

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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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

**ORIGINAL**

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Transcript of Proceedings  
August 22, 2005

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BEFORE THE PUBLIC UTILITIES COMMISSION,  
GARY HANSON, CHAIRMAN  
BOB SAHR, VICE CHAIRMAN  
DUSTY JOHNSON, COMMISSIONER

COMMISSION STAFF  
Rolayne Ailts Wiest  
John Smith  
Karen Cremer  
Sara Greff  
Greg Rislov  
Heather Forney  
Pam Bonrud

APPEARANCES

Talbot Wieczorek (by telephone), WWC License  
Darla Pollman Rogers, Golden West

Reported By Cheri McComsey Wittler, RPR, CRR

**PRECISION REPORTING**  
**L I M I T E D**

APPEARANCE BY TELEPHONE

Talbot Wieczorek

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TRANSCRIPT OF PROCEEDINGS, held in the  
above-entitled matter, at the South Dakota State  
Capitol, Room 412, 500 East Capitol Avenue, Pierre,  
South Dakota, on the 22nd day of August 2005,  
commencing at 12:30 p.m.

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1 CHAIRMAN HANSON: Good morning,  
2 everyone. I'm Gary Hanson, and I'm a PUC  
3 Commissioner. I'm with Commissioners Bob Sahr and  
4 Dusty Johnson. This is room -- we are in Room 412  
5 of the State Capitol Building, Pierre,  
6 South Dakota. This is the time and place, Monday,  
7 August 22, 2005, 9 a.m., for the Public Utilities  
8 Commission meeting.

9 We'll first check the persons who are joining  
10 us telephonically. Tal Wieczorek.

11 MR. WIECZOREK: I'm here.

12 CHAIRMAN HANSON: Is there anyone  
13 else with you there that may be participating?

14 MR. WIECZOREK: Just me.

15 CHAIRMAN HANSON: And Vantage Point.  
16 Larry Thompson is present here, and I believe you  
17 said there are some people on the phone with us,  
18 some folks from Vantage Point joining us.

19 MS. HARPER: Correct. Wendy Harper.

20 CHAIRMAN HANSON: Good morning.

21 MS. HARPER: Good morning.

22 CHAIRMAN HANSON: Excuse me. Good  
23 afternoon. I have a Motion to read, and then -- In  
24 the Matter of CT05-001, and then the Commissioners  
25 are going to open up the proceedings for comments

1 from the participants.

2 We are not looking for additional argument.  
3 We are specifically looking for comments on the  
4 Motion. It's a lengthy Motion, and we want to make  
5 certain that the functionality of the Motion will  
6 work.

7 In the Matter of CT05-001, I move that we rule  
8 on all of the pending motions generally in  
9 accordance with staff counsel's recommendations.  
10 Specifically, I move that Golden West's Motion to  
11 Prohibit WWC from Contesting the Accuracy of Data  
12 Provided, Motion to Strike Late-filed Claim, and  
13 Motion to Compel, and Western Wireless's Motion to  
14 Bifurcate be denied.

15 Instead, the parties shall each file  
16 amendments to their proceedings to conform to the  
17 evidence revealed through discovery and to reflect  
18 any additional claims and answers thereto related  
19 to Golden West's intercarrier billings to WWC that  
20 have come to light during the discovery and  
21 analysis process.

22 By August 31 the parties shall submit to the  
23 Commission their proposals for a procedural  
24 schedule for the remainder of this case. The next  
25 available dates for hearing in this matter are

1 November 7, 8, 9 with a 3 p.m. ending time on the  
2 8th.

3 I further move that Golden West's Motion to  
4 Permit Additional Discovery be granted to allow  
5 full exploration by both parties of the minutes of  
6 use data and other issues and also to address any  
7 additional claims and defenses that are added or  
8 modified through amendments to the Pleadings.

9 Further Motion that staff counsel's  
10 suggestions be adopted in the form of an order that  
11 in connection with the extension of discovery the  
12 parties' technical experts shall meet in a  
13 good-faith effort to resolve the billing data  
14 issues, including access on reasonable terms to the  
15 data in the possession of the other party.

16 This meeting of the parties' respective data  
17 experts shall take place at a location acceptable  
18 to them and to staff, or if they cannot agree, in  
19 the Commission's conference room. Staff and staff  
20 counsel are directed to be present at such meeting  
21 to assist the parties in attempting to resolve any  
22 disputes their experts may have involving the data,  
23 access to data, and related issues.

24 The parties shall submit their proposed date  
25 for this meeting in their procedural schedule

1 proposals.

2 Lastly, I move that Golden West's Motion to  
3 Postpone Hearing be granted to allow for the filing  
4 of additional or amended claims and to conduct  
5 additional discovery so that all issues involving  
6 the billing in question can be addressed and  
7 resolved in this proceeding.

8 I move that the hearing in this matter be  
9 continued until November 7, 2005 commencing at  
10 10 a.m., continuing at 8:30 a.m. November 8, 2005,  
11 and carrying over to November 9, if necessary,  
12 unless the parties' procedural schedule submittals  
13 demonstrate that this date is not available for  
14 them, at which case alternative hearing dates will  
15 be scheduled.

16 That's the end of the Motion, and I'm  
17 interested in hearing comments from -- excuse me.  
18 The Commissioners are interested in hearing  
19 comments from the parties.

20 Who would like to go first? Good afternoon.

21 MS. POLLMAN ROGERS: Good afternoon.

22 CHAIRMAN HANSON: First I wish to  
23 make certain that Tal is still on the line with us.

24 MR. WIECZOREK: I am.

25 CHAIRMAN HANSON: All right. Thank

1                   you.

2                                   MS. POLLMAN ROGERS: Commissioners,  
3                   thank you for the opportunity to comment. I  
4                   believe that on behalf of my clients that we think  
5                   that this Motion is very fair. We are certainly  
6                   willing to meet with the experts from Western  
7                   Wireless in trying to resolve some of these issues  
8                   on our own and with staff's involvement. I  
9                   appreciated Mr. Wiest's suggestions on that when  
10                  she made her recommendation last week.

11                                I guess I would just have one question or  
12                                query. I believe that we had a couple of other  
13                                pending motions that were heard on Friday, and I do  
14                                not recall that there was a ruling on those.  
15                                Specifically, the Motion to Strike the Double  
16                                Damages Claim. But maybe you ruled on that and I  
17                                forgot about that.

18                                   MR. SMITH: Those were both ruled --  
19                                the double damages and attorneys fees were both  
20                                granted, the Motions to Dismiss.

21                                   MS. POLLMAN ROGERS: Thank you.  
22                                That clarifies that. No. We're happy to cooperate  
23                                with this Motion and feel it's fair.

24                                   Thank you.

25                                   MR. WIECZOREK: This is

1 Talbot Wieczorek from -- I'm sorry. This is  
2 Talbot Wieczorek on behalf of Western Wireless.  
3 The one day to -- we're supposed to file amended  
4 Pleadings did I get it August 20 -- excuse me.  
5 August 31; is that correct?

6 MR. SMITH: May I address that,  
7 Mr. Chairman? No. That's just for a date to file  
8 a proposed procedural schedule.

9 MR. WIECZOREK: Okay. That's  
10 proposed procedural.

11 MR. SMITH: It may be that you guys  
12 would decide an appropriate date for filing  
13 amendments that are known now, and there may be  
14 other stuff that comes up. It might be a month  
15 from now or whatever you think.

16 Just by the 30th come in with your ideas, and  
17 I'm assuming and hoping that would occur after some  
18 suggestion between the parties and staff, and if  
19 you want me to be on the call, I would be willing  
20 to do so. Let's just try to come up with something  
21 that will work.

22 Is that okay, Tal?

23 MR. WIECZOREK: Yes. I'm always hip  
24 for coming up with something that works.

25 MR. SMITH: Good. Did you catch

1 that word there, Cheri.

2 MR. WIECZOREK: That's going to date  
3 me back to the '60s, being hip.

4 MR. SMITH: Okay.

5 CHAIRMAN HANSON: Tal, did you have  
6 any other questions or comments?

7 MR. WIECZOREK: I do appreciate the  
8 Commission laying some of this out, and I  
9 appreciate that we have a date certain for the  
10 hearing to work against to kind of keep everybody's  
11 feet to the fire. Because the other thing that's  
12 kind of looming out there, just for the  
13 Commission's understanding, is these  
14 Interconnection Agreements are done this year  
15 unless we negotiate to continue them further.

16 So it would be nice to actually resolve some  
17 of these interconnection issues before we start  
18 fighting over the new Interconnection Agreement.

19 VICE CHAIRMAN SAHR: You mean  
20 negotiating, right, Tal?

21 MR. WIECZOREK: Strongly  
22 negotiating.

23 CHAIRMAN HANSON: Thank you. Are  
24 there any further comments on the Motion?

25 MS. AILTS WIEST: No. Staff has no

1 problems or nothing to add. Thank you.

2 CHAIRMAN HANSON: If there are no  
3 further comments on the Motion, then the Motion  
4 stands as I stated it, and subject to a second and  
5 concurrence.

6 VICE CHAIRMAN SAHR: Mr. Chairman, I  
7 would gladly second that. And my experience is I  
8 realize that there's some impetus to get to a  
9 hearing. At the same time, my experience over the  
10 last few years has been that the more preparation  
11 the parties can put into it, especially when you're  
12 dealing with important information and data, that  
13 goes a long ways towards having a better ultimate  
14 resolution.

15 And hopefully there's still the door open to  
16 try to figure out ways that this might be settled  
17 and avoid the hearing in the first place.

18 COMMISSIONER JOHNSON: Mr. Chairman,  
19 I concur.

20 CHAIRMAN HANSON: Thank you,  
21 gentlemen. That concludes the meeting.

22 (The meeting concluded at 12:45 p.m.)

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1 STATE OF SOUTH DAKOTA )

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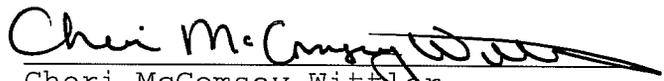
CERTIFICATE

3 COUNTY OF HUGHES )

4  
5 I, CHERI MCCOMSEY WITTLER, a Registered  
6 Professional Reporter and Notary Public in and for the  
7 State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed  
9 shorthand reporter, I took in shorthand the proceedings  
10 had in the above-entitled matter on the 22nd day of  
11 August 2005, and that the attached is a true and  
12 correct transcription of the proceedings so taken.

13 Dated at Pierre, South Dakota this 29th day  
14 of August 2005.

15  
16  
17   
18 Cheri McComsey Wittler,  
19 Notary Public and  
Registered Professional Reporter

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