

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

IN THE MATTER OF THE COMPLAINT)	
FILED BY SPRINT COMMUNICATIONS)	
COMPANY, LP AGAINST NATIVE)	Docket No. TC10-026
AMERICAN TELECOM, LLC)	
REGARDING TELECOMMUNICATIONS)	
SERVICES)	

Respondent Native American Telecom, LLC’s Motion to Dismiss

Respondent Native American Telecom, LLC, (“Native American Telecom”), by its undersigned attorney, and pursuant to SDCL § 15-6-12(b) and ARSD 20:10:01:11.01, respectively moves the South Dakota Public Utilities Commission to dismiss Sprint Communications Company, L.P.’s (“Sprint”) Amended Complaint in this case. In support thereof, Native American Telecom states as follows:

1. Sprint’s Amended Complaint should be dismissed on the grounds that it fails to state a claim upon which relief can be granted by the South Dakota Public Utilities Commission. (SDCL § 15-5-12(5)).
2. Sprint’s Amended Complaint should be dismissed on the grounds that the South Dakota Public Utilities Commission lacks jurisdiction over the subject matter alleged in Sprint’s Amended Complaint. (SDCL § 15-6-12(1)).
3. Sprint’s Amended Complaint should be dismissed on the grounds that the South Dakota Public Utilities Commission lacks personal jurisdiction over Native American Telecom. (SDCL §15-6-12(2)).
4. Sprint’s Amended Complaint should be dismissed on the grounds that Sprint has filed its Amended Complaint in an improper venue.

5. Sprint's Amended Complaint should be dismissed on the grounds that the Crow Creek Sioux Tribe Utility Authority and/or Crow Creek Sioux Tribe's Tribal Court has exclusive jurisdiction over the subject matter of Sprint's Amended Complaint.
6. Sprint's Amended Complaint should be dismissed on the grounds of sovereign immunity of the Crow Creek Sioux Tribe and/or Crow Creek Sioux Tribe Utility Authority.

WHEREFORE, for the above-referenced reasons, Native American Telecom requests that Sprint's Amended Complaint be dismissed with prejudice to re-filing.

Dated this 1st day of June, 2010.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on *June 1st, 2010*, a true and correct copy of the foregoing *Respondent Native American Telecom, LLC's Motion to Dismiss* was served *electronically and/or by United States First Class mail* upon:

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