

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

**IN THE MATTER OF THE COMPLAINT FILED)
BY SOUTH DAKOTA NETWORK, LLC)
AGAINST SPRINT COMMUNICATIONS)
COMPANY L.P. REGARDING FAILURE TO)
PAY INTRASTATE CENTRALIZED EQUAL)
ACCESS CHARGES AND TO IMMEDIATELY)
PAY UNDISPUTED PORTIONS OF SDN'S)
INVOICES.)**

**ORDER APPROVING
STIPULATION REGARDING
EXPERT DISCOVERY**

TC09-098

**IN THE MATTER OF THE THIRD PARTY)
COMPLAINT OF SPRINT COMMUNICATIONS)
COMPANY LP AGAINST SPLITROCK)
PROPERTIES, INC., NORTHERN VALLEY)
COMMUNICATIONS, INC., SANCOM, INC.,)
AND CAPITAL TELEPHONE COMPANY)**

On October 29, 2009, South Dakota Network LLC (SDN) filed with the Public Utilities Commission (Commission) a complaint against Sprint Communications LLC (Sprint) for 1) failing to pay intrastate centralized equal access charges at the rates approved by the SDPUC, 2) failing to immediately pay undisputed portions of SDN's invoices as required by SDN's Tariff, and 3) for payment by Sprint of SDN's costs of action, reasonable attorneys fees incurred by SDN, and for twice the amount of damages sustained by SDN, if SDN is required to recover its damages by suit or on appeal. On November 24, 2009, Sprint filed a Motion to Dismiss Count III, a Memorandum in Support of Motion to Dismiss Count III, an Answer, Affirmative Defenses, and Counterclaims and a Third Party Complaint. On December 14, 2009, SDN replied to the Counterclaim of Sprint.

On December 23, 2009, SDN filed a Corrected Reply to Sprint's Counterclaim. On January 22, 2010, Sancom, Inc. (Sancom), Northern Valley Communications, LLC (Northern Valley) and Splitrock Properties, Inc. (Splitrock), filed answers to Sprint's Third Party Complaint. On February 11, 2010, Sprint filed a Motion to Dismiss Northern Valley's Cross-Claim, a Memorandum in Support of Sprint's Motion to Dismiss Northern Valley's Cross Claim, a Motion to Dismiss Sancom's Cross-Claim and a Memorandum in Support of Sprint's Motion to Dismiss Sancom's Cross-Claim. On February 12, 2010, Sprint filed a corrected Memorandum in Support of Sprint's Motion to Dismiss Northern Valley's Cross-Claim and a corrected Memorandum in Support of Sprint's Motion to Dismiss Sancom's Cross-Claim. On February 22, 2010, SDN filed a Response to Sprint's Motion to Dismiss Count III. On February 23, 2010, the Commission granted Sprint's Motion to Dismiss Count III. On February 26, 2010, Northern Valley and Sancom filed a Consolidated Memorandum in response to Sprint's Motion to Dismiss Cross-Claims. On June 7, 2010, SDN filed a Stipulation to File and Serve Amended Complaint. On June 7, 2010, Sprint filed an Answer to SDN's Amended Complaint. On September 1, 2010, SDN filed a Motion for Summary Judgment and Memorandum in Support of Summary Judgment.

On January 18, 2011, Sprint filed a Motion Requesting a Protective Order Requiring the Parties to Comply with a Confidentiality Agreement and a Confidentiality Agreement. On February 1, 2011, Northern Valley and Sancom filed a revised Confidentiality Agreement. On February 9, 2011, the Commission granted Sprint's Motion Requesting a Protective Order Requiring the Parties to Comply with a Confidentiality Agreement. On April 12, 2011, Sprint filed a Motion Requesting Approval of First Amendment to the Confidentiality Agreement which the Commission granted on April 19, 2011.

On April 21, 2011, Sprint filed a Motion Requesting Approval of Stipulation Regarding Expert Discovery and a Stipulation Regarding Expert Discovery.

The Commission finds that it has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-13 and 49-31.

At its May 3, 2011, meeting, the Commission considered Sprint's Motion Requesting Approval of Stipulation Regarding Expert Discovery. The Commission voted unanimously to grant Sprint's Motion Requesting Approval of Stipulation Regarding Expert Discovery.

It is therefore

ORDERED, that the Motion Requesting Approval of Stipulation for Expert Discovery is hereby granted.

Dated at Pierre, South Dakota, this 11th day of May, 2011.

CERTIFICATE OF SERVICE
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>Ann Ardale</i></u>
Date: <u>5-11-11</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Steve Kolbeck
STEVE KOLBECK, Chairman

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner