
BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITION OF
BROOKINGS MUNICIPAL UTILITIES
D/B/A SWIFTEL COMMUNICATIONS
FOR SUSPENSION OR MODIFICATION
OF DIALING PARITY, NUMBER
PORTABILITY AND RECIPROCAL
COMPENSATION OBLIGATION

Docket No. TC07-007

**MOTION TO COMPEL RESPONSES AND PRODUCTION OF
DOCUMENTS ADDRESSED TO MCC TELEPHONE OF THE MIDWEST, INC. D/B/A
MEDIACOM AS PROPOUNDED BY
BROOKINGS MUNICIPAL UTILITIES D/B/A
SWIFTEL COMMUNICATIONS**

Brookings Municipal Utilities d/b/a Swiftel Communications (Swiftel) by its attorneys, hereby moves for an order, pursuant to SDCL 15-6-37(a), compelling MCC Telephone of the Midwest, Inc. d/b/a Mediacom (Mediacom) to provide responses to all of the discovery requests and requests for production propounded in the **Discovery Requests of Brookings Municipal Utilities D/B/A Swiftel Communications to MCC Telephone of the Midwest, Inc. d/b/a Mediacom**, served on Mediacom by Swiftel on June 9, 2008.

Responses to discovery requests were due on June 25, 2008. Mediacom did not, and to date has not yet responded or objected in any way to Swiftel's discovery requests. On Thursday, June 28, 2008, and again on Wednesday, July 2, 2008, Swiftel followed up with counsel for Mediacom via email to determine whether Mediacom intended to respond. As of today, July 11, 2008, Mediacom has not responded or objected to any of Swiftel's discovery requests.

In addition, Swiftel asks the Commission to compel Mediacom to provide its answers under oath. SDCL Section 15-6-33(a) states that:

Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the objecting party shall state the reasons for the objection and shall answer to the extent the interrogatory is not objectionable.

Swiftel requests the Commission ensure that in directing Mediacom to respond, Mediacom does so in accordance with SDCL Section 15-6-33(a).

Swiftel reserves the right to file a further motion in the event that Mediacom responds or objects in any way to the aforementioned discovery requests and requests for production.

For all of the above reasons, Swiftel requests that the Commission direct Mediacom to provide complete responses to the discovery requests and requests for production contained in the **Discovery Requests of Brookings Municipal Utilities D/B/A Swiftel Communications to Midcontinent Communications** dated June 9, 2008. Swiftel also asks the Commission to compel Mediacom to provide its answers under oath as required by SDCL Section 15-6-33(a).

Respectfully submitted,

BROOKINGS MUNICIPAL UTILITIES D/B/A/
SWIFTEL COMMUNICATIONS

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July 11, 2008

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 11th day of July, 2008, a copy of the **Motion to Compel Responses and Production of Documents addressed to MCC Telephone of the Midwest, Inc., d/b/a Mediacom as propounded by Brookings Municipal Utilities D/B/A Swiftel Communications** was served via electronic mail and by U.S. Mail, postage prepaid, to the following:

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