

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE FILING BY )	Docket No. TC11-010
AVENTURE COMMUNICATION )	
TECHNOLOGY, LLC dba AVENTURE )	<b>SPRINT'S MEMORANDUM IN</b>
COMMUNICATIONS FOR APPROVAL )	<b>SUPPORT OF AT&amp;T's MOTION</b>
OF ITS SWITCHED ACCESS SERVICES )	<b>TO COMPEL DISCOVERY FROM</b>
TARIFF No. 3 )	<b>AVENTURE</b>

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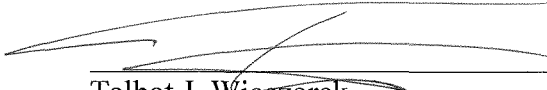
COMES NOW, Sprint Communications Company, LP, ("Sprint"), by and through its counsel, and hereby submits this Memorandum in Support of AT&T Communication of Midwest, Inc.'s ("AT&T") Motion to Compel Discovery from Aventure Communication Technology, LLC ("Aventure").

Sprint joins in AT&T's request for an Order to Compel Discovery. As this Commission knows, the standard for discovery is broad. SDCL § 15-6-26(b)(1) provides that information that may be "relevant to subject matter involved in the pending action" is discoverable. "This phraseology applies a broad construction of 'relevancy' at the discovery stage because one of the purposes of discovery is to examine information that may lead to admissible evidence at trial." *Kaarup v. St. Paul Fire & Marine Ins. Co.*, 436 N.W.2d, 17, 20 (SD 1989). The fact that Aventure argues that the information being sought may be more relevant for a Certificate of Authority application or a complaint Petition does not prevent its discovery here.

The information being sought by AT&T could shed light on the types of activities that Aventure may undertake under the vague tariff language Aventure proposes. Because of this, the Commission should compel the information from Aventure.

Dated this 14<sup>th</sup> day of October, 2011.

**SPRINT COMMUNICATIONS  
COMPANY, LP**



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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **Sprint's Memorandum in Support of AT&T's Motion to Compel Discovery from Aventure** was delivered by electronic mail this 14th day of October, 2011, to the following:

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