

STATE OF SOUTH DAKOTA

OFFICE OF HEARING EXAMINERS

In the Matter of the Petitions of Armour)	
Independent Telephone Company,)	OHE DOCKET PUC 6-06
Bridgewater-Canistota Telephone Company,)	
Golden West Telecommunications)	SDPUC Docket Nos.
Cooperative, Inc., Kadoka Telephone)	
Company, Sioux Valley Telephone Company,)	TC06-036
Union Telephone Company, and Vivian)	TC06-037
Telephone Company (collectively the “Golden)	TC06-038
West Companies”) for Arbitration Pursuant to)	TC06-039
the Telecommunications Act of 1996 to)	TC06-040
Resolve Issues Relating to Interconnection)	TC06-041
Agreements with WWC License L.L.C.)	TC06-042
(“Western Wireless”).)	

**MEMORANDUM IN SUPPORT OF MOTION TO STRIKE WWC LICENSE L.L.C.’S MOTION
TO COMPEL FILED SEPTEMBER 14, 2006**

The Golden West Companies, identified in the caption of these matters, submit this Memorandum in Support of their Motion to Strike WWC License L.L.C.’s Motion To Compel (“Motion To Strike”). WWC License L.L.C. (“WWC”) filed their Motion to Compel on September 14, 2006 (“WWC Motion to Compel”).

PROCEDURAL BACKGROUND

The background of the exchange of information and discovery between the parties is important in respect to the untimely nature of the WWC Motion to Compel. This proceeding involves the arbitration of interconnection agreements between WWC and each of the Golden West Companies. One issue in the arbitration involves the reciprocal compensation rate that should be provided based upon a Forward Looking Economic Cost (“FLEC”) study. The FLEC study materials (consisting of both Excel computer files and paper information) were provided to WWC in April 2006, before the arbitration proceedings were initiated. Additionally, after the arbitration proceeding

was commenced, the South Dakota Public Utilities Commission (“Commission”) set a pre-hearing schedule that set forth two rounds of discovery. The discovery responses in the first round of discovery were served between the parties on June 30, 2006. The second round of discovery responses were served between the parties on July 31, 2006. The Golden West Companies conducted a review of the responses provided by WWC to the discovery requests of the Golden West Companies. Although these discovery response were insufficient, based upon the accelerated schedule in this proceeding, Golden West Companies chose not to pursue the discovery matters or file a motion to compel against WWC unless WWC raised discovery issues in a timely manner, in which event the Golden West Companies would have sought supplementation by WWC of its deficient discovery responses. As discussed below, at no time did WWC question the adequacy of the Golden West Companies’ discovery responses until September 7, 2006.

Direct testimony was originally scheduled to be submitted in this proceeding on August 11, 2006. This deadline was suspended by the Commission on August 8, 2006, three days before the testimony was to be filed. The Commission noted at such time, as reflected on page 2 of its August 24, 2006 Order, that:

At its August 8, 2006, meeting, the Commission considered the Motion to Suspend Procedural Schedule. WWC did not object to the motion but stated that it was not agreeing to suspend the deadline for the final decision. The Commission voted to grant the motion but noted that given the deadline for the final decision, the timelines for filing testimony and briefing would most likely need to be shortened giving the parties less time to file their testimony and less time to brief the issues following the hearing. (Emphasis added.)

In response to this Order, WWC raised no concerns to the Commission or to Golden West Companies regarding alleged discovery deficiencies.

On September 1, 2006, the Golden West Companies filed a motion to request a revised schedule be set by the Hearing Examiner. This schedule requested that direct testimony be filed on Thursday, September 7, 2006. Ultimately, a telephone conference with the hearing officer was conducted at 9:30 a.m. on September 7, 2006 to attempt to set a revised schedule. At no time prior to or during the telephone conference with the Hearing Officer did WWC ever raise a question regarding the sufficiency or validity of the discovery responses or objections served by the Golden West Companies. Nor did WWC state that any additional motions would be filed by WWC.

Finally, on the afternoon of September 7, 2006, almost four weeks after the original deadline regarding the filing of direct testimony, WWC raised an issue regarding the computer files provided to WWC in April, 2006. This issue was raised during the call between counsel which was conducted in response to the Hearing Examiner's request that the parties attempt to reach agreement on a revised schedule for this proceeding. Again, at no time prior to the conference call on the afternoon of September 7, 2006, had any representative of WWC raised any issue regarding the sufficiency of any discovery response to the Golden West Companies.

Furthermore, during the September 7, 2006 afternoon telephone scheduling conference, WWC stated that it might have additional discovery issues. Golden West Companies' counsel objected at this time and stated that raising discovery issues at this late date was untimely and that both parties had waived any right to bring forth more discovery matters. In response to this objection, WWC's counsel stated that if there were additional items regarding discovery, a communication to Golden West Companies' counsel would be provided by 12:00 noon on Friday, September 8, 2006. On Thursday, September 7, 2006, at approximate 3:50 p.m., WWC's counsel did send an e-mail communication. A copy of such communication is attached hereto as Exhibit A.

The communication stated that WWC was having difficulty opening the electronic files in the material sent five months previously in April, 2006 and requested a copy of the Excel spreadsheet that was the basis for the pdf format electronic file sent to WWC during discovery. Although no explanation was given for why WWC had waited five months to review the electronic files or the relevancy of the Excel spreadsheet file, the Golden West Companies offered to supply the files. This was confirmed by the Golden West Companies in a letter to WWC's counsel sent at approximately 1:45 p.m. on Friday, September 7, 2006, a copy of which is attached hereto as Exhibit B, and these files were supplied to WWC on Monday, September 11, 2006.

After these matters were resolved by the Golden West Companies, WWC's counsel sent another letter, a copy of which is attached hereto as Exhibit C, after counsel's self-imposed deadline of 12:00 noon, which was received by the Golden West Companies' counsel at approximately 4:30 p.m. on Friday September 8, 2006. This letter raised additional discovery issues. Counsel for the Golden West Companies sent a reply letter stating that the Golden West Companies would provide the information previously committed, but would not respond to the untimely new issues raised by WWC. A copy of such reply is attached hereto as Exhibit D.

On September 11, 2006, a conference call was held between the Hearing Examiner and counsel for the purpose of establishing a comprehensive schedule covering the period through December 31, 2006 and the completion of the arbitration proceeding. At no time during this conference did either of the counsel representing WWC propose any process or schedule for resolution of any outstanding discovery matters even though all other matters relating to the processing of these cases were addressed in the schedule established by the Hearing Officer.

ARGUMENT AND ANALYSIS

WWC is now attempting to burden this proceeding by raising untimely matters regarding

discovery. All of WWC's discovery concerns, if presented on a timely basis, could have been addressed by the parties. Allowing WWC to consume the Golden West Companies' and the Hearing Officer's time at this late date is burdensome to the arbitration process and should not be allowed by the Hearing Examiner.

1. THE APPROPRIATE TIME PERIOD FOR DISCOVERY HAS EXPIRED.

There was a reasonable and appropriate time period for completion of discovery matters in this proceeding, but this time period has now passed. The original material regarding the FLEC study was provided to WWC in April, 2006. Additionally, the initial discovery responses were exchanged between the parties in June. The second set of discovery responses were exchanged in July. Currently, there are only twenty-six days before the hearing in this proceeding commences. Accordingly, by any reasonable standard, the Motion to Compel is untimely and improper.

The tardy demands now being made by WWC for additional discovery can only be interpreted to be an attempt to burden the Golden West Companies at a late stage in this proceeding. These demands are made at a point in time where the parties' attention must and should be focused on other matters including the final preparation of our direct testimony, the preparation of hearing witnesses, replying to WWC's motion to dismiss, preparing for argument concerning previously filed motions, and the preliminary drafting of post hearing filings. This misuse of the discovery process should not be allowed by the Hearing Examiner.

The Hearing Examiner should strike the WWC Motion to Compel solely on the basis that WWC has consciously delayed raising discovery matters and it is now too close to the hearing to burden the parties with the process of attempting to resolve WWC's overdue concerns.

2. THE MOTION TO COMPEL IS FLAWED AND SHOULD BE DISREGARDED.

Although counsel for the Golden West Companies have not fully reviewed the Motion To

Compel, even a brief review of the Motion reveals that it is flawed and should be disregarded by the Hearing Examiner.

A. A Significant Portion Of The WWC Motion To Compel Is Based Upon A Misconstruction Of The Discovery Rules.

WWC bases a substantial portion of its Motion to Compel on the inaccurate assertion that the Golden West Companies “failed to state with specificity its grounds for objection, its objections have been waived, and Golden West must disclose the requested information.” (WWC Motion to Compel at p. 5.) This erroneous assertion is based upon an inaccurate reading of South Dakota law, specifically SDCL 15-6-33(a).

SDCL 15-6-33(a) addresses the use of interrogatories in a proceeding and requires, in part, that when a party objects to an interrogatory that “[a]ll grounds for an objection to an interrogatory shall be stated with specificity.” The Golden West Companies specifically stated their objections to each discovery response that was found to be objectionable. The Golden West Companies did not limit their response to a one word objection. A review of the discovery response by the Hearing Examiner would show that the objections provided conform to the statutory requirements. Factual evidence and legal authority will be provided in opposition to the WWC Motion to Compel if this Motion to Strike is denied.

Additionally, the scope of WWC’s own objections to the Golden West Companies’ discovery requests demonstrate that the objections filed by the Golden West Companies are appropriate and further WWC’s own objections do not conform to WWC’s asserted interpretation of the discovery rules. For example, WWC Motion to Compel asserts that the following specific objection to discovery by the Golden West Companies is insufficient:

In addition to the provisions of the General Objections, Golden West Companies object to this request on the basis that it seeks information that is

not relevant or reasonably calculated to lead to the discovery of any relevant evidence. Additionally, Golden West Companies object to this request on the basis that the request is overly broad and unduly burdensome.

Motion to Compel at p. 4.

In stark contrast to this objection are the some of the actual objections filed by WWC to interrogatories served by the Golden West Companies on WWC. For example:

WWC Response to Interrogatory 21: Objection. This interrogatory is irrelevant and not likely to lead to admissible evidence. Further, the interrogatory calls for legal conclusions.

WWC Response to Interrogatory 54: Objection as overly broad, burdensome and vague.

WWC's actions in responding to the Golden West Companies' discovery speak much louder than WWC's current asserted interpretation of SDCL 15-6-33(a). WWC can not argue in good faith that the Golden West Companies' objections are insufficient when WWC's own objections were even less specific.

B. The WWC Motion To Compel Requests Relief That Is Not Substantiated.

The WWC Motion to Compel requests that an order be granted regarding a list of interrogatories including Interrogatory 32. (WWC Motion to Compel at p. 3.) However, no further reference to Interrogatory 32 is contained in such Motion. This is an example of the haphazard nature of the Motion and the obvious flaws therein that demonstrate it is not well founded and that the Motion to Strike should be granted.

C. The WWC Motion To Compel Does Not Meet The Requirements Of The Discovery Rules.

SDCL 15-6-37(a) requires that a party submitting a motion to compel "include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure the information or material without court action." SDCL

15-6-37(a). In the WWC Motion to Compel, WWC raises new discovery issues that were never raised with any Golden West Companies' counsel at all, much less in a "good faith" conference.

The WWC Motion to Compel was sent electronically to Golden West Companies' counsel at approximately 5:00 p.m. on September 13, 2006. This was approximately 4 hours after Golden West Companies' counsel received an e-mail that stated in part as follows:

As I read your letter that was faxed late on Monday, it is the Golden West Companies position they will not discuss resolution of any discovery issues because they believe all discovery issues are now untimely. Let me know if I misunderstand your letter.

Golden West Companies' counsel had no reasonable opportunity to respond to this e-mail before the WWC Motion to Compel was transmitted at approximately 5:00 p.m. It is obvious that the early afternoon email from WWC's counsel received on September 13 was a transparent attempt by WWC to claim it complied with SDCL 15-6-37(a). Such obvious superficiality should not be accepted by the Hearing Examiner. Moreover, WWC's counsel never provided a complete the list of discovery issues and did not provide any reasonable opportunity for these matters to be resolved. The WWC Motion to Compel should be stricken based upon the non-compliance with the requirements of SDCL 15-6-37(a).

3. IT IS NOT CLEAR THAT THE HEARING EXAMINER HAS AUTHORITY TO ENTER AN ORDER TO COMPEL DISCOVERY IN THIS PROCEEDING.

The stated basis for the WWC Motion to Compel is the South Dakota Public Utilities Commission Administrative Rule 20:10:01:22.01, which provides in part that "the *commission* at its discretion, either upon its own motion or for good cause shown by a party to a proceeding, may issue an order to compel discovery." (emphasis added) The Hearing Examiner is aware that this proceeding was transferred to the Office of Hearing Examiners, at the request of WWC, from the Commission. It is clear that the Office of Hearing Examiners' authority derives from the statutes

that created this Office, SDCL 1-26-19.1 et seq, and that such authority is not derived from the Commission, its rules or even the statutes that created the Commission. Accordingly, any motion to compel discovery presented to the Hearing Examiner must be examined based upon the Hearing Examiner's authority, not the authority of the Commission.

Under South Dakota law, "hearing examiners have all powers delineated in §§ 1-26-19.1 and 1-26-19.2 and shall hear all contested cases that arise under Titles 10 and 58." SDCL §1-26D-4. Although sections 1-26-19.1 and 1-26-19.2 provide for the ability of a agency and officers thereof to administer oaths, subpoena witnesses, or cause depositions "or other discovery procedure to be conducted upon notice to the interested person . . .," it is clear that the failure of a person to obey a subpoena "may be punished as a contempt of court in the manner provided by chapter 21-34." SDCL 1-26-19.1. Accordingly, it appears that although a hearing examiner could subpoena witnesses, it would take a court to enforce a subpoena issued by a hearing examiner. Consequently, there appears a legitimate question as to a hearing examiner's authority to issue an order to compel discovery and the Golden West Companies have not located authority that would appear to provide a hearing examiner with this authority.

4. THE GOLDEN WEST COMPANIES REQUEST THE MOTION TO STRIKE BE HEARD AT SEPTEMBER 19, 2006.

The Golden West Companies' counsel continues to finalize preparations of pre-filed direct testimony and other aspects of this proceeding, and requests that the Hearing Examiner would promptly address WWC's abuse of the discovery process by hearing the Motion to Strike at the current motion hearing scheduled for September 19, 2006.

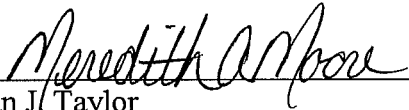
CONCLUSION

For all of the reasons set forth herein, the Golden West Companies respectfully request that the Hearing Examiner grant this Motion to Strike WWC's Motion to Compel.

DATED this 15th day of September, 2006.

Respectfully submitted,

Armour Independent Telephone Company, Bridgewater-
Canistota Telephone Company, Golden West
Telecommunications Cooperative, Inc., Kadoka
Telephone Company, Sioux Valley Telephone Company,
Union Telephone Company, and Vivian Telephone
Company (collectively the "Golden West Companies")

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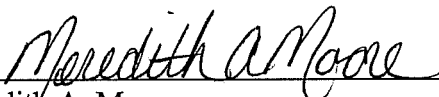
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Their Attorneys

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 15th day of September, 2006, a true and correct copy of the foregoing was transmitted by email to the legal counsel for WWC License L.L.C. as follows:

Talbot J. Wieczorek
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Rapid City, SD 57701
Email: tjw@gpgnlaw.com

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Meredith A. Moore

James A. Overcash

From: Talbot J. Wiczorek [tjw@gpgnlaw.com]
Sent: Thursday, September 07, 2006 3:56 PM
To: James A. Overcash
Cc: Paul M. Schudel; meredithm@cutlerlawfirm.com; kara.vanbockern@state.sd.us; Stephen.B.Rowell@alltel.com; Rich Coit
Subject: Discovery

Dear Mr. Overcash:

I talked to Mr. Williams and he is reviewing some of the discovery matters. I was able to clarify where we are regarding the electronic formats. Ron informed me that the material in April was locked, protected and did not contain all the values. It appears that some of the material had used information imported from another spreadsheet and the underlying information is not ascertainable.

Regarding the information received as part of discovery, which included various spreadsheets, they were all provided in PDF. Thus, we cannot go into the spreadsheets to make modification to see how any changes or costs would impact the final number and we are not even sure of all the underlying formulas.

I would ask that you discuss with your client and client's representatives whether there is an issue with you providing this data in a non-protected format and "native" format that would allow us to review the calculations and the origins of the information.

Sincerely,

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Exhibit

A

9/15/2006

ALLEN L. OVERCASH
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RESPOND TO LINCOLN OFFICE

VIA FACSIMILE

Talbot J. Wieczorek
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P.O. Box 8045
Rapid City, SD 57709

Dear Mr. Wieczorek:

This communication is sent to you with the understanding that the position of the Golden West Companies is that Western Wireless has waived its right to seek a motion to compel at this stage of the proceeding. Western Wireless has been in possession of the FLEC Studies for the Golden West Companies since last April. Our discovery responses were served upon you on June 30, 2006 and July 31, 2006. At no time prior to yesterday morning's conference call, September 7, 2006, has any representative of Western Wireless raised any issue with regard to the sufficiency of the FLEC Studies or the Golden West Companies' discovery responses. Accordingly, we will resist and/or move to strike any motion to compel that is made by Western Wireless. The Golden West Companies also reserve any and all rights they possess regarding moving to compel discovery from Western Wireless.

However, in an effort to cooperate in this proceeding, the Golden West Companies provide the following information:

The Golden West Companies have previously provided the following documents in electronic format:

Excel Spreadsheet – Provided via Compact Disk

FLEC Telephone 3.7 Armour Run 1a Input Data
FLEC Telephone 3.7 Golden West Run 1a Input Data

Exhibit
B

FLEC Telephone 3.7 Sioux Valley Run 1a Input Data
FLEC Telephone 3.7 Vivian Run 1a Input Data
FLEC Telephone 3.7 Bridgewater Run 1a Input Data
FLEC Telephone 3.7 Kadoka Run 1a Input Data
FLEC Telephone 3.7 Union Run 1a Input Data
FLEC Telephone Model 3.7.1

pdf Format – Provided via e-mail

Second Set of Discovery Responses Exhibit I-32

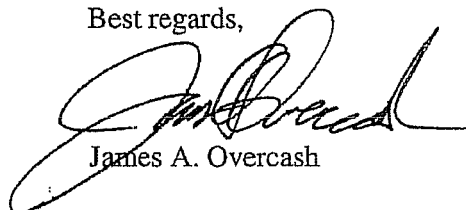
I have a copy of the disk that was provided to Western Wireless and have spent some time attempting to open different spreadsheets in these files and did not have any problem or encounter material that was locked or protected. Additionally, I contacted the model consultant and asked if the excel files were locked or password protected. The cost consultant stated that to his knowledge this is not the case.

I do not have an explanation for the difficulty Mr. Williams is having with the files provided in April. However, I have two suggestions:

1. If Mr. Williams could identify the exact electronic files as enumerated above or sheets within an excel file that are an issue I am willing to confirm whether such difficulties are experienced with regard to my copy of the disk and attempt to resolve any such issues. There is a chance that I did not try the file, sheet or cell that is currently causing the difficulty; or
2. I could send you a new copy of the disk. Perhaps the current disk that Mr. Williams is using was damaged during transportation or storage. If you would like a new disk sent please provide me with the appropriate overnight delivery information.

Regarding the pdf file of the spreadsheet that was sent (Exhibit I-32), I have contacted the Golden West Companies to attempt to obtain the excel file that generated this spreadsheet. I do not know if they kept the excel file that compiled this information, but will let you know when I have a response.

Best regards,



James A. Overcash

GUNDERSON, PALMER, GOODSSELL & NELSON, LLP

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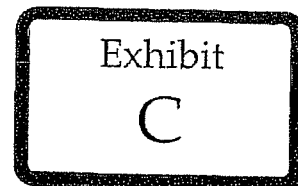
September 8, 2006

VIA FAX: 402-437-8558

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RE: In the Matter of the Petitions of GW Companies for Arbitration Pursuant to the Telecommunications Act of 1996 to Resolve Issues Relation to Interconnection with WWC License, L.L.C. – Arbitration consolidation SDPUC Docket File Numbers TC 06-036 through TC 06-042 GPGN 5925.060285 OHE File PUC 6-06



Dear Mr. Overcash:

Thank you for your letter of September 8, 2006 regarding what information that has been produced in electronic format.

You represented that you have been able to open the spreadsheets and did not have any problems or encountering any materials that were locked or protected. I would ask that you send me in electronic format those spreadsheets to ensure the spreadsheets we received are not locked as you offered to do in your letter. I also appreciate the fact that you will be sending me the Excel spreadsheet for Exhibit I-32.

One of the other issues that has been raised by the cost witness is the electronic documentation originally provided appears to have imported information from other sources. In other words, we do not have all the base numbers and calculations. I will try to clarify the numbers we need additional information on and provide you a more detailed letter describing that information.

An example of where we are short of information regards circuit data. The companies have provided information on circuits, but did not provide information on the "A" and "Z" location, in other words, end points. All that we have received is a circuit type and name and or ID. End points are necessary to determine how much of the transport network has consumed. By way of example, a circuit that goes from a customer premise through a wire center to a meet point with another carrier will consume a different amount of network transport than a circuit that rides the

GUNDERSON, PALMER, GOODSSELL & NELSON, LLP

James Overcash
September 8, 2006
Page 2

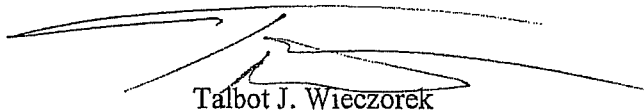
transport network through several wire center nodes before it terminates or is handled off at a meet point. It is believe this information must have been used in coming up with the FLEC model but from the documents provided, it does not exist. When that specific question was asked in interrogatories, we were simply referred back to the model documents. However, review of the model documents does not provide an answer.

Also, the model documents do not appear to detail how cost sharing arrangements were accounted for in the Golden West records. In the responses to interrogatories, it has been represented that those shared costs have been accounted for in the model and allocated but from the documentation provided, we cannot see how those costs were allocated between the various subsidiaries. This also applies to cost allocation of their switching transport or termination where the affiliates share resources.

On a different issue, I have been going back through the significant volumes of documents that have been provided with the first set of interrogatories. In doing so, I noted that in Response to Interrogatory #26, the question that dealt with Golden West internet services, there is no information provided for Armour, Bridgewater-Canistota or Union. The information was provided for the other phone companies. Given how the question was asked, it could simply be that those subsidiaries of Golden West do not offer any internet services. The other alternative is that information simply could have been missed in the production. I would ask that you clarify the correct conclusion, no internet service or there is internet service information that was not produced. If there was internet service information that was not produced, I would ask that be supplemented.

Call me if you have any questions regarding this letter so we can continue to work forward to resolving these issues.

Sincerely,



Talbot J. Wiczorek

TJW:klw
c: Clients

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WM. LEE MERRITT
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September 11, 2006

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VIA FACSIMILE

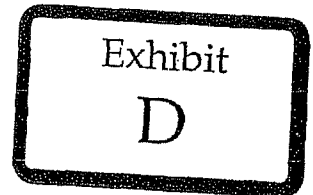
Talbot J. Wieczorek
Gunderson, Palmer, Goodsell & Nelson, LLP
P.O. Box 8045
Rapid City, South Dakota 57709

Dear Mr. Wieczorek:

This communication is sent in response to your letter dated September 8, 2006, that was faxed to me at approximately 4:30 p.m. This communication is also sent to you with the understanding that the position of the Golden West Companies is that Western Wireless has waived its right to seek a motion to compel at this stage of the proceeding and this letter is also based upon the other statements contained in my letter of September 8, 2006.

A review of the time periods in this proceeding is important. The FLEC materials were previously provided to Western Wireless in April 2006. Our discovery responses in this proceeding were served upon you on June 30, 2006 and July 31, 2006. Direct testimony was scheduled to be submitted in this proceeding on August 11, 2006. This deadline was suspended by the South Dakota Public Utility Commission on August 8, 2006, three days before the testimony was to be filed. On September 7, 2006, almost four weeks after the original deadline regarding the filing of direct testimony, you raised an issue regarding the computer files provided approximately five months ago. At no time prior to our conference call on September 7, 2006, has any representative of Western Wireless raised any issue regarding the sufficiency of any discovery response.

Furthermore, during our September 7, 2006 telephone scheduling conference, you stated that if you had additional discovery issues you would send a communication to me by 12:00 noon on Friday, September 8, 2006. You did send an e-mail communication before your deadline. I received an e-mail at 3:54 p.m. on Thursday, September 6, 2006. In an attempt to cooperate in this proceeding, I sent a letter to you at approximately 1:45 p.m. on Friday, September 7, 2006. This was after your self-



Talbot J. Wiczorek
September 11, 2006
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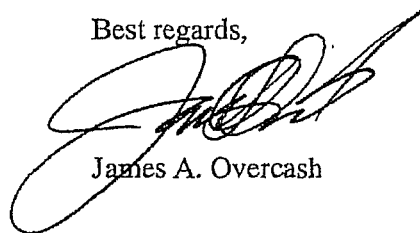
imposed deadline of 12:00 noon. This letter responded to your e-mail and resolved all of the issues in your e-mail.

The letter received, after your deadline, appears to be a new attempt by Western Wireless to further discovery in this proceeding at a point in time where our attention must and should be focused on the final preparation of our direct testimony, the preparation of hearing witnesses, replying to your motion to dismiss, arguing the motions filed by both parties, and the drafting of post hearing filings. There was an appropriate time for discovery in this proceeding, but this time period has passed. It has been four weeks since the testimony was to originally be submitted, six weeks since our last discovery responses were provided, and five months since the FLEC materials were provided; Western Wireless chose, for whatever strategic reason, to not raise any questions or objections at an earlier date. Western Wireless cannot, at this late date when time is especially valuable, attempt to burden the Golden West Companies with a series of requests.

Accordingly, we will not respond to the new and additional requests contained in your letter sent late on September 8, 2006. However, in an effort to further cooperate in this proceeding, the Golden West Companies will provide the information discussed in my letter of September 8, 2006 as follows:

1. A copy of the disk that is in my possession regarding the FLEC materials will be sent by overnight service to you today.
2. I have contacted the appropriate personnel at the Golden West Companies and will provide you with a status of this file or a copy of the Excel spreadsheet for Exhibit I-32.

Best regards,



James A. Overcash

JAO|vs