

# **EXHIBIT F**

## Carter, David

---

**From:** James M. Cremer [jcremer@bantzlaw.com]  
**Sent:** Friday, December 10, 2010 1:07 PM  
**To:** 'Darla Rogers'; 'Schenkenberg, Philip'; 'Talbot J. Wieczorek'; 'Meredith Moore'; 'Jeff Larson'; 'Bill Heaston'  
**Cc:** Karen.Cremer@state.sd.us  
**Subject:** RE: SDN v. Sprint (TC09-098) - Scheduling Order  
**Attachments:** Proposed Scheduling Order (Verizon with SDN and NVC edits 2010-12-10) (00608674).DOCX

All,

Attached is the Verizon proposed scheduling order with SDN edits and NVC's edits. This has gotten quit messy, so we may need another call to sort it out. Please advise if you think that would be useful.

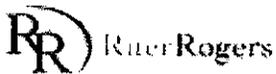
James M. Cremer | Bantz, Gosch & Cremer, L.L.C.  
305 Sixth Ave. SE | PO Box 970 | Aberdeen, SD 57402-0970  
(605) 225-2232 | Fax (605) 225-2497

**From:** Darla Rogers [mailto:DPRogers@riterlaw.com]  
**Sent:** Tuesday, December 07, 2010 4:58 PM  
**To:** 'Schenkenberg, Philip'; 'Talbot J. Wieczorek'; 'Meredith Moore'; Jeff Larson (jdlarson@santel.net); jcremer@bantzlaw.com; 'Bill Heaston'  
**Cc:** 'Karen.Cremer@state.sd.us'  
**Subject:** SDN v. Sprint (TC09-098)

Dear Counsel:

I have made an attempt to revise the Stipulation for Procedural Schedule, based upon the discussions during our last conference call. Phil, I took the language from your Stipulation and attempted to red-line it to include a "parallel track" schedule for the SDN/Sprint issues. Accordingly, I added a paragraph to the Issues to be Litigated that covers SDN/Sprint issues (Paragraph 12 A). I also amended the procedural schedule for the SDN/Sprint issues. I did not attempt to establish any dates for the third party complaints, as I understood Phil and Jim Cremer are going to do this. Please let me know if this is what we had in mind when we participated in the call. Thank you.

Darla Pollman Rogers



Riter, Rogers, Wattier & Northrup LLP  
P.O. Box 280  
319 S. Coteau St.  
Pierre, S.D. 57501  
605-224-5825  
[dprogers@riterlaw.com](mailto:dprogers@riterlaw.com)

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any

unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents or attachments, is strictly prohibited. If you have received this communication in error, please contact the sender by reply email and destroy all copies of the original message (and attachments, if any).

---

Style Definition: Footer: Tab stops: 3.25",  
Centered + 6.5", Right + Not at 3" + 6"

Formatted: Left: 1", Right: 1"

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

DOCKET NUMBER TC 09-098

Formatted Table

IN THE MATTER OF THE COMPLAINT )  
OF SOUTH DAKOTA NETWORK, LLC, )  
AGAINST SPRINT COMMUNICATIONS )  
COMPANY LP )  
)  
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 )

**STIPULATION FOR PROCEDURAL SCHEDULE**

**Summary of Procedural Posture**

1. This case was initiated on October 29, 2009, when South Dakota Network, LLC ("SDN") filed its Complaint against Sprint Communications Company L.P. ("Sprint"). The minutes at issue in the Complaint were intrastate switched access minutes delivered from Sprint to ~~SDN~~SDN's centralized equal access tandem switch, for delivery to certain entities utilizing telephone numbers assigned by Splitrock Properties, Inc. ("Splitrock"), Northern Valley Communications, Inc. ("Northern Valley"), and Sancom, Inc. ("Sancom")—hereinafter sometimes referred to as "Third Party Defendants". Sprint had disputed SDN's access charge bills for that traffic, claiming that the minutes were not subject to tariffed centralized equal

Formatted: DocID

access charges. At the time the Complaint was filed Sprint was in litigation with Splitrock,<sup>1</sup> Northern Valley,<sup>2</sup> and Sancom,<sup>3</sup> in federal district court in South Dakota regarding whether such minutes were subject to tariffed terminating access charges. There is no other litigation between SDN and Sprint at this time.

2. On November 23, 2009, Sprint moved to dismiss SDN's Count III, Answered Counts I and II, and asserted a Counterclaim. Sprint also filed Third Party Complaints against Splitrock, Northern Valley, Sancom, and Capital Telephone Company ("Capital"). Sprint demanded declaratory relief against all third party defendants, and asserted that all third party defendants were obligated to reimburse Sprint for any damages it owed to SDN. Sprint demanded monetary relief only as to Third Party Defendant Capital.

3. Northern Valley and Sancom answered Sprint's Counterclaim on January 22, 2010, and both asserted cross claims against Sprint for monetary damages. Splitrock answered Sprint's Counterclaim on January 22, 2010, but did not assert a cross claim.

4. On February 1, 2010, Sprint moved to dismiss the Northern Valley and Sancom claims for damages on the basis that such claims were barred by the election of remedies provision in SDCL 49-13-14.1, as they had already sought monetary damages in Federal Court. Northern Valley and Sancom opposed the motion, and in so doing questioned the Commission's authority to resolve Sprint's request for declaratory relief.

5. Before briefing was completed on Sprint's motion to dismiss, it became clear that the Federal District Court was likely to stay those cases and refer them to the Federal Communications Commission ("FCC") and or the Commission. The parties agreed they would await further direction before proceeding on Sprint's motion to dismiss.

<sup>1</sup> *Splitrock Properties Inc. v. Sprint Communications Company L.P.*, Case No. CIV 09-4075 (D.S.D.).

<sup>2</sup> *Northern Valley Communications vs. Sprint Communications Company L.P.*, Case No. CIV 08-1003 (D.S.D.).

<sup>3</sup> *Sancom Inc. vs. Sprint Communications Company L.P.*, Case No. CIV 07-4107 (D.S.D.).

Formatted: DocID

6. On March 15, 2010, the Federal District Court stayed Sancom/Sprint case, and referred issues to the FCC. On May 26, 2010, the Court clarified its order to make clear that issues of intrastate traffic were referred to the Commission. These orders are attached as Exhibit A hereto.

7. On March 15, 2010, the Federal District Court stayed Northern Valley/Sprint case, and referred issues to the FCC. On May 26, 2010, the Court clarified its order to make clear that issues of intrastate traffic were referred to the Commission. These orders are attached as Exhibit B hereto.

8. On March 30, 2010, the Federal District Court stayed the Splitrock/Sprint case, and referred issues to the FCC. This order is attached as Exhibit C hereto.

9. On June 7, 2010, SDN filed its Amended Complaint.

10. On September 1, 2010, SDN filed its Motion for Summary Judgment.

11. ~~11.~~ Since the federal court cases were stayed and referred, all parties have been engaged in various discussions regarding 1) the procedure for undertaking discovery and presenting issues for disposition at the FCC, 2) the procedure for undertaking discovery and presenting issues for disposition at the Commission, 43 Commission in this docket, and 2) potential negotiated resolution of certain issues raised in the pleadings. In addition, Sprint and Third Party Defendants have been engaged in further discussions regarding 1) the procedure for undertaking discovery and presenting issues for disposition at the FCC, and 42) coordinating discovery that will occur in other related dockets, and 34, 3) potential negotiated resolution of certain issues raised in the pleadings.

Formatted: Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Tab after: 1" + Indent at: 0"  
Formatted: Bullets and Numbering

Issues to be Litigated, and Manner of Proceeding

Formatted: Left, Indent: First line: 0.5"

Formatted: DocID

12. The parties agree and recognize that as part of this docket, the Commission will address the following issues:

A. As between SDN and Sprint – (1) Whether the intrastate switched access minutes delivered from Sprint to SDN’s centralized equal access tandem switch for delivery to certain entities utilizing telephone numbers assigned by Third Party Defendants are subject to SDN’s tariffed centralized equal access charges; and (2) Whether Sprint’s use of an offset of undisputed minutes on the invoices subject to this Complaint against past CEA charges that Sprint paid to SDN but now claims are disputed is a legitimate self-help action allowable under SDN’s tariff. These issues are currently before the Commission pursuant to SDN’s Summary Judgment Motion filed September 1, 2010. The parties agree that discovery with regard to these issues is limited in scope, and it is not necessary to coordinate discovery on these issues with the third party complaints or with any other pending cases.

Formatted: Bullets and Numbering

A-13. As between Sprint and Third Party Defendants – the Commission will address the issues referred to the Commission by the Federal District Court in the Sancom/Sprint and Northern Valley/Sprint cases. In addition, while there was no explicit referral to the Commission in the Splitrock/Sprint case, the Commission will address the intrastate issues raised therein as well.

Formatted: Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Tab after: 1" + Indent at: 0"

13-14. Sancom and Northern Valley hereby withdraw their demand for money damages in this case. ~~Issues~~ ~~issues~~ ~~issues~~ related to those ~~claims~~ ~~claims~~ for intrastate damages in the federal court proceedings will nonetheless be litigated in this docket pursuant to the referrals.

**Discovery Generally**

Formatted: DocID

~~14.15. It is in the interest of the parties Sprint and Third Party Defendants to coordinate and consolidate discovery in this case with discovery that is scheduled or anticipated in cases venued elsewhere. For example, Qwest Communications has tentatively scheduled depositions of Northern Valley and Global Conferencing Corporation ("GCC")<sup>4</sup> for December 2010. These depositions have been noticed pursuant to a Northern Valley/Qwest case that has been referred to the FCC, but will also be taken for the purpose of the Northern Valley/Sprint case before the FCC, the *Tekstar* case venued before the Minnesota Commission, and this case. For example, the parties recognize that 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. Further, Sprint expressly agrees that it intends to seek and make available full discovery that may be necessary to proceed with the referral of interstate issues to the Federal Communications Commission for all referred issues.~~

Formatted: Bullets and Numbering

~~15. Similar depositions are anticipated with respect to other third party defendants, and other entities who, like GCC, have relationships with third party defendants.~~

Formatted: Font: Bold, Underline

**Procedural Schedule**

~~14.16. The parties shall enter into a confidentiality agreement on or before November 16 December 22 November December 16, 2010.~~

~~17. Discovery SDN and Sprint do not anticipate that discovery or prefiled testimony is necessary with regard to the issue raised in SDN's Summary Judgment Motion in Section III(B) on page 11 of its Memorandum. Accordingly, that portion of the Motion will be heard at the~~

Formatted: DocID

<sup>4</sup> GCC is an entity that utilizes Northern Valley telephone numbers and receives traffic that is at issue in this case.

Commission's January 18, 2011 meeting. Sprint's response will be due 14 days before the hearing, and SDN's reply will be due 3 days before the hearing.

18. As to the other issues raised in SDN's Summary Judgment Motion, which may be treated by the Commission as a Motion to Dismiss, Discovery may will be served immediately, but the parties agree to take efforts to avoid lodging repetitive discovery requests, immediately on or before January 24, 2011. Responses to discovery requests are due 20 days after service, except that responses to discovery served with respect to filed testimony shall be due in 10 business days. 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, 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 which may arise, any Motions(s) to Compel shall be filed with the Commission. The Motion to Compel shall be heard at the first available Commission meeting.

Formatted: Bullets and Numbering

19. With regard to the remainder of SDN's Summary Judgment Motion, SDN shall serve and file direct testimony, including exhibits, on March 4, 2011. Sprint may serve and file reply testimony to SDN's testimony by March 24, 2010.

15. A hearing will be held on the remainder of SDN's Motion for Summary Judgment at the Commission's first regular meeting in April, 2011.

18.20. Notwithstanding the above, Northern Valley will provide to Sprint on or before November 11, 2010 within five (5) business days of finalizing this Stipulation 2010, discovery responses and documents it has previously provided to Qwest so that Sprint has may utilize has those documents in advance of preparation for conducting its depositions scheduled for December 2010.

Formatted: DocID

Formatted: DocID

time:

25. SDN can renew the remainder of its Summary Judgment motion at the appropriate

reply shall be due 3 days before the hearing.

meeting. Sprint's response will be due 14 days before the hearing, and SDN's

in Section III(B) on page 11 of its Memorandum. This motion will be heard at the Commission's

21-24. SDN's Summary Judgment motion will be limited (at this time) to the issue raised

Formatted: Bullets and Numbering

**Procedural Schedule Regarding Resolution of SDN's Claims**

related cases to the full extent possible, so that this case proceeds efficiently.

20. The parties will coordinate depositions and discovery with that occurring in other

necessary in connection with a motion to compel or if introduced as a hearing exhibit.

19-23. Discovery requests and responses shall not be filed with the Commission unless

Formatted: Bullets and Numbering

31. 2010, including relevant documents that are in the possession of TFC(O).

scheduled to produce to Northern Valley in the federal court litigation no later than December

22. Similarly, Sprint will provide any remaining documents that it was previously

from Sancom.

provided. Sprint may utilize those documents in its case in lieu of seeking further discovery

transcripts it has previously provided to Qwest, to the extent that they have not already been

business days of finalizing this Stipulation, discovery responses, documents, and deposition

21. Notwithstanding the above, Sancom will provide to Sprint within five (5)

On or before February 1, 2011, SDN shall serve

Procedural Schedule Regarding Resolution of Claims Against Northern Valley,  
Sancom, and file Splitrock

26. Sprint, Northern Valley, Sancom, and Splitrock will agree upon the details regarding depositions separately. The depositions shall be scheduled so as to conclude by March 15, 2010

27. On or before April 15, 2011, Sprint may serve and file direct testimony, including exhibits.

20. On or before March 1, 2011, Sprint may serve and file reply testimony to SDN's testimony, and direct testimony with respect to its third party complaints.

28. On or before April 15, 2011, any third party defendant(s) shall serve and file reply testimony, including exhibits.

29. On or before April 15, 2011, SDN and Sprint may file rebuttal testimony, which shall be limited to any new matters raised in reply testimony.

27-30. The hearing shall be set for June or July, 2011. No witness shall be allowed to testify at the hearing unless that witness has prefiled testimony pursuant to this schedule.

28-31. A post hearing briefing schedule will be set at the hearing.

29-32. All service shall be accomplished by email, which is effective upon receipt by the party served. Documents shall be served in .pdf format or, in the case of work sheets, spread sheets or cost calculations in electronic format, in unprotected format.

Formatted: Bullets and Numbering

Formatted: DocID