

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

IN THE MATTER OF THE COMPLAINT)
FILED BY SPRINT COMMUNICATIONS)
COMPANY, LP AGAINST NATIVE) **Docket No. TC10-026**
AMERICAN TELECOM, LLC)
REGARDING TELECOMMUNICATIONS)
SERVICES)

**Respondent Native American Telecom LLC's
Motion for Protective Order**

Respondent Native American Telecom, LLC, ("NAT"), pursuant to SDCL 15-6-26(c) and S.D. Admin. R. 20:10:01:01.02, hereby moves the South Dakota Public Utilities Commission ("Commission") for a Protective Order staying further discovery in this matter, based on the following grounds:

1. NAT's "Motion to Dismiss" was filed with this Commission on June 1, 2010.
2. NAT's "Motion to Stay" was filed with this Commission on July 29, 2010.
3. NAT's "Motion to Stay" requests that this matter be stayed until the lawsuit now being prosecuted by Native American Telecom against Sprint Communications Company, L.P. ("Sprint") in Crow Creek Sioux Tribe – Tribal Court is concluded.
4. This Commission's "Staff Brief" was filed on November 15, 2010. The "Staff Brief" recommends that NAT's "Motion to Stay" be granted by this Commission.
5. Sprint is now seeking to engage in discovery by serving lengthy and detailed interrogatories and requests for production of documents, before this Commission has had an opportunity to rule on NAT's pending motions.
6. Until this Commission rules on the pending motions, NAT should be relieved of the time, undue burden, and undue expense involved in responding to lengthy and detailed discovery documents and other time-consuming discovery procedures.
7. Compelling NAT to respond to Sprint's discovery documents and possibly other discovery requests before resolution of NAT's pending motions will cause undue burden and expense to NAT and will result in the unnecessary expenditure of attorney's fees and costs.

This motion is based upon SDCL 15-6-26(c) and S.D. Admin. R. 20:10:01:01.02, all supporting memoranda, documents, and affidavits that may be filed and served in accordance with applicable law, and upon all files, records, and proceedings herein.

Dated this 7th day of March, 2011.

SWIER LAW FIRM, PROF. LLC

/s/ Scott R. Swier

Scott R. Swier

133 N. Main Street

P.O. Box 256

Avon, South Dakota 57315

Telephone: (605) 286-3218

Facsimile: (605) 286-3219

www.SwierLaw.com

scott@swierlaw.com

Attorneys for Respondent NAT

CERTIFICATION OF GOOD FAITH

I, *Scott R. Swier*, one of the attorneys for Respondent NAT in the above-entitled action, hereby certify that, consistent with the requirements of SDCL 15-6-26(c), I have attempted in good faith to confer with other affected parties in an attempt to resolve this discovery dispute without commission/court action, *through written exchanges*, with Sprint's counsel, before filing this motion for protective order.

Dated this 7th day of March, 2011.

SWIER LAW FIRM, PROF. LLC

/s/ *Scott R. Swier*

Scott R. Swier
133 N. Main Street
P.O. Box 256
Avon, South Dakota 57315
Telephone: (605) 286-3218
Facsimile: (605) 286-3219
www.SwierLaw.com
scott@swierlaw.com
Attorneys for Respondent NAT

CERTIFICATE OF SERVICE

I, *Scott R. Swier*, certify that on *March 7th, 2011*, *Respondent Native American Telecom*

LLC's Motion for Protective Order, was served via *electronic mail* upon the following:

Ms. Patty Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 East Capitol
Pierre, S.D. 57501
patty.vangerpen@state.sd.us

Ms. Karen Cremer
Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol
Pierre, S.D. 57501
karen.cremer@state.sd.us

Mr. David Jacobson
Staff Analyst
South Dakota Public Utilities Commission
500 East Capitol
Pierre, S.D. 57501
david.jacobson@state.sd.us

Ms. Darla Pollman Rogers
Attorney at Law
Riter Rogers Wattier & Brown LLP
P.O. Box 280
Pierre, S.D. 57501-0280
dprogers@riterlaw.com

Mr. Richard D. Coit
Executive Director and General Counsel
SDTA
P.O. Box 57
Pierre, S.D. 57501
richcoit@sdtaonline.com

R. William M. Van Camp
Attorney at Law
Olinger Lovald McCahren & Reimers PC
P.O. Box 66
Pierre, S.D. 57501-0066
bvancamp@olingerlaw.net

Mr. William P. Heaston
V.P., Legal & Regulatory
SDN Communications
2900 West 10th Street
Sioux Falls, S.D. 57104
bill.heaston@sdncommunications.com

Ms. Diane C. Browning
6450 Sprint Parkway
Overland Park, Kansas 66251
diane.c.browning@sprint.com

Mr. Stanley E. Whiting
142 E. 3rd Street
Winner, S.D. 57580
swhiting@gwtc.net

Mr. Phillip Schenkenberg
Briggs and Morgan, P.A.
80 South 8th Street
2200 IDS Center
Minneapolis, Minnesota 55402
pschenkenberg@briggs.com

Mr. Scott G. Knudson
Briggs and Morgan, P.A.
80 South 8th Street
2200 IDS Center
Minneapolis, Minnesota 55402
sknudson@briggs.com

Ms. Judith Roberts
Attorney at Law
P.O. Box 1820
Rapid City, South Dakota 57709
jhr@demjen.com

Mr. Tom D. Tobin
422 Main Street
P.O. Box 730
Winner, S.D. 57580
tobinlaw@gwtc.net

/s/ Scott R. Swier

Scott R. Swier