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BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE PETITION OF  
BROOKINGS MUNICIPAL UTILITIES  
D/B/A SWIFTEL COMMUNICATIONS  
FOR SUSPENSION OR MODIFICATION  
OF DIALING PARITY, NUMBER  
PORTABILITY AND RECIPROCAL  
COMPENSATION OBLIGATION

Docket No. TC07-007

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**MOTION TO COMPEL RESPONSES AND PRODUCTION OF  
DOCUMENTS ADDRESSED TO MIDCONTINENT COMMUNICATIONS  
AS PROPOUNDED BY  
BROOKINGS MUNICIPAL UTILITIES D/B/A  
SWIFTEL COMMUNICATIONS**

Brookings Municipal Utilities d/b/a Swiftel Communications (Swiftel) by its attorneys, hereby moves for an order, pursuant to SDCL 15-6-37(a), compelling Midcontinent Communications (Midcontinent) to provide responses to all of the discovery requests and requests for production propounded in the **Discovery Requests of Brookings Municipal Utilities D/B/A Swiftel Communications to Midcontinent Communications**, served on Midcontinent by Swiftel on June 9, 2008.

Responses to discovery requests were due on June 25, 2008. Midcontinent did not, and to date has not yet responded or objected in any way to Swiftel's discovery requests. On Thursday, June 28, 2008, again on Wednesday, July 2, 2008, and again on Monday, July 7, 2008, Swiftel followed up with counsel for Midcontinent via email to determine whether Midcontinent intended to respond. As of today, July 7, 2008, Midcontinent has not responded to any follow-up email with its intentions.

Furthermore, although the parties have agreed to post-pone the date of motions to compel in this docket to Friday, July 11, 2008, Swiftel notes that Midcontinent has not participated in this discussion nor affirmed its agreement with this arrangement. Therefore, in an abundance of caution, Swiftel files this motion to compel responses to its discovery requests of June 9, 2008.

In addition, Swiftel asks the Commission to compel Midcontinent to provide its answers under oath. SDCL Section 15-6-33(a) states that:

Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the objecting party shall state the reasons for the objection and shall answer to the extent the interrogatory is not objectionable.

Swiftel requests the Commission ensure that in directing Midcontinent to respond, Midcontinent does so in accordance with SDCL Section 15-6-33(a).

Swiftel reserves the right to file a further motion in the event that Midcontinent responds or objects in any way to the aforementioned discovery requests and requests for production.

For all of the above reasons, Swiftel requests that the Commission direct Midcontinent to provide complete responses to the discovery requests and requests for production contained in the **Discovery Requests of Brookings Municipal Utilities D/B/A Swiftel Communications to Midcontinent Communications** dated June 9, 2008. Swiftel also asks the Commission to compel Midcontinent to provide its answers under oath as required by SDCL Section 15-6-33(a).

Respectfully submitted,

BROOKINGS MUNICIPAL UTILITIES D/B/A/  
SWIFTEL COMMUNICATIONS

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July 7, 2008

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 7th day of July, 2008, a copy of the Motion to Compel Responses and Production of Documents addressed to Midcontinent Communications as propounded by Brookings Municipal Utilities D/B/A Swiftel Communications was served via electronic mail and by U.S. Mail, postage prepaid, to the following:

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