

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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.)

TC 09-098

**FIRST AMENDED
SUBPOENA DUCES TECUM
FOR FREE CONFERENCING
CORPORATION**

TO: Free Conferencing Corporation; 110 W. Ocean Blvd.; Suite C; Long Beach, CA 90802:

YOU ARE HEREBY COMMANDED, pursuant to SDCL § 15-6-45(a) and SDCL § 15-6-45(b), to designate one or more officers, directors, or managing agents or other persons to produce for inspection and copying all documents of Free Conferencing Corporation described in Exhibit A hereto. The recipient of this subpoena duces tecum is required to make such a designation, pursuant to SDCL § 15-6-30(b)(6).

The documents should be sent to Phil Schenkenberg, counsel for Sprint Communications Company L.P. ("Sprint"), at Briggs and Morgan; 80 S. 8th Street, Suite 2200; Minneapolis, MN 55402 on the 23rd day of September, 2011.

ISSUED in the name of South Dakota Public Utilities Commission, Gary Hanson Chairman, this 14th day of September, 2011.

GUNDERSON, PALMER, NELSON
& ASHMORE, LLP



Talbot J. Wiczorek
Attorneys for Sprint Communications Company LP
440 Mount Rushmore Road, Fourth Floor
P.O. Box 8045
Rapid City, SD 57701
Phone: 605.342.1078
Fax: 605-342-0480
Email: tjw@gpnalaw.com

EXHIBIT A

DOCUMENTS TO BE PRODUCED BY CUSTODIAN OF RECORDS OF FREE CONFERRING CORPORATION PURSUANT TO SUBPOENA REQUESTED BY SPRINT COMMUNICATIONS COMPANY L.P. FOR SDCL § 15-6-45(a) AND SDCL § 15-6-45(b) DEPOSITION

Definitions

“Document” means all written, printed, typed, punched, taped, filed, or graphic matter, ~~however produced, reproduced or stored, of every kind and description, now or formerly in your~~ actual or constructive possession, custody, trust, care, or control, including but not limited to: correspondence (such as letters, e-mail, faxes, cables, and telegrams); notes; memoranda (including memoranda of conversations, conferences, and telephone conversations); reports; data compilation or analyses; logs and records; photographs; books; papers; manuals; handbooks; bulletins; advisories; messages; magazines; periodicals; film strips or movies; press releases; newspaper clippings; pamphlets, studies; notations; working papers; charts; graphs; plans; drawings; diagrams; computer printouts; indexes; minutes; transcripts; contracts; agreements; leases; legal pleading; invoices; billings; statements; accounting books or records; financial data of any kind; journals; ledgers; diaries; tax returns; bylaws; rules; regulations; constitution; annual reports; programs; certifications; resolutions; any electronic or any other records of any kind or nature and any mechanical or electronic sound or recordings or transcripts thereof; computer files; data faxes; and all copies or facsimiles of documents by whatever means made. *All electronically stored information shall be produced in the following formats: in general, in searchable .pdf form, but for spreadsheets and data files, which should be produced in their native formats.*

“You,” “your” or “yours” means Free Conferencing Corporation, and its predecessors and assigns and includes, without limitation, its officers, directors, employees, agents, consultants, attorneys, corporate subsidiaries and affiliates.

“Northern Valley” means Northern Valley Communications, LLC or its parent company, James Valley Communications, Inc.

“Sancom” means Sancom, Inc.; its parent company, Santel Communications Cooperative, Inc.; or Sancom, Inc., doing business as Mitchell Telecom.

“Splitrock” means Splitrock Properties, Inc. or its parent company, Alliance Communications Cooperative, Inc.

“NAT” means Native American Telecom LLC.

“Third Party” means Northern Valley, Sancom, Splitrock, NAT, or any of their affiliates.

“Person” means any and all natural persons, corporations, businesses, firms, companies, partnerships, unincorporated associations, governmental or public agencies, joint ventures and all other entities, including, without limitations, all employees, representatives, consultants and agents of any of the foregoing.

“Correspondence” means any written communication, including but not limited to, emails and letters exchanged by U.S. Mail, overnight mail, facsimile or any other transmission method.

“Relate” or “relating” means regards, connects to, supports, evidences, describes, mentions, refers to, contradicts, comprises, or to be associated with.

The words **“any”** and **“all”** shall be considered to include each and every.

The singular of any word shall include the plural and the plural of any word shall include the singular.

All of the documents sought seek materials from January 1, 2006 to the present unless specifically stated otherwise.

DOCUMENTS TO PRODUCE

1. Provide all documents evidencing communications (including but not limited to ~~correspondence or other documentation exchanged) between you and any Third Party or between~~ you and a person that helped facilitate your relationship with a Third Party.

2. Provide all contracts, agreements or other documentation of understandings or arrangements between you and any Third Party or between you and a person that helped facilitate your relationship with a Third Party.

3. Provide all documents relating to any contracts, agreements, or other documentation of understandings or arrangements responsive to the above request.

4. Provide documents that evidence the volume of traffic that has been routed or delivered to you from any Third Party.

5. Provide all documents relating to the equipment you, your clients or parties with whom you have contracted have deployed that allows for conference calling, chat lines, podcasts, voice mail, international calling services or any other services that you offered for telephone numbers that any Third Party assigned to you. This should include, but not be limited to documents relating to:

- a. The type of equipment deployed;
- b. The location of the deployed equipment;
- c. How the equipment operates;
- d. How calls are routed to or from any portion or components of the equipment; and

- e. When this equipment was deployed.
6. Provide all documents relating to the revenues you have received from any Third Party, or from a person that helped facilitate your relationship with a Third Party.
 7. Provide all documents relating to the monies you have paid to any Third Party or any person that that helped facilitate your relationship with a Third Party.
 8. Provide all documents relating to the telephone numbers assigned to you by any Third ~~Party, or any person that helped that helped facilitate your relationship with a Third Party.~~
 9. Provide your advertisements, web pages, promotional materials or other marketing materials related to services you provide to those calling numbers any Third Party has assigned to you, regardless of when created, used, or effective.
 10. Provide your certificate or other authorization to (a) conduct business or (b) provide telecommunications services in the state of South Dakota.
 11. Provide all invoices or bills or documents related to invoices or bills that you have received from any Third Party or any person that helped facilitate your relationship with a Third Party.
 12. Provide all documents relating to the rates, terms and conditions under which you obtain any services from any Third Party.
 13. Provide any documents already produced to Qwest Communications Co. with respect to any litigation involving any Third Party in South Dakota.

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OF THE STATE OF SOUTH DAKOTA

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COMPLAINT OF SPRINT)
COMMUNICATIONS COMPANY LP)
AGAINST SPLITROCK PROPERTIES, INC.,)
NORTHERN VALLEY COMMUNICATIONS,)
INC., SANCOM, INC., AND CAPITAL)
TELEPHONE COMPANY)

**NOTICE OF REQUEST FOR
DOCUMENTS FROM THE
CUSTODIAN OF RECORDS OF
FREE CONFERENCING
CORPORATION**

TO: Free Conferencing Corporation, 110 W. Ocean Blvd., Suite C, Long Beach, CA 90802:

PLEASE TAKE NOTICE that, pursuant to SDCL § 15-6-30(b)(6) and SDCL § 15-6-45(a), Sprint Communications Company L.P. (“Sprint”) requests the designation of one or more officers, directors, or managing agents or other persons to produce for inspection and copying all documents of Free Conferencing Corporation described in the attached subpoena.

The documents should be sent to Phil Schenkenberg, counsel for Sprint Communications Company L.P. (“Sprint”), at Briggs and Morgan; 80 S. 8th Street, Suite 2200; Minneapolis, MN 55402 on the 23rd day of September, 2011.

Dated: September 15, 2011

BRIGGS AND MORGAN, P.A.

By Philip R. Schenkenberg

Philip R. Schenkenberg
80 South Eighth Street
2200 IDS Center
Minneapolis, MN 55402
612.977.8400

Talbot J. Wieczorek
Gunderson, Palmer, Nelson & Ashmore, LLP
440 Mount Rushmore Road
Third Floor
P.O. Box 8045
Rapid City, SD 57701
605.342.1078

Attorneys for Sprint Communications Company
L.P.

CERTIFICATE OF SERVICE

The undersigned certifies that on this 15th day of September, 2011, copies of **Admission of Service, Notice of Request for Documents from the Custodian of Records of Free Conferencing Corporation and First Amended Subpoena Duces Tecum for Free Conferencing Corporation, and Notice of Taking Deposition of Corporate Representative of Free Conferencing Corporation and Subpoena for Deposition of Corporate Representative of Free Conferencing Corporation** was served via United States mail and email upon:

Scott R. Swier
Swier Law Firm, Prof. LLC
P O Box 256
Avon, SD 57315
scott@swierlaw.com

and via email upon:

Karen Cremer
Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501
Karen.cremer@state.sd.us

Bobbi Bourk
Staff Analyst
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501
Bobbi.bourk@state.sd.us

Darla Pollman Rogers
Riter, Rogers, Wattier & Brown LLP
P O Box 280
Pierre, SD 57501-0280
dprogers@riterlaw.com

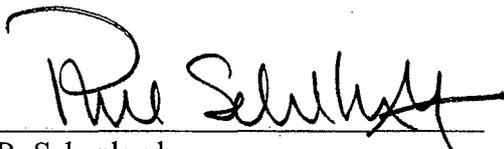
Jeffrey S. Larson
Larson & Nipe
P O Box 277
Woonsocket, SD 57385
jdlarson@santel.net

Margo D. Northrup
Riter, Rogers, Wattier & Brown LLP
P O Box 280
Pierre, SD 57501-0280
m.northrup@riterlaw.com

Meredith Moore
Cutler & Donahoe, LLP
100 N. Phillips Avenue, 9th Floor
Sioux Falls, SD 57104-6725
meredithm@cutlerlawfirm.com

James M. Cremer
Bantz, Gosch & Cremer LLC
P O Box 970
Aberdeen, SD 57402-0970
jcremer@bantzlaw.com

Ross A. Buntrock
G. David Carter
Arent Fox LLP
1050 Connecticut Ave, NW
Washington, DC 20036
buntrock.ross@arentfox.com
carter.david@arentfox.com



Philip R. Schenkenberg