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December 14, 2009

Patricia Van Gerpen, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501

Re: In the Matter of the Complaint of South Dakota Network, LLC, Against Sprint
Communications company, LP – Docket Number TC09-098

Dear Ms. Van Gerpen:

Please find attached hereto a copy of the South Dakota Network, LLC's Reply to
Counterclaim of Sprint Communications Company LP for electronic filing.

Sincerely yours,

A handwritten signature in cursive script that reads 'Darla Pollman Rogers'.

Darla Pollman Rogers
Attorney at Law

DPR/dk

Enclosures

CC: Service List

Robert C. Riter, Jr.
Darla Pollman Rogers

Jerry L. Wattier
Margo D. Northrup

Lindsey Riter-Rapp, Associate
Robert D. Hofer, Of Counsel

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

DOCKET NUMBER TC09-098

IN THE MATTER OF THE)
COMPLAINT OF SOUTH DAKOTA)
NETWORK, LLC, AGAINST SPRINT)
COMMUNICATIONS COMPANY, LP)
SOUTH DAKOTA NETWORK, LLC'S)
REPLY TO COUNTERCLAIM OF)
SPRINT COMMUNICATIONS)
COMPANY LP)
)
)
)

COMES NOW, South Dakota Network, LLC, (hereinafter referred to as "SDN")
and for its Reply to the Counterclaim of Sprint Communications Company LP, (hereinafter
"Sprint"), states and alleges as follows:

1. That the Counterclaim fails to state a cause of action against SDN for the relief prayed for therein.
2. Denies each and every matter, fact, statement and thing contained in said Counterclaim except as is specifically admitted herein.
3. Specifically admits paragraphs 27, 28, 29, 30 and 31.
4. With regard to paragraph 32, the allegations set forth therein are factual allegations and legal conclusions which are contested and/or factual allegations for which SDN has insufficient knowledge so as to admit or deny. SDN therefore denies the same and remits Sprint to strict proof thereof. SDN further affirmatively asserts the tariff speaks for itself.
5. With regard to paragraph 33, deny.
6. With regard to paragraph 34, SDN states it does not have sufficient information or belief to either admit or deny said paragraph and therefore denies the same and puts Sprint upon its strict proof thereof.

7. With regard to paragraph 35, SDN denies the same inasmuch as Sancom and Northern Valley have no ownership interest in SDN. SDN admits that Splitrock has a minority ownership interest in SDN.

8. With regard to paragraphs 36, 37, and 38, the allegations set forth therein are factual allegations and legal conclusions which are contested and/or factual allegations for which SDN has insufficient knowledge so as to admit or deny. SDN therefore denies the same and remits Sprint to strict proof thereof. SDN further alleges the reference to the Iowa Utilities Board decision is improper as it is not binding authority on this Commission and should be stricken from the pleading.

9. With regard to paragraph 39, deny.

10. With regard to paragraph 40, SDN states it does not have sufficient information or belief to either admit or deny the activities of Sancom, Splitrock, Northern Valley, and Capital and thus denies the same and puts Sprint upon its strict proof thereof. SDN also admits Sprint submitted a dispute as indicated therein. SDN denies the remainder of the paragraph and further states it lawfully billed Sprint for centralized switched access charges.

11. With regard to paragraph 41, SDN admits Sprint has disputed its obligation to pay SDN's switched access charges for May 2009 through current. SDN denies the remainder of the paragraph and states Sprint's refund practices in this regard are unlawful.

Count I

Refund of Amounts Unlawfully Billed Pursuant to State Access Tariff

12. As to paragraph 42, SDN re-alleges those responses as set forth in paragraphs 1 through 11 above as if set forth fully herein.

13. With regard to paragraph 43, deny.

BEFORE THE PUBLIC UTILITIES COMMISSION
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DOCKET NUMBER TC09-098

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IN THE MATTER OF THE)
COMPLAINT OF SOUTH DAKOTA) SOUTH DAKOTA NETWORK, LLC'S
NETWORK, LLC, AGAINST SPRINT) REPLY TO COUNTERCLAIM OF
COMMUNICATIONS COMPANY, LP) SPRINT COMMUNICATIONS
) COMPANY LP
)
)
)

CERTIFICATE OF SERVICE

The undersigned certifies that on the 14th day of December, 2009, I served a true and correct copy of South Dakota Network, LLC'S Reply to Counterclaim of Sprint Communications Company LP, in the above-entitled matter, by email to:

Ms. Patricia Van Gerpen
Executive director
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And by first class mail to:

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DATED this 14th day of December, 2009.

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