

# **EXHIBIT D**

## **Schenkenberg, Philip**

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**From:** Schenkenberg, Philip  
**Sent:** Wednesday, April 17, 2013 8:15 AM  
**To:** 'scott@swierlaw.com'  
**Subject:** RE: NAT, SDPUC 11-087

What is your intention in 11-087? You served a discovery response that said you would be filing an amended application, but nothing has been filed. NAT then missed the April 8 testimony deadline. I don't consider us to have a May 8 deadline under these circumstances and need to know what you are intending to do with this docket.

Do you expect to respond to our motion to compel on April 24, which is the customary 20 days? Perhaps we can schedule it for hearing on May 7.

Thanks.

Phil

Phil Schenkenberg  
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**From:** [scott@swierlaw.com](mailto:scott@swierlaw.com) [mailto:[scott@swierlaw.com](mailto:scott@swierlaw.com)]  
**Sent:** Wednesday, April 17, 2013 8:04 AM  
**To:** Schenkenberg, Philip  
**Subject:** RE: NAT, SDPUC 11-087

Phil:

Please note that I would respectfully request that all future contact between our firms be conducted by email.

Thank you.

Scott

**Scott R. Swier**

**SWIER LAW FIRM, PROF. LLC**

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

Subject: NAT, SDPUC 11-087

From: "Schenkenberg, Philip" <[PSchenkenberg@Briggs.com](mailto:PSchenkenberg@Briggs.com)>

Date: Wed, April 17, 2013 7:59 am

To: "Scott Swier ([scott@swierlaw.com](mailto:scott@swierlaw.com))" <[scott@swierlaw.com](mailto:scott@swierlaw.com)>

Scott,

I have left you several messages over the last several weeks, and you have chosen not to return my calls. In addition, I have seen no response to Jason Topp's email asking what your intention is now that NAT has missed its April 8 date for supplemental testimony. At this point, we don't believe we are bound by the May 8 deadline. I also want to schedule the hearing on our motion to compel. Please call me ASAP to discuss.

Phil

**Phil Schenkenberg  
Attorney**

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