

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

DOCKET NUMBER TC 09-098

IN THE MATTER OF THE COMPLAINT)
OF SOUTH DAKOTA NETWORK, LLC,)
AGAINST SPRINT COMMUNICATIONS)
COMPANY LP)

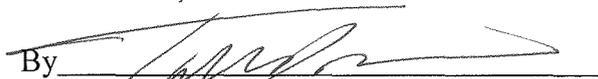
**SPRINT COMMUNICATIONS COMPANY LP'S
MOTION TO DISMISS COUNT III**

COMES NOW Sprint Communications Company LP ("Sprint") by and through its attorney of record Talbot J. Wieczorek of Gunderson, Palmer, Nelson & Ashmore, LLP, 440 Mount Rushmore Road, Third Floor, P.O. Box 8045, Rapid City, South Dakota 57701 and Philip R. Schenkenberg, Briggs and Morgan, P.A., 2200 IDS Center, 80 South Eighth Street, Minneapolis, Minnesota 55402, pursuant to ARSD 20:10:01:11.1 and SDCL 15-6-12 move to dismiss Count III of the Complaint filed by South Dakota Network, LLC ("SDN") for the following reasons:

Count III seeks double damages and attorneys' fees pursuant to SDCL 49-13-14.1, but there are no statutory grounds or other basis for the awarding of double damages or attorneys' fees in this matter as more specifically set forth in Sprint's Memorandum in Support of Its Motion to Dismiss filed contemporaneously herewith.

Dated: November 23, 2009

GUNDERSON, PALMER, NELSON &
ASHMORE, LLP

By 

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