § 15-6-37 and ARSD 20:10:01:22.01, and hereby moves as follows:

I. Motion for Hearing

A. Docket TC04-116 was opened on June 29, 2004 at which time Santel filed its 2004 cost study pursuant to ARSD 20:10:01.

B. On April 20, 2006, an Order to Continue Hearing was granted by the Commission. Staff has served Santel with numerous data requests and Santel has responded to all outstanding requests.

C. Upon receipt of complete responses by Staff to Santel's discovery requests, this case is ready to be scheduled for hearing.

II. Motion to Compel

Santel further moves that Commission Staff be compelled to provide responses to Defendants' Joint Interrogatories and Requests for Production in the following manner and for the following reasons:

A. Attached hereto as Exhibit A is a copy of Answer to Joint Interrogatories and Requests for Production of LECs and LECA to Commission Staff. Defendant moves that Commission Staff be compelled to respond to the following discovery requests to which they have thus far failed to properly respond:

a. Request No. 3 seeking the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the

expert is expected to testify, and a summary of the grounds for each opinion.

b. Request No. 4 seeking a brief description of the contents of the testimony of each witness identified.

c. Request No. 6 seeking for each company, Staff's recommended revenue requirement and a list of revisions made to the original study filed by the company in June 2004.

d. Request No. 7 seeking supporting documentation/work papers including allocations utilized to make the revisions in Question 6.

e. Request No. 8 seeking supporting rules and/or laws supporting the methodology used to develop the allocation provided in Question 7.

f. Request No. 9 seeking whether Staff proposes to use a direct allocation method or the method utilized in ARSD 20:10:28 of Telecommunications separation procedures and the justifications if the direct allocation method will be used.

h. Request No. 10 seeking Staff's justification for allocating local loop investment beyond the allocation factors included in the rules.

i. Request No. 11 seeking Staff's explanation on how the methodologies outlined above comply with the legislative intent outlined in SDCL § 49-31-60 (Telecommunications infrastructure-Legislative Intent).

j. Request No. 12 seeking Staff's explanation on how the methodologies outlined above benefit the citizens of South Dakota.

k. Request No. 13 seeking information in reference to Staff's awareness of any entity receiving payment by utilizing records provided by Qwest for traffic routed through the entity without traffic indicators present on the call record recorded by the entity on its incoming trunk group and a list of the entities and the dollar amounts involved.

B. Defendant asserts that good cause exists for this Motion to Compel. This cost study docket has been pending since June of 2004. Commission Staff has served upon Santel and has received answers from Santel to numerous rounds of data requests. The

requested discovery, which is the subject of this Motion, is pertinent to the issues involved and are necessary for Santel to proceed to hearing.

WHEREFORE, Santel respectfully requests that a hearing date be set in this matter, and that the Motion to Compel be granted with a date specified for Commission Staff to respond to the Joint Interrogatories and Request for Production of LECs and LECA.

Respectfully submitted this 30<sup>th</sup> day of June, 2006.

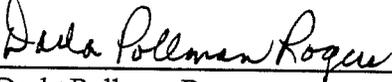
  
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Pierre, South Dakota 57501  
Telephone (605) 224-7889  
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the MOTION FOR HEARING AND MOTION TO COMPEL was served via the method(s) indicated below, on the 30th day of June, 2006, addressed to:

Karen Cramer	( X )	First Class Mail
South Dakota Public Utilities Commission	( )	Hand Delivery
500 East Capitol Avenue	( )	Facsimile
Pierre, South Dakota 57501	( )	Overnight Delivery
	( )	E-Mail
Jeffrey Larson	( X )	First Class Mail
Larson & Nipe	( )	Hand Delivery
P.O. Box 277	( )	Facsimile
Woonsocket, South Dakota 57385	( )	Overnight Delivery
	( )	E-Mail

Dated this 30th day of June, 2006.

  
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Darla Pollman Rogers  
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Pierre, South Dakota 57501  
Telephone (605) 224-5825  
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