

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

**IN THE MATTER OF THE COMPLAINT FILED)
BY SOUTH DAKOTA NETWORK, LLC)
AGAINST SPRINT COMMUNICATIONS)
COMPANY L.P. REGARDING FAILURE TO)
PAY INTRASTATE CENTRALIZED EQUAL)
ACCESS CHARGES AND TO IMMEDIATELY)
PAY UNDISPUTED PORTIONS OF SDN'S)
INVOICES.)**

**ORDER APPROVING FIRST
AMENDMENT TO THE
CONFIDENTIALITY
AGREEMENT**

TC09-098

**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)**

On October 29, 2009, South Dakota Network LLC (SDN) filed its complaint against Sprint Communications LLC (Sprint) for 1) failing to pay intrastate centralized equal access charges at the rates approved by the SDPUC, 2) failing to immediately pay undisputed portions of SDN's invoices as required by SDN's Tariff, and 3) for payment by Sprint of SDN's costs of action, reasonable attorneys fees incurred by SDN, and for twice the amount of damages sustained by SDN, if SDN is required to recover its damages by suit or on appeal. On November 24, 2009, Sprint filed a Motion to Dismiss Count III, a Memorandum in Support of Motion to Dismiss Count III, an Answer, Affirmative Defenses, and Counterclaims and a Third Party Complaint. On December 14, 2009, SDN replied to the Counterclaim of Sprint.

On December 23, 2009, SDN filed a Corrected Reply to Sprint's Counterclaim. On January 22, 2010, Sancom, Inc. (Sancom), Northern Valley Communications, LLC (Northern Valley) and Splitrock Properties, Inc. (Splitrock), filed answers to Sprint's Third Party Complaint. On February 11, 2010, Sprint filed a Motion to Dismiss Northern Valley's Cross-Claim, a Memorandum in Support of Sprint's Motion to Dismiss Northern Valley's Cross Claim, a Motion to Dismiss Sancom's Cross-Claim and a Memorandum in Support of Sprint's Motion to Dismiss Sancom's Cross-Claim. On February 12, 2010, Sprint filed a corrected Memorandum in Support of Sprint's Motion to Dismiss Northern Valley's Cross-Claim and a corrected Memorandum in Support of Sprint's Motion to Dismiss Sancom's Cross-Claim. On February 22, 2010, SDN filed a Response to Sprint's Motion to Dismiss Count III. On February 26, 2010, Northern Valley and Sancom filed a Consolidated Memorandum in response to Sprint's Motion to Dismiss Cross-Claims. On June 7, 2010, SDN filed a Stipulation to File and Serve Amended Complaint. On June 7, 2010, Sprint filed an Answer to SDN's Amended Complaint. On September 1, 2010, SDN filed a Motion for Summary Judgment and Memorandum in Support of Summary Judgment.

On January 18, 2011, Sprint filed a Motion Requesting a Protective Order Requiring the Parties to Comply with a Confidentiality Agreement and a Confidentiality Agreement. On February 1, 2011, Northern Valley and Sancom filed a revised Confidentiality Agreement. On February 9, 2011, Commission granted Sprint's Motion Requesting a Protective Order Requiring the Parties to Comply with a Confidentiality Agreement.

On April 12, 2011, Sprint filed a Motion Requesting Approval of First Amendment to the Confidentiality Agreement.

The Commission finds that is has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-13 and 49-31.

At its April 19, 2011, meeting, the Commission considered Sprint's Motion Requesting Approval of First Amendment to the Confidentiality Agreement. None of the parties objected to approving the First Amendment to the Confidentiality Agreement. The Commission unanimously voted to grant Sprint's Motion.

It is therefore

ORDERED, that the Motion Requesting Approval of First Amendment to the Confidentiality Agreement, is hereby granted.

Dated at Pierre, South Dakota, this 27th day of April, 2011.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.
By: <u><i>Spencer Axelrod</i></u>
Date: <u>4-27-11</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Steve Kolbeck
STEVE KOLBECK, Chairman

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner