

Cremer, Karen

From: scott@swierlaw.com
Sent: Friday, April 05, 2013 3:50 PM
To: Schenkenberg, Philip; Cremer, Karen
Cc: 'Diane Browning'; Knudson, Scott
Subject: RE: TC10-026 April 9, 2013 oral argument

Karen:

Scott Swier and Phil-are we in agreement that:

- 1.) the Commission will not formally hear NAT's request for a continuance but the parties may discuss it as a part of their presentation on April 9, 2013; (SRS Response - To preserve my record, I will provide the Commission with the circumstances surrounding Sprint's last-minute filing. I will also ensure that NAT's objection is clear on the record for appellate purposes).
- 2.) the Commission will hear oral argument on the Motion for Summary Judgment including Sprint's comments on its supplemental authority;
- 3.) that NAT may orally respond (or not) to Sprint's supplemental authority as it is understood that NAT will be submitting a written response to the supplemental authority at a later date; (SRS's response - Because of the lateness of Sprint's supplemental authority filings, NAT likely will not respond orally to the supplemental authority on Tuesday. Instead, NAT will take the opportunity (at a later date) to provide the Commission with a written response).
- 4.) that before the Commission makes a decision on the Motion for Summary Judgment that the parties can make further oral argument on the filings that will be made pertaining to Sprint's supplemental authority. (SRS's response - Yes, NAT will be likely be requesting further oral argument on the supplemental authority issue so that it is given a fair opportunity to respond to the same).

Finally, I note that the Commission's agenda states that it will only be hearing oral argument and will NOT be making any decision regarding Sprint's Motion for Summary Judgment on Tuesday. As such, I will inform my client that it should not expect a decision until a later date.

Thanks.

Scott

Scott R. Swier

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----- Original Message -----

Subject: RE: TC10-026 April 9, 2013 oral argument
From: "Schenkenberg, Philip" <PSchenkenberg@Briggs.com>
Date: Fri, April 05, 2013 3:28 pm
To: "Cremer, Karen" <Karen.Cremer@state.sd.us>, "Scott Swier (scott@swierlaw.com)" <scott@swierlaw.com>
Cc: 'Diane Browning' <diane.c.browning@sprint.com>, "Knudson, Scott" <SKnudson@Briggs.com>

Karen, as to 4) I would say that the Commission will hear oral argument if it wishes to do so.

Phil

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From: Cremer, Karen [<mailto:Karen.Cremer@state.sd.us>]
Sent: Friday, April 05, 2013 3:08 PM
To: 'Scott Swier (scott@swierlaw.com)'; Schenkenberg, Philip
Subject: TC10-026 April 9, 2013 oral argument

Scott Swier and Phil-are we in agreement that:

- 1.) the Commission will not formally hear NAT's request for a continuance but the parties may discuss it as a part of their presentation on April 9, 2013;
- 2.) the Commission will hear oral argument on the Motion for Summary Judgment including Sprint's comments on its supplemental authority;
- 3.) that NAT may orally respond (or not) to Sprint's supplemental authority as it is understood that NAT will be submitting a written response to the supplemental authority at a later date;
- 4.) that before the Commission makes a decision on the Motion for Summary Judgment that the parties can make further oral argument on the filings that will be made pertaining to Sprint's supplemental authority.

If Sprint and NAT are agreeable to this, please respond to this email as I would like to file it so the Commission knows what to expect based on NAT's April 4, 2013, letter to Ms. Van Gerpen.

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