

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION  
OF NATIVE AMERICAN TELECOM, LLC  
FOR A CERTIFICATE OF AUTHORITY TO  
PROVIDE LOCAL EXCHANGE SERVICE  
WITHIN THE STUDY AREA OF MIDSTATE  
COMMUNICATIONS, INC.

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Docket No. TC11-087

**SPRINT COMMUNICATIONS  
COMPANY L.P.'S THIRD  
MOTION TO COMPEL**

COMES NOW, Sprint Communications Company L.P. (“Sprint”), by and through counsel of record, Philip R. Schenkenberg and Scott G. Knudson, Briggs and Morgan, P.A., 80 South 8th Street, 2200 IDS Center, Minneapolis, Minnesota, and pursuant to ARSD 20:10:01:01.02 and SDCL § 15-6-37(a), hereby files its Third Motion to Compel against Native American Telecom, LLC (“NAT”).

As detailed in the accompanying memorandum, there is good cause for granting this motion. NAT has failed to respond in any way to discovery Sprint served following NAT’s June 3, 2013 Amended Application (“Amended Application”). NAT initiated this proceeding and is asking for permission to provide certain services in the state. When Sprint served discovery relating to NAT’s Amended Application (as specifically allowed by the stipulated procedural schedule), NAT ignored the July 10 return date. On July 15 NAT promised to provide responses by July 25 and, based on that promise, Sprint delayed filing a motion to compel. Now July 25 has come and gone, and NAT has failed to respond.

NAT is a repeat offender. Its discovery tactics are unreasonable and have served only to needlessly increase Sprint’s time and expenses to obtain discovery. Not only

should Sprint's motion be granted, NAT should be required to pay Sprint its fees and costs associated with this motion. ARSD 20:10:01:01.02; SDCL § 15-6-37(a)(4)(A).

Dated this 26th day of July, 2013.

**BRIGGS AND MORGAN, P.A.**

*s/Philip R. Schenkenberg*

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