

**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)	ORDER APPROVING
COMPANY L.P. REGARDING FAILURE TO)	STIPULATION FOR
PAY INTRASTATE CENTRALIZED EQUAL)	DISMISSAL
ACCESS CHARGES AND TO IMMEDIATELY)	
PAY UNDISPUTED PORTIONS OF SDN'S)	TC09-098
INVOICES.)	

On October 29, 2009, South Dakota Network LLC (SDN) filed with the Public Utilities Commission (Commission) a complaint against Sprint Communications LP (Sprint) for 1) failing to pay intrastate centralized equal access charges at the rates approved by the Commission; 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, 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 and a 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 21, 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 June 14, 2011, Sprint filed an Amended Motion to Dismiss Northern Valley's Cross-Claims and an Amended Motion to Dismiss Sancom's Cross-Claims. On August 30, 2011, the Commission granted Sprint's Amended Motion to Dismiss Northern Valley's Cross-Claim and Sprint's Amended Motion to Dismiss Sancom's Cross-Claims. On September 9, 2011, Splitrock filed a Stipulation for Dismissal of Third Party Complaint of Sprint Communications, LP against Splitrock Properties. On September 27, 2011, the Commission approved the Stipulation for Dismissal and dismissed Sprint's Third Party Complaint filed against Splitrock.

On September 23, 2011, SDN filed an Amended Motion for Partial Summary Judgment. On October 7, 2011, Northern Valley filed a Counterclaim Against Sprint. On October 17, 2011, Sprint filed a Motion to Dismiss Northern Valley's Counterclaim. On November 7, 2011, Northern Valley filed a Motion for Leave to file Counterclaims. At its December 20, 2011, meeting, the Commission granted SDN's Amended Motion for Partial Summary Judgment and Northern Valley's Motion for Leave to File Counterclaims. The Commission denied Sprint's Motion to Dismiss Northern Valley's Counterclaim (Commissioner Hanson, dissenting).

On December 21, 2011, a Stipulation for Dismissal of Third Party Complaint of Sprint Communications Company, LP against Sancom, Inc. was filed. At its January 3, 2012, meeting, the Commission approved the Stipulation for Dismissal and dismissed Sprint's Third Party Complaint filed against Sancom. On March 12, 2012, Sprint filed a Motion for Partial Summary Judgment. At its May 22, 2012, meeting, the Commission voted unanimously to deny Sprint's Motion for Partial Summary Judgment. On October 26, 2012, Sprint filed a Stipulation for Dismissal of Sprint Communications Company LP's Third-Party Complaint Against Northern Valley Communications, L.L.C. and Northern Valley's Counterclaim Against Sprint. On November 6, 2012, the Commission unanimously voted to approve the Stipulation for Dismissal of Sprint Communications Company LP's Third-Party Complaint Against Northern Valley Communications, L.L.C. and Northern Valley's Counterclaim Against Sprint. On September 13, 2013, SDN filed a Stipulation for Dismissal of SDN's Complaint Against Sprint and Sprint's Counterclaim Against SDN.

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

At its September 24, 2013, meeting, the Commission considered the Stipulation for Dismissal and the Commission unanimously voted to approve the Stipulation for Dismissal.

It is therefore

ORDERED, that the Stipulation for Dismissal of SDN's Complaint Against Sprint and Sprint's Counterclaim Against SDN is hereby approved.

Dated at Pierre, South Dakota, this 26th day of September, 2013.

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>Joy Lashley</u>
Date:	<u>9-26-13</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner