

**EXHIBIT J**  
**PUBLIC VERSION**

## Carter, David

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**From:** Carter, David  
**Sent:** Wednesday, November 23, 2011 1:02 PM  
**To:** 'Schenkenberg, Philip'  
**Cc:** Buntrock, Ross; jcremer@bantzlaw.com; William Lawson (bret.lawson@sprint.com); Diane C. Browning (Diane.C.Browning@sprint.com)  
**Subject:** RE: SDPUC: Improperly Redacted - No Update from Sprint.xlsx

Phil:

Respectfully, your email is inaccurate in a number of ways, as I describe more fully below. Please let me know before close of business on Monday, November 28, 2011, if Sprint intends to modify its position or if you would like to schedule a telephonic meet and confer before the end of this month. Otherwise, we will unfortunately have little choice but to raise this issue with the PUC through a motion to compel.

1. First, you represent that documents addressed in my email to you "are not spreadsheets, but instead emails." Many of the documents on this list, however, are spreadsheets (XLS files) that even Sprint has acknowledged the order requires to be produced. Indeed, just looking at the first 10 documents on our list, there are many spreadsheets that Sprint failed to include in its re-production. For example, see: 7271, 7406, 7451, 7455, and 7475. (Still others, I note, appear to be PDF or PPT files that were derived, in whole or in part, from spreadsheets and would thus be encompassed by the existing order.) I again ask that you personally review the entire production to ensure that you are complying with the Commission's order.

2. Second, Sprint's position, misses the entire import of the PUC (and the Court's) decision. While the issue was resolved in the context of the specific language regarding spreadsheets in the procedural order, the import is clear: when a protective order is in place, a party should not redact information from responsive documents merely because the information is confidential. We do not believe that you have any good faith basis to continue resisting the production of relevant and discoverable information.

3. Point three is closely related to point two, but we want to ensure that we note our disagreement with your assertion that the information that has been redacted by Sprint is not relevant or discoverable. We believe that all of the information is relevant because the document as a whole has already been acknowledged to be relevant by being included in Sprint's production. Further, many of Sprint's redactions remove meaning from the produced materials, such as Sprint's repeated redaction of isolated portions of emails that relate and give context to their attachments. In other words, it is improper for Sprint to unilaterally declare portions of their documents irrelevant. Northern Valley is entitled to make its own assessment of whether information within a particular responsive document is relevant.

4. Finally, we are highly skeptical of your representations regarding purported burden. First, Sprint is the one that undertook the improper redactions in the first instance and, in so doing, assumed the risk that it would be required to make a corrective production. Second, every document production tool that I am aware of would enable Sprint to make this production electronically without requiring someone to manually undo the redactions (i.e., the production can be redone starting from the original native files without manually adjusting the redactions). And, even if a particular tool did not provide this option, we believe that the total amount of non-attorney time that it would take to accomplish the deletion of the improper redactions is minimal compared to the discovery burdens that Northern Valley has already endured to respond to Sprint's voluminous discovery requests. Thus, the expenses associated with the production are not unreasonable and we simply do not

agree with your characterization that it would require "a significant amount of time and effort" to properly fulfill your discovery obligations.

I hope that you will work cooperatively with us to avoid further motions practice on this issue.

Respectfully,  
David

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-----Original Message-----

From: Schenkenberg, Philip [mailto:PSchenkenberg@Briggs.com]  
Sent: Sunday, November 20, 2011 7:56 PM  
To: Carter, David  
Cc: Buntrock, Ross; jcremer@bantzlaw.com; William Lawson (bret.lawson@sprint.com); Diane C. Browning (Diane.C.Browning@sprint.com)  
Subject: RE: SDPUC: Improperly Redacted - No Update from Sprint.xlsx

David,

In your November 11 email you identified additional documents you suggested should be reproduced without redactions. You also indicated that Sprint should review its entire production for similar documents. As we look at those, they are not spreadsheets, but instead emails. The argument before the Commission was that Northern Valley needed unredacted native Excel files to understand the information contained therein. That doesn't apply to PDFs - with respect to the documents I have looked at, you can understand the references to Northern Valley without needing to see the names of other carriers and dispute amounts. We don't think Sprint is required by the Commission's order to redo our entire production, and it would take a significant amount of time and effort to do so. And if the intent is to see information that is not relevant to our dispute rather than to understand the information that is relevant to our dispute then that seems to be further reason we should not have to incur the expense of redoing that production.

Phil

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From: Carter, David [Carter.David@ARENTFOX.COM]  
Sent: Friday, November 11, 2011 10:37 AM  
To: Schenkenberg, Philip  
Cc: Buntrock, Ross; jcremer@bantzlaw.com

Subject: SDPUC: Improperly Redacted - No Update from Sprint.xlsx

Phil:

We have received Sprint's supplemental production of native files and your cover letter of November 7, 2011. Our initial review has led us to conclude that Sprint has not provided a full production of native files that were improperly redacted. While I cannot tell you that it is a complete list, we have identified 185 documents that we believe should have been included in the production, but which were not. I am attaching a spreadsheet identifying those 185 documents, but request that you carefully review all of Sprint's production to ensure that you are complying with the intent of the Commission's order. To the extent that certain documents that were not properly redacted are not spreadsheets, then you of course do not necessarily need to provide native files, but we do expect that you will provide us with new files that remove the improper redactions.

Given the time that has already passed since the Commission made its decision known to Sprint, please confirm that we will have these further materials by the end of next week.

Respectfully,  
David

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