

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

In the Matter of In Re: Sprint)	
Communications Company L.P.,)	
Complainant, v. Native American Telecom,)	Docket No. TC10-26
LLC, Respondent.)	

**OPPOSITION BY AT&T COMMUNICATIONS OF THE MIDWEST, INC., OF
THE MOTION TO STAY FILED BY NATIVE AMERICAN TELECOM, LLC IN
THE MATTER OF IN RE: SPRINT COMMUNICATIONS COMPANY L.P.,
("SPRINT") v. NATIVE AMERICAN TELECOM, LLC ("NAT")**

AT&T Communications of the Midwest, Inc., ("AT&T") by appearance of its undersigned counsel, hereby files its Opposition to the Motion filed on July 29, 2010 by NAT in the above captioned proceeding.

1. In its complaint filed May 4, 2010, as amended May 5, 2010, Sprint asserted that NAT has engaged in efforts to establish traffic pumping operations in South Dakota, and sought declaratory relief establishing that (i) the South Dakota Public Utilities Commission ("Commission") has sole authority to regulate Sprint's intrastate interexchange services in South Dakota (ii) the Crow Creek Sioux Tribe Utility Authority lacks jurisdiction over Sprint and (iii) NAT must seek a Certificate of Authority from the Commission and file a lawful tariff with the Commission before it can assess charges for intrastate switched access service. Sprint further seeks money damages and such other relief as the Commission deems just and reasonable.

2. On May 21, 2010, AT&T sought to intervene in the above-captioned proceeding because the Commission has granted it a certificate of authority to provide intrastate interexchange service within the State of South Dakota, and, like Sprint, AT&T purchases intrastate switched access service from carriers operating within South Dakota including NAT.
3. NAT filed a Motion to Dismiss on June 1, 2010 before the Commission.
4. AT&T's Petition for Intervention was granted on June 15, 2010 by the Commission. On that date, the Commission further issued an Order directing the parties to work with Commission Staff to establish a procedural schedule to hear the Motion to Dismiss filed by NAT.
5. On July 7, 2010, NAT filed an action against Sprint in Crow Creek Tribal Court, and filed a Motion to Stay in this docket on July 29, 2010 on the theory that the Tribal Court has primary jurisdiction over services it provides.
6. A conference call took place on August 3, 2010 among interested parties to discuss a revised briefing schedule in light of NAT's Motion to Stay. No agreement was reached.
7. On August 3, 2010, Sprint filed in Opposition to NAT's Motion to Stay and a Motion to Establish Briefing Schedule.
8. AT&T opposes NAT's Motion to Stay. AT&T believes that the same substantive factual and legal issues are relevant to both NAT's Motion to Dismiss and Motion to Stay. AT&T further believes that it would be incongruent for the Commission to reach different conclusions on the two Motions, because of the degree of overlap in the factual and legal issues.

Therefore, for purposes of procedural efficacy and efficiency, AT&T supports Sprint's proposed joint briefing schedule on both NAT's Motion to Dismiss and Motion to Stay, thereby combining the briefing on these issues.

9. Sprint further offers a revised briefing schedule in the event that the Commission determines that briefing on the Motion to Stay should proceed in advance of briefing the Motion to Dismiss; upon such determination by the Commission, AT&T concurs with Sprint's proposed revised briefing schedule.

Respectfully submitted this 5th day of August, 2010.

OLINGER, LOVALD, MCCAHERN & REIMERS, PC

/s/ filed electronically

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CERTIFICATE OF SERVICE

William M. Van Camp hereby certifies that on the 5th day of August 2010, the Opposition by AT&T Communications of The Midwest, Inc., of The Motion To Stay filed by Native American Telecom, LLC In The Matter of In Re: Sprint Communications Company L.P., (“Sprint”) v. Native American Telecom, LLC (“NAT”) was electronically emailed to the following:

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