

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

DOCKET NUMBER TC 09-098

IN THE MATTER OF THE COMPLAINT)
OF SOUTH DAKOTA NETWORK, LLC,)
AGAINST SPRINT COMMUNICATIONS)
COMPANY LP)

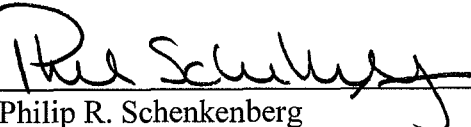
**SPRINT COMMUNICATIONS COMPANY L.P.'S
AMENDED MOTION TO DISMISS NORTHERN VALLEY'S CROSS-CLAIM**

COMES NOW Sprint Communications Company L.P. ("Sprint") by and through its attorney of record Talbot J. Wiczorek of Gunderson, Palmer, Nelson & Ashmore, LLP, 440 Mount Rushmore Road, Third Floor, P.O. Box 8045, Rapid City, South Dakota 57701 and Philip R. Schenkenberg, Briggs and Morgan, P.A., 2200 IDS Center, 80 South Eighth Street, Minneapolis, Minnesota 55402, pursuant to ARSD 20:10:01:11.1 and SDCL 15-6-12 move to dismiss the Cross-claim of Northern Valley Communications, L.L.C. ("Northern Valley") for the following reasons:

The Cross-claim seeks damages from Sprint for which Northern Valley has already chosen to seek compensation in Docket No. 1:08-CV-01003-KES in the United States District Court for the District of South Dakota. Pursuant to SDCL 49-13-1.1, once Northern Valley elected to seek damages in court, it was barred from seeking recovery for these very same damages before the Commission. In addition, Northern Valley's Cross-claim Count III (Unjust Enrichment), and Count II (Implied Contract) request relief the Commission lacks jurisdiction to award. Sprint's Memorandum in Support of Its Amended Motion to Dismiss is filed contemporaneously herewith.

Dated: June 14, 2011

BRIGGS AND MORGAN, P.A.

By  _____

Philip R. Schenkenberg
80 South Eighth Street
2200 IDS Center
Minneapolis, MN 55402
612.977.8400

Talbot J. Wiczorek
Gunderson, Palmer, Nelson & Ashmore, LLP
440 Mount Rushmore Road
Third Floor
P.O. Box 8045
Rapid City, SD 57701
605.342.1078

Attorneys for Sprint Communications Company
L.P.

2460746v3