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March 2, 2011

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VIA E-MAIL AND U.S. MAIL

Scott R. Swier
Swier Law Firm, Prof. LLC
133 N. Main Street
PO Box 256
Avon, SD 57315

Re: Sprint v. NAT, TC10-026

Dear Scott:

We write in response to your email correspondence of Saturday, February 26 (attached). Because Sprint's discovery was validly served within the rules of the SD PUC, we will not agree to hold the discovery documents in abeyance.

Sprint served NAT with discovery on January 31, 2010. Pursuant to S.D.C.L. §§ 15-6-33(a) and 15-6-34, applicable to this proceeding through S.D. Admin. R. 20:10:01:01.02 and 20:10:01:22.01, NAT's responses are due today, March 2, 2011. It was not until Saturday, February 26, four days before NAT's deadline, that you notified us that NAT was refusing to meet its deadline. If NAT believed that its own pending motion in federal court (which is unrelated to the pending SD PUC action) would impact its ability to comply with its discovery deadlines, NAT could have supplied us, and the SD PUC, with additional notice.

The motion to dismiss pending before the SD PUC does not alter your obligations. There is no rule in South Dakota, administrative, civil or otherwise, that holds discovery in abeyance pending a motion to dismiss. In fact, S.D.C.L. § 15-6-26(d) provides that:

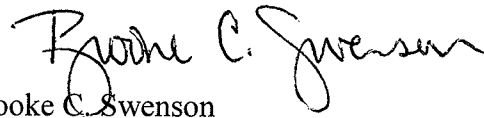
Unless the court upon motion, for the convenience of parties and witnesses and in the interests of justice, orders otherwise, methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery.

This rule is clear. NAT must seek affirmative relief from the PUC in order to be relieved of its obligation to respond timely to Sprint's discovery requests. The motion to dismiss will not be heard by the PUC until April. There is no good reason to forestall the development of each parties' case before the SD PUC.

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In an attempt to obtain timely and complete responses to its discovery, Sprint is willing to offer a one week extension of NAT's obligations to respond to Sprint's discovery requests. If Sprint does not receive timely and complete responses from NAT by Wednesday, March 9, please consider this Sprint's attempt to confer in good faith under S.D.C.L. § 15-6-37(a)(2).

Very truly yours,



Brooke C. Swenson

BCS/cf