

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

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| IN THE MATTER OF A COMPLAINT FILED BY SPRINT COMMUNICATIOOS COMPANY, LP AGAINST NATIVE AMERICAN TELECOM, LLC REGARDING TELECOMMUNICATIONS SERVICES |))))) | ORDER SETTING BRIEFING SCHEDULE TC10-026 |
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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; 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. On June 10, 2010, Sprint filed its Response to NAT Motion to Establish Briefing Schedule for its Motion to Dismiss. On June 15, 2010, the Commission granted intervention to SDN, SDTA, Midstate, AT&T, and CCSTUA. On July 27, 2010, NAT filed a Notice of Tribal Court Litigation. On July 29, 2010, NAT filed a Motion to Stay. On August 3, 2010, Sprint filed an Opposition to NAT's Motion to Stay and Sprint's Motion to Establish Briefing Schedule. On August 5, 2010, AT&T filed an Opposition of the Motion to Stay filed by NAT. On August 5, 2010, SDN, SDTA, and Midstate filed an Opposition to NAT's Motion to Stay and Support of Sprint's Motion to Establish Briefing Schedule. On August 6, 2010, NAT filed a Response to Sprint's Opposition to State and Motion to Establish Briefing Schedule. On August 9, 2010, CCSTUA filed a Support of the Motion to Stay by NAT.

At its regularly schedule meeting on August 10, 2010, the Commission considered the setting of a briefing schedule. The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-13, and 49-31 and ARSD 20:10:01:15.05. After consideration of the arguments of the parties, the Commission voted to require that the Motion to Dismiss and Motion to Stay be briefed during the same briefing schedule (Chairman Johnson, dissenting). The Commission set the following schedule for the briefs:

Briefs in support of the Motion to Dismiss and Motion to Stay to be filed on or before September 6, 2010;

Briefs in opposition to the Motion to Dismiss and Motion to Stay to be filed on or before September 27, 2010;

Reply briefs in support of the Motion to Dismiss and Motion to Stay to be filed on or before October 11, 2010;

Staff brief in response to the Motion to Dismiss and Motion to Stay to be filed on or before November 1, 2010; and

Replies to Staff brief to be filed on or before November 15, 2010.

It is therefore

ORDERED, that the parties shall follow the briefing schedule as set forth above.

Dated at Pierre, South Dakota, this 25th day of August, 2010.

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| 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>[Signature]</u> |
| Date: <u>08/25/10</u> |
| (OFFICIAL SEAL) |

BY ORDER OF THE COMMISSION:

[Signature]
DUSTIN M. JOHNSON, Chairman
(dissenting)

[Signature]
STEVE KOLBECK, Commissioner

[Signature]
GARY HANSON, Commissioner