

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE COMPLAINT FILED
BY WWC LICENSE, LLC, AGAINST GOLDEN
WEST TELECOMMUNICATIONS COOPERATIVE,
INC., VIVIAN TELEPHONE COMPANY, SIOUX
VALLEY TELEPHONE COMPANY, ARMOUR
INDEPENDENT TELEPHONE COMPANY, AND
KADOKA TELEPHONE COMPANY REGARDING
INTERCARRIER BILLINGS

ORIGINAL

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Transcript of Proceedings
June 14, 2005

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BEFORE THE PUBLIC UTILITIES COMMISSION,
GARY HANSON, CHAIRMAN
BOB SAHR, VICE CHAIRMAN (by telephone)
DUSTY JOHNSON, COMMISSIONER

COMMISSION STAFF
Rolayne Ailts Wiest
Sara Greff
Greg Rislov
Harlan Best
Keith Senger
Dave Jacobson
Jim Mehlhaff
Michele Farris
Tina Douglas
Heather Forney
Pam Bonrud

Reported By Cheri McComsey Wittler, RPR, CRR

PRECISION REPORTING
L I M I T E D

1 APPEARANCES BY TELEPHONE

2 Colleen Sevold
3 Amy Schuldt
4 Denny Law
5 Melanie Acord
6 Marv Truhe
7 Tim Goodwin
8 Todd Brink
9 Kyle White

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TRANSCRIPT OF PROCEEDINGS, held in the
above-entitled matter, at the South Dakota State
Capitol, Room 412, 500 East Capitol Avenue, Pierre,
South Dakota, on the 14th day of June 2005, commencing
at 10:30 a.m.

1 CHAIRMAN HANSON: CT05-001, In the
2 matter of the Complaint filed by WWC License, LLC,
3 against Golden West Telecommunications Cooperative
4 Incorporated, Vivian Telephone Company,
5 Sioux Valley Telephone Company, Armour Independent
6 Telephone Company, Bridgewater-Canistota Telephone
7 Company, and Kadoka Telephone Company regarding
8 intercarrier billings.

9 The question before the Commission today is
10 how shall the Commission rule on the remaining
11 issues raised by WWC's Motion for Partial Summary
12 Judgment. The Commission made a ruling at the last
13 meeting with respect to jurisdiction, leaving two
14 issues before us, the undisputed WWC overpayment
15 amount and, item number 2, the applicability of
16 prejudgment interest.

17 Is there any discussion from the Commission at
18 this juncture?

19 If not, I have a Motion for the first item.
20 With respect to issue number 2 and Western
21 Wireless's Motion for Partial Summary Judgment
22 dealing with undisputed overpayments made by WWC, I
23 move that we deny WWC's Motion. It is clear based
24 upon the discussion at our last meeting that we do
25 not know at this time what the amount of such

1 overpayments is, and Golden West has raised issues
2 of fact under the Interconnection Agreement as to
3 the parties' respective entitlements to damages,
4 amounts of damages, and the effect that a setoff or
5 true-up might have on the decision. I started
6 speaking more slowly when I realized that our court
7 reporter, Cheri, was trying to type all the
8 information. Thank you, Cheri.

9 COMMISSIONER JOHNSON: Second.

10 VICE CHAIRMAN SAHR: And I concur.

11 CHAIRMAN HANSON: Thank you. Motion
12 carries.

13 COMMISSIONER JOHNSON: Mr. Chairman,
14 I also have a Motion with regard to the third
15 outstanding issue. With respect to issue number 3,
16 that's the applicability of prejudgment interest, I
17 move that the Commission grant Western Wireless's
18 Motion for Partial Summary Judgment and determine
19 that prejudgment interest under SDCL 21-1-13.1 will
20 be applicable to any damages that the Commission
21 may award to either party from that day that the
22 loss or damage is demonstrated to have occurred.

23 I further move, however, that this ruling
24 should not be construed as an indication that the
25 Commission has in any way determined that damages

1 will, in fact, be awarded to either party and that
2 the parties must demonstrate with evidence both
3 their entitlement to damages and the amount and the
4 dates when each damage or loss event occurred for
5 the purposes of computing any prejudgment interest
6 due.

7 CHAIRMAN HANSON: And I second.

8 VICE CHAIRMAN SAHR: And I concur.

9 CHAIRMAN HANSON: Thank you.

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1 STATE OF SOUTH DAKOTA)

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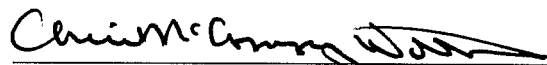
CERTIFICATE

3 COUNTY OF HUGHES)

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5 I, CHERI MCCOMSEY WITTLER, a Registered
6 Professional Reporter and Notary Public in and for the
7 State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed
9 shorthand reporter, I took in shorthand the proceedings
10 had in the above-entitled matter on the 14th day of
11 June 2005, and that the attached is a true and
12 correct transcription of the proceedings so taken.

13 Dated at Pierre, South Dakota this 24th day
14 of June 2005.

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18 Cheri McComsey Wittler,
19 Notary Public and
20 Registered Professional Reporter