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FROM: Talbot J. Wieczorek
RE: Western Wireless License LLC
 GPGN File No. 5925.050089

NUMBER OF COPIES TRANSMITTED INCLUDING THIS SHEET: 12

COMMENTS:

ORIGINALS: Mailed

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

GUNDERSON, PALMER, GOODSSELL & NELSON, LLP

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March 6, 2006

VIA FAX 605-773-3809

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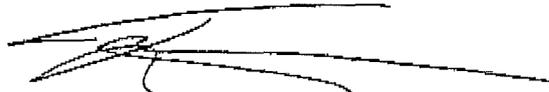
RE: WWC's Complaint against Golden West Companies Regarding
 Intercarrier Billings
 Docket CT 05-001 GPGN File No. 5925.050089

Dear Ms. Van Gerpen:

Enclosed for filing in the above matter, please find a faxed copy of WWC's Motion Requesting Judicial Notice of Legislative History. The original plus ten copies of WWC's Motion Requesting Judicial Notice of Legislative History with the Certificate of Service will be mailed today.

Please feel free to contact me with any questions.

Sincerely,



Talbot J. Wieczorek

TJW:klw
 Enclosures
 c: (w Encl)

Darla Pollman Rogers via fax 1-605-224-7102
 Rich Coit via fax 1-605-224-1637
 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)	
WWC License LLC against)	
Golden West Telecommunications Cooperative, Inc.)	DOCKET NO. CT05 - 001
Vivian Telephone Company;)	
Sioux Valley Telephone Company;)	PLAINTIFF'S MOTION
Union Telephone Company;)	REQUESTING JUDICIAL
Armour Independent Telephone Company;)	NOTICE OF LEGISLATIVE
Bridgewater-Canistota Independent Telephone Company; and)	HISTORY
Kadoka Telephone Company)	

WWC License LLC, of 3650 131st Avenue, SE, Suite 400, Bellevue, Washington 98006 (hereinafter "Plaintiff"), by and through its attorney, Talbot J. Wieczorek of Gunderson, Palmer, Goodsell & Nelson, LLP, hereby submits to the Public Utilities Commission ("PUC") Plaintiff's motion requesting judicial notice of the effective date of SDCL § 49-31-109 through SDCL § 49-31-115.

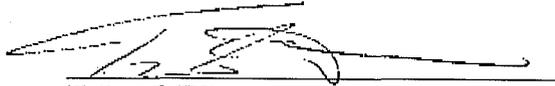
The effective date of the disputed Reciprocal Interconnection, Transport and Termination Agreement ("Agreement") was January 1, 2003. Agreement § 13.1. Sections 49-31-109 through § 49-31-115, however, were not enacted until the 2004 Session of the South Dakota Legislature. See Exhibit A. SB 144 and its history. The legislative enactment was signed by the Governor of the State of South Dakota on February 27, 2004. Id. If the application of these statutes is asserted in this matter, the effective date of the new statutory provisions will be material.

Pursuant to SDCL § 2-14-16, the effective date of legislation is the first day of July after the new law is passed. The only exceptions to this statute occur when the act prescribes the effective date or if the new law is passed during a special session. However, even in the event that an exception is present, Article III, § 22 of the South Dakota Constitution requires that

ninety days expire after the legislative session during which the bill was passed ends before the new law is effective unless an emergency requires a shorter period. That Senate Bill 144 was not enacted with an emergency clause. Accordingly, Plaintiff requests the PUC take judicial notice of the fact of the Legislative history of SB 144 and that it did not contain an emergency clause.

Dated this 6 day of March, 2006.

GUNDERSON, PALMER, GOODSELL
& NELSON, LLP



Talbot J. Wiczorek
Attorneys for Plaintiff
P.O. Box 8045
Rapid City, SD 57709-8045
605-342-1078

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

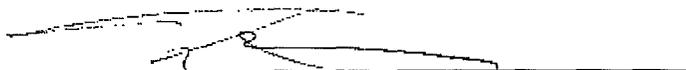
In the Matter of the Complaint)	
WWC License LLC against)	
Golden West Telecommunications Cooperative,)	DOCKET NO. CT05 - 001
Inc.)	
Vivian Telephone Company;)	
Sioux Valley Telephone Company;)	
Union Telephone Company;)	
Armour Independent Telephone Company;)	
Bridgewater-Canistota Independent Telephone)	
Company; and)	
Kadoka Telephone Company)	

CERTIFICATE OF SERVICE

I hereby certify that on the 6 day of March, 2006, I sent, by facsimile and by first-class mail, postage prepaid, a true and correct copy of **Plaintiff's Motion to Take Judicial Notice of Legislative History** to:

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

Richard Coit
SD Telecommunications Association
PO Box 57
320 E Capitol Ave
Pierre SD 57501-0057



Talbot J. Wiczorek

Add Notes

Senate Bill 144		
Senators Bogue, Apa, Moore, and Symens and Representatives Rave, Cutler, Hennies, Juhnke, Lange, McCaulley, O'Brien, Pederson (Gordon), Peterson (Bill), and Wick		
An Act to require certain telecommunications traffic signaling information to be provided to facilitate payment of inter-carrier compensation.		
Subject Index: Administrative Rules , Public Utilities and Carriers , Public Utilities Commission		
Date	Action	
01/22/2004	First read in Senate and referred to Senate Commerce S.J. 114	
02/03/2004	Scheduled for committee hearing on this date	
02/03/2004	Commerce Deferred to another day Passed	
02/05/2004	Senate Commerce Amendment (144sa)	
02/05/2004	Commerce Do Pass Amended Passed, YEAS 6, NAYS 0. S.J. 352	
02/07/2004	Senate Do Pass Amended Passed, YEAS 34, NAYS 0. S.J. 394	
02/09/2004	First read in House and referred to House Commerce H.J. 472	
02/17/2004	Scheduled for committee hearing on this date	
02/17/2004	Commerce Do Pass Passed, YEAS 12, NAYS 0. H.J. 611	
02/17/2004	Commerce Place on Consent Calendar	
02/18/2004	House of Representatives Do Pass Amended Passed, YEAS 69, NAYS 0. H.J. 649	
02/19/2004	Signed by President S.J. 581	
02/20/2004	Signed by Speaker H.J. 709	
02/21/2004	Delivered to the Governor S.J. 615	
02/27/2004	Signed by Governor S.J. 760	

Bill Text Versions		
Date	HTML Version	Acrobat Version
01/22/2004	As Introduced	As Introduced
02/05/2004	Senate Commerce	Senate Commerce
02/19/2004	Enrolled	Enrolled

2004 Session Menu

EXHIBIT A

AN ACT

ENTITLED, An Act to require certain telecommunications traffic signaling information to be provided to facilitate payment of inter-carrier compensation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as follows:

Terms used in this Act mean:

- (1) "Interexchange carrier," a telecommunications carrier providing nonlocal telecommunications services;
- (2) "Local telecommunications traffic," any wireline to wireline telecommunications traffic that originates and terminates in the same wireline local calling area or wireline to wireless telecommunications traffic that originates within and is delivered to an actual point of presence established by a wireless service provider in the same wireline local calling area. Local telecommunications traffic also includes any wireless to wireline telecommunications traffic that originates and terminates in the same major trading area as defined in 47 CFR § 24.202(a) as of January 1, 2004;
- (3) "Nonlocal telecommunications traffic," any wireline to wireline telecommunications traffic that originates in one wireline local calling area and terminates in another wireline local calling area and wireline to wireless telecommunications traffic that originates in one wireline local calling area and is delivered to an actual point of presence established by a wireless service provider in another wireline local calling area. Nonlocal telecommunications traffic also includes any wireless to wireline telecommunications traffic that originates in one major trading area and terminates in another major trading area;

- (4) "Originating carrier," a telecommunications carrier whose network or service is used by a customer to originate telecommunications traffic. An originating carrier may be a wireline or wireless carrier transmitting local telecommunications traffic or an interexchange carrier transmitting nonlocal telecommunications traffic;
- (5) "Terminating carrier," a telecommunications carrier upon whose network telecommunications traffic terminates to the called party;
- (6) "Transiting carrier," a telecommunications carrier that does not originate or terminate telecommunications traffic, but either switches or transports traffic, or both, between an originating carrier and a terminating carrier;
- (7) "Transit traffic," telecommunications traffic that an originating carrier has delivered to a transiting carrier or carriers for delivery to a terminating carrier.

Section 2. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as follows:

If necessary for the assessment of transport and termination charges pursuant to 47 U.S.C. § 251(b)(5) as of January 1, 2004, an originating carrier of local telecommunications traffic shall, in delivering its traffic, transmit signaling information in accordance with commonly accepted industry standards giving the terminating carrier information that is sufficient to identify, measure, and appropriately charge the originating carrier for services provided in terminating the local telecommunications traffic. If the originating carrier is delivering both local and nonlocal telecommunications traffic, the originating carrier shall separately provide the terminating carrier with accurate and verifiable information, including percentage measurements that enables the terminating carrier to appropriately classify telecommunications traffic as being either local or nonlocal, and interstate or intrastate, and to assess the appropriate applicable transport and termination or access charges. If accurate and verifiable information allowing appropriate

classification of the terminated traffic is not provided by the originating carrier, the terminating carrier may classify all unidentified traffic terminated for the originating carrier as nonlocal telecommunications traffic for service billing purposes.

Section 3. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as follows:

An originating carrier of nonlocal telecommunications traffic shall, in delivering its traffic, transmit signaling information in accordance with commonly accepted industry standards giving the terminating carrier information that is sufficient to identify, measure, and appropriately charge the originating carrier for services provided in terminating the nonlocal telecommunications traffic. If the originating carrier is delivering both intrastate and interstate nonlocal telecommunications traffic, the originating carrier shall separately provide the terminating carrier with accurate information including verifiable percentage measurements that enables the terminating carrier to appropriately classify nonlocal telecommunications traffic as being either interstate or intrastate, and to assess the appropriate applicable access charges. If accurate and verifiable information allowing appropriate classification of the telecommunications traffic is not provided by the originating carrier, the terminating carrier may classify all unidentified nonlocal telecommunications traffic terminated for the originating carrier as intrastate telecommunications traffic for service billing purposes.

Section 4. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as follows:

A transiting carrier shall deliver telecommunications traffic to the terminating carrier by means of facilities and signaling protocols that enable the terminating carrier to receive from the originating carrier all signaling information, as required by sections 2 and 3 of this Act, the originating carrier transmits with its telecommunications traffic. If any transiting carrier fails to deliver telecommunications traffic to another transiting carrier or to the terminating carrier with all of the

signaling information transmitted by the originating carrier as required by sections 2 and 3 of this Act, and this results in telecommunications traffic that is not identifiable and therefore not billable by the terminating carrier to the appropriate originating carrier, the transiting carrier is liable to the terminating carrier for the transport and termination or access compensation relating to the traffic that cannot be identified and billed to the appropriate originating carrier.

Section 5. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as follows:

Upon the request of a terminating carrier, the transiting carrier shall provide detailed transit traffic records or billing records related to the telecommunications traffic delivered to the terminating carrier.

Section 6. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as follows:

Any telecommunications carrier damaged by noncompliance with the provisions of this Act may file a complaint with the commission pursuant to the provisions of chapter 49-13. If a complaint is filed seeking enforcement of any of the provisions in this Act, the commission is authorized to order interim payments to the damaged party or other appropriate relief pending the final resolution of the complaint proceeding.

Section 7. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as follows:

The commission may promulgate rules pursuant to chapter 1-26 for the purpose of implementing the provisions of this Act. The rules may address:

- (1) Defining the terms used in this Act;
- (2) Signaling information requirements;
- (3) Carrier information necessary to appropriately classify telecommunications traffic;

- (4) The handling of complaints filed by carriers under this Act; and
- (5) Transit traffic records.

An Act to require certain telecommunications traffic signaling information to be provided to facilitate payment of inter-carrier compensation.

I certify that the attached Act originated in the

SENATE as Bill No. 144

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 144
File No. _____
Chapter No. _____

Received at this Executive Office this _____ day of _____,

20__ at _____ M.

By _____ for the Governor

The attached Act is hereby approved this _____ day of _____, A.D., 20__

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____ Asst. Secretary of State