

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

**IN THE MATTER OF A COMPLAINT FILED
BY SPRINT COMMUNICATIONS COMPANY,
LP AGAINST NATIVE AMERICAN TELECOM,
LLC REGARDING TELECOMMUNICATIONS
SERVICES**

) **ORDER DENYING MOTION
) TO STRIKE AND GRANTING
) MOTION FOR LEAVE TO
) FILE A SUPPLEMENTAL
) REPLY BRIEF**

) **TC10-026**

On May 4, 2010, the Commission received a complaint from Sprint Communications Company, LP (Sprint) against Native American Telecom, LLC (NAT), in which Sprint seeks: 1) a determination that the Public Utilities Commission (Commission) has the sole authority to regulate Sprint's intrastate interexchange services and that NAT lacks authority to bill Sprint for switched access services without a Certificate of Authority and valid tariff on file with the Commission; 2) a declaration that because the Commission has the sole authority over Sprint's intrastate interexchange services, the Crow Creek Sioux Tribe Utility Authority is without jurisdiction over Sprint; and 3) a determination that NAT must repay Sprint the amounts it inadvertently paid NAT for unauthorized and illegal switched access charges. On May 5, 2010, Sprint filed an Amended Complaint.

On May 20, 2010, South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene. On May 21, 2010, Petitions to Intervene by South Dakota Network, LLC (SDN), Midstate Communications (Midstate) and AT&T Communications of the Midwest, Inc., (AT&T) were filed. On June 1, 2010, NAT filed a Motion to Dismiss and a Motion to Establish Briefing Schedule for Respondent's Motion to Dismiss. On June 4, 2010, Sprint filed its Response to Crow Creek Sioux Tribe Utility Authority's (CCSTUA) Motion to Dismiss, or in the Alternative, Petition to Intervene. On June 7, 2010, CCSTUA filed a Motion to Dismiss, or, in the Alternative, Petition to Intervene. At its regularly scheduled meeting on June 18, 2010, the Commission granted Petitions to Intervene to all parties. At its regularly scheduled meeting on August 10, 2010, the Commission voted to require that the Motion to Dismiss and Motion to Stay be briefed during the same briefing schedule. On October 12, 2010, NAT filed a Motion to Extend Filing Date of NAT's Reply Brief. On October, 13, 2010, Sprint filed a Stipulation to NAT's Request for Additional Time to File Reply Briefs in Support of its Motions to Stay and to Dismiss. On October 26, 2010, NAT filed a Reply Brief in Support of Motion to Stay/Motion to Dismiss. On October 26, 2010, a Second Declaration of Scott R. Swier in Support of Respondent NAT's Motion to Stay/Motion to Dismiss was filed. On November 15, 2010, Staff filed its Brief in Response to NAT's Motion to Stay and Motion to Dismiss. On December 6, 2010, Sprint filed a Reply to Staff's Brief in Response to NAT's Motion to Stay and Motion to Dismiss. On December 6, 2010, the Intervening Parties filed their Brief in Response to Staff's Brief to Motion for Stay and Motion to Dismiss. On December 7, 2010, NAT filed a Reply to Staff's Brief in Response to Motion to Stay and Motion to Dismiss. On December 13, 2010, Sprint filed a Motion for Leave to File a Supplemental Reply to NAT's Reply Brief, or to Strike. On

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December 13, 2010, a Supplemental Reply Brief of Sprint was filed. On January 10, 2011, NAT filed a Response to Sprint's Motion for Leave to File a Supplemental Reply to NAT's Reply Brief, or to Strike.

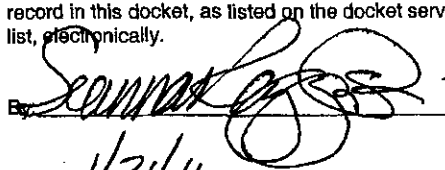
The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, and 49-13. The Commission may rely upon any or all of these or other laws of this state in making its determination.

At its regularly scheduled meeting on January 18, 2011, the Commission considered Sprint's Motion for Leave to File a Supplemental Reply to NAT's Reply Brief, or Motion to Strike. The Commission voted to deny the Motion to Strike and grant the Motion for Leave to File a Supplemental Reply Brief. It is therefore

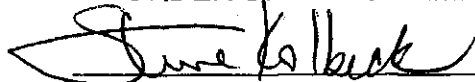
ORDERED, that Sprint's Motion to Strike is denied, and it is further

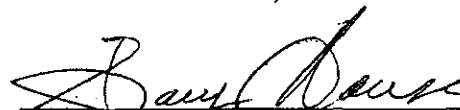
ORDERED, that Sprint's Motion for Leave to File a Supplemental Reply Brief is granted.

Dated at Pierre, South Dakota, this 31st day of January, 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: 
Date: <u>1/31/11</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:


STEVE KOLBECK, Chairman


GARY HANSON, Commissioner


CHRIS NELSON, Commissioner