

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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

TC 09-098

IN THE MATTER OF THE THIRD PARTY )  
COMPLAINT OF SPRINT COMMUNICATIONS )  
COMPANY LP AGAINST SPLITROCK )  
PROPERTIES, INC., NORTHERN VALLEY )  
COMMUNICATIONS, INC., SANCOM, INC., )  
~~AND CAPITAL TELEPHONE COMPANY )~~

**SUBPOENA FOR DEPOSITION  
OF CORPORATE  
REPRESENTATIVE OF FREE  
CONFERENCING CORPORATION**

TO: Free Conferencing Corporation; 110 W. Ocean Blvd., Suite C; Long Beach, CA 90802:

**YOU ARE HEREBY COMMANDED** pursuant to SDCL § 15-6-45(a) to produce one or more officers, directors, or managing agents or other persons to testify on behalf of Free Conferencing Corporation, LLC. The recipient of this subpoena is required to make such a designation, pursuant to SDCL § 15-6-30(b)(6).

This deposition shall be taken by the counsel for Sprint Communications Company L.P. ("Sprint") at 4300 E. Pacific Coast Hwy., Long Beach, CA 90804 on the 3rd day of November, 2011, at 9:00 a.m., before a qualified notary public, and thereafter by adjournment until the same shall be completed.

Pursuant to SDCL § 15-6-30(b)(6), Free Conferencing Corporation is requested to designate and produce a person or persons for testimony relating to the matters set forth on Exhibit A.

ISSUED in the name of South Dakota Public Utilities Commission, Gary Hanson Chairman, this 14th day of September, 2011.

GUNDERSON, PALMER, NELSON  
& ASHMORE, LLP



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Talbot J. Wiczorek

Attorneys for Sprint Communications Company LP

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EXHIBIT A

MATTERS UPON WHICH DEPOSITION EXAMINATION IS REQUESTED  
PURSUANT TO SUBPOENA REQUESTED BY  
SPRINT COMMUNICATIONS COMPANY L.P. FOR  
SDCL § 15-6-30(B)(6) DEPOSITION OF  
FREE CONFERENCING CORPORATION  
BY CORPORATE DESIGNEE(S)

Definitions

“Document” means all written, printed, typed, punched, taped, filed, or graphic matter, however produced, reproduced or stored, of every kind and description, now or formerly in your actual or constructive possession, custody, trust, care, or control, including but not limited to: correspondence (such as letters, e-mail, faxes, cables, and telegrams); notes; memoranda (including memoranda of conversations, conferences, and telephone conversations); reports; data compilation or analyses; logs and records; photographs, books; papers, manuals; handbooks; bulletins; advisories; messages; magazines; periodicals; film strips or movies; press releases; newspaper clippings; pamphlets, studies; notations; working papers; charts; graphs; plans; drawings; diagrams; computer printouts; indexes; minutes; transcripts; contracts; agreements; leases; legal pleading; invoices; billings; statements; accounting books or records; financial data of any kind; journals; ledgers; diaries; tax returns; bylaws; rules; regulations; constitution; annual reports; programs; certifications; resolutions; any electronic or any other records of any kind or nature and any mechanical or electronic sound or recordings or transcripts thereof; computer files; data faxes; and all copies or facsimiles of documents by whatever means made. *All electronically stored information shall be produced in the following formats: in general, in searchable .pdf form, but for spreadsheets and data files, which should be produced in their native formats.*

**“You,” “your” or “yours”** means Free Conferencing Corporation and its predecessors and assigns and includes, without limitation, its officers, directors, employees, agents, consultants, attorneys, corporate subsidiaries and affiliates.

**“Northern Valley”** means Northern Valley Communications, LLC or its parent company James Valley Communications, Inc.

**“Person”** means any and all natural persons, corporations, businesses, firms, companies, ~~partnerships, unincorporated associations, governmental or public agencies, joint ventures and all~~ other entities, including, without limitations, all employees, representatives, consultants and agents of any of the foregoing.

**“Correspondence”** means any written communication, including but not limited to, emails and letters exchanged by U.S. Mail, overnight mail, facsimile or any other transmission method.

**“Relate” or “relating”** means regards, connects to, supports, evidences, describes, mentions, refers to, contradicts, comprises, or to be associated with.

The words **“any”** and **“all”** shall be considered to include each and every.

The singular of any word shall include the plural and the plural of any word shall include the singular.

All of the documents sought seek materials from January 1, 2006 to the present unless specifically stated otherwise.

All of the categories of requested testimony regard the time period from January 1, 2006 to the present unless specifically stated otherwise.

## MATTERS UPON WHICH DEPOSITION EXAMINATION IS REQUESTED

1. Be prepared to discuss and describe all communications (including but not limited to correspondence or other documentation exchanged) between you and Northern Valley or any person that helped you to connect Northern Valley to you or equipment you used.
2. Be prepared to discuss and describe all communications (including but not limited to correspondence or other documentation exchanged) between you and Northern Valley.
- ~~3. Be prepared to discuss the terms of all contracts, agreements or other documentation of~~  
understandings or arrangements between you and Northern Valley or any person that helped you to connect Northern Valley to you or equipment you used.
4. Be prepared to discuss all negotiations that led to contracts, agreements or other documentation of understandings or arrangements responsive to Request Number 3, as well as all internal communications relating to such contracts, agreements or other documentation of understandings or arrangements.
5. Be prepared to discuss the volume of traffic that has been routed or delivered to you from Northern Valley.
6. Be prepared to discuss the equipment that receives, processes and/or otherwise handles calls made to telephone numbers that Northern Valley assigned to you. This should include without limitation:
  - a. The type of equipment deployed;
  - b. The location of the deployed equipment;
  - c. How the equipment operates;
  - d. How calls are routed to or from any portion or components of the equipment; and
  - e. When this equipment was deployed.

7. Be prepared to discuss the revenues you have received from Northern Valley or any person that helped you to connect Northern Valley to you or equipment you used.
8. Be prepared to discuss the monies (including but not limited to invoices paid) you have paid to Northern Valley or any person that helped you to connect Northern Valley to you or equipment you used.
9. Be prepared to discuss any call volumes (whether generated by yourself or others) into ~~numbers assigned to you by Northern Valley.~~
10. Be prepared to discuss and identify the telephone numbers assigned to you by Northern Valley.
11. Be prepared to discuss whether you have or have ever requested a certificate or other authorization to (a) conduct business or (b) provide telecommunications services in the state of South Dakota.
12. Be prepared to discuss and identify any ownership interest, partnership, membership, profit participation, compensation arrangement, or other financial holdings in your entity, including how the ownership has changed over time.
13. Be prepared to discuss all invoices or bills or documents related to invoices or bills that you have received from Northern Valley or any person that helped you to connect Northern Valley to you or equipment you used.
14. Be prepared to discuss the rates, terms and conditions under which you obtain any services from Northern Valley.
15. Be prepared to discuss the taxes (including but not limited to sales taxes, usage taxes, excise taxes) and surcharges (including but not limited to federal universal service contributions,

911 fees, number portability surcharges, and surcharges for the hearing impaired) that you paid or accounted for as a result of the services allegedly provided to you by Northern Valley.

16. Be prepared to discuss your contributions to the federal Universal Service Fund.

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AGAINST SPRINT COMMUNICATIONS )  
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COMPLAINT OF SPRINT )  
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AGAINST SPLITROCK PROPERTIES, INC., )  
NORTHERN VALLEY COMMUNICATIONS, )  
INC., SANCOM, INC., AND CAPITAL )  
TELEPHONE COMPANY. )

**NOTICE OF TAKING DEPOSITION  
OF CORPORATE  
REPRESENTATIVES OF FREE  
CONFERENCING CORPORATION**

TO: Free Conferencing Corporation; 110 W. Ocean Blvd., Suite C; Long Beach, CA 90802:

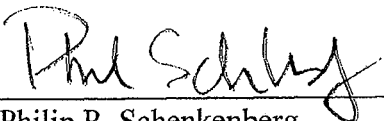
**PLEASE TAKE NOTICE** that, pursuant to SDCL § 15-6-30(b)(6) and SDCL § 15-6-45(a), Sprint Communications Company L.P. ("Sprint") will take the oral deposition of the Corporate Representatives of Free Conferencing Corporation on the 3rd day of November, 2011, commencing at 9:00 a.m. Pacific time at 4300 E. Pacific Coast Hwy., Long Beach, CA 90804.

The Corporate Representatives shall be qualified to testify about the matters set forth in Exhibit A to the attached subpoena. The deposition will continue as permitted by the South Dakota Rules of Civil Procedure. The deposition will be taken before a certified court reporter and will be recorded stenographically and/or by audio or audio-visual means.



Dated: September 15, 2011

BRIGGS AND MORGAN, P.A.

By   
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