

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

IN THE MATTER OF THE COMPLAINT)	
OF SOUTH DAKOTA NETWORK, LLC,)	
AGAINST SPRINT)	TC09-098
COMMUNICATIONS COMPANY LP)	
REGARDING TELECOMMUNICATIONS)	
)	
)	
IN THE MATTER OF THE THIRD)	
PARTY COMPLAINT OF SPRINT)	
COMMUNICATIONS COMPANY LP)	
AGAINST SPLITROCK PROPERTIES,)	
INC., NORTHERN VALLEY)	
COMMUNICATIONS, INC., SANCOM,)	
INC., AND CAPITAL TELEPHONE)	
COMPANY)	

**FREE CONFERENCING CORPORATION’S MEMORANDUM
IN RESPONSE TO SPRINT’S “MOTION TO ENFORCE SUBPOENAS
AND MODIFY PROCEDURAL SCHEDULE”**

COMES NOW Free Conferencing Corporation (“Free Conferencing”), a *non-party* to the above-entitled matter, and hereby responds to Sprint Communications Company L.P.’s (“Sprint”) “Motion to Enforce Subpoenas and Modify Procedural Schedule.”

FACTS

1. In October 2009, this matter was commenced by South Dakota Network, LLC (“SDN”) against Sprint.
2. In December 2009, Splitrock Properties, Inc. (“Splitrock”), Northern Valley Communications (“Northern Valley”), and Sancom, Inc. (“Sancom”) were added as Third Party Respondents.
3. Since this action was commenced more than two (2) years ago, the named parties (SDN, Sprint, Splitrock, Northern Valley, and Sancom) have engaged in extensive

- discovery and filed numerous dispositive motions with this Commission.
4. Since this action was commenced more than two (2) years ago, the named parties have also engaged in various discovery disputes. *See* Northern Valley's Motion to Compel Discovery (dated 05/27/11); Sancom's Joinder in Northern Valley's Motion to Compel Discovery (dated 06/07/11); and Sprint's Response to Northern Valley's Motion to Compel Discovery (dated 06/21/11).
 5. At no time has Free Conferencing been made a party to this matter.
 6. Free Conferencing is the world's largest privately-owned conference calling company. Free Conferencing is engaged in business in over 120 countries worldwide.
 7. On September 26, 2011, non-party Free Conferencing voluntarily admitted service of Sprint's "First Amended Subpoena Duces Tecum for Free Conferencing Corporation" ("First Amended Subpoena"). *See* Sprint's Exhibit L.
 8. Sprint's First Amended Subpoena contains thirteen (13) very extensive production requests. *See* Sprint's Exhibit L.
 9. On November 9, 2011, in response to Sprint's First Amended Subpoena, non-party Free Conferencing provided Sprint (and the named parties) with two CDs containing nearly Eight Thousand (8,000) document images.
 10. Free Conferencing believes that it has now fully complied with the requests contained in Sprint's First Amended Subpoena.
 11. The production of nearly Eight Thousand (8,000) document images within approximately six weeks of Free Conferencing's admission of service is truly extraordinary when the Commission considers the size of Free Conferencing's

operations, the vast scope of documents requested by Sprint, and the fact that Sprint's lack of discovery production before this Commission and in similar "access stimulation" cases across the nation have resulted in these cases being delayed for several years.

CONCLUSION

Based on the foregoing, Free Conferencing requests that the Commission provide the following relief:

1. An order denying Sprint's "Motion to Enforce Subpoenas and Modify Procedural Schedule," as Free Conferencing has fully complied with the requests contained in Sprint's First Amended Subpoena.
2. Free Conferencing does not object to appearing for a rescheduled deposition of its corporate representative(s) at a time agreeable to counsel for Free Conferencing and Sprint.

Dated this 9th day of November, 2011.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on *November 9th, 2011*, *FREE CONFERENCING CORPORATION'S MEMORANDUM IN RESPONSE TO SPRINT'S "MOTION TO ENFORCE SUBPOENAS AND MODIFY PROCEDURAL SCHEDULE"* was served via *electronic mail* upon the following:

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