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

IN THE MATTER OF THE COMPLAINT OF SOUTH DAKOTA NETWORK, LLC, AGAINST SPRINT COMMUNICATIONS	) ) )	DOCKET NUMBER TC 09-098
COMPANY LP	)	
IN THE MATTER OF THE THIRD PARTY COMPLAINT OF SPRINT	)	
COMMUNICATIONS COMPANY L.P.	)	
AGAINST SPLITROCK PROPERTIES, INC., NORTHERN VALLEY	)	
COMMUNICATIONS, INC., SANCOM, INC., AND CAPITAL TELEPHONE	)	
COMPANY	)	

## AFFIDAVIT OF PHILIP R. SCHENKENBERG IN SUPPORT OF SPRINT'S MOTION FOR PROTECTIVE ORDER REGARDING NORTHERN VALLEY'S CORPORATE DEPOSITION NOTICE

STATE OF MINNESOTA	)
	) ss
COUNTY OF HENNEPIN	)

Philip R. Schenkenberg, being first duly sworn, states as follows:

- 1. I made this Affidavit in support of Sprint's Motion for Protective Order Regarding Northern Valley's Corporate Deposition Notice.
- 2. **Exhibit A** hereto is a true and correct copy of Northern Valley's initial notice of Corporate Deposition of one or more corporate representatives to testify on various topics, subject to Rule 30(b)(6) of the South Dakota Rules of Civil Procedure, § 15-6-30(b)(6), which was served upon Sprint on October 31, 2011.
- 3. On Friday, February 17, 2012, I engaged in a good faith telephone conference with counsel for Northern Valley, during which I explained Sprint's concerns with many of the deposition topics.

4. This good-faith meet-and-confer process did not resolve Sprint's concerns with the scope of the notice. During the conference, Northern Valley's counsel was reluctant to and generally refused to narrow the scope of the deposition topics.

5. On March 6, 2012, I documented Sprint's concerns in writing. **Exhibit B** hereto is a true and correct copy of a letter I e-mail to Northern Valley's counsel, detailing Sprint's concerns. Northern Valley did not respond to these specific concerns.

6. On April 3, 2012, Northern Valley served an Amended Notice of Corporate Deposition on Sprint. A copy of that notice is attached as **Exhibit C** hereto. Instead of pulling back on the breadth of the topics, Northern Valley's amended notice included ten additional topics not in the original Rule 30(b)(6) notice.

7. On April 16, 2012, I engaged in a meet-and-confer discussion with David Carter, counsel for Northern Valley, with respect to the ten additional topics.

8. I certify that, in accordance with SDCL § 15-6-26(c), I have, in good faith, conferred with Northern Valley in an effort to resolve the dispute without Commission action, that those efforts were unsuccessful, and that Sprint has good cause to bring this motion.

AFFIANT SAYS NOTHING FURTHER.

Philip R. Schenkenberg

Subscribed and sworn before me this 1744 day of April, 2012.

Notary/Public

