EXHIBIT C

PUBLIC VERSION

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VIA EMAIL
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Re: In the Matter of Complaint of South Dakota Network, LLC, Against Sprint Communications Company, LP, TC 09-098: Sprint's Discovery Responses

Dear Phil:

We are in receipt of Sprint Communications Company, LP's ("Sprint") Answers to Northern Valley Communications, LLC's ("Northern Valley") First Interrogatories and Sprint's Responses to Northern Valley's First Document Requests, dated April 21, 2011.

These discovery responses are wholly inadequate and do not even begin to meet Sprint's discovery obligations in this case. While there are numerous unfounded objections that will need to be addressed, rather than engaging in a laborious process to document each of those issues at this time, and in light of Sprint's fundamental misunderstanding of an issue that is central to our discovery requests, this letter focuses exclusively on Sprint's objections regarding Northern Valley's unjust enrichment claim. Sprint makes two general objections in this regard and then its baseless position infects the remainder of its discovery responses so profoundly that virtually *no* substantive discovery is provided by Sprint. Accordingly, we want to give Sprint the opportunity to first address this issue by withdrawing these improper objections and providing new responses in good faith. After this has been completed, and after we finally begin to receive substantive discovery from Sprint, we will be in a better position to consider what, if any, further discovery deficiencies remain.

Specifically, Sprint's General Objection No. 2, states, *inter alia*, that "Northern Valley's unjust enrichment claim . . . was not referred by the District Court." While it may technically be the case that the Court did not refer an "unjust enrichment claim," that is only because the Court did not refer *any* claims to the Commission. Rather, under the primary jurisdiction doctrine, the Court refers *issues*, while retaining jurisdiction of the case and the ultimate authority to apply the guidance provide by the Commission to the *claims* (and defenses) in the case. To the extent that Sprint suggests that discovery relating to the unjust enrichment claim is not at issue before the Commission, it is simply wrong. Among the issues upon which the Court has sought guidance

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is, to the extent that the tariff is found to be inapplicable, what compensation would be due Northern Valley. *See* Order Staying Case and Referring Several Issues to the FCC (Dkt. 110), at 30 (issue number 3). This issue directly parallels Northern Valley's unjust enrichment claim. Accordingly, Sprint's position that "unjust enrichment" was not referred by the Court is erroneous.

Sprint's General Objection No. 3 is even more baseless. That objection refuses to provide discovery because the unjust enrichment claim is subject to a motion to dismiss and Northern Valley "previously indicated it would withdraw" this claim. First, the pending motion to dismiss provides absolutely no basis to refuse to provide discovery on this issue, especially in light of the Court's issue list, which necessarily embraces discovery related to the unjust enrichment claim. Second, in light of the fact that Chief Judge Schreier indicated that she may reinstate the unjust enrichment claim in the *Sancom v. Qwest* case, where she had granted a motion to dismiss, and in light of the Commission's recognition in *Farmers and Merchants* that a carrier is entitled to compensation, even if its tariff is found not to cover the disputed traffic, there is no reasonable basis to refuse to provide this discovery. But, what is particularly appalling about this objection is the representation that Northern Valley has indicated that it would withdraw the unjust enrichment claim. This suggestion is completely at odds with Northern Valley's consistent and unwavering position that unjust enrichment is properly pled as an alternative claim for recovery for the valuable services that Northern Valley has provided and continues to provide Sprint (and for which Sprint bills and collects significant sums from its customers) and Northern Valley has no intent to withdraw this claim. **In light of the fact that you have signed these discovery objections, and thereby attested to their validity, we hereby request that you provide us with the documents or other basis for making such a wildly inaccurate representation.**

At bottom, these objections demonstrate a knowing and purposeful effort to evade Sprint's discovery obligations and to impose undue burden and expense on Northern Valley. There is no good faith basis to sever discovery regarding the unjust enrichment claims from the discovery that is presently underway, and thereby create the potential need to do a second round of discovery in the future. Such a process is precisely what we agreed should be avoided. This dispute between Northern Valley and Sprint has been pending for many years now, yet at every turn Sprint refuses to fulfill its discovery obligations. We hope that you will reconsider these tactics now and fulfill your discovery obligations going forward.

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Unless we hear from you on or before April 29, 2011, we will assume that Sprint intends to stand by these objections and we will promptly proceed with bringing this matter to the attention of the Commission to have this issue resolved.

Sincerely,

Ross A. Buntrock

cc: Jim Cremer (via email)