

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE AMENDED) DOCKET NO. TC09-098
COMPLAINT OF SOUTH DAKOTA)
NETWORK, LLC, AGAINST SPRINT)
COMMUNICATIONS COMPANY L.P.)
)
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
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Sprint Communications Company L.P. (“Sprint”), by and through its undersigned attorneys, respectfully submits Sprint’s Motion for Partial Summary Judgment. Sprint respectfully requests that the Commission grant Partial Summary Judgment on Count II of Northern Valley Communications, Inc.’s (“Northern Valley”) Counterclaim and order that, as a matter of law, if the Commission sets a “just and reasonable rate,” that rate must be calculated using rate of return regulation. SDCL § 49-31-4.¹

A Memorandum in Support of Motion for Partial Summary Judgment and Statement of Undisputed Material Facts and attached exhibits have been filed simultaneously and are incorporated herein through this reference.

¹ Sprint assumes without conceding that the Commission has the authority to grant Northern Valley’s requested relief on Counterclaim Count II.

DATED this 12th day of March, 2012.

BRIGGS AND MORGAN, P.A.

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 12th day of March, 2012, copies of **SPRINT COMMUNICATIONS COMPANY L.P.'S MOTION FOR PARTIAL SUMMARY JUDGMENT** were served via email to:

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