
BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

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
Obligations

Docket No. TC07-007

**MOTION TO COMPEL RESPONSES AND PRODUCTION OF
DOCUMENTS ADDRESSED TO SPRINT COMMUNICATIONS COMPANY, LP
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 Sprint Communications Company, LP (Sprint) to provide substantive, non-evasive responses to discovery requests 3, 4, 5, 8, 10, 11, 12, 14, 17, 18, 19, 33, 34, 35, 42, 43, 44, 45, 46, 49, 55, 56, 57, 63, 64, 66, 68, 69 and to produce the documents requested in Requests for Production of Documents 1, 2, 8, 11, 13, 15, and 17 contained in the Discovery Requests of Brookings Municipal Utilities d/b/a Swiftel Communications to Sprint dated June 9, 2008. Because the information sought in these discovery requests and requests for production of documents is relevant and discoverable, Sprint's objections should be overruled and Sprint should be directed to provide meaningful answers and to produce documents responsive to the subject discovery and document requests.

In addition, Swiftel asks the Commission to compel Sprint 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.

Sprint has not provided its answers under oath and, therefore, it is not in compliance with SDCL Section 15-6-33(a).

Swiftel's specific arguments in connection with each discovery request and document production request are detailed below. The discovery request and document production request, along with Sprint's objections and response, are provided before Swiftel's argument in connection with each such objection and response.

INTERROGATORIES 3, 8 AND 10

Interrogatory 3 Identify each Telecommunications Carrier you have exchanged Telecommunications Traffic with, either directly or indirectly, during the past 12 months in South Dakota.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague, overbroad], 3[relevance], 4 [already in public record] and 5 [unduly burdensome].

Interrogatory 8 Identify all interconnection arrangements Sprint has entered into 1) in South Dakota and 2) with any ILEC in which Sprint alleges to jointly provide service with a cable company and detail in every way how they differ from Sprint's proposed interconnection arrangement with Swiftel.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague, overbroad], 3[relevance], 4 [already in public record] and 5 [unduly burdensome]. Subject to and without waiving these objections Sprint's response is: Qwest.

Interrogatory 10 Identify any switch not owned by the Company that is directly or indirectly interconnected with any of your switches. Include the owner, status

(affiliate or specified third parties, including local exchange Carriers, interexchange Carriers, and CMRS carriers), model, physical location, and date of interconnection for each such switch.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague, overbroad], 3[relevance], and 5 [unduly burdensome].

ARGUMENT

The information sought by Swiftel is relevant because it will provide evidence related to Swiftel's cost estimates in the Petition. As shown in the cost exhibits, the number of carriers to whom Swiftel may be required to transport traffic and the location to which Swiftel may be required to transport traffic will affect the cost of transport. Sprint states in its response to Discovery Request 29 that Swiftel is required to transport traffic to Sprint in the LATA. The LATA in which Swiftel operates is the majority of the state of South Dakota. Accordingly, by its own statements, Sprint indicates that as a practical matter Swiftel could be required to transport traffic to any point of interconnection in South Dakota that Sprint may have with another carrier. Accordingly, the identification of all telecommunications carriers with whom Sprint has exchanged Telecommunications Traffic (Interrogatory 3); the identification of all interconnection arrangements Sprint has entered in South Dakota (Interrogatory 8); and the identification of switches not owned by Sprint that are directly or indirectly interconnected with Sprint's switches (Interrogatory 10), is relevant to this inquiry. Thus, Sprint's objections must be denied.

Further, contrary to Sprint's claims, the interrogatories clearly and unambiguously ask Sprint to provide specific information and the provision of this specific and finite information will not place an undue burden upon Sprint with respect to either time or

expense. For example, Sprint will not be burdened by identifying the 25 or so interconnection arrangements in question, and indicating how they differ from Sprint's proposed interconnection arrangement with Swiftel. Finally, Swiftel is not aware of the existence or location of the requested information in the public record before the Commission; however, if the information is in the public record, it will not entail any undue burden upon Sprint to furnish it.

With respect to its Response to Interrogatory 8, Sprint's one-word response ("Qwest") is incomplete and inadequate.

Swiftel hereby limits the scope of Interrogatory 10 to third party switches in South Dakota and western Minnesota, thereby eliminating any basis for claims of vagueness or over-breadth by Sprint.

INTERROGATORIES 4, 5, 55, 56 and 57

Interrogatory 4 Identify all Sprint switches, interoffice transport routes, intercompany transmission facilities, points of interconnection with other carriers, and call record data collection points in the South Dakota LATA #640 and in MTA 12. Identify capacity and in-service plant associated with each switch, transport transmission equipment, route, and/or facility.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 3[relevance], 5 [unduly burdensome] and 7 [large corporation; records in multiple locations].

Interrogatory 5 Identify any current or planned shared transport and/or transmission routes and interface points between Sprint's network and MCC Telephony of the Midwest, Inc. (MCC or Mediacom) network in South Dakota. To the extent that Sprint utilizes or will utilize any of the Mediacom network or Mediacom utilizes or will utilize any of the Sprint network, identify the facilities associated with such usage and the purpose of any such utilization.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 3[relevance] and 5 [unduly burdensome].

Interrogatory 55 Provide a list of all equipment and facilities in South Dakota which are 1) owned, 2) leased or 3) controlled by Sprint, including but not limited to switching equipment (Stored Program Control Class 5 and Class 4 switches

including remote switches for these switches, Next Generation / Soft Switches including all servers or ancillary gateways, IP PBXs, analog PBXs), data routers / switches, and transport equipment (ATM, SONET, MPLS, Frame Relay, IP, and wave division multiplexing) which are available for use to provide facilities-based competitive local and long distance voice service with MCC.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 3[relevance] and 5 [unduly burdensome].

Interrogatory 56 Provide a list of all equipment and facilities in South Dakota which Sprint intends to use to provide facilities-based competitive local and long distance voice service with MCC, including but not limited to switching equipment (Stored Program Control Class 5 and Class 4 switches including remote switches for these switches, Next Generation / Soft Switches including all servers or ancillary gateways, IP PBXs, analog PBXs), data routers / switches, and transport equipment (ATM, SONET, MPLS, Frame Relay, IP, and wave division multiplexing).

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague; overly broad], 3[relevance] and 5 [unduly burdensome].

Interrogatory 57 Provide a list of the locations by street address of all equipment and facilities identified in Discovery Requests 55 and 56. These locations shall include but not be limited to locations of buildings, huts, collocation sites, and electronic equipment cabinets both pad and pole mounted.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague; overly broad], 3[relevance] and 5 [unduly burdensome].

ARGUMENT

These questions concern the location of Sprint facilities and transport and transmission routes. This information is necessary to determine the costs associated with transporting calls, especially where Swiftel would be required to transport such calls outside its territory. The information requested is relevant to determining the economic burden placed upon Swiftel by the requirements of LNP, Dialing Parity, and Reciprocal Compensation. Further, Alltel and Sprint have argued that Swiftel's modeled method of transport is inefficient and that alternative, more efficient methods exist. The responses to the questions will provide information in connection with these claims.

Sprint will not be burdened unduly with respect to either time or expense by being required to identify its network facilities within the LATA and MTA (Interrogatory 4); to identify its handful of transmission routes and interface points with MCC and Mediacom in South Dakota (Interrogatory 5); to identify its South Dakota network facilities which may be utilized for alternative interconnection and transport arrangements; to identify its and MCC's South Dakota network facilities which may be utilized for alternative interconnection and transport arrangements and to list the specific locations by street address of its and MCC's South Dakota network facilities which may be utilized for alternative interconnection and transport arrangements. Finally, these Interrogatories are clear and limited.

Interrogatory 11 Quantify the volume of traffic (by MOU) sent to Swiftel for termination for the last 12 months and for year end 2000-2007, inclusive, by the following traffic types:

- a) IntraMTA Wireless**
- b) Local Wireline or EAS**
- c) Wireline Toll**
- d) InterMTA Wireless**
- e) Through the Qwest tandem**

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objection 5 [unduly burdensome]. In addition this data request [sic] for information that should be in the possession of Swiftel.

ARGUMENT

Sprint does not question the relevance or existence of the traffic information sought by Interrogatory 11. Sprint plainly knows the amounts and types of traffic that it has sent to Swiftel for termination during the requested periods. On the other hand, Swiftel has some of this information, but its data is virtually certain not to be complete

and accurate due to the “phantom traffic” problems with missing, erroneous or stripped call identifying information that have plagued carriers like Swiftel during recent years. Sprint will not be burdened unduly with respect to either time or expense by furnishing relevant traffic data within its possession.

INTERROGATORY 12

Interrogatory 12 For each of the South Dakota local exchanges in which you offer service, provide 1) the number of CLEC access lines, stated separately as to business and residential and stated separately as to local or toll, served by you in each exchange for each of the last 12 months, and for year end 2000 through 2007 inclusive and 2) the number of wireless subscribers served by you in each exchange for each of the last 12 months, and for year end 2000 through 2007 inclusive.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague, overbroad], 3[relevance], and 5 [unduly burdensome]. Subject to and without waiving these objections Sprint’s response provides the available data: [certain proprietary data for year end 2006 and 2007]

ARGUMENT: The responses to this question will provide information to support Swiftel’s cost exhibits and its claims regarding the public interest and to refute Sprint’s contrary arguments. They also will provide information to refute Sprint’s and Alltel’s claims regarding the effect on competition of Swiftel’s petition. In his testimony at page 23, Sprint Witness Farrar claims that Swiftel’s cost exhibits are grossly overstated because Swiftel has incorrectly assumed the amount of market share it will lose to Sprint. Mr. Farrar then offers a different calculation of Swiftel’s projected market share loss based on publicly available cable telephone penetration rates. The requested access line and wireless subscriber numbers will provide information specific to South Dakota and specific to Sprint to assist Swiftel in determining the nature, amount and growth of the Sprint traffic it will be asked to transport and the costs of such transport.

The alleged proprietary information furnished by Sprint was wholly unresponsive to the Interrogatory for several reasons, including: (a) no data whatsoever was provided for each of the prior 12 months, or for year end 2000 through 2005; (b) the CLEC access data was not provided separately for business and residential access lines or for exchanges; (3) only a single wireless “number” was furnished without any indication as to what exchange, month or year it applied. Sprint will not be burdened unduly with respect to either time or expense by providing specific and limited access line and wireless subscriber information that is readily available in its possession. Finally, this Interrogatory is specific and clear rather than vague, and is limited to the South Dakota exchanges in which Sprint offers service.

INTERROGATORY 14

Interrogatory 14 Identify all financial arrangements made with Mediacom and provide a copy of all documents associated with those financial arrangements.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 1 [attorney-client privilege], 2 [vague; overly broad], 3[relevance], 5 [unduly burdensome], 6 [economic considerations of potential competitors], and 7 [large corporation; records in multiple locations].

ARGUMENT: The responses to these questions will provide information to support Swiftel’s claims regarding the public interest and to refute Sprint’s and Alltel’s claims regarding the effect on competition of Swiftel’s petition. Further, the response to Interrogatory 14 will provide information in connection with Sprint’s arguments concerning whether Swiftel should bear the expense of transporting local traffic outside of Swiftel’s local exchange service area to Sprint’s POP in Sioux Falls if Sprint has made alternative and/or inconsistent financial arrangements with Mediacom regarding

interconnection and traffic. Swiftel requests a listing plus copies of the relevant financial agreement(s) regarding interconnection, traffic handling and traffic compensation between Sprint and Mediacom (none of which are covered by attorney-client privilege or attorney work product doctrine), and does not require any privileged attorney-client memoranda or communications regarding such agreement(s). With this clarification, Sprint cannot claim that Interrogatory 14 is vague or overly broad. Finally, such agreement(s) for the active and developing Mediacom relationship should be readily located by Sprint notwithstanding its multiple locations, and can be furnished without an undue burden of effort or expense.

Interrogatory 17 For each type of local service offered by Sprint CLEC (residential access line, business access line, trunks, etc.), please provide the percentage of local service customers that pre-subscribe to or utilize Sprint's:

- a) InterLATA long distance service.**
- b) IntraLATA long distance service.**

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague; overly broad], 3[relevance] and 5 [unduly burdensome].

ARGUMENT: Interrogatory 17 is reasonably calculated to lead to the discovery of admissible evidence relevant to the issues of the economic burdens and costs upon Swiftel, as well as the economic impacts upon Swiftel customers and other South Dakota users of telecommunications services, of the potential requirements that Swiftel provide dialing parity, local number portability and/or reciprocal compensation to Sprint. The subject Interrogatory is clear and specific, and can be readily furnished without an undue burden of effort or expense.

INTERROGATORIES 18, 19, 44, 45, 63, 66

Interrogatory 18 For each of the three most recent years for which the data is available, please provide a breakdown of total revenue by service group including, but not limited to, residential local service, business local service, DSL service, special access, switched access, custom calling features, CLASS services, residential inside wire or cabling services, business cabling services, long distance service, wireless service, Internet service, and voice mail.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 3[relevance], 5 [unduly burdensome] and 6 [economic considerations of potential competitors].

Interrogatory 19 For all areas where Sprint is a CLEC, provide the average revenue per month (per residential access line and business access line), including all services sold to those customers.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague; overly broad], 3[relevance], 5 [unduly burdensome] and 6 [economic considerations of potential competitors].

Interrogatory 44 For each service identified in response to Interrogatory 18 above, provide the net income generated on an annual basis for the years 2000 through 2007, inclusive.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 3[relevance], 5 [unduly burdensome] and 6[economic considerations of potential competitors].

Interrogatory 45 Provide Sprint's return on investment for the years 2005 through 2007.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 3[relevance], 4 [already in public record] and 6[economic considerations of potential competitors].

Interrogatory 63 Provide projected revenues from your CLEC operation in Swiftel's service area for 5 years and provide any projected revenue report prepared for your CLEC operation in Swiftel's service area.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 3[relevance], 5 [unduly burdensome] and 6[economic considerations of potential competitors].

Interrogatory 66 Provide projected net income from your CLEC operation in the Swiftel service for 5 years.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 3[relevance], 5 [unduly burdensome] and 6[economic considerations of potential competitors].

ARGUMENT: These questions seek information relevant to the issue of whether grant of the requested suspension or modification is in the public interest and whether it will harm competition, as alleged by Alltel and Sprint. If Sprint's revenues, income and return on investment have been adequate during the period in question, it should be able to offer effective local exchange competition in Swiftel's local service area even if it is not able to force Swiftel to bear the burden and expense of delivering traffic to Sprint in Sioux Falls. Swiftel does not know where it can access any of this information in the public record. However, if such information is in the public record, it should not be an undue burden for Sprint to furnish it nor to tell Swiftel exactly where to find it.

INTERROGATORIES 33 AND 34

Interrogatory 33 Describe how Sprint Wireless assigns telephone numbers to subscribers. Does Sprint only assign telephone numbers to subscribers in the rate center in which they reside? In the rate center that corresponds to the subscriber's billing address?

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 3[relevance] and 5 [unduly burdensome].

Interrogatory 34 Does Sprint Wireless intend to assign telephone numbers rated to the Brookings rate center and populate the LERG directing Swiftel's originating calls to the numbers to be routed to Minneapolis? If so, describe how originating calls would be transported to Minneapolis and the role of each carrier that would be involved in the process.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague; overly broad], 3[relevance] and 5 [unduly burdensome].

ARGUMENT: The response to Interrogatories 33 and 34 will provide information in connection with Swiftel's costs exhibits and the transport burden that could be imposed on Swiftel if the Petition is not granted. Even though carriers may assign telephone numbers in a rate center, if the subscriber is not located in that rate center, the ILEC may be required to transport traffic to a different location. The information requested also will test Sprint's representations concerning where it seeks to require Swiftel to transport traffic. Disclosure of its procedures for assigning telephone numbers in general and its specific procedure in the Brookings rate center and a response to the two specific questions asked in Interrogatory 33 is not an undue burden in effort or expense.

INTERROGATORY 35

Interrogatory 35 At page 16 of his testimony, Mr. Burt states that factors can be applied effectively without disturbing appropriate compensation methods. Identify all interconnection agreements with rural ILECs where traffic factors are used or have been used. For each agreement identified, state the traffic factor for access traffic that applied for the years 2004 through 2007. For each month from January 2004 through December 2007, provide the actual minutes of use that correspond to the traffic factor.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague; overly broad], 4 [already in public record] and 6 [economic considerations of potential competitors].

ARGUMENT: Sprint does not challenge the relevance of Interrogatory 35, which directly tests Mr. Burt's allegation regarding traffic factors. The question is clear and narrow, for it limits the test to Sprint interconnection agreements where traffic factors have been employed. Swiftel does not know the state commissions and dockets in which such interconnection agreements have been filed, but Sprint has such agreements in its

possession and can provide the requested information without any undue burden of effort or expense. Finally, this Interrogatory 35 is directly related to the accuracy of Mr. Burt's testimony, and has nothing to do with economic considerations of potential competitors.

INTERROGATORY 42

Interrogatory 42 Identify any Sprint 1) CLEC traffic and 2) wireless traffic on trunk groups between the Qwest tandem and a rural ILEC end office by month and for each year from 2004 through 2008.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague; overly broad], 3[relevance] and 5 [unduly burdensome].

ARGUMENT: This information will support Swiftel's method of determining the costs associated with transporting traffic and in calculating the economic impact on Swiftel associated with dialing parity and reciprocal compensation. This information also is necessary to test various claims made by Interveners. For example, at page 4 of Mr. Williams' testimony, Alltel alleges that there is no need for Swiftel's suspension petition because Swiftel has been able to successfully negotiate interconnection agreements with Alltel and others. Further, at page 10, Mr. Williams states that Swiftel has overstated the need for transport by modeling direct connections to each competitor, when other connections (indirect connections) would be more efficient. Accordingly, the relative merits and efficiency of direct versus indirect connections is relevant to this proceeding

and to Interveners' claims. Swiftel seeks information from Sprint to test those claims and, accordingly, Sprint's objections should be denied.

INTERROGATORY 43

Interrogatory 43 Detail all efforts undertaken by Sprint Wireless to get IXCs to enter into access agreements.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague; overly broad], 3[relevance] and 5 [unduly burdensome].

ARGUMENT: This Interrogatory is directly related to the accuracy of Mr. Burt's testimony at page 23, in which Mr. Burt challenges Swiftel's statements regarding wireless carriers and access revenues and in which Mr. Burt states that Sprint has not been successful in getting IXCs to enter into such agreements. Finally, the subject Interrogatory is clear and limited.

INTERROGATORY 46

Interrogatory 46 At page 14-15 of his testimony, Mr. Farrar cites a number of state commission decisions concerning the delivery of traffic. Identify any of the cited state commission decisions that were suspension petition cases pursuant to Section 251(f)(2) of the Act.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 3[relevance] and 4 [already in public record].

ARGUMENT: Interrogatory 46 is directly relevant to the accuracy and weight of Mr. Farrar's testimony and to his qualifications. Whether or not these decisions are published and available in law libraries or on websites, Mr. Farrar and his employer Sprint should know and disclose whether the referenced cases were Section 251(f)(2) suspension/modification proceedings.

INTERROGATORY 49

Interrogatory 49 Identify the contract Sprint and MCC have entered to provide service within the area served by Swiftel.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 3[relevance] and 5 [unduly burdensome].

ARGUMENT: The response to Interrogatory 49 will provide evidence regarding Swiftel's cost exhibits, the effect of its petition on the public interest and Sprint's statements regarding the Petition's impact on competition. It is the document which may specify the facilities, interconnection points, term, and financial impact of Sprint's proposed service. In addition, it will provide information to test Sprint's various statements about its provision of service in Swiftel's service area. It is not unduly burdensome from an effort or expense standpoint for Sprint to identify and produce (in response to Request for Production 1) the contract detailing its interconnection and traffic handling arrangements with MCC.

Interrogatory 64 Provide your projected local service rates for any CLEC customers by customer class in the Swiftel service area.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 3[relevance], 5 [unduly burdensome] and 6[economic considerations of potential competitors].

ARGUMENT: This question seeks information relevant to the issue of whether grant of the requested suspension or modification is in the public interest and whether it will harm competition, as alleged by Alltel and Sprint. If Sprint is required to bear the cost of transport to a distant location selected by Sprint, knowing the base rate for service will

allow Swiftel to calculate the potential impact on Sprint and its customers. It should not be an undue burden for Sprint to furnish this information. As for its claim that it should not be required to provide its rates for services due to considerations of potential competitors, there is a confidentiality agreement in place which protects this information.

INTERROGATORY 68

Interrogatory 68: Identify Sprint CLEC's connection to the Mediacom network in Attachment 4 - Sprint proposal.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague; overly broad] and 3[relevance].

ARGUMENT: Interrogatory 68 seeks admissible evidence relevant to the understanding and accuracy of Attachment 4 to Sprint's own (interconnection, traffic routing) proposal. It very clearly asks for identification of a single or limited number of connections to a single specified network, and can not be deemed "vague" or "overly broad" under any conceivable usage of those terms.

INTERROGATORY 69

Interrogatory 69 Provide the basis for Attachment 4 - Sprint proposal.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague; overly broad] and 3[relevance].

ARGUMENT: Interrogatory 69 seeks admissible evidence relevant to the understanding and accuracy of Attachment 4 to Sprint's own (interconnection, traffic routing) proposal. It very clearly asks for an explanation of the basis of a single attachment that Sprint has presented, and can not be deemed "vague" or "overly broad" under any conceivable usage of those terms.

REQUESTS FOR PRODUCTION OF DOCUMENTS

Request for Production 1 Provide all documents that you relied on or that support your answers to the Interrogatories or that were identified in your response.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague; overly broad], 3[relevance], 4 [already in public record] and 5 [unduly burdensome].

ARGUMENT: The documents requested are relevant because they were relied upon by Sprint as support for its responses to Interrogatories, or were identified by Sprint in such responses. Requests for a party to produce documents that it has identified or relied upon in responding to Interrogatories the same proceeding are not vague or overly broad, while the production of such documents is not unduly burdensome.

Request for Production 2 Produce a copy of any agreement Sprint (as a CLEC and/or Wireless carrier) has with a Telecommunications Carrier or cable provider in South Dakota that includes terms dealing with any one or more of the following: interconnection, the exchange of Telecommunications Traffic, reciprocal compensation, local number portability, or dialing parity.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague; overly broad], 3[relevance], 4 [already in public record] and 5 [unduly burdensome].

ARGUMENT: Request for Production 2 is reasonably calculated to lead to the discovery of admissible evidence relevant to Swiftel's cost exhibits and the statements made by Sprint concerning interconnection, the exchange of Telecommunications Traffic, reciprocal compensation, local number portability, or dialing parity.

The limited number of South Dakota agreements requested is likely to indicate whether Sprint has proposed or accepted alternative interconnection and transport arrangements with other service providers. Swiftel is not aware that all of the requested documents are readily available in the public record and, in fact, believes that all requested documents are not publicly available. Swiftel's belief is based on Sprint's statements that it has not

and will not file its agreement with MCC with the Commission. Sprint will not be burdened unduly with respect to either effort or expense by being required to furnish the clearly described and limited number of South Dakota agreements requested.

Request for Production 8 Please provide copies of all your annual ETC certification filings for both wireline and wireless ETC made with the South Dakota Public Utilities Commission (SDPUC) since January 1, 2003 including any responses to or correspondence with SDPUC staff regarding the filings or information included in such filings.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague; overly broad], 3 [relevance], 4 [already in public record], 5 [unduly burdensome] and 6 [economic considerations of potential competitors].

ARGUMENT:

Request for Production 8 is not vague or overly broad – it asks for specific annual filings for specific years. The annual ETC certifications are determine whether grant of Swiftel’s Petition will have any financial impact on Sprint, the impact that granting Swiftel’s Petition would have on Sprint’s ability to provide competitive services, and whether granting the Petition is in the public interest. Swiftel has checked the South Dakota Public Utilities Commission website and has not located the documents requested. Production of a single annual filing the company has been making since 2003 is hardly unduly burdensome, and if the documents are in the public record as Sprint contends, there can be no concern about potential competitors.

Request for Production 11 Provide a copy of a trunk diagram for traffic routed between Sprint and Swiftel showing how all traffic types are routed between Sprint and Swiftel.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague; overly broad], 3[relevance] and 5 [unduly burdensome].

ARGUMENT: Request for Production 11 will produce admissible evidence in connection with Swiftel's costs exhibits, in particular the cost of transport. It is eminently reasonable for Swiftel to ask Sprint to provide a diagram showing how it routes or proposes to route various types of wireline and wireless traffic to Swiftel, *inter alia*, so that Swiftel can compare the nature and costs of the Sprint-to-Swiftel routes with the Swiftel-to-Sprint routing demanded by Sprint. Sprint will not be burdened unduly with respect to either effort or expense by being required to furnish the clearly described and limited trunk diagram requested.

Request for Production 13 Provide a copy of the contract and other documents, including addendums and amendments, which establish and govern the operations and business relationship between Sprint and MCC.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague; overly broad], 3[relevance] and 5 [unduly burdensome].

ARGUMENT: The requested documents are likely to enable Swiftel to determine such relevant matters as: (a) the interconnection and traffic routing arrangements between Sprint and MCC; (b) the degree to which Sprint and MCC share or bear the costs of such interconnection and traffic routing arrangements; and (c) the manner, ease and likelihood of termination of the Sprint-MCC arrangements (which can adversely impact Swiftel's investments, as well as its ability to recover ported numbers and to collect reciprocal compensation). The subject Request for Production is very specific and limited. Sprint will not be burdened unduly with respect to either effort or expense of furnishing the documents requested.

Request for Production 15 Provide all agreements between Sprint including its affiliates or MCC including its affiliates with other third parties that are required to implement the delivery of services as outlined in its Petition requesting arbitration.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague; overly broad], 3[relevance] and 5 [unduly burdensome].

ARGUMENT: The requested documents are likely to enable Swiftel to determine such relevant matters as the interconnection and traffic routing arrangements between Sprint, MCC and any third parties. The subject Request for Production is specific and limited and Sprint will not be burdened unduly with respect to either effort or expense of furnishing the documents requested. If there are no such documents, Sprint should simply so state.

Request for Production 17 Provide a copy of all annual filings made with the SD PUC for the past 5 years.

Sprint Response: Sprint objects to this Interrogatory for reasons more specifically set forth in General Objections 2 [vague; overly broad], 3[relevance], 4 [already in public record] and 5 [unduly burdensome].

ARGUMENT: These documents may provide information to test the accuracy of Sprint's responses to interrogatories and statements in its testimony. It also may provide information relevant to Swiftel's public interest claims.

CONCLUSION

For all of the above reasons, Swiftel requests that the Commission direct Sprint to provide complete, non-evasive substantive responses to discovery requests 3, 4, 5, 8, 10, 11, 12, 14, 17, 18, 19, 33, 34, 35, 42, 43, 44, 45, 46, 49, 55, 56, 57, 63, 64, 66, 68, 69 and to produce the documents requested in Requests for Production of Documents 1, 2, 8, 11, 13, 15, and 17 contained in the Discovery Requests of Brookings Municipal Utilities d/b/a Swiftel Communications to Sprint dated June 9, 2008. Swiftel also asks the

Commission to compel Sprint 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 11, 2008

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 11th day of July, 2008, a copy of the **Motion to Compel Responses and Production of Documents Addressed to Sprint Communications Company, L.P. 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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