

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE APPLICATION OF )</b>	<b>ORDER GRANTING MOTION</b>
<b>SPRINT COMMUNICATIONS COMPANY L.P. )</b>	<b>TO COMPEL IN PART;</b>
<b>FOR AUTHORITY TO PROVIDE LOCAL )</b>	<b>ORDER AMENDING</b>
<b>EXCHANGE SERVICES IN CERTAIN RURAL )</b>	<b>PROCEDURAL SCHEDULE</b>
<b>AREAS SERVED BY BROOKINGS MUNICIPAL )</b>	
<b>UTILITIES D/B/A SWIFTEL COMMUNICATIONS )</b>	<b>TC06-178</b>

On October 20, 2006, the Public Utilities Commission (Commission) received an Application from Sprint Communications Company L.P. (Sprint) for authority to provide local exchange services in certain rural areas served by Brookings Municipal Utilities d/b/a Swiftel Communications (Swiftel).

On October 26, 2006, the Commission electronically transmitted notice of the filing and the intervention deadline of November 10, 2006, to interested individuals and entities. South Dakota Telecommunications Association (SDTA) filed to intervene on November 7, 2006. Swiftel filed to intervene on November 9, 2006. Swiftel was granted intervention. SDTA was granted intervention subject to certain restrictions. On March 30, 2007, the Commission issued an Order Setting Procedural Schedule; Order for and Notice of Hearing scheduling the hearing to be held on June 28, 2007. On May 4, 2007, the Commission received a Joint Motion for Delay of Hearing. At its regularly scheduled meeting of May 22, 2007, the Commission unanimously voted to grant the Joint Motion for Delay of Hearing. On July 5, 2007, the Commission received a Joint Motion for Delay of Hearing. At its meeting on July 11, 2007, the Commission granted the Joint Motion for Delay of Hearing. On January 11, 2008, the Commission received a Joint Motion for Delay of Hearing.

At its January 29, 2008, meeting, the Commission considered the Joint Motion for Delay of Hearing. Commission Staff recommended approval. The Commission unanimously voted to grant the Joint Motion for Delay of Hearing. On May 13, 2008, the Commission received a Motion to Request the Commission Enter a Protective Order.

At its May 20, 2008, meeting, the Commission considered the Motion to Request the Commission Enter a Protective Order. All parties agreed to entry of the Order. Commission Staff recommended approval. The Commission unanimously voted to grant the Motion to Request the Commission Enter a Protective Order. Pursuant to an Order for and Notice of Hearing dated May 28, 2008, the hearing in this matter has been scheduled to begin at 9:00 A.M. on August 20, 2008, and continuing at 8:00 A.M. on August 21-22, 2008, in the Visitors Center, 650 East Capitol, Pierre, South Dakota.

By order dated June 27, 2008, the following procedural schedule was agreed to by the parties:

<u>Event</u>	<u>Date</u>
Simultaneous Direct Testimony Due	July 9, 2008
Simultaneous Reply Testimony Due	August 4, 2008

The Parties agreed Swiftel may present new arguments that are connected to discovery it obtains through a Motion to Compel, or is otherwise produced late, in its Reply Testimony due August 4, 2008. The Parties also agreed Sprint may then reply specifically to the new Swiftel arguments by August 13, 2008.

Pursuant to an Order for and Notice of Hearing dated May 28, 2008, the hearing in this matter has been scheduled to begin at 9:00 A.M. on August 20, 2008, and continuing at 8:00 A.M. on August 21-22, 2008, in the Visitors Center, 650 East Capitol, Pierre, South Dakota.

On June 26, 2008, Swiftel filed a Motion to Compel Responses and Production of Documents Addressed to Sprint Communications, L.P. as Propounded by Brookings Municipal Utilities d/b/a Swiftel Communications. On July 9, 2008, Sprint filed its response.

At its July 14, 2008, ad hoc meeting, the Commission considered the Motion to Compel. The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, specifically SDCL 49-31-69 through 49-31-75, inclusive. For Discovery Requests 2, 3, and 4, Swiftel stated that it will not require Sprint to reproduce the agreement between Sprint and MCC that was provided in the arbitration docket and will accept the fiction that it has been provided in this docket. However, that agreement was redacted and Swiftel sought access to certain of the redacted portions. The Commission unanimously voted that Swiftel will amend or file a new motion regarding access to redacted provisions of the agreement; the Commission will hear the amended or new motion at its July 29, 2008 meeting; if any redacted provisions are required to be provided Sprint will provide those provisions by July 30, 2008; and the reply testimony due date of August 4, 2008 will be moved to August 6, 2008. For Discovery Requests 5 and 6, the Commission voted unanimously to grant the discovery requests in part. The Commission limited the requests to official corporate statements regarding the abandonment or reduction of Sprint's commitment to CLEC or cable businesses for the last three years. For Discovery Requests 7, 8, and 9, Swiftel stated that no action was necessary. For Discovery Requests 10, 11, and 12, the parties agreed to work out their differences. For the remaining discovery requests and requests for production of documents raised by Swiftel in its Motion to Compel, Swiftel informed the Commission that it was no longer pursuing those requests.

It is therefore

ORDERED, that Swiftel's Motion to Compel is granted in part; and it is

FURTHER ORDERED, that the procedural schedule is amended as set forth above.

Dated at Pierre, South Dakota, this 18<sup>th</sup> day of July, 2008.

<b>CERTIFICATE OF SERVICE</b>	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.	
By:	<u><i>Amisa Swiftel</i></u>
Date:	<u>7/18/08</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

*Gary Hanson*

GARY HANSON, Chairman

*Steve Kolbeck*

STEVE KOLBECK, Commissioner

*Dustin M. Johnson*

DUSTIN M. JOHNSON, Commissioner *Ac.*