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August 17, 2005

VIA FAX: 605-773-3809
 and NEXT DAY DELIVERY
 Pamela Bonrud
 Executive Director
 SD Public Utilities Commission
 500 E Capitol Avenue
 Pierre SD 57501

RE: WWC's Complaint against Golden West Companies Regarding
 Intercarrier Billings
 Docket CT 05-001
 GPGN File No. 5925.050089

Dear Ms. Bonrud:

Enclosed for filing you will find a copy of WWC License LLC's Motion to Bifurcate Complaint and Counterclaim in lieu of continuing all claims in the above docket. The original plus ten copies are being sent by Next Day Delivery to the Commission.

I faxed this to give all parties as much lead time as possible. As you may be aware, a motion of the Respondents in the above docket was filed late Monday. I received the Motion by email that afternoon. I did not receive any of the attachments or affidavits until today's mail. While my client and I are attempting to respond to these matters, we agreed to the Ad Hoc meeting on Friday morning as it fell within everyone's schedule.

This request for bifurcation is not to be deemed an agreement that my client agrees to a continuance to any part of this matter. Simply, a straight-forward refund of an overpayment that was contained in the Complaint has been complicated by an unrelated counterclaim dealing with InterMTA issues and it is WWC's position that its refund should not be delayed due to additional discovery on InterMTA issues.

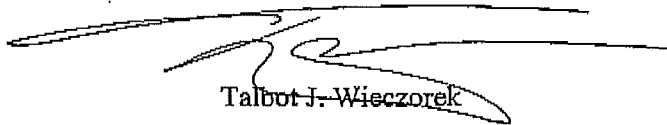
Also, as to the issues presented, I will make additional filings on behalf of my client tomorrow. The short time frame and the very broad and expansive discovery requests and

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motions to determine legal rights of the parties is making this difficult to respond to in a short time period. I will at least have a general response filed by 2:00 p.m. central time tomorrow.

Sincerely,



Talbot J. Wiczorek

TJW:klw
Enclosures
c: (w Encl)

Darla Pollman Rogers via fax 605-224-7102
Rolayne Wiest via fax 605-773-3809
Client

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

MOTION TO BIFURCATE COMPLAINT AND COUNTERCLAIM

COMES NOW, the above-named complainant, WWC License, LLC, by and through its undersigned attorney, Talbot J. Wieczorek of Gunderson, Palmer, Goodsell, & Nelson, LLP, Rapid City, South Dakota, hereby moves the Commission as follows:

The Commission currently has pending in front of it a Motion to Continue all issues pending in the above-entitled matter.

The issues raised in the Motion to Continue and basis for the grounds of the Motion to Continue all appear to arise out of the counterclaim, which is a fairly complex issue dealing with InterMTA calculations and traffic, and none of the issues appear to arise out of the original complaint, a direct refund request where the respondents have agreed they owe some money but there is some dispute on the calculation.

Should the Commission deem that the grounds for the continuance may merit consideration, WWC License, LLC requests that the original complaint be bifurcated from the Counterclaim and be heard as scheduled. This motion is based on the following reasons:

1. As noted above, the Motion for Continuance appears to be deal exclusively with issues arises out of the complex counterclaim that was asserted in

response to the Complaint for reimbursement of monies owed, by Respondents own acknowledgement, to WWC from Respondents.

2. That by Respondents' own admissions, it has retained in excess of one-half million dollars of amounts due WWC since December of 2004. If this matter be continued, these companies will continue to retain the monies owed to WWC.

3. The discovery necessary on the Complaint has been concluded.

4. Bifurcation is an appropriate way to handle separate claims that are not directly inter-related. Bifurcation is properly allowed at the discretion of the adjudicating body,

[I]n furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy may order a separate trial of any claim, cross-claim, counterclaim, or third-party claim, or of any separate issue or of any number of claims, cross-claims, counterclaims, third-party claims, or issues, always preserving inviolate the right of trial by jury as declared by the state or federal Constitution or as given by a statute.

S.D.C.L. § 15-6-42(b); Fullmer v. State Farm, 498 N.W.2d 357, 360 (S.D. 1993).

Bifurcation of counter-claims has been deemed proper. Christiansen v. Strand, 132 N.W.2d 386, 389 (S.D. 1965). Specifically, "While counterclaims in our modern systems of code pleadings were designed to avoid as far as possible a multiplicity of suits between the parties, the trial court may still, under proper circumstances, order a separate trial of the issues raised thereby." Id.

WHEREFORE, WWC requests as follows:

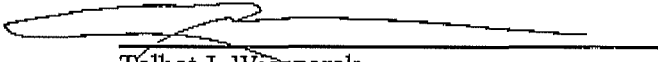
1. The Commission, if it should decide a continuance is necessary for discovery on the Counterclaim, bifurcate the matters and only continue the Counterclaim and any claims arising out of the response to the Counterclaim.

2. As to the original Complaint, that matter go forward and be heard on the morning of August 31, 2005.

3. That upon hearing the Motion and taking whatever briefs the Commission deem necessary, the Commission enter a final decision on the complaint even if the Counterclaim is still pending.

Dated this 17 day of August, 2005.

GUNDERSON, PALMER, GOODSSELL
& NELSON, LLP



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605-342-1078
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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
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing WWC'S **MOTION TO BIFURCATE COMPLAINT AND COUNTERCLAIM** was served via fax and by postage paid, U.S. Mail, on the 12 day of August, 2005, addressed to:

VIA FAX : 605-224-7102
 Darla Pollman Rogers
 P.O. Box 280
 Pierre, SD 57501

VIA FAX: 605-773-3809
 Rolayne Wiest
 SDPUC
 500 E Capitol
 Pierre SD 57501



Talbot J. Wiczorek