

EXHIBIT A

Issues to be Litigated and Manner of Proceeding

1. As part of this docket, the Commission will address the following issues:
 - A. As between SDN and Sprint – the issues raised in the pleadings between them, including the issues currently before the Commission pursuant to SDN's Summary Judgment Motion filed September 1, 2010, with respect to intrastate traffic billed on or before August 1, 2011.
 - B. As between Sprint and the Third Party Defendants – the issues raised in the pleadings between them, with respect to traffic billed on or before August 1, 2011.

Discovery Generally

2. SDN, Sprint and Third Party Defendants have agreed it is in their interest to coordinate and consolidate discovery (including party and non-party depositions) in this case with discovery that is anticipated in cases venued elsewhere. For example, the parties agreed it is impractical to separate discovery for the claims, defenses and damages relating to the parties' intrastate dispute from the claims, defenses and damages relating to the parties' interstate dispute. Accordingly, to the extent that a party is providing documents or conducting depositions, it is the intent of the parties to seek and make available discovery that would be relevant to both interstate and intrastate matters.

3. Notwithstanding the above, Sprint and certain Third Party Defendants disagree about the scope of discovery that is relevant to the issues referred to the Commission and the Federal Communications Commission. The parties will articulate their respective positions in (or in response to) appropriate motion papers.

4. Discovery may be served by any party immediately (and, indeed, many parties have already served discovery requests and responses), but the parties agreed to take efforts to avoid lodging repetitive discovery requests. Responses to discovery requests are due 20 days after service. Each party will have the ongoing obligation to update and supplement discovery responses. Within 7 days of receipt of each other's respective discovery responses, or as soon as practicable thereafter, both parties shall make a good faith effort to resolve any issues related to deficient discovery responses. If the parties are unable to resolve any discovery issues that may arise, any Motions(s) to Compel shall be filed with the Commission.

5. Discovery requests and responses shall not be filed with the Commission unless necessary in connection with a motion to compel or if introduced as a hearing exhibit.

6. The parties will coordinate depositions and discovery with those occurring in other related cases, to the full extent possible, so that this case proceeds efficiently.

Proposed Procedural Schedule

7. The Commission adopts the following procedural schedule:

- A. SDN's Motion for Summary Judgment will be heard at the Commission's **October 25, 2011**, meeting. SDN may file updated motion papers (including supporting Briefs) no fewer than 30 days before the hearing. Sprint's response will be due 14 days before the hearing, and SDN's reply will be due three days before the hearing. On this Motion, the Commission will make no decision on the issues between Sprint and Third-Party Defendants.
- B. All written discovery requests (other than requests directed at pre-filed testimony) shall be served no later than **October 11, 2011**. Written

discovery requests directed at statements made in pre-filed testimony may be served within 14 days after the testimony is filed.

- C. All fact depositions shall occur no later than **November 8, 2011**.
- D. On or before **December 1, 2011**, SDN shall serve and file direct testimony, including exhibits, with respect to issues not resolved on its Motion for Summary Judgment.
- E. On or before **January 10, 2012**, Sprint may serve and file reply testimony to SDN's testimony, and direct testimony with respect to its third party complaints.
- F. On or before **February 17, 2012**, any third party defendant(s) shall serve and file reply testimony.
- G. On or before **March 23, 2012**, SDN and Sprint may file rebuttal testimony, which shall be limited to new matters raised in reply testimony.
- H. The hearing shall be set for 5 days beginning after **April 23, 2012**, or as the Commission's calendar allows. No witness shall be allowed to testify at the hearing unless that witness has pre-filed testimony pursuant to this schedule.
- I. A post hearing briefing schedule will be set at the hearing.

8. Service in this case shall be accomplished by email, which is effective upon receipt by the party served.

Sprint's proposed ¶ 9:

9. Documents produced in response to discovery requests shall be produced in searchable .pdf or .tif format or, in the case of worksheets, spreadsheets or cost calculations, in

native, unprotected electronic format, except that spreadsheets with irrelevant confidential (but not privileged) material may be produced in redacted non-native format. When a party redacts confidential irrelevant material in a spreadsheet it agrees to work in good faith to explain to the receiving party the content of the document

Northern Valley/Sancom's proposed ¶ 9:

9. Documents produced in response to discovery requests shall be produced in searchable .pdf or .tif format or, in the case of worksheets, spreadsheets or cost calculations, in native, unprotected electronic format. The inclusion of confidential, but not privileged information, will not be a basis for a party to refuse to provide the native format of spreadsheets that otherwise would be subject to production.