

LAW OFFICES
RITER, ROGERS, WATTIER & BROWN, LLP

Professional & Executive Building
319 South Coteau Street
P.O. Box 280
Pierre, South Dakota 57501-0280
www.riterlaw.com

ROBERT C. RITER, Jr.
DARLA POLLMAN ROGERS
JERRY L. WATTIER
JOHN L. BROWN

MARGO D. NORTHRUP, Associate

RECEIVED

AUG 15 2005

OF COUNSEL:
Robert D. Hofer
E. D. Mayer
TELEPHONE
605-224-5825
FAX
605-224-7102

August 15, 2005

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Pamela Bonrud, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501

Re: DOCKET NO. CT05-001
COMPLAINT OF WWC AGAINST GOLDEN WEST COMPANIES
Our File Number 05-006C

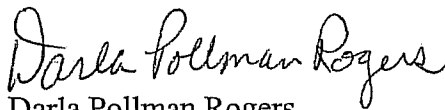
Dear Pam:

You will find enclosed herein original and ten copies of the following:

1. MOTIONS OF GOLDEN WEST COMPANIES with attached Exhibits A through I.
2. MOTION TO STRIKE OR DISMISS; and
3. MEMORANDUM IN SUPPORT OF MOTION TO STRIKE OR DISMISS.

By copy of this letter, I am also serving Talbot J. Wiczorek with copies of the same.

Sincerely yours,


Darla Pollman Rogers
Attorney at Law

DPR/ph

Enclosures

CC: Rolayne Ailts Wiest
Harlan Best
George Strandell
Dennis Law
Larry Thompson

RECEIVED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

AUG 15 2005

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE COMPLAINT
OF WWC LICENSE LLC AGAINST
GOLDEN WEST TELECOMMUNICA-
TIONS COOPERATIVE, INC.; VIVIAN
TELEPHONE COMPANY; SIOUX VAL-
LEY TELEPHONE COMPANY; UNION
TELEPHONE COMPANY; ARMOUR
INDEPENDENT TELEPHONE COM-
PANY; BRIDGEWATER-CANISTOTA
INDEPENDENT TELEPHONE COM-
PANY; AND KADOKA TELEPHONE
COMPANY

DOCKET NO. CT05-001

MOTIONS OF
GOLDEN WEST COMPANIES

COME NOW the above-named Respondents ("Golden West Compa-
nies"), by and through their attorney, Darla Pollman Rogers, and move the Commission
as follows:

- I. MOTION TO PROHIBIT WWC FROM CONTESTING THE ACCURACY OF
DATA PROVIDED; and MOTION TO STRIKE LATE-FILED CLAIM;
- II. MOTION TO COMPEL;
- III. MOTION TO PERMIT ADDITIONAL DISCOVERY; and
- IV. MOTION TO POSTPONE HEARING.

- I. MOTION TO PROHIBIT WWC FROM CONTESTING
THE ACCURACY OF DATA PROVIDED; and
MOTION TO STRIKE LATE-FILED CLAIM

1. One of the substantive issues in this proceeding is adjustment of the
InterMTA factor under the Reciprocal Interconnection, Transport and Termination
Agreement ("Agreement") entered into between WWC and each of the Golden West

Companies. The Agreement sets forth the obligations of the parties with regard to adjustment of the InterMTA factor:

The initial PIU (Percent InterMTA Use) factor to be applied to total minutes of use delivered by the CMRS Provider shall be 3.0%. This factor shall be adjusted three months after the executed date of this Agreement and every six months thereafter during the term of this Agreement, based on a mutually agreed to traffic study analysis. Each of the Parties to this Agreement is obligated to proceed in good faith toward the development of a method of traffic study that will provide a reasonable measurement of terminated InterMTA traffic. (Agreement, Paragraph 7.2.3.)

2. Larry Thompson, a professional engineer from Vantage Point Solutions (“VPS”), on behalf of Golden West Companies, attempted to negotiate a method of traffic study with Mike Wilson, of WWC. Even though negotiations were thwarted because of WWC’s refusal to proceed in good faith, the parties did agree to development of a method of traffic study. WWC represented that the traffic study would exclude WWC traffic terminated via an interexchange carrier (“IXC”):

Study Exclusion: . . . Calls originating on Western’s network and routed for termination via interexchange carriers.

See Exhibit A attached hereto, e-mail message from Mike Wilson to Larry Thompson dated September 28, 2004. (This was included in Exhibit Q13e of Golden West Companies’ Responses to WWC discovery requests, first set).

3. After WWC finally provided Larry Thompson with CDRs for Respondent Golden West Telecommunications Cooperative (“Golden West”) (and other companies not parties to this proceeding), VPS analyzed the data received from WWC. VPS provided WWC with its analysis results for Golden West (and other non-party companies) on March 18, 2005. Mike Wilson, on behalf of WWC, confirmed to Larry Thompson that WWC’s results for Golden West matched VPS’s results. At that time, Mr. Wil-

son did not raise any issues with regard to the data provided by WWC. See E-mail message of Mike Wilson to Larry Thompson dated March 28, 2005, attached hereto as Exhibit B. (This was included as Exhibit Q12 of Golden West Companies' Responses to WWC discovery requests, first set).

4. In WWC's June 30, 2005, response to Interrogatory 15 of Golden West Companies' first set of Interrogatories to WWC, WWC again confirmed exclusion of IXC traffic in describing the methodology used in developing a specialized traffic study:

The methodology for calculating an InterMTA factor was based on Western Wireless' Call Detail Records (CDRs) terminated to South Dakota Local Exchange Carriers . . . The specialized traffic study was to identify InterMTA traffic as a percentage of all traffic terminated from Western's network to each South Dakota ILEC, excluding traffic terminated via an interexchange carrier. (Emphasis added.) (Answer of WWC to Interrogatory Number 15 of Golden West Companies' first set of Interrogatories; entire Interrogatory and Answer set forth in Exhibit C, attached hereto.)

5. Larry Thompson and Golden West Companies have relied upon the previously consistent representations of WWC concerning exclusion of IXC traffic in calculating the InterMTA factor for Golden West, and in calculating its claims in its Counterclaim against WWC. See Affidavits of Larry Thompson, attached hereto as Exhibit D, and Affidavit of Dennis Law, attached hereto as Exhibit E.

6. In its August 5, 2005, Answer to Interrogatory Number 11 of Golden West Companies' second set of discovery requests, WWC now claims, at that late date and for the first time, that the results of its study were flawed because it included calls that were terminated by an IXC, contrary to all of its earlier representations.

11. What were the results of the WWC calculation for both the InterMTA factor and the Interstate factor for Golden West in the study referred to in WWC's Answer to Golden West Companies' Interrogatory Number 15?

Answer: The InterMTA percentage showed 15% and the interstate factor for InterMTA minutes was 23%. However, even though WWC spent extensive man hours and funds on this study, this study was significantly flawed. The InterMTA rate was artificially increased because the study included calls that were terminated by an IXC that should not have been part of the study. (Emphasis added.) (Answer of WWC to Interrogatory Number 11 of Golden West Companies' second set of Interrogatories; entire Interrogatory and Answer are set forth in Exhibit F, attached hereto.)

7. On or about August 4, 2005, counsel for the parties participated in a conference call with Commission counsel, John Smith, and Staff counsel, Rolayne Ailts Wiest, concerning a statement of issues in this docket. Mr. Wieczorek, on behalf of WWC, raised some sub-issues WWC wanted included in the hearing. In a follow-up letter to the participants on the conference call, Mr. Wieczorek expanded on the scope of the additional issues, one of which is as follows:

Further, it appears that your clients are also seeking to charge calls delivered by IXCs under the Interconnection Agreement as InterMTA calls. Because IXCs are already paying access charges, this would be a situation where your clients would be "double-dipping" and, thus, your clients claimed amounts due under InterMTA would be overstated. See copy of letter from Mr. Wieczorek dated August 9, 2005, attached hereto as Exhibit G.

8. This evidence clearly demonstrates that WWC represented to Golden West Companies throughout the attempted negotiations of a method of traffic study and throughout the proceedings in this docket, until three weeks before the scheduled hearing date, that IXC traffic was excluded from its CDRs. Then, in its final responses to interrogatories, WWC claims the data provided to Golden West Companies in the CDRs is flawed because it includes IXC traffic. In addition, WWC now seeks to include a claim against Golden West Companies for "double-dipping," based on the flawed data WWC provided.

9. Golden West Companies move the Commission to prohibit WWC from contesting the accuracy of their data at this stage of the proceedings.

10. Golden West Companies further move the Commission to strike or prohibit WWC from asserting a claim against Golden West Companies for “double-dipping” when Golden West Companies relied on the data provided by WWC, which is now claimed by WWC to be flawed. WWC created this controversy by undermining the accuracy and credibility of its own data, despite prior repeated representations to the contrary.

II. MOTION TO COMPEL

11. Attached hereto as Exhibit F is WWC’s Answer to Golden West Companies’ Interrogatory Number 11 (second set).

12. Attached hereto as Exhibit H is WWC’s Answer to Golden West Companies’ Request for Production Number 2 (first set).

13. Both of these exhibits deal with the CDRs necessary to accurately determine the appropriate InterMTA factor and interstate/intrastate minutes of use factor for each Golden West Company.

14. Pursuant to 20:10:01:22.01, Golden West Companies move the Commission to compel WWC:

(a) To provide accurate CDRs for Golden West, as WWC now claims the data previously provided is flawed;

(b) To provide accurate CDRs for the remaining Golden West Companies.

15. Golden West Companies further move the Commission to compel WWC to provide the data requested above by a date certain, no longer than three weeks from the date of the Commission's Order.

16. Golden West Companies further move the Commission to require WWC to certify to the accuracy of the CDRs provided for each of the Golden West Companies.

17. If WWC continues to claim it cannot provide CDRs for the other Golden West Companies (which it has already provided for Golden West and four other ILECs across the state), or that it cannot provide accurate CDRs for Golden West, Golden West Companies move the Commission to compel WWC to provide to Golden West Companies raw data from its switches, together with the technical documentation for said data, to enable Golden West Companies to create accurate CDRs for each Golden West Company. This will enable Golden West Companies to accurately calculate the appropriate InterMTA factor adjustment for each Golden West Company.

III. MOTION TO ALLOW ADDITIONAL DISCOVERY

18. If WWC is not prohibited from now contesting the accuracy of the data WWC provided in this docket, WWC has created additional issues as a result of attacking the accuracy and credibility of its own specialized traffic study.

19. WWC has also attempted to raise additional issues in its August 9, 2005, letter (Exhibit G), including transiting issues, and Golden West Companies' rights to charge intrastate access rates under the Agreement.

20. By separate notice dated August 9, 2005, WWC also seeks to question the constitutionality of SDCL § 49-31-109 to 49-31-115. (See Exhibit I, attached hereto.)

21. None of the additional issues were included in WWC's Complaint.

22. The discovery deadline in this docket was July 15, 2005. These new and additional issues have been raised by WWC after the deadline for discovery had already passed.

23. Golden West Companies move the Commission to require WWC to file an Amended Complaint, to allow Golden West Companies to respond to the additional issues, and to extend the discovery deadline so the parties have the opportunity to conduct discovery on the new issues raised by WWC.

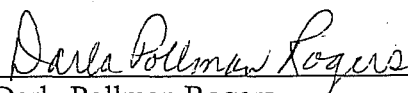
IV. MOTION TO POSTPONE HEARING DATE

24. Hearing in this docket is scheduled for August 30-31, 2005.

25. For the reasons set forth in the above motions, Golden West Companies respectfully request the Commission to postpone the hearing dates in this docket.

26. Since the necessity for delay of the hearing in this docket is a result of the actions of WWC, Golden West Companies respectfully request the Commission to impose appropriate sanctions against WWC, including tolling of any interest claimed by WWC for the period of the delay.

Respectfully submitted this fifteenth day of August, 2005.



Darla Pollman Rogers
Riter, Rogers, Wattier & Brown, LLP
P. O. Box 280
Pierre, South Dakota 57501
Telephone (605) 224-7889
Fax (605) 224-7102
Attorney for Golden West Companies

CERTIFICATE OF SERVICE

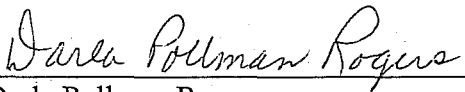
I hereby certify that a true and correct copy of the MOTIONS OF GOLDEN WEST COMPANIES was served via the method(s) indicated below, on the fifteenth day of August, 2005, addressed to:

Talbot J. Wieczorek	<input checked="" type="checkbox"/>	First Class Mail
Gunderson, Palmer, Goodsell & Nelson, LLP	<input type="checkbox"/>	Hand Delivery
P. O. Box 8045	<input type="checkbox"/>	Facsimile
Rapid City, South Dakota 57709	<input type="checkbox"/>	Overnight Delivery
	<input checked="" type="checkbox"/>	E-Mail

Rolayne Ailts Wiest, General Counsel	<input type="checkbox"/>	First Class Mail
South Dakota Public Utilities Commission	<input checked="" type="checkbox"/>	Hand Delivery
500 East Capitol Avenue	<input type="checkbox"/>	Facsimile
Pierre, South Dakota 57501	<input type="checkbox"/>	Overnight Delivery
	<input checked="" type="checkbox"/>	E-Mail

Harlan Best, Telecommunications Analyst	<input type="checkbox"/>	First Class Mail
South Dakota Public Utilities Commission	<input checked="" type="checkbox"/>	Hand Delivery
500 East Capitol Avenue	<input type="checkbox"/>	Facsimile
Pierre, South Dakota 57501	<input type="checkbox"/>	Overnight Delivery
	<input type="checkbox"/>	E-Mail

Dated this fifteenth day of August, 2005.



Darla Pollman Rogers
Riter, Rogers, Wattier & Brown, LLP
P. O. Box 280
Pierre, South Dakota 57501
Telephone (605) 224-7889
Fax (605) 224-7102

Exhibits attached to MOTIONS OF GOLDEN WEST COMPANIES:

- Exhibit A E-mail message from Mike Wilson to Larry Thompson dated September 28, 2004, verifying that IXC traffic was to be excluded from the study.
- Exhibit B E-mail message of Mike Wilson to Larry Thompson dated March 28, 2005
- Exhibit C Interrogatory 15 of Golden West Companies' first set of Interrogatories to WWC, and Answer of WWC thereto.
- Exhibit D Affidavit of Larry Thompson
- Exhibit E Affidavit of Dennis Law
- Exhibit F Interrogatory Number 11 of Golden West Companies' second set of discovery requests, and Answer of WWC thereto
- Exhibit G Letter from Talbot Wiczorek dated August 9, 2005.
- Exhibit H WWC's Answer to Golden West Companies' Request for Production Number 2 (first set).
- Exhibit I Notice dated August 9, 2005, that WWC seeks to question the constitutionality of SDCL § 49-31-109 to 49-31-115.

-----Original Message-----

From: Wilson, Mike [mailto:Mike.Wilson@wwireless.com]
Sent: Tuesday, September 28, 2004 11:01 AM
To: Larry Thompson
Cc: Williams, Ron L.
Subject: InterMTA Factors - Method and Timeline

Larry,

As a follow-up to your conversation with Ron Williams, I'm responding with our methodology for deriving interMTA factors in South Dakota. I'm sure Ron mentioned to you that we have been awaiting an automated solution for interMTA reporting to be developed by our I.T. department, that project is now projected to be completed at the beginning of 2005. Understanding that we are in need of interMTA reporting sooner, we have decided to go forward with a direct data pull using the methodology below in parallel to our automated solution development.

I expect that we will be able to derive interMTA factors for South Dakota by no later than October 29th.

Methodology:

Objective: Perform an ad hoc traffic study to meet interconnection agreement terms for determination of interMTA traffic factor for South Dakota independent LECs. Study should identify interMTA traffic as a percentage of all traffic terminated from Western's network to each South Dakota ILEC, excluding traffic terminated via an interexchange carrier.

Study Area: Calls originating from Western Wireless cell sites served by switches that are directly interconnected with South Dakota LEC networks (including Qwest). This will include all cell sites in South Dakota and may include some cell sites in portions of Iowa and/or Minnesota.

Study Inclusion: Answered calls only
 Wireless to Wireline calls only
 Inter and intraMTA traffic

Study Exclusion: Calls terminating to non 605-NXX-XXXX terminating numbers. Calls originating on Western's network and routed for termination via interexchange carriers.
 Unanswered calls

Study Units: Call message
 Average Call duration

Data Elements: Terminating NPA-NXX
 Originating cell site
 Originating MTA
 Originating state
 Originating switch ID
 Total call duration

Study Period: 15 days

Approach:

1. Gather call message data from study area by originating MTA and called NPA-NXX
2. Determine MTA associated with each telco NPA-NXX (to be provided by ILECs)
3. Compare call volumes originated from MTA other than terminating MTA with call volumes originated from same MTA as terminating MTA.
4. Convert message to minutes of use using a factor of 2.1 minutes per call message (or average call duration of sample set).
5. Determine InterMTA minutes of use by multiplying InterMTA percentage of traffic by minutes of use.
6. Develop ILEC specific intrastate / interstate factor for interMTA calls only based on call origination data for each interMTA call.

Please feel free to call me if you have any questions.

Mike Wilson
Regulatory Compliance Manager
Western Wireless Corporation
office 425.586.8633
cell 206.226.1324
mike.wilson@wwireless.com

Larry Thompson

From: Wilson, Mike [Michael.Wilson@wwireless.com]
Sent: Monday, March 28, 2005 4:44 PM
To: Larry Thompson
Subject: RE: Data confirmation update..

Larry,
 I have confirmed the results we discussed. Below is a quick variance schedule of three of the telcos. I will call you tomorrow to discuss next steps.

	InterMTA Factor		InterState Factor
	Messages	MOU	MOU
Golden West			
VantagePoint			
Queries	6.2%	15.1%	23.0%
WWC Queries	6.2%	15.1%	23.0%
<i>Variance</i>			0.0%
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Mike Wilson

-----Original Message-----

From: Larry Thompson [mailto:larry.thompson@vantagepnt.com]
Sent: Monday, March 28, 2005 2:04 PM
To: Wilson, Mike
Subject: RE: Data confirmation update..

Mike,

I did not hear back from you last week on this. Can you give me a status? We are looking forward to getting this resolved.

-Larry

From: Larry Thompson
Sent: Tuesday, March 22, 2005 5:04 PM
To: 'Wilson, Mike'
Subject: RE: Data confirmation update..

6/30/2005

Interrogatory 15: Identify the procedure WWC followed to establish the methodology referred to in WWC's Answer to Golden West Companies' Interrogatory Number 15.

Answer: In order to secure internal IT resources, WWC went through a Request for Services process involving IT project management resources. This process identifies the business need and assigns a priority level to individual projects. We then involved a functional analyst to identify specific requirements for the project. Once requirements were drafted, IT resources were identified. While going through the Request for Service process, we identified an opportunity to build an application that would allow us to view, on an ad hoc basis, call detail records that included data that would enable identification of cell site and sector associated with a call originating on the WWC network. This project was canceled due to the inability to come up with a workable completed base CDR tool.

An ad hoc reporting request process was started after this project was cancelled. A procedure for InterMTA analysis was established specifically to support the anticipated needs for South Dakota. As stated in WWC's Answer to Golden West Companies' Interrogatory Number 15, the methodology for calculating an InterMTA factor was based on Western Wireless' Call Detail Records (CDRs) terminated to South Dakota Local Exchange Carriers. The factors for all companies involved were derived based on 15 days of CDRs for traffic terminating to 5 individual LECs, one of which was Golden West.

The specialized traffic study was to identify InterMTA traffic as a percentage of all traffic terminated from Western's network to each South Dakota ILEC, excluding traffic terminated via an interexchange carrier. The study was for calls originating from Western Wireless cell sites served by switches that could be interconnected with South Dakota LEC networks (including through Qwest). Only answered Wireless to Wireline calls were included. Calls terminating to non 605-NXX-XXXX terminating numbers were excluded. The study included the following data elements: Terminating NPA-NXX, Originating cell site, Originating MTA, Originating State, Originating switch ID, and Total call duration. The study period was for 15 days (October 1-15, 2004).

The approach was to gather call message data from study area by originating MTA and called NPA-NXX, determine MTA associated with each telco NPA-NXX (to be provided by ILECs), compare call volumes originated from MTA other than terminating MTA with call volumes originated from same MTA as terminating MTA.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT
OF WWC LICENSE LLC AGAINST
GOLDEN WEST TELECOMMUNICA-
TIONS COOPERATIVE, INC.; VIVIAN
TELEPHONE COMPANY; SIOUX VAL-
LEY TELEPHONE COMPANY; UNION
TELEPHONE COMPANY; ARMOUR
INDEPENDENT TELEPHONE COM-
PANY; BRIDGEWATER-CANISTOTA
INDEPENDENT TELEPHONE COM-
PANY; AND KADOKA TELEPHONE
COMPANY

DOCKET NO. CT05-001

AFFIDAVIT OF
LARRY THOMPSON

STATE OF Missouri
) SS.
COUNTY OF Stone)

AFFIDAVIT

I, LARRY THOMPSON, being first duly sworn, hereby submit this Affi-
davit in support of Golden West Companies' Motions in Docket CT05-001.

1. I am a professional engineer from Vantage Point Solutions ("VPS") of
Mitchell, South Dakota.

2. I have been retained by Golden West Companies and other ILECs
across the state to develop a traffic study analysis to determine the percentage of In-
terMTA traffic and interstate/intrastate ratios delivered by WWC under the Reciprocal
Interconnection, Transport and Termination Agreement ("Agreement") between the par-
ties.

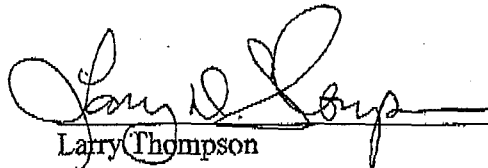
3. My efforts to develop a "mutually agreed to traffic study analysis" with
WWC began as early as July of 2003, and have continued to the present.

4. During all of my various contacts with WWC, they consistently represented to me that the WWC Call Detail Records ("CDRs") provided to me excluded traffic terminated via an interexchange carrier ("IXC").

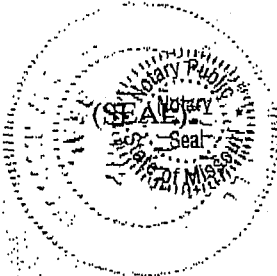
5. I relied upon the representations made to me by WWC in calculating the adjusted InterMTA factor for Golden West Telecommunications Cooperative, and for determining the reliability of VPS's traffic study analyses for the other Golden West Companies.

6. I relied upon the accuracy of WWC's data to calculate the adjusted InterMTA factor for all the Golden West Companies, as set forth in Golden West Companies' Counterclaim.

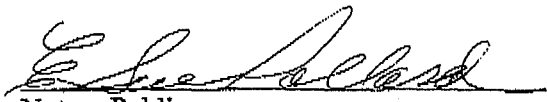
DATED this fifteenth day of August, 2005.


Larry Thompson

Subscribed and sworn to before me, Larry Thompson, the undersigned Notary Public, this fifteenth day of August, 2005.



E. SUE POLLARD
Stone County
My Commission Expires
April 5, 2008


Notary Public
My Commission Expires: 4-05-08
Notary Print Name E SUE POLLARD

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT
OF WWC LICENSE LLC AGAINST
GOLDEN WEST TELECOMMUNICA-
TIONS COOPERATIVE, INC.; VIVIAN
TELEPHONE COMPANY; SIOUX VAL-
LEY TELEPHONE COMPANY; UNION
TELEPHONE COMPANY; ARMOUR
INDEPENDENT TELEPHONE COM-
PANY; BRIDGEWATER-CANISTOTA
INDEPENDENT TELEPHONE COM-
PANY; AND KADOKA TELEPHONE
COMPANY

DOCKET NO. CT05-001

AFFIDAVIT OF
DENNIS LAW

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF MINNEHAHA)

AFFIDAVIT

I, DENNIS LAW, being first duly sworn, do hereby submit this Affidavit in support of Motions filed by Golden West Companies in Docket CT05-001.

1. I am the Eastern Region Manager for Golden West Companies. My principal place of business is in Dell Rapids, South Dakota.

2. I have been involved with Larry Thompson and Vantage Point Solutions ("VPS") in determining appropriate adjustment to the InterMTA factor required in Paragraph 7.2.3 of the Reciprocal Interconnection Transport and Termination Agreement ("Agreements") between WWC and each of the Golden West Companies.

3. I am responsible for preparation of many of the spreadsheets and calculations contained in the pleadings in this docket, and in responses to discovery requests of both WWC and Staff.

4. In preparing these pleadings and responses, I relied upon the accuracy of the data submitted to VPS by WWC.

5. Many of the claims in Golden West Companies' Counterclaim against WWC were calculated based upon the data provided to VPS by WWC, which WWC represented to be accurate.

6. WWC's recent attack on the integrity and accuracy of its own data, upon which I relied to calculate Golden West Companies' claims, has a significant and adverse impact on Golden West Companies.

DATED this fifteenth day of August, 2005.

Dennis Law

Dennis Law

Subscribed and sworn to before me, Joanne Mathis the undersigned Notary Public, this fifteenth day of August, 2005.

Joanne Mathis

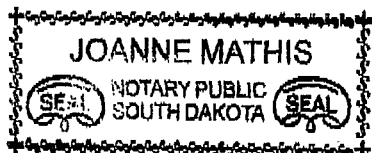
Notary Public

My Commission Expires:

My Commission Expires October 15, 2010

Notary Print Name Joanne Mathis

(SEAL)



Interrogatory 11: What were the results of the WWC calculation for both the InterMTA factor and the Interstate factor for Golden West in the study referred to in WWC's Answer to Golden West Companies' Interrogatory Number 15?

The InterMTA percentage showed 15% and the interstate factor for InterMTA minutes was 23%. However, even though WWC spent extensive man hours and funds on this study, this study was significantly flawed. The InterMTA rate was artificially increased because the study included calls that were terminated by an IXC that should not have been part of the study. WWC could not coordinate its call records data with its IXCs because of different fields, the data was not kept in compatible formats and the IXCs did not retain some of the necessary data. The study also was flawed because it included calls that were terminated to other wireless carriers and these should not be part of the study. Determining which Type 1 numbers were actually terminated would require significant amounts of man hours, cooperation with Golden West companies and potentially other carriers.

GUNDERSON, PALMER, GOODSSELL & NELSON, LLP**ATTORNEYS AT LAW**

J. CRISMAN PALMER
 G. VERNE GOODSSELL
 JAMES S. NELSON
 DANIEL E. ASHMORE
 TERENCE K. QUINN
 DONALD P. KNUDSEN
 PATRICK G. GOELZINGER
 TALBOT J. WITCZOREK
 MARK J. CONNOT
 JENNIFER K. TRUCANO
 MARTY J. JACKLEY

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, NEBRASKA
 COLORADO, MONTANA, WYOMING & MINNESOTA

DAVID E. LUST
 THOMAS F. SIMMONS
 TERRY LEE WILLIAMS
 PAMELA SNYDER-VARNS
 SARA FRANKENSTEIN
 AMY K. SCHULET
 JASON M. SMILEY
 SHANE C. FENFIELD

WYNN A. GUNDERSON
Of Counsel

August 9, 2005

VIA FAX 1-605-224-7102

Darla Pollman Rogers
 Riter, Rogers, Wattier & Brown, LLP
 P. O. Box 280
 Pierre, South Dakota 57501

RE: WWC v. Golden West Telecommunications, et al.
 GPGN File No. 5925.050089 Docket CT05-001

Dear Ms. Rogers:

Pursuant to our conference call last week with Commission Counsel John Smith and Staff Counsel Wiest, this letter is to address the specifics regarding the sub issues raised by Western Wireless on access and transiting issues. As you may recall, it was requested that a letter address some of these specifics so a determination can be made between counsel as to whether these issues can be properly addressed in the current pending action or should be part of a separate action.

As you may be aware based on the discovery that was provided last Friday, the transiting issue with Golden West is a sizeable dispute. Pursuant to the discovery responses that we have provided to Staff, transiting charges we are contesting amount to \$163,945.65 through June 1, 2005 billing. See Western Wireless' Responses to Staff's Requests (Request 12.b), dated August 5, 2005.

As I understand the background on the transiting issue, Golden West at one time had an agreement with Western Wireless to provide the transiting services. This agreement was terminated by the new Interconnection Agreement. The new Interconnection Agreement specifically set forth that it did not provide for charging of transiting services. Upon review of the past bills in this pending action, it was discovered that Golden West was still charging for transiting services. Western Wireless disputes Golden West's ability to do so. As discussed, I felt it necessary to raise this transiting issue because your counterclaim asserted various actions under the Interconnection Agreement and amounts due under the bills. Clearly, the transiting issue is not directly related to the complaint or counterclaim, except for the fact that it is a billing issue between the parties. Please confer with your clients on how it believes this should be

GUNDERSON, PALMER, GOODSSELL & NELSON, LLP

Darla Pollman Rogers

August 9, 2005

Page 2

handled and we can discuss whether this should be a separate action with discovery simply on the transiting issue to take place.

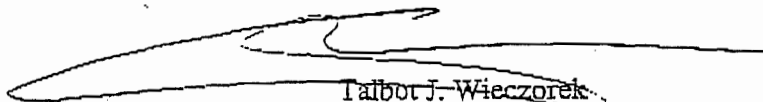
Regarding the Application of reciprocal comp rates traffic factors and access rates and charges, these issues deal primarily with the counterclaim as opposed to the complaint. As you know, it is Western Wireless' position that your clients cannot charge intrastate rates without the agreement of Western Wireless and the Interconnection Agreements do not allow the application of intrastate rates. This issue goes to your claim of amounts due under the InterMTA section of the Interconnection Agreement wherein your clients are seeking to apply intrastate rates. Further, it appears that your clients are also seeking to charge calls delivered by IXCs under the Interconnection Agreement as InterMTA calls. Because IXCs are already paying access charges, this would be a situation where your clients would be "double-dipping" and, thus, your clients claimed amounts due under InterMTA would be overstated. These issues deal directly with your counterclaim and are essentially defenses on how you calculated what your clients claim is due and can be addressed and argued without amending any complaints or answers. If you disagree, please let me know.

In an effort to keep this matter moving along, please let me know as soon as possible whether you want to deal with the transiting issue in a different complaint filing. It is Western Wireless' position that at this time it prefers not to delay this action and, if you have an objection to dealing with the transiting issues in this action, that it would simply be easier to address it as a separate complaint as opposed to continuing this complaint for another round of discovery.

Regarding the access charges and intrastate issues, it is our position these are clearly related to how you calculate the amount your clients are claiming is due under the counterclaim and these matters are all relevant in this action.

Please let me know your thoughts on this as soon as possible. As always, if you have any questions or need any clarifications, feel free to give me a call.

Sincerely,



Talbot J. Wiczorek

TJW:klw

c: Client

Rolayne Wiest

Production 2: Provide the Call Detail Records (CDRs) that were used to determine the terminating minutes as referenced in Paragraph 27 of the Interrogatory section. At a minimum, each CDR record should include:

- Called party phone number
- Calling party phone number
- Call start date and time
- Call stop date and time
- Call Duration (in seconds)
- Connecting tower ID at start of call
- MTA of tower at start of call
- Connecting wireless switch at start of call

Answer: This request is objected to as being overly broad and unduly burdensome as Western Wireless does not aggregate or sort CDRs in the manner requested.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT OF WWC
LICENSE LLC AGAINST GOLDEN WEST
TELECOMMUNICATIONS COOPERATIVE INC., ET AL.

CT05-001

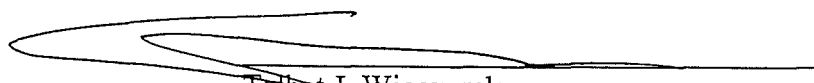
**NOTIFICATION OF QUESTION OF CONSTITUTIONALITY
OF SDCL §§ 49-31-109 to 49-31-115 AND NOTICE TO INTERVENE**

WWC LICENSE LLC, pursuant to SDCL §15-6-24(c), hereby provides notice by and through its attorney of record, Talbot J. Wieczorek of Gunderson, Palmer, Goodsell & Nelson, LLP, that as part of the pending procedure in the above matter and in any appeal of the above matter, it will raise and attack the constitutionality of SDCL §§ 49-31-109 to 49-31-115 to the extent that those statutes violate federal law, including but not limited to the 1996 Telecommunications Act and FCC Rules adopted expressly interpreting provisions of such act, by regulating commercial mobile radio services in violation of such federal act and regulation.

This notice is given to the Attorney General's Office in time to intervene in such action, said action set for a two-day proceeding in front of the South Dakota Public Utilities Commission on August 30th and 31st, 2005.

Dated this 5 of August, 2005.

GUNDERSON, PALMER, GOODSSELL
& NELSON, LLP



Talbot J. Wieczorek
Attorneys for WWC License LLC
440 Mt. Rushmore Road, Fourth Floor
PO Box 8045
Rapid City SD 57709
605-342-1078
Fax: 605-342-0480

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of August, 2005, that a true and correct copy of the foregoing WWC'S NOTIFICATION OF QUESTION OF CONSTITUTIONALITY OF SDCL §§ 49-31-109 to 49-31-115 AND NOTICE TO INTERVENE was served via facsimile to:

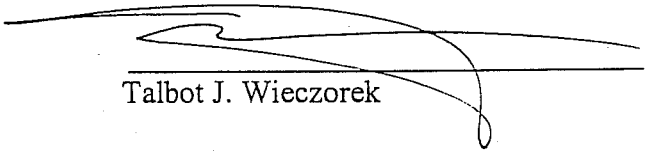
VIA FAX : 605-773-4106

Larry Long
SD Attorney General
500 E. Capital Avenue
Pierre, SD 57501

and by postage paid, U.S. Mail, on the 9th day of August, 2005, addressed to:

Darla Pollman Rogers
P.O. Box 280
Pierre, SD 57501

Rolayne Wiest
SDPUC
500 E Capitol
Pierre SD 57501


Talbot J. Wieczorek