

GUNDERSON, PALMER, NELSON & ASHMORE, LLP

ATTORNEYS AT LAW

J. CRISMAN PALMER
JAMES S. NELSON
DANIEL E. ASHMORE
DONALD P. KNUDSEN
PATRICK G. GOETZINGER
TALBOT J. WIECZOREK
JENNIFER K. TRUCANO
DAVID E. LUST
THOMAS E. SIMMONS

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, IOWA, NEBRASKA
COLORADO, WYOMING & MINNESOTA

TERRI LEE WILLIAMS
SARA FRANKENSTEIN
AMY K. KOENIG
JASON M. SMILEY
JONATHAN M. OOSTRA
MATTHEW E. NAASZ
QUENTIN L. RIGGINS
JEFFREY R. CONNOLLY
WYNN A. GUNDERSON
Of Counsel

July 11, 2008

E-FILING

Patricia Van Gerpen
South Dakota Public Utilities Commission
Capitol Building, 1st Floor
500 East Capitol Avenue
Pierre SD 57501-5070

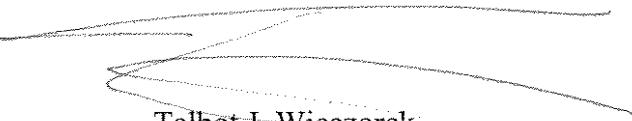
RE: In the Matter of the Petition of Brookings/Swiftel for Suspension or Modification
– Docket TC07-007
GPGN File No. 05925.0041 (ALLTEL)

Dear Ms. Van Gerpen:

Attached please find Alltel's Motion to Compel and Brief in Support of Motion to Compel in the above-entitled matter. There are two exhibits, Exhibit A and Exhibit B, to the Brief and both are marked CONFIDENTIAL. By copy of same, counsel for the various parties have been served by e-mail.

If you have any questions, please contact me.

Sincerely,



Talbot J. Wieczorek

TJW:klw
Enclosures
c: Service List
Client

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

In the Matter of the Petition of Brookings Municipal)
Utilities D/B/A Swiftel Communications for) Docket No. TC07-007
Suspension or Modification of Dialing Parity, Number)
Portability, and Reciprocal Compensation Obligations.)

**ALLTEL’S MOTION TO COMPEL DISCOVERY
FROM BROOKINGS MUNICIPAL UTILITIES**

COMES NOW, the above-named Alltel Communications, Inc., by and through its counsel of record, Talbot J. Wiczorek of Gunderson, Palmer, Nelson & Ashmore, LLP, and Stephen B. Rowell of Alltel Communications, Inc., and hereby moves the Court pursuant to SDCL §§15-6-26(a), 15-6-33, 15-6-34, and 15-8-37, for an order compelling Brookings Municipal Utilities, to provide responses to Interrogatories Nos. 3, 8a., 12, 14, 20, 40, 41, 42, 43, 44 and Request for Production Nos. 14, 30, and 33. Responses are properly compelled because 1) the information sought is relevant to the economic impact assertions that are presently before the Commission; (2) the requests as refined are not unduly burdensome; and (3) any confidential information sought is protected under the Protective Order that governs this matter.

A brief citing Alltel’s arguments and supporting authorities is attached and incorporated herein by this reference.

WHEREFORE, Alltel Communications, Inc., requests the Commission order Brookings Municipal Utilities to respond to the aforementioned discovery requests of Alltel.

Dated this 11th day of July.

Attorneys for Alltel Communications, Inc.

~~Talbot J. Wiczorek~~
GUNDERSON, PALMER, NELSON
& ASHMORE, LLP
440 Mt. Rushmore Road, Fourth Floor
PO Box 8045
Rapid City SD 57709
605-342-1078
Fax: 605-342-0480

Stephen B. Rowell
Alltel Communications, Inc.
One Allied Drive
Little Rock, Arkansas 72202

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of July 2008, a true and correct copy of ALLTEL's **MOTION TO COMPEL TO BROOKINGS MUNICIPAL UTILITIES** was sent by e-mail to:

patty.vangerpen@state.sd.us
MS PATRICIA VAN GERPEN
EXECUTIVE DIRECTOR
SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION
500 EAST CAPITOL
PIERRE SD 57501

karen.cremer@state.sd.us
Ms Karen Cremer
Staff Attorney
SDPUC
500 East Capitol
Pierre SD 57501

harlan.best@state.sd.us
Mr. Harlan Best
Staff Analyst
SDPUC

VIA U.S. MAIL and electronically to:

Ben Dickens, Jr.
Mary J. Sisak
BLOOSTON MORDKOFKY
DICKENS
DUFFY & PENDERGAST
2120 L Street, NW, SUITE 300
Washington, DC 20037
bhd@bloostonlaw.com
mjs@bloostonlaw.com

rjh1@brookings.net
Richard Helsper
Attorney at Law
415 8th Street South
Brookings, SD 57006

dprogers@riterlaw.com
Darla Pollman Rogers

500 East Capitol
Pierre SD 57501

Richcoit@sdtaonline.com

Richard D. Coit
Attorney at Law
South Dakota Independent Telephone Coalition
P.O. Box 57
Pierre, South Dakota 57501

koenecke@magt.com

Mr. Brett M. Koenecke
MAY ADAM GERDES & THOMPSON LLP
PO Box 160
Pierre, SD 57501-0160

319 S. Couteau Street
PO Box 280
Pierre SD 57501-0280

dag@magt.com

Mr. David A. Gerdes
MAY ADAM GERDES &
THOMPSON LLP
PO Box 160
Pierre, SD 57501-0160

diane.c.browning@sprint.com

Diane C. Browning
Attorney, State Regulatory Affairs
Sprint Communications L.P.
6450 Sprint Parkway
Mailstop KSOPHNO212-2A411
Overland Park, Kansas 66251

Talbot J. Wieczorek