

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

In the Matter of the Complaint of	)	DOCKET NO. CT05 - 002
WWC License LLC against	)	
VENTURE COMMUNICATIONS	)	<b>WWC's MOTION TO DISMISS</b>
COOPERATIVE	)	<b>PURSUANT TO SDCL § 15-6-41(b) OR,</b>
	)	<b>IN THE ALTERNATIVE, SDCL § 15-11-11</b>

COMES NOW, WWC License LLC, (hereinafter "WWC"), by and through its attorney of record, Talbot J. Wieczorek of Gunderson, Palmer, Nelson & Ashmore, LLP, Rapid City, South Dakota and hereby moves the South Dakota Public Utilities Commission for dismissal pursuant to SDCL § 15-6-41(b), or in the alternative, SDCL § 15-11-11, and A.R.S.D.

20:10:01:01.02 and 20:10:01:02.04. This Motion is based on the following reasons:

1. The original complaint in this case submitted by WWC License LLC, became mostly moot years ago after Venture Communications Cooperative (hereinafter "Venture") had applied credits to bills submitted to WWC for traffic delivered by WWC;
2. Venture has failed to bring on its counterclaim in a timely manner, resulting in undue prejudice to WWC; and
3. Despite attempts by WWC to reach an agreement with Venture that this matter could be dismissed, Venture has been non-responsive and has failed to bring the matter forward and, therefore, the matter should be dismissed pursuant to SDCL § 15-6-41(b) or SDCL § 15-11-11.

This Motion is based on the record, the brief filed in support of the motion and Affidavit of Talbot J. Wieczorek filed in support of this Motion.

Dated this 12<sup>th</sup> day of August, 2011.

GUNDERSON, PALMER, NELSON  
& ASHMORE, LLC

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of August, 2011, a true and correct copy of **WWC License, LLC's MOTION TO DISMISS PURSUANT TO SDCL § 15-6-41(b) OR IN THE ALTERNATIVE, SDCL § 15-11-11**, was sent by electronically to:

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Talbot J. Wieczorek