

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

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

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DOCKET NUMBER TC 09-098

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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

**NORTHERN VALLEY  
COMMUNICATIONS, L.L.C.'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT**

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Northern Valley Communications, L.L.C. ("Northern Valley"), by and through its undersigned counsel, and pursuant to SDCL § 15-6-56 and ARSD 20:10:01:01:02, respectfully submits this Motion for Partial Summary Judgment. The Motion requests that the Commission grant summary judgment in favor of Northern Valley and against Sprint Communications Company, LP and issue a Declaratory Ruling that Northern Valley's intrastate access tariff applies to the amounts billed to Sprint for intrastate access services associated with Northern Valley's traffic terminating to conference-call providers served by Northern Valley. Specifically, Northern Valley seeks summary judgment with regard to the following:

- 1) **Undisputed Traditional Traffic:** Sprint has withheld amounts due to Northern Valley for intrastate traffic, relying on its AP-debit balance theory, which this Commission has rejected. Accordingly, Sprint should be declared liable to pay Northern Valley for traffic originating or terminating to traditional residential and business customers, which Sprint does not dispute is due and owing to Northern Valley. Sprint should also be required to pay the interest accrued on this amount.
- 2) **Global Conference Partners:** Intrastate access charges for traffic terminating to Global Conference Partners ("GCP") for the period from November 2007 to present.

- 3) **One Rate:** Intrastate access charges for traffic terminating to One Rate Conferencing, LLC ("One Rate") for the period April 2007 to present.
- 4) **CLEC Connect:** Intrastate access charges for traffic terminating to CLEC Connect, LLC ("CLEC Connect") for the period September 2007 to May 2011.
- 5) **Call All:** Intrastate access charges for traffic terminating to CallAll, LLC ("CallAll") for the period December 2007 to February 2008.
- 6) **Free Conferencing:** Intrastate access charges for traffic terminating to Free Conferencing Corporation ("Free Conferencing") for the period May 2009 to present.
- 7) **Sang:** Intrastate access charges for traffic terminating to Sang Capital Group, LLC for the period August 2009 to present.

A Memorandum in Support of Northern Valley's Motion for Summary Judgment and a Statement of Undisputed Facts, together with the accompanying exhibits, are being filed simultaneously. Together, the record in this case and the law of South Dakota make clear that Northern Valley is entitled to summary judgment and that Sprint has unlawfully withheld intrastate access payments from Northern Valley for many years.

Dated: July 11, 2012

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served electronically on the 11th day of July 2012 upon the following:

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