

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)

DOCKET NUMBER TC 09-098

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

**SPRINT COMMUNICATIONS
COMPANY L.P.'S RESPONSES TO
SOUTH DAKOTA NETWORK, LLC'S
FIRST SET OF INTERROGATORIES,
DOCUMENT REQUESTS AND
REQUEST FOR ADMISSIONS**

INTERROGATORIES

1. Identify each person who prepared or participated in the preparation of the answers to the following interrogatories, and as to each interrogatory, state at the conclusion of the answer the name of each person who answered or supplied all or a portion of the information for the answer to the particular interrogatory.

ANSWER:

Sprint objects to this request as overbroad and on relevance grounds to the extent it asks for the identification of every person who "participated in the preparation" of the responses.

Subject to those objections and without waiver thereof, the following individuals provided factual information that was incorporated into these responses.

Regina Roach
Manager Access Verification
6500 Sprint Parkway
Overland Park, KS 66251

Julie Walker
Access Verification Analyst II
6500 Sprint Parkway
Overland Park, KS 66251

Amy Clouser
Access Verification Analyst II
6500 Sprint Parkway
Overland Park, KS 66251

2. State the name, address and present occupation of each person, to include any Sprint employee, with whom you have consulted as an expert and whether you have received a written report from any such expert.

ANSWER:

Sprint objects to this Interrogatory on the grounds that it is premature as Sprint has not yet identified any expert testimony it will present at the hearing. Subject to and without waiving its objections, Sprint will present its case in its prefiled testimony in accordance with a prehearing schedule set by the Commission.

3. State the name, address and present occupation of each person that you intend to call at hearing as an expert witness, together with the subject matter on which such expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion; and whether you have received a written report from any such witness.

ANSWER:

Sprint objects to this Interrogatory on the grounds that it is premature as Sprint has not yet identified any testimony it will present at the hearing. Subject to and without waiving its objections, Sprint will present its case in its prefiled testimony in accordance with a prehearing schedule set by the Commission.

4. List the names and addresses of all persons who have knowledge of the facts regarding the subject matter of this docket including the allegations contained in your Answer and Counterclaim and whether Sprint intends calling said person as a witness at the hearing of this matter. If so, describe the subject matter about which each individual is expected to testify.

ANSWER:

Sprint objects to this request as overbroad. Those with knowledge of the facts regarding the subject matter of the docket include representatives of South Dakota Network ("SDN"), and representatives of Sancom, Splitrock, Northern Valley, Capital, and Native American Telecom

(collectively "SD Pumping LECs") and their call connection company ("CCC") partners. The identity of these individuals can be discerned by reviewing discovery produced by the Pumping LECs and their CCC partners.

With respect to Sprint's dispute with SDN, Regina Roach, Julie Walker and Amy Clouser are the three employees within Sprint's Access Verification Department who have been responsible for the determination to dispute the charges on the traffic to CCCs.

Sprint has made no decisions about who will be called as witnesses.

5. In Paragraphs 6, 7 and 8 of Sprint's Answer and Counterclaim, Sprint alleges that since April 1 of 2009, SDN has issued intrastate switched access bills that include intrastate minutes of use that are subject to SDN Tariff No. 2, and intrastate minutes of use that are not subject to said tariff, or are unjust or unreasonable. For each allegation, please provide:

- (a) What is the basis for Sprint's allegation that a portion of the intrastate minutes of use are not subject to SDN's tariff?
- (b) If the minutes billed by SDN are intrastate minutes of use, what tariff provision, federal law, or state law would make the minutes not subject to SDN's tariff?
- (c) Are the disputed dollar amounts contained in Sprint's dispute notices based upon the intrastate minutes that are alleged by Sprint not to be subject to SDN's tariff? If not, upon what are the disputed amounts based?
- (d) By what methodology did Sprint determine which intrastate minutes it claims are not subject to SDN's tariff?
- (e) Does Sprint make the same claims with regard to interstate minutes?
- (f) Did Sprint use the same methodology to determine which interstate minutes it claims did not fall under SDN's FCC tariffs? If not, what methodology was used?
- (g) If the intrastate minutes are not subject to SDN's tariff as Sprint claims, to what are they subject?
- (h) What happened in April of 2009 that caused Sprint to send a Notice of Dispute to SDN? Upon what basis did Sprint make this discovery in April of 2009?
- (i) Did Sprint conduct any investigation of the traffic subject to this docket prior to its notice of dispute in April of 2009?
- (j) How did Sprint retroactively determine on past invoices dating back to 2007 which intrastate minutes were minutes it claims were not subject to SDN's tariff?

- (k) Explain with specificity what is meant by Sprint's alternative allegations that a portion of the intrastate minutes of use are "unjust or unreasonable".

ANSWER:

- (a) The traffic delivered to CCC partners of the SD Pumping LECs does not constitute access traffic, is not subject to terminating access charges imposed by those carriers, and thus does not qualify as being subject to access charges imposed by SDN.
- (b) See SDN South Dakota Tariff No. 2, §§ 1.1, 1.2, 2.4.7, 4.1, 5.1, 5.6.1, 5.6.3, and definitions of Access Service, End Office, End User, Exchange Service, Exchange Telephone Company, Intrastate Access Service, and Participating Telecommunications Company. See also 1996 Telecommunications Act, including 47 U.S.C. § 251(b) and (g), and the filed rate doctrine.
- (c) Yes.
- (d) All minutes delivered by Sprint's long distance operation and destined to the SD Pumping LECs are delivered via SDN. Sprint had to determine the number of terminating access minutes to file disputes with those carriers. Sprint then disputed SDN's assessed charges on those minutes as well. Sprint determined the jurisdiction based on the invoices received from the SD Pumping LECs.
- (e) Yes.
- (f) Yes.
- (g) Sprint objects to this subpart as vague. Sprint has no obligation to pay tariffed switched access charges for calls that are not switched access charges as a matter of tariff and applicable law. Unless the calls are compensable under another SDN

tariff, or as a matter of contract, there is no compensation obligation imposed on Sprint.

- (h) Switched access charges assessed by tandem providers on pumped traffic has been a concern to Sprint since its initial awareness of traffic pumping activities. In April 2009, Sprint made the decision to dispute these charges billed by SDN for such traffic.
- (i) Yes, Sprint investigated the traffic in connection with disputes filed with carriers engaged in traffic pumping activities at end offices that subtend the SDN tandem.
- (j) Sprint based its calculation on the volumes of Intrastate pumped traffic that had been directed to the SDN tandem.
- (k) SDN's assessment of access charges on calls that are not subject to access charge liability under its intrastate tariff is unjust and unreasonable. Sprint is not challenging SDN's rates with respect to calls that are subject to access charges.

6. Did all of the intrastate minutes of use invoiced by SDN and disputed by Sprint traverse the Feature Group D (FGD) trunks ordered by Sprint?

ANSWER:

Yes.

7. How does Sprint reconcile its contention that some of the intrastate minutes of use are not subject to the tariff with the language in the tariff that states in absence of separate contract, "all traffic delivered by an IC to the SDN access tandem will be considered access traffic and billed accordingly?" (SDN Tariff No. 2, §5.1).

ANSWER:

This language does not limit (nor could it limit) Sprint's ability to dispute the bills on the basis that the calls at issue are not compensable under the terms of the tariff.

8. Describe with specificity the "internal accounting mechanism" used by Sprint as referenced in Paragraph 11 of its Answer to Amended Complaint.

VERIFICATION

Information in SPRINT COMMUNICATIONS COMPANY L.P.'S RESPONSES TO SOUTH DAKOTA NETWORK, LLC'S FIRST SET OF INTERROGATORIES, DOCUMENT REQUESTS AND REQUEST FOR ADMISSIONS was provided by me and/or gathered at my direction from corporate records and personnel. I have reviewed the answers. I declare under penalty of perjury under the laws of the United States that the foregoing answers as to Sprint Communications Company L.P. are true and correct to the best of my knowledge and belief, based on my review of such information.

Signature: Regina Roach

Name (print): REGINA ROACH

Title: MANAGER, ACCESS VERIFICATION