

EXHIBIT L
PUBLIC VERSION



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VIA EMAIL

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Re: In the Matter of the Complaint of South Dakota Network, LLC Against Sprint Communications Company, LP, File No. TC09-098

Dear Phil:

Thank you for your letter and email of January 5, 2012. I am writing to respond to a few points and questions raised in your correspondence.

As I understand your email, you seek consent to not produce unredacted email attachments because you believe that “many such documents” are non-responsive. After considering your request, we are unable to agree. Instead, we must insist that Sprint produce unredacted versions of all email attachments included in its prior production. The explanation for our decision is set forth below.

First, to the extent that Sprint proposes to not produce *any* unredacted attachments because Sprint now considers some of them to be nonresponsive, the proposal is unacceptable. A blanket decision to retain redactions in *all* attachments, whether the particular attachment is relevant or not, does not meet Sprint’s discovery obligations.

Second, the eleventh-hour assertion that the materials should not be reproduced in unredacted form because they are non-responsive is untimely. The materials, whether Sprint now characterizes them as responsive or not, have already been produced. As such, the only question is whether Sprint is entitled to include redactions in the materials when the redacted information is not privileged. Northern Valley believes that this issue was resolved by the Commission’s decision regarding the protective order, which makes clear that redactions are only appropriate when the material is privileged.

Third, even had the materials not already been produced, Northern Valley does not believe that Sprint can refuse to produce the attachments, even if it considers the attachment to be nonresponsive. Such a practice would conflict with Sprint’s obligation to produce discovery

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materials as they are ordinarily maintained in the course of business. *See MGP Ingredients, Inc. v. Mars, Inc.*, No. 06–2318–JWL–DJW, 2007 WL 3010343, at *2 (D.Kan.2007) (“A party produces emails in the usual course when it arranges the responsive emails by custodian, in chronological order and with attachments, if any.”). Indeed, “the prevailing practice, absent party agreement or court order to the contrary, is for parties to produce any non-privileged attachment to an e-mail if the e-mail is determined to be relevant, and to produce the e-mail if any of the attachments are determined to be relevant.” *Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Inc.*, 2011 WL 3738979 (SDNY 2011). Thus, Northern Valley believes that Sprint is required to treat emails and their attachments as a single document for purposes of determining relevance. This course of action does not prejudice Sprint, who retains the ability to argue that the materials should be inadmissible at the hearing.

Further, your letter asked that we destroy Sprint’s February 15, 2011 production disc and copies of the documents in range NorthernValley00024116 - NorthernValley0024161. I hereby confirm our intent to comply with your request, as we believe the protective order in this case compels us. However, in light of the fact that materials that you have sought to be destroyed do not convey any obvious signs that they are privileged, our compliance must be without prejudice to our right to challenge Sprint’s assertions of privilege with regard to these documents upon receipt of Sprint’s modified privilege log, if any.

Finally, in light of the SDPUC’s decision to allow Northern Valley to maintain its declaratory judgment counts against Sprint, including our request for the PUC to evaluate Northern Valley’s entitlement to compensation even if the tariff is found to be inapplicable, please let us know if you intend to update your discovery responses to provide any of the information that Sprint previously refused to produce. Specifically, we would appreciate hearing from you as soon as possible about whether you intend to produce any information relating to the revenues that Sprint has received on the disputed calls.

If you would like to discuss any of the foregoing, please let me know and we can schedule a call.

Sincerely,



G. David Carter