

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

In the Matter of the Complaint)	
WWC License LLC against)	
Golden West Telecommunications Cooperative,)	DOCKET NO. CT05 - 001
Inc.)	
Vivian Telephone Company;)	
Sioux Valley Telephone Company;)	BRIEF IN SUPPORT OF
Union Telephone Company;)	MOTION TO SUBSTITUTE
Armour Independent Telephone Company;)	CORRECTED EXHIBIT
Bridgewater-Canistota Independent Telephone)	
Company; and)	
Kadoka Telephone Company)	

WWC License LLC, a subsidiary of Alltel (hereinafter "WWC"), by and through its attorney, Talbot J. Wieczorek, of Gunderson, Palmer, Goodsell & Nelson, LLP, hereby submits this Brief in Support of WWC's Motion to Substitute Corrected Exhibit.

This Commission, through its rules, has broad latitude regarding the admission of documentary evidence. See generally A.R.S.D. 20:10:01:24 through 20:10:01:24.03. This includes allowing the admission of documentary evidence after close of hearings. See A.R.S.D. 20:10:01:24.03.

After the April testimony in the above-entitled matter, it was determined that WWC Exhibit 21 and its precursor, WWC Exhibit 7 had a formula error and was not noticed by any of the parties. While the explanation sheet to both WWC Exhibits 7 and 21 stated that Column L was calculated by using a formula of (Column G divided by (one minus traffic factor), times traffic factor), a formula established under the Interconnection Agreement at Section 4.0 of the exhibit of the Interconnection Agreements, the spreadsheets mistakenly used Column J in place of Column G in the formula. See explanation sheet from Exhibit 21, attached hereto as Exhibit A.

Because Ron Williams, the witness, who testified regarding Exhibit 21 believed the

formula the spreadsheets was as represented on the explanation sheet, none of the testimony changes. Rather, the corrected exhibit simply inputs the formulas as represented in the explanation sheet.

WWC first brought this issue to the attention of Commission Counsel when scheduling and along with all other counsel on May 30, 2006. Additionally, an explanation e-mail was sent to all counsel with an electronic version of the revised spreadsheet on June 5, 2006. See Exhibit B attached. Staff responded to this email after examining the exhibits and had no objection. Counsel for the Golden West Companies and SDTA has not responded or given any direction as to their position on the introduction of the corrected exhibit.¹

WWC is requesting this Commission not require WWC to bring back Ron Williams to simply testify for a couple minutes as to this correction. Rather, this Commission has inherent authority to allow a substitution of a corrected exhibit. There is no prejudice in this regard. Moreover, it does not significantly change WWC License's demand. The difference in the accumulative calculations for all companies based on this correction is \$10, 352.71 (\$964,016.71 in the corrected spreadsheet minus \$953,674.00 in WWC Exhibit 21).

Conclusion

This Commission should allow the substitution of the corrected spreadsheet without the need for testimony as this Commission as inherent authority to allow documentary evidence, even after a hearing has been closed. Moreover, since the corrected spreadsheet only corrects a math error, there would be no need to take additional testimony regarding the exhibit.

¹ Accompanying the filing of the Motion, WWC provided an electronic version of Exhibit 21 and the proposed corrected exhibit to the Commission's Executive Director so Commission's analyst could review the exhibits and formulas.

Dated this 30th day of June, 2006.

GUNDERSON, PALMER, GOODSSELL
& NELSON, LLP



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Explanation of Calculations
Used in Revised Worksheets

Column	Description	Explanation
A	Bill Date	Bill date of telco bill to Alltel (WWC)
B	Net Terminating Compensation	Amount of net reciprocal compensation calculated and billed by telco to Alltel (WWC)
C	Transit Charges	Amount of transit charges calculated and billed by telco to Alltel (WWC) (Golden West only)
D	Net Billed Amount	The current period amount of the bill issued by the billing telco = Column B + Column C
E	Amount Paid by WWC	Cash payments made by Alltel (WWC) to billing telco.
F		No longer used
G	Mobile to Land Terminating Minutes	This represents the amount of minutes Alltel (WWC) terminated to the billing telco as recorded and reported by the telco in the bill detail
H	InterMTA Access Minutes	This represents the amount of interMTA traffic as derived by multiplying the default interMTA factor of 3% by the value in Column G (Mobile to Land Terminating Minutes)
I	Access Charges	InterMTA Access Minutes multiplied by the Interstate Access Rate. A supporting spreadsheet is provided that calculates the weighted average NECA tariff access rates for each Respondent company using actual traffic termination patterns for Alltel (WWC) traffic.
J	IntraMTA Minutes	Column G (Mobile to Land Terminating Minutes) - Column H (InterMTA Minutes)
K	IntraMTA Minute Charges	Column J (IntraMTA minutes) x Reciprocal Compensation Rate
L	Reciprocal Compensation Minutes	This method of calculating reciprocal compensation minutes or 'land-to-mobile' minutes of use is specified in the interconnection agreements. The method uses measured mobile-to-land minutes and an agreed upon 'Traffic Factor' representing land-to-mobile minutes to derive the amount of reciprocal compensation traffic terminated by Alltel (WWC). The calculation is (Column G/(1-Traffic Factor))*Traffic Factor.
M	Reciprocal Compensation Amount	Column L (Reciprocal Compensation Minutes) * Reciprocal Compensation Rate
N	Adjusted Bill Amount	Column I (Access Charges) + Column K (IntraMTA Charges + Column M Reciprocal Compensation Amount
O	Bill and Payment Overage	Column E (Amount Paid by Alltel) - Column N (Adjusted Bill Amount)
P	Cumulative Refund Balance	Calculated using prior period balance of unrefunded cash overpayments made by Alltel (WWC) to billing telco added to current period Bill and Payment Overage (Column O)
Q	1.5% Interest Compounded	Calculation of current period interest using a monthly interest rate of 1.5% applied to prior period Cumulative Refund Balance (Column P) + Cumulative Interest (Column R)
R	Cumulative Interest	Calculated using prior period balance of unpaid interest (from Column R) added to current period interest (from Column Q)

Talbot J. Wieczorek

From: Talbot J. Wieczorek
Sent: Thursday, June 29, 2006 3:48 PM
To: dprogers@riterlaw.com; richcoit@sdtaonline.com; m.northrup@riterlaw.com
Cc: 'Rolayne.Wiest@state.sd.us'
Subject: RE: WWC v. GW spreadsheets

Darla and Rich:

Do you have objections to me submitting these correct spread sheets with out need of testimony?

Talbot

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

From: Rolayne.Wiest@state.sd.us [mailto:Rolayne.Wiest@state.sd.us]
Sent: Tuesday, June 13, 2006 3:34 PM
To: Talbot J. Wieczorek; dprogers@riterlaw.com; richcoit@sdtaonline.com; m.northrup@riterlaw.com
Cc: John.Smith3@state.sd.us
Subject: RE: WWC v. GW spreadsheets

Staff has no problem with these corrected spreadsheets being put into the record.

Rolayne Ailts Wiest
SDPUC Attorney
(605) 773-3201
rolayne.wiest@state.sd.us

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

From: Talbot J. Wieczorek [mailto:tjw@gpgnlaw.com]
Sent: Monday, June 05, 2006 2:24 PM
To: Wiest, Rolayne; dprogers@riterlaw.com; richcoit@sdtaonline.com; m.northrup@riterlaw.com
Cc: Smith, John (PUC)
Subject: WWC v. GW spreadsheets

Dear Counsel:

Pursuant my emails with Mr. Smith last week, attached you will find a revised spreadsheet correcting the formula used to calculate the reciprocal compensation minutes. The change to the attached spreadsheet appears in Column L on the individual sheets. The formula in Column L did not follow the Interconnection Agreements, specifically, Section 4.0 of Appendix A. The formula incorrectly used the information from Column J as opposed to Column G. I have simply changed the formula to use the correct information that is found under Column G.

On the explanation sheet the formula was represented as using column G throughout the proceeding. Specifically, under the explanation sheet, Column L was shown as being derived by using Column G and dividing it and using the traffic factor set up under Section 4.0 of the Appendix of the Interconnection Agreements. See WWC hearing exhibits 7 and 21.

Of course, since there is a change in the formula, the change ripples through the final totals. Because the recip comp rate is relatively small, for most companies it is .9 of a cent, the end result of this correction is an increase in

6/30/2006

Exhibit B

the amount due Alltel of \$10,352.71 (\$964,016.71 in the attached spreadsheet minus \$953,664.00 in WWC exhibit 21).

As I raised in my letter to Mr. Smith, I could just brief this matter at the time of the post-hearing briefs because the contract is clear that one is to use all traffic delivered in calculating recip comp and the error made in the columns is obvious given the explanation sheet provides for using Column G instead of Column J. However, it would be easier for all parties to simply submit the corrected version to avoid confusion by having it marked into the record and simply putting on the record that it corrects a math error in WWC Exhibit 21. I would appreciate counsels' suggestions or objections on following this procedure. Feel free to call me with any questions or to explain any of the changes.

Sincerely,

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& Nelson, LLP
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<<Alltel Refund Workpapers - CT05-001 - June06.xls>>

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6/30/2006