



Dustin Johnson, Chair  
Steve Kolbeck, Vice-  
Chair  
Gary Hanson,  
Commissioner

## SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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November 20, 2009

### **TO ALL PERSONS WHO WERE AWARDED DAMAGES BY THE COMMISSION IN DOCKET CT05-005 INVOLVING S&S COMMUNICATIONS:**

Wegner Auto Company, Inc. of Pierre ("Wegner Auto") and the South Dakota Public Utilities Commission ("Commission") have instituted a legal action against S&S Communications ("S&S") and Les Sumption to attempt to obtain a money judgment from the Court for the damages that were awarded by the Commission to Wegner Auto and 131 other persons, including yourself or your company. S&S Communications and Les Sumption have not paid any of the damages awarded by the Commission. We have also made a motion to the Court to join as Plaintiffs in the case the 131 persons besides Wegner Auto who were awarded damages, including yourself, so that if a judgment is granted and any recovery is obtained, the money will be shared by all the persons who were awarded damages in proportion to the size of their damages awards.

By this mailing, we are serving notice on you of the filing of the Complaint and the Motion to Join as Parties Plaintiff, copies of which are enclosed. We did not include the Exhibits to the Complaint as these are documents that have previously been provided to you during the Commission's damages proceeding. We have also enclosed a form for Objection to Joinder and Opt-Out and self-addressed stamped return envelope so that if you do not want to be included as a Plaintiff, we will remove you from the list of persons to be joined as Plaintiffs. You will not incur any costs as a result of being joined as a Plaintiff.

Note that we have requested the Commission to be appointed as receiver in order to have an orderly and equitable process for attempting to execute on the judgment and fairly disburse any funds that might be recovered from Mr. Sumption or S&S. As we have stated previously, we have reason to believe no non-exempt assets may be available to levy against, so we want to emphasize that a damages award will not necessarily mean you will receive any money. Our reason for getting a judgment, however, is so that in case any assets can be found, now or in the future, a judgment is on record to enable a recovery for the customers awarded damages.

Please contact me at the Commission if you have questions or concerns: South Dakota Public Utilities Commission, 500 E. Capitol Ave., Pierre, SD 57501; ph: (800) 332-1782 or (605) 773-3201; fax: (866) 757-6031; [john.j.smith@state.sd.us](mailto:john.j.smith@state.sd.us); [www.puc.sd.gov](http://www.puc.sd.gov).

Sincerely,

John J. Smith  
Commission Counsel

Enclosures