

**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 for Protective Order**

Respondent Native American Telecom, LLC, (“NAT”), pursuant to SDCL 15-6-26(c) and S.D. Admin. R. 20:10:01:01.02, hereby moves the South Dakota Public Utilities Commission (“Commission”) for a Protective Order staying further discovery in this matter, based on the following grounds:

1. NAT’s “Motion to Dismiss” was filed with this Commission on June 1, 2010.
2. NAT’s “Motion to Stay” was filed with this Commission on July 29, 2010.
3. NAT’s “Motion to Stay” requests that this matter be stayed until the lawsuit now being prosecuted by Native American Telecom against Sprint Communications Company, L.P. (“Sprint”) in Crow Creek Sioux Tribe – Tribal Court is concluded.
4. This Commission’s “Staff Brief” was filed on November 15, 2010. The “Staff Brief” recommends that NAT’s “Motion to Stay” be granted by this Commission.
5. Sprint is now seeking to engage in discovery by serving lengthy and detailed interrogatories and requests for production of documents, before this Commission has had an opportunity to rule on NAT’s pending motions.
6. Until this Commission rules on the pending motions, NAT should be relieved of the time, undue burden, and undue expense involved in responding to lengthy and detailed discovery documents and other time-consuming discovery procedures.
7. Compelling NAT to respond to Sprint’s discovery documents and possibly other discovery requests before resolution of NAT’s pending motions will cause undue burden and expense to NAT and will result in the unnecessary expenditure of attorney’s fees and costs.

This motion is based upon SDCL 15-6-26(c) and S.D. Admin. R. 20:10:01:01.02, all supporting memoranda, documents, and affidavits that may be filed and served in accordance with applicable law, and upon all files, records, and proceedings herein.

Dated this 7th day of March, 2011.

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CERTIFICATION OF GOOD FAITH

I, *Scott R. Swier*, one of the attorneys for Respondent NAT in the above-entitled action, hereby certify that, consistent with the requirements of SDCL 15-6-26(c), I have attempted in good faith to confer with other affected parties in an attempt to resolve this discovery dispute without commission/court action, *through written exchanges*, with Sprint's counsel, before filing this motion for protective order.

Dated this 7th day of March, 2011.

SWIER LAW FIRM, PROF. LLC

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CERTIFICATE OF SERVICE

I, *Scott R. Swier*, certify that on *March 7th, 2011*, *Respondent Native American Telecom*

LLC's Motion for Protective Order, was served via *electronic mail* upon the following:

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