

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE AMENDED) DOCKET NO. TC09-098
COMPLAINT OF SOUTH DAKOTA)
NETWORK, LLC, AGAINST SPRINT)
COMMUNICATIONS COMPANY L.P.)
)
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)
)

**SPRINT COMMUNICATIONS COMPANY L.P.’S
MOTION FOR PROTECTIVE ORDER REGARDING NORTHERN VALLEY’S
CORPORATE DEPOSITION NOTICE**

COMES NOW, Sprint Communications Company L.P. (“Sprint”), by and through its counsel of record, Philip R. Schenkenberg, Briggs and Morgan, P.A., 80 South 8th Street, 2200 IDS Center, Minneapolis, Minnesota, and pursuant to ARSD 20:10:01:01.02 and SDCL § 15-6-26(c), hereby requests the South Dakota Public Utilities Commission enter a Protective Order, narrowing the scope of Northern Valley Communications, Inc.’s (“Northern Valley”) topics contained in its Amended Notice of Corporate Deposition.

As detailed fully in the accompanying memorandum, Northern Valley’s Amended Notice of Corporate Deposition contains 47 deposition topics on which it demands Sprint prepare and provide company witnesses to testify. Many of these deposition topics reflect Northern Valley’s inaccurate contention that South Dakota law allows it the opportunity to engage in essentially a limitless fishing expedition, obtain information beyond the pleadings, and force Sprint to provide discovery despite significant demonstrated burdens.

Specifically, Sprint brings this Motion for Protective Order with three main concerns: (1) Northern Valley's definition of "Sprint" is too broad: Sprint's witness should only be required to speak for Sprint Communications Company L.P., the party to this case, and not other entities, nor Sprint's lawyers; (2) the small size of the intrastate claim should parallel the amount of work Sprint should be required to do to prepare its witness; (3) and certain topics would require Sprint to prepare a witness to testify on matters unrelated to the parties' claims and defenses. Sprint brings this Motion for Protective Order, requesting that the Commission narrow the scope of Northern Valley's deposition topics to reflect the proper scope of discovery in this action and to relieve Sprint's corporate witness from her burden of preparing for and testifying on matters outside that scope.

DATED this 17th day of April, 2012.

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