

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

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| IN THE MATTER OF THE COMPLAINT OF SOUTH DAKOTA NETWORK, LLC, AGAINST SPRINT COMMUNICATIONS COMPANY LP | DOCKET TC09-098 |
| IN THE MATTER OF THE THIRD PARTY COMPLAINT OF SPRINT COMMUNICATIONS COMPANY LP AGAINST SPLITROCK PROPERTIES, INC., NORTHERN VALLEY COMMUNICATIONS, L.L.C., SANCOM, INC., AND CAPITAL TELEPHONE COMPANY | NORTHERN VALLEY COMMUNICATIONS, L.L.C.'S MOTION TO COMPEL |

Northern Valley Communications, L.L.C. ("Northern Valley"), by and through counsel, and pursuant to A.R.S.D. 20:10:01:01.02, 20:10:01:22.01 and SDCL § 15-6-37(a), hereby submits this motion to compel against Sprint Communications Company, LP ("Sprint") to resolve a threshold issue of relevance. Sprint has refused to provide discovery responses "to the extent they seek discovery of information related to Northern Valley's unjust enrichment claims in this case...." Sprint's objection is unjustified and has resulted in Sprint producing almost no substantive discovery responses. In fact, the information sought by Northern Valley is relevant to issues that are before the South Dakota Public Utilities Commission ("PUC") in this proceeding as the result of a primary jurisdiction referral in a federal case between Northern Valley and Sprint. As a result of Sprint's objections, Sprint's discovery responses have been wholly inadequate. Sprint only substantively responded to a single interrogatory. Sprint has provided no discovery that will allow Northern Valley to resolve the referred issues.

As explained in greater detail in the accompanying memorandum, Northern Valley requests that the PUC resolve a threshold issue of relevancy in this proceeding by finding that

Northern Valley is entitled to discovery relating to Northern Valley's alternative theory of recovery, unjust enrichment, and Northern Valley's entitlement to compensation for intrastate traffic if Northern Valley's tariff does not apply and a reasonable rate for such compensation. Even if a claim for unjust enrichment is not technically before the PUC, related issues of Northern Valley's compensation if Northern Valley's tariff does not apply are before the PUC because a federal court has referred them to the PUC at the request of Northern Valley and Sprint. Thus, Sprint is simply resisting all discovery based on meaningless distinctions between "claims" and "issues" to Northern Valley's prejudice. The federal court referred issues to the PUC for resolution, and Northern Valley is entitled to discovery related to those issues. After the PUC resolves this threshold issue of relevancy, Sprint will need to revise its discovery responses and supplement those responses. Northern Valley requests the PUC require Sprint to withdraw these objections and fully respond to the discovery promulgated by Northern Valley.

Dated: May 27, 2011

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CERTIFICATION

On behalf of Northern Valley Communications, LLC, and pursuant to S.D.C.L. § 15-6-37(a), I certify under penalty of perjury that I have in good faith conferred with counsel for Sprint Communications Company, LP, the party failing to make the discovery requested in Northern Valley's motion to compel, in an effort to secure the information and materials without P.U.C. action.

Dated: May 26, 2011

A handwritten signature in cursive script, reading "Ross A. Buntrock". The signature is written in black ink and is positioned above a horizontal line.

Ross A. Buntrock
Counsel for Northern Valley Communications, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served electronically on the 27th day of May 2011 upon the following:

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