

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	)	<b>MOTION TO RESCHEDULE</b>
COMPLAINT OF SPRINT	)	<b>THE AUGUST 28, 2012 HEARING</b>
COMMUNICATIONS COMPANY L.P.	)	<b>DATE</b>
AGAINST SPLITROCK PROPERTIES, INC.,	)	
NORTHERN VALLEY COMMUNICATIONS,	)	
INC., SANCOM, INC., AND CAPITAL	)	
TELEPHONE COMPANY	)	

COMES NOW, Sprint Communications Company L.P. (“Sprint”), by and through its counsel of record, Talbot J. Wieczorek Gunderson, Palmer, Nelson & Ashmore, LLP, and Philip R. Schenkenberg, Briggs and Morgan, P.A., 80 South 8th Street, 2200 IDS Center, Minneapolis, Minnesota, and pursuant to ARSD 20:10:01:22.04, and hereby requests that the South Dakota Public Utilities Commission (the “Commission”) reschedule the August 28, 2012 hearing date in this matter for a date in early October of 2012.

On June 26, 2012, the parties advised Commission Staff that this case would not be ready for a contested case hearing during the last week of August. Northern Valley, however, requested that one afternoon of August 28, 2012, be set aside as a hearing date for “additional motions.” Northern Valley did not identify the nature of the motions it contemplated filing. On July 11, 2012, Northern Valley filed a Motion for Leave to File Amended Counterclaim, and a Motion for Summary Judgment. The Motion for Summary Judgment seeks judgment on the newly added Counterclaim, and also seeks judgment on the key issue in the case between Sprint and Northern Valley – whether the calls at issue are subject to intrastate access charges.

Northern Valley's Motion for Summary Judgment was accompanied by a 42 (forty-two) page Statement of Undisputed Facts, and over 750 (seven hundred fifty) pages of exhibits.

Sprint requests that the Commission reschedule this August 28, 2012 hearing date to October of 2012 for two good reasons. First, Sprint plans to file a cross-motion for summary judgment and, for the purposes of efficiency, it would be prudent for the Commission to consider both motions at the same time. Second, Sprint is not able to respond to Northern Valley's motions by July 31, as Northern Valley has proposed. As an initial matter, Northern Valley's motion contains an enormous amount of information. In addition, Sprint's expert witness, Don Wood, is in the process of preparing a report that Sprint will use in responding to Northern Valley's Motion for Summary Judgment and in preparing its own Sprint's summary judgment motion. Mr. Wood has been dealing with a personal family medical issue that has taken a large amount of his time. Sprint anticipates that with diligence it can file its response and affirmative motion by the end of August, which would allow briefing to complete and a hearing to be held in early October.

Northern Valley has declined Sprint's request for this short delay, requiring Sprint to bring this Motion. *See* Ex. A. Sprint respectfully, and with good cause, requests that the August 28, 2012 hearing date be rescheduled to a date in October of 2012.

DATED this 27 day of July, 2012.

**BRIGGS AND MORGAN, P.A.**

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