

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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

TC 09-098

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)

**ORDER ISSUING A COMMISSION
TO THE FLORIDA STATE COURT
FOR THE OUT-OF-STATE
DOMESTICATION OF SUBPOENAS**

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OUT-OF-STATE DOMESTICATION OF SUBPOENAS**

The undersigned Commissioner of the South Dakota Public Utilities Commission (“PUC”) hereby issues a commission for the domestication of subpoenas in the State of Florida, as follows. For necessary discovery in the above-captioned matter pending before the PUC, in the investigation of matters asserted in the formal complaint filed by South Dakota Network, LLC and the third-party complaint filed by Sprint Communications Company L.P. (“Sprint”) before the South Dakota Public Utilities Commission, and such other issues as may develop during the course of the proceedings, the undersigned Commissioner has issued upon Sprint’s request, a commission directing the out-of-state domestication of subpoenas commanding non-party Sang Capital Group, LLC (“Sang”) to produce documents and designate a corporate representative to appear for depositions. This commission also directs the out-of-state domestication of a subpoena commanding non-party Alan Alpert (“Alpert”), president of Sang, to appear for depositions. These subpoenas are attached as **Exhibits A-C** to this commission.

South Dakota rule authorizes Commissioners of the PUC to issue these subpoenas for service within South Dakota: a Commissioner may, upon written request from a party to an action, issue a subpoena “requiring the attendance of witnesses and the production of records, books, papers, tariffs, agreements, contracts, and documents.” ARSD 20:10:01:17.

According to Sprint’s representations in requesting this commission, Sang and Alpert are residents of Seminole County in the State of Florida. Sprint has represented to the undersigned Commissioner that the State of Florida requires a commission to domesticate the subpoenas to Sang and Alpert for service in the State of Florida. Sprint has also represented to the undersigned Commissioner that, under Seminole County local practice, such commission may be issued by the individual with the authority to issue orders in the current action. The undersigned takes no position on the merits of those representations.

Accordingly, the undersigned Commissioner issues a commission to the State Court of Florida, authorizing and directing any entity which is authorized under the law of the State of Florida to issue subpoenas, to take such actions as may be required for issuance of subpoenas enforceable within Florida to the non-parties Sang and Alpert, commanding the document productions and deposition appearances required in the subpoenas. Sprint, the requesting party, shall submit this commission to the Seminole County Court of Florida, so providing.

ORDERED in the name of South Dakota Public Utilities Commission, Steve Kolbeck Chairman, this ____ day of March, 2011.

(SEAL)
