

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

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

**NATIVE AMERICAN TELECOM, LLC’s RESPONSE  
TO SPRINT’S MOTION TO COMPEL**

COMES NOW Native American Telecom LLC (“NAT”), by and through its undersigned counsel, and files this Response to Sprint Communications Company, LP’s (“Sprint”) Motion to Compel. Because of recent developments in this docket, Sprint’s motion to compel is without merit and should be denied by the South Dakota Public Utilities Commission (“Commission”).

Sprint’s motion to compel highlights a disagreement between the parties regarding the current scope of this docket and the dispute this Commission is being asked to resolve. Among its multiple causes of action, Sprint seeks the following relief – “[A declaration] that NAT must seek a Certificate of Authority from this Commission and file a lawful tariff with this Commission before it can assess charges for switched access service.”<sup>1</sup>

On January 31, 2010, Sprint served its first set of Interrogatories and Documents Requests (“discovery requests”) upon NAT. Many of Sprint’s discovery requests seek information that directly relates to Sprint’s claims that NAT must seek a Certificate of Authority from this Commission.

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<sup>1</sup> Sprint’s Amended Complaint, “Prayer for Relief,” page 8 (dated May 5, 2010).

On October 11, 2011, NAT filed its “Application for Certificate of Authority” with this Commission.<sup>2</sup> As such, Sprint’s cause of action requesting “a declaration that NAT must seek a Certificate of Authority” becomes moot and any discovery requests seeking information that relates to this claim is no longer relevant in this dispute before the Commission.

After filing its “Application for Certificate of Authority,” NAT contacted Sprint in an effort to negotiate the proper scope of its discovery requests. NAT remains hopeful that the parties can reach an agreement without this Commission’s intervention.

### CONCLUSION

Based on the foregoing, NAT respectfully requests that this Commission deny Sprint’s Motion to Compel in its entirety.

Dated this 25<sup>th</sup> day of October, 2011.

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<sup>2</sup> See In the Matter of the Application of Native American Telecom, LLC for a Certificate of Authority to Provide Interexchange Telecommunications Services and Local Exchange Services in South Dakota (TC11-087).

**CERTIFICATE OF SERVICE**

I, *Scott R. Swier*, certify that on *October 25, 2011*, *NATIVE AMERICAN TELECOM, LLC's RESPONSE TO SPRINT'S MOTION TO COMPEL*, was served via *electronic mail* upon the following:

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*/s/ Scott R. Swier*

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