

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

IN THE MATTER OF THE COMPLAINT)	DOCKET NUMBER TC 09-098
OF SOUTH DAKOTA NETWORK, LLC,)	
AGAINST SPRINT COMMUNICATIONS)	
COMPANY LP)	
)	
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 ANSWER TO
NORTHERN VALLEY COMMUNICATIONS L.L.C.’S COUNTERCLAIM**

Sprint Communications Company L.P. (“Sprint”), by and through its attorney of record, Talbot J. Wieczorek of Gunderson, Palmer, Nelson & Ashmore, LLP, 440 Mount Rushmore Road, Third Floor, P.O. Box 8045, Rapid City, South Dakota 57701, and Philip R. Schenkenberg, Briggs and Morgan, P.A., 2200 IDS Center, 80 South Eighth Street, Minneapolis, Minnesota 55402, pursuant to ARSD 20:10:01:09, responds to Northern Valley Communications L.L.C.’s (“Northern Valley”) Counterclaim as follows:

1. Denies any and all allegations not specifically admitted.
2. States paragraph 1 is Northern Valley’s characterization of its Counterclaim, to which Sprint is not required to respond.
3. Admits paragraphs 2 and 3.
4. With respect to paragraph 4, admits the Commission has jurisdiction over Count I, but denies the Commission has jurisdiction to hear the claim asserted or to award the relief requested in Count II.

5. Admits paragraphs 5 and 6.
6. With respect to paragraph 7, admits it delivers some long distance calls to be terminated on phone lines owned by LECs.
7. Denies paragraph 8 as stated, but admits it delivered some long distance calls to be terminated through facilities of South Dakota LECs.
8. Denies paragraph 9 as stated, but admits Sprint has, in some cases, paid originating and terminating access charges.
9. Denies paragraph 10 as stated, but admits switched access charges have been contained in FCC or state tariffs.
10. Without admitting those tariffs are valid and enforceable, admits paragraph 11.
11. Admits paragraph 12 only with respect to calls not delivered to call connection companies (“CCCs”).
12. Denies the first sentence of paragraph 13, admits the second sentence of paragraph 13, and denies Northern Valley’s characterization of Sprint’s position in the third and fourth sentences of paragraph 13.
13. States that the cited statutes and authorities in paragraphs 14 through 16 speak for themselves.
14. Denies paragraph 17.
15. Admits it has not paid Northern Valley access charges billed for calls to CCCs, and otherwise denies paragraph 18.
16. Admits there may be some small number of such calls, and otherwise denies paragraph 19 and the relevance thereof.

17. Admits Northern Valley has sent invoices to Sprint, and otherwise denies paragraph 20.

18. Admits it has sent traffic to Northern Valley as obligated by law, and otherwise denies paragraph 21.

19. Denies paragraph 22.

20. Is not required to respond to the demands for relief under Count I and Count II, but denies any factual allegations contained therein.

AFFIRMATIVE DEFENSES

1. Northern Valley's Counterclaim fails to state a claim upon which relief may be granted.

2. Northern Valley demands relief the Commission has no jurisdiction to award.

3. Northern Valley's request that the Commission establish a regulated, retroactive rate for a non-tariffed service is contrary to the statutes on which the Commission's authority is based.

4. To the extent Northern Valley seeks to enforce equitable rights, Northern Valley is not entitled to any such relief by application of the doctrines of estoppel and unclean hands.

PRAYER FOR RELIEF

For the foregoing reasons, Sprint respectfully requests that the Commission enter an order as follows:

- (a) Dismissing the Counterclaim in its entirety, with prejudice; and
- (b) Awarding Sprint such other and further relief as the Commission deems just and equitable.

Dated: January 30, 2012

BRIGGS AND MORGAN, P.A.

By s/Philip R. Schenkenberg

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**ATTORNEYS FOR SPRINT
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CERTIFICATE OF SERVICE

The undersigned attorney for Sprint Communications Company, L.P. hereby certifies that on the 30th day of January, 2012, a true and correct copy of the foregoing Sprint Communications Company L.P.'s Answer to Northern Valley's Counterclaim was sent via electronic means to:

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