

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

) DOCKET NUMBER TC11-069
)

)
) SOUTH DAKOTA NETWORK,
)
) LLC'S APPLICATION FOR WAIVER
) OF SWITCHED ACCESS COST
) STUDY
)
)
)
)

) SOUTH DAKOTA NETWORK'S
) RESPONSES TO SPRINT'S FIRST SET
) OF DATA REQUESTS
)
)
)
)

COMES NOW the above-named South Dakota Network, LLC, (SDN) and responds to Sprint Communications Company L.P.'s (Sprint) First Set of Data Requests to South Dakota Network, LLC.

GENERAL OBJECTIONS

SDN's General Objections are incorporated into each of its responses to the data requests below as though set forth fully therein as follows:

1. To the extent the information requested is not relevant to any unresolved issue or subject matter raised in the above-captioned action.
2. To the extent that the requested information is not reasonably calculated to lead to the discovery of any relevant admissible evidence.
3. To the extent that the Definitions, Interrogatories and Document Requests are vague and ambiguous.
4. To the Definitions generally to the extent that the Interrogatories seek to impose burdens upon SDN which are overly broad and unduly burdensome.
5. To the extent that the Interrogatories and/or Document Requests call for information already in the possession and control of Sprint or contained within public

records, which information is equally available to Sprint.

6. To the extent that the Interrogatories and/or Document Requests place conditions on the production of information, which conditions are not required by the Administrative Rules of the State of South Dakota and/or the South Dakota Rules of Civil Procedure, and to the extent the Interrogatories and/or Document Requests are inconsistent with all those rules which govern the discovery process in the above-captioned matter.

7. To the extent that the Interrogatories and/or Document Requests call for the disclosure or production of information or material protected from disclosure by the attorney-client privilege, attorney work product doctrine, trade secret, or any other privilege, immunity or grounds that protect information from disclosure of any such information. Requests that purport to require production of such information and material are oppressive, burdensome and posed to harass. SDN does not intend to waive such objections to the extent any such protected information is disclosed.

INTERROGATORIES

Interrogatory No. 1. Identify all people who have provided information in response to these Interrogatories and Requests for Production and what information each individual provided.

RESPONSE: Mark Shlanta, Chief Executive Officer of SDN, with the assistance of Nick Kortan, Vice President of Corporate Operations and with the assistance of counsel.

Interrogatory No. 2. In the Application for Waiver of Switched Access Cost Study (“Application”), paragraph 3(3), you state, “Preliminary analysis indicates that a cost study would support higher rates.” Identify the following:

- a) Who performed the preliminary analysis;
- b) List of all materials relied upon for the preliminary analysis;

- c) All conclusions reached in the preliminary analysis; and
- d) All documents produced as part of the preliminary analysis.

OBJECTION: SDN objects to this interrogatory as it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Further, the information requested is proprietary in nature and cannot be adequately protected by a Protection Order.

RESPONSE: Without waiving said objection, Consortia Consulting prepared the preliminary analysis. See Response to Staff's Data Requests and Response to Staff's Data Requests (Second Set).

Interrogatory No. 3. Identify all services SDN provides that are not subject to tariff and, for each such service, identify and explain any preliminary cost analysis performed with respect to each such service, including but not limited to expenses allocated and how the allocation was calculated for each such service.

OBJECTION: SDN objects to this interrogatory as it is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE: Without waiving said objection, many of SDN's services are listed on its website at www.sdncommunications.com.

Interrogatory No. 4. Identify the number of minutes of voice traffic SDN's network carried that were charged under a transiting agreement for each year from 2005 through 2011.

OBJECTION: SDN objects to this interrogatory as it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 5. In the Application, paragraph 3(1), you state, "SDN does not have the internal experts necessary to determine cost-based intrastate access rates and would have to

employ the services of outside consultants.” Identify how SDN made a determination that external experts would be necessary to determine cost-based intrastate access rates, what SDN determined the services of such experts would cost, and identify all experts or consultants with whom SDN discussed the possibility of doing a study to determine cost-based intrastate access rates.

OBJECTION: SDN objects to the form of this interrogatory. SDN further objects to this interrogatory as it is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE: Without waiving said objection, SDN consulted with Consortia Consulting regarding its Application for Waiver of Switched Access Cost Study. SDN does not have anyone on staff that can prepare a Cost Study. For purposes of this application, estimates of the cost to produce a Cost Study range from \$35,000.00 to \$50,000.00.

Interrogatory No. 6. Identify the total minutes of use for SDN services not subject to tariff for the years 2006 through 2010, and 2011 to date.

OBJECTION: SDN objects to this interrogatory as it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 7. For each of the five most recent fiscal years, 2006 – 2010, and for 2011 to date, provide financial statements (Income, Cash Flow, and Balance Sheet, audited if available).

- a) Provide revenue information in sufficient detail to show all significant sources of revenue (e.g., local service, toll service, access, USF receipts, equipment, broadband, video, and wireless).
- b) Provide expense information in sufficient detail to show all significant expense categories (e.g., maintenance, interest, depreciation, marketing, legal, finance, and taxes).

- c) Provide investment information in sufficient detail to show all significant investment categories (e.g., interoffice, loop, switching, broadband, video, and wireless).

OBJECTION: SDN objects to this interrogatory as it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Further, the information requested is proprietary in nature and cannot be adequately protected by a Protection Order.

Interrogatory No. 8. For each of the past fiscal five years, 2006 – 2010, and for 2011 to date, provide the total minutes of use, by month, switched by SDN terminating to any LEC, by LEC and by interexchange carrier.

OBJECTION: SDN objects to this interrogatory as it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 9. For each of the past fiscal five years, 2006 – 2010, and for 2011 to date, provide the total minutes of use, by month, switched by SDN ultimately terminating to Call Connection Companies, by Call Connection Company, by LEC, and by interexchange carrier.

OBJECTION: SDN objects to this interrogatory as it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 10. Provide detailed cost and investment information on the switching equipment, and any other SDN-owned equipment, used to provide services ultimately terminating to Call Connection Companies; e.g., vendor invoice, vendor switch model, switch capacity.

OBJECTION: SDN objects to this interrogatory as it is not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 11. Provide a detailed diagram showing the call path through SDN-owned or controlled equipment for traffic ultimately terminating to Call Connection Company-owned conference bridge equipment.

OBJECTION: SDN objects to this interrogatory as it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE: Without waiving said objection, a diagram that depicts a generic view of the transmission path and the rates that apply for switched access service can be found in SDN's Access Tariff at 5.6.1 (D) (1) (pg. 72) (See Exhibit A).

Interrogatory No. 12. Provide financial information on any reserves, write-offs, or uncollectibles associated with traffic ultimately delivered to Call Connection Companies.

OBJECTION: SDN objects to this interrogatory as it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Further, the information requested is proprietary in nature and cannot be adequately protected by a Protection Order.

REQUESTS FOR PRODUCTION

Request No. 1. Produce all documents reviewed in the preliminary analysis performed to indicate that the cost study would support higher rates; all documents discussing the conclusion; and all work papers or other documents produced or created as part of the preliminary analysis.

OBJECTION: SDN objects to this interrogatory as it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE: Without waiving said objection, see Response to Staff's Data Requests and Response to Staff's Data Requests (Second Set).

Request No. 2. With respect to all experts or outside consultants whose services you considered retaining or employing, produce all information received or exchanged with such experts or outside consultants pertaining to developing cost-based intrastate access rates.


OBJECTION: SDN objects to this interrogatory as it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Further, the information is protected by the attorney work product doctrine as it is work product prepared in anticipation of litigation and therefore protected from discovery.

RESPONSE: Without waiving said objection, see Response to Staff's Data Requests and Response to Staff's Data Requests (Second Set).

Request No. 3. Provide all documents identified in response to the Interrogatories.

RESPONSE: See the attached Exhibit A.


DATED this 3rd day of January, 2012.



Mark Shlanta

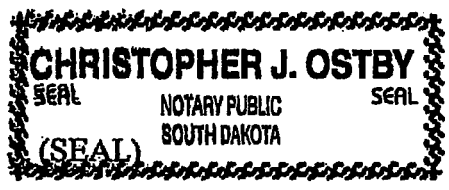
State of South Dakota)
 :SS
County of Minnehaha)

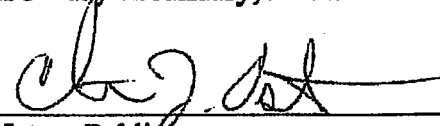
Mark Shlanta, first being duly sworn, deposes and states that he is the Chief Executive Officer of South Dakota Network, LLC, in the above entitled matter, and that he has read or had read to him the within and foregoing Responses to Sprint's First Set of Data Requests to South Dakota Network, LLC, and knows the contents thereof are true to his own knowledge and belief.



Mark Shlanta

Subscribed and sworn to before me this 3rd day of January, 2012.






Notary Public
Notary Print Name: Christopher J. Ostby
My commission expires: 6-30-16

Darla Pollman Rogers, one of the attorneys for South Dakota Network, LLC, hereby objects to certain of the Interrogatories and Requests for Production propounded by Sprint Communications Company, LP, as shown above.

Dated this 3rd day of January, 2012.

RITER, ROGERS, WATTIER & NORTHRUP, LLP



Darla Pollman Rogers
Margo D. Northrup
319 South Coteau
P.O. Box 280
Pierre, SD 57501
Telephone: (605) 224-5825
Fax: (605) 224-7102

William P. Heaston
VP, Legal & Regulatory
South Dakota Network, LLC
2900 W. 10th Street
Sioux Falls, SD 57104

Attorneys for South Dakota Network, LLC.

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of January, 2012, I served a copy of South Dakota Network's Responses to Sprint's First Set of Data Requests electronically to:

Ms. Kara Semmler
Staff Attorney
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
kara.semmler@state.sd.us

Mr. Brian Rounds
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
brian.rounds@state.sd.us

Mr. Talbot J. Wiczorek - Representing: Sprint Communications Co., LP
Attorney at Law
Gunderson Palmer Nelson & Ashmore, LLP
PO Box 8045
Rapid City, SD 57709-8045
tjw@gpgnlaw.com
KWebb@gpnlaw.com

Mr. William M. Van Camp - Representing: AT&T Communications of the Midwest Inc.
Attorney At Law
Olinger Lovald Mccahren & Reimers PC
PO Box 66
Pierre SD 57501-0066
Bvancamp@Olingerlaw.Net

Mr. Brett Koenecke - Representing: MCI Communications Services, Inc. dba Verizon Business Services
May, Adam, Gerdes and Thompson, LLP
PO Box 160
Pierre, SD 57501
koenecke@magt.com



Darla Pollman Rogers

EXHIBIT A

**SOUTH DAKOTA TARIFF NO. 2
ACCESS SERVICE**

South Dakota Network, LLC

Original Page 72

5. Switched Access Service (Cont'd)

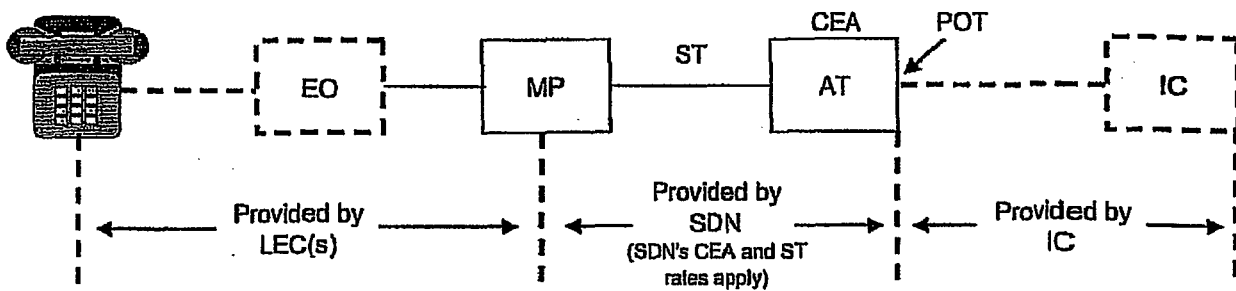
5.6 Rate Regulations (Cont'd)

5.6.1 Description and Application of Rates and Charges (Cont'd)

(D) Rates Applicable (Cont'd)

(1) (Cont'd)

The following diagram depicts a generic view of the rates that apply for Switched Access Service.



GLOSSARY

- AT - SDN's Centralized Equal Access Tandem
- CEA - Centralized Equal Access
- EO - End Office of an Exchange Telephone Company
- IP - Interconnection Point Between Facilities of SDN and PTC or, if applicable, Other Exchange Telephone Companies
- IC - Interexchange Carrier
- LEC - Local Exchange Carrier
- MP - Meetpoint (the meetpoint may be located at the EO, at the AT or a mutually agreed to point between the EO and AT)
- POT - Point of Termination
- SDN - South Dakota Network, LLC
- ST - Switched Transport (SDN and/or the LEC may charge for transport between the EO and AT depending on the location of the MP)

- (2) The nonrecurring charge, as set forth in Section 5.7.4 following, applies to Switched Access Service for the installation of the Interim NXX Translation optional feature and for each subsequent order received to add or change NXX translation codes.

Issued: September 12, 2007

Effective: October 1, 2007

By: SDN Chief Executive Officer
2900 West 10th Street
Sioux Falls, South Dakota 57104