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MARGO D. NORTHRUP, Associate

June 28, 2006

RECEIVED

JUN 28 2006

Patty Van Gerpen
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Re: In the Matter of the Establishment of Switched Access Revenue Requirement for
Valley Telecommunications Cooperative Association (TC04-108)

Dear Patty:

Enclosed herein are the original and ten (10) copies of the MOTION FOR HEARING
AND MOTION TO COMPEL for filing in the above referenced docket.

Sincerely yours,



Margo D. Northrup
Attorney at Law

MDN/ea

Enclosures

CC: Client

RECEIVED

JUN 28 2006

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

In the Matter of the Establishment of
Switched Access Revenue Requirement for
Valley Telecommunications Cooperative
Association (TC04-108)

TC04-108

MOTION FOR HEARING AND
MOTION TO COMPEL

COMES NOW, Valley Telecommunications Cooperative (“Valley”), by and through their attorneys, Darla Pollman Rogers and Margo D. Northrup of Riter, Rogers, Wattier & Brown, LLP, pursuant to SDCL § 15-6-37 and ARSD 20:10:01:22.01, and hereby moves as follows:

I. Motion for Hearing

Valley moves that the above named docket be scheduled for hearing. This motion is based on the following grounds:

A. Docket TC04-108 was opened on June 22, 2004, at which time Valley filed its 2004 cost study pursuant to ARSD 20:10:01.

B. On April 20, 2006, an Order to Continue Hearing was granted by the Commission. Staff has served Valley with numerous data requests and Valley has responded to all outstanding requests.

C. Upon receipt of complete responses by Staff to Valley’s discovery requests, this case is ready to be scheduled for hearing.

II. Motion to Compel

Valley further moves that Commission Staff be compelled to provide responses to Defendants’ Joint Interrogatories and Requests for Production in the following manner and for the following reasons:

A. Attached hereto as Exhibit A is a copy of Answer to Joint Interrogatories and Requests for Production of LECs and LECA to Commission Staff. Defendant’s move that Commission Staff be compelled to respond to the following discovery requests to which they have thus far failed to properly respond:

a. Request No. 3 seeking the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion.

b. Request No. 4 seeking a brief description of the contents of the testimony of each witness identified.

c. Request No. 6 seeking for each company, Staff's recommended revenue requirement and a list of revisions made to the original study filed by the company in June 2004.

d. Request No. 7 seeking supporting documentation/work papers including allocations utilized to make the revisions in Question 6.

e. Request No. 8 seeking supporting rules and/or laws supporting the methodology used to develop the allocation provided in Question 7.

f. Request No. 9 seeking whether Staff proposes to use a direct allocation method or the method utilized in ARSD 20:10:28 of Telecommunications separation procedures and the justifications if the direct allocation method will be used.

h. Request No. 10 seeking Staff's justification for allocating local loop investment beyond the allocation factors included in the rules.

i. Request No. 11 seeking Staff's explanation on how the methodologies outlined above comply with the legislative intent outlined in SDCL § 49-31-60 (Telecommunications infrastructure-Legislative Intent).

j. Request No. 12 seeking Staff's explanation on how the methodologies outlined above benefit the citizens of South Dakota.

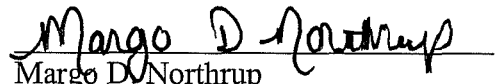
k. Request No. 13 seeking information in reference to Staff's awareness of any entity receiving payment by utilizing records provided by Qwest for traffic routed through the entity without traffic indicators present on the call record recorded by the entity on its incoming trunk group and a list of the entities and the dollar amounts involved.

B. Defendant asserts that good cause exists for this Motion to Compel. This cost study docket has been pending since June of 2004. Commission Staff has served upon

Valley and has received answers from Valley to numerous rounds of data requests. The requested discovery, which is the subject of this Motion, is pertinent to the issues involved and are necessary for Valley to proceed to hearing.

WHEREFORE, Valley respectfully requests that a hearing date be set in this matter, and that the Motion to Compel be granted with a date specified for Commission Staff to respond to the Joint Interrogatories and Request for Production of LECs and LECA.

Respectfully submitted this 28th day of June, 2006.

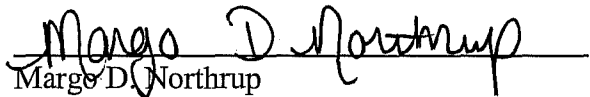

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of a Motion for Hearing and Motion to Compel was served via the method(s) indicated below, on the 28th day of June, 2006 addressed to:

Karen Cremer	()	First Class Mail
South Dakota Public Utilities Commission	(X)	Hand Delivery
500 East Capitol Avenue	()	Facsimile
Pierre, South Dakota 57501	()	Overnight Delivery
	()	E-Mail

Dated this 28th day of June, 2006.


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

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

IN THE MATTER OF THE ESTABLISHMENT OF)	ANSWERS TO JOINT
LECS' 2004 SWITCHED ACCESS REVENUE)	INTERROGATORIES AND
REQUIREMENTS)	REQUESTS FOR
)	PRODUCTION OF LECS
)	AND LECA TO COMMISSION
)	STAFF

Cheyenne River Sioux Tribe Telephone Authority	TC04-104
Alliance Communications Cooperative, Inc.	TC04-106
Splitrock Properties, Inc.	TC04-107
Valley Telecommunications Cooperative Association, Inc.	TC04-108
Venture Communications Cooperative, Inc.	TC04-111
City of Brookings Municipal Telephone Department	TC04-112
Stockholm-Strandburg Telephone Company	TC04-114
Santel Communications Cooperative, Inc.	TC04-116
Kennebec Telephone Company	TC04-118
LECA	TC04-119
West River Telecommunications Cooperative	TC04-125

TO: DARLA POLLMAN ROGERS AND MARGO D. NORTHRUP, ATTORNEYS FOR
THE ABOVE NAMED PARTIES:

Commission Staff, for its responses to Joint Interrogatories and Requests for
Production of LECs and LECA to Commission Staff, states and alleges as follows:

GENERAL OBJECTIONS

A. Commission Staff objects to these discovery requests to the extent they seek the production of information which is subject to the attorney-client privilege (or any other privilege), constitutes attorney work-product, or is otherwise immune from discovery because the information was prepared in anticipation of litigation. If Commission Staff divulges documents or any other information for which any claim of privilege or work-product protection is applicable, such production shall be deemed inadvertent, and not a waiver of the claim of privilege or work-product.

B. Commission Staff objects to these discovery requests to the extent they purport to impose obligations beyond those imposed by the South Dakota Rules of Civil Procedure, which will govern Commission Staff's responses.

C. Nothing herein shall be construed as an admission by Commission Staff as to the relevancy or admissibility at trial of any of the information produced in response to these requests.

Subject to the above general objections and the specific objections asserted herein, and without waiving any objections, Commission Staff responds to Joint Interrogatories and Requests for Production of LECs and LECA to Commission Staff, as follows:

1. Identify each person who provided information or documents for answers to these requests for discovery.

STAFF RESPONSE:

Harlan Best, 500 E. Capitol, Pierre, SD; Public Utilities Commission analyst.

Keith Senger, 500 E. Capitol, Pierre, SD; Public Utilities Commission analyst.

2. Identify each person answering, or formulating answers for, these requests for discovery.

STAFF RESPONSE: See answer to Interrogatory No. 1.

3. For each company, identify each person you intend to utilize as an expert witness in this proceeding, together with the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion.

STAFF RESPONSE: See answer to Interrogatory No. 1.

4. Identify each person you intend to use as a witness in this proceeding, including a brief description of the contents of the testimony.

STAFF RESPONSE: See answer to Interrogatory No. 1. Staff will provide an opinion on the issues raised in the dockets by the LECs and provide a recommendation to the Commission on those identified issues.

5. Identify and produce, if not otherwise produced, each document, memorandum or other writing in your possession relevant to the subject matter of this proceeding which you intend to use as an exhibit at the hearing on the merits of this proceeding.

STAFF RESPONSE: Staff Memorandum issued in TC04-104 and Staff Memorandum issued in TC04-114.

6. For each company, provide staff's recommended revenue requirement and a list of revisions made to the original study filed by the company in June 2004.

STAFF RESPONSE: Staff does not have sufficient information at this time to respond to this interrogatory. Discovery is ongoing.

7. For each company, provide the supporting documentation/work papers including allocations utilized to make the revisions in Question 6.

STAFF RESPONSE: Staff does not have sufficient information at this time to respond to this interrogatory. Discovery is ongoing.

8. For each company, provide supporting rules and/or laws supporting the methodology used to develop the allocation provided in Question 7.

STAFF RESPONSE: See ARSD 20:10:27 to 20:10:29, inclusive.

9. For each company, please state if Staff proposes to use a direct allocation method or will they use the method utilized in ARSD 20:10:28 of the Telecommunications Separations Procedures (i.e. directly assigning expenses booked to general and administrative expenses to specific jurisdiction rather than allowing the allocators within the study to jurisdictionalize). If Staff plans to use the direct allocation method, please provide Staff's justification.

STAFF RESPONSE: Staff does not have sufficient information at this time to respond to this interrogatory. Discovery is ongoing.

10. Identify Staff's justification for allocating local loop investment beyond the allocation factors included in the rules.

STAFF RESPONSE: ARSD 20:10:27:03.

11. Explain how the methodologies outlined above comply with the legislative intent outlined in SDCL 49-31-60 (Telecommunications infrastructure-Legislative Intent).

STAFF RESPONSE: See SDCL 49-31-60.

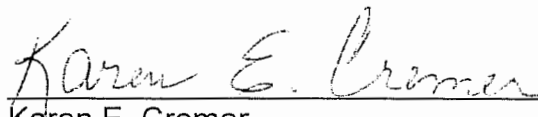
12. Explain how the methodologies outlined above benefit the citizens of South Dakota.

STAFF RESPONSE: It is Staff's obligation to protect the public interest. Staff believes that competitive local and long distance markets are in the public interest as it benefits the consumers in the telecommunications market in South Dakota.

13. Is Staff aware of any entity receiving payment by utilizing records provided by Qwest for traffic routed through the entity without traffic indicators present on the call record recorded by the entity on its incoming trunk group? If so, please provide a list of the entities and the dollar amounts involved.

STAFF RESPONSE: Staff does not have sufficient information to respond to this interrogatory.

Dated this 18th day of May, 2006.

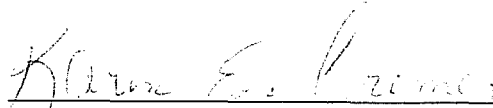


Karen E. Cremer
Staff Attorney
Public Utilities Commission
500 East Capitol
Pierre, SD 57501
605/773-3201

CERTIFICATE OF SERVICE

I hereby certify that copies of Answers to Joint Interrogatories and Requests for Production of LECs and LECA to Commission Staff were served on the following by mailing the same to them by United States Post Office First Class Mail, postage thereon prepaid, at the addresses shown below on this the 18th day of May, 2006.

Ms. Darla Pollman Rogers
Ms. Margo D. Northrup
Attorneys at Law
Riter, Rogers, Wattier & Brown, LLP
P. O. Box 280
Pierre, SD 57501-0280



Karen E. Cremer
Staff Attorney