

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION
OF NATIVE AMERICAN TELECOM, LLC
FOR A CERTIFICATE OF AUTHORITY TO
PROVIDE LOCAL EXCHANGE SERVICE
WITHIN THE STUDY AREA OF MIDSTATE
COMMUNICATIONS, INC.

Docket No. TC11-087

**SPRINT COMMUNICATIONS
COMPANY L.P.'S AMENDED
THIRD MOTION TO COMPEL**

COMES NOW, Sprint Communications Company L.P. ("Sprint"), by and through counsel of record, Philip R. Schenkenberg and Scott G. Knudson, Briggs and Morgan, P.A., 80 South 8th Street, 2200 IDS Center, Minneapolis, Minnesota, and pursuant to ARSD 20:10:01:01.02 and SDCL § 15-6-37(a), hereby files its Amended Third Motion to Compel against Native American Telecom, LLC ("NAT"). Sprint requests an order requiring NAT to respond to Interrogatories 55, 56, 59, and 62-64, and Document Requests 13-17, and 20-21, as more fully discussed in the accompanying memorandum.

As detailed in the accompanying memorandum, and as supported by the July 26 and August 21 Affidavits of Philip R. Schenkenberg, there is good cause for granting this motion. NAT initiated this proceeding and is asking for permission to provide certain services in the state. When Sprint served discovery relating to NAT's May 31, 2013 Amended Application ("Amended Application"), NAT ignored the July 10 return date. In fact, NAT has failed to respond in any way until after Sprint filed its Third Motion to Compel. When it did respond, numerous answers were deficient. Sprint met and conferred with NAT on these deficiencies August 9 and NAT, contrary to its promises to do so, has not followed up in any way.

NAT is a repeat offender. Its discovery tactics are unreasonable and have served only to needlessly increase Sprint's time and expenses to obtain discovery. Not only should Sprint's motion be granted, NAT should be required to pay Sprint its fees and costs associated with this motion. ARSD 20:10:01:01.02; SDCL § 15-6-37(a)(4)(A).

Dated this 21st day of August, 2013.

BRIGGS AND MORGAN, P.A.

s/Philip R. Schenkenberg

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