



G. David Carter | Member  
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February 26, 2018

**VIA EMAIL**

Brian J. Donahoe  
Donahoe Law Firm, P.C.  
[brian@donahoelawfirm.com](mailto:brian@donahoelawfirm.com)

**Re: Intention to Make Documents Part of the Public Record  
in WC Docket No. 18-41**

Dear Brian:

In your February 22, 2018 letter to Judge Myren, you stated that “we have nothing to hide” and that SDN is interested in “transparency.” We intend to take you at your word and, as such, hereby advise you of our intention to make the documents included in Attachment A part of the public record in response to SDN’s Petition for Declaratory Ruling and its recent *ex parte* communications with the Commission’s Office of General Counsel.

If SDN objects to the submission of any of these documents into the public record at the FCC, please notify me in writing on or before **Noon ET on Tuesday, February 27, 2018**, and we will promptly address the issue with Judge Myren.

Your prompt attention to this matter is appreciated.

Sincerely,

G. David Carter

Cc: Darla Rogers  
Meredith Moore  
Jim Cremer  
Martin Cunniff  
Joseph Bowser  
John Nelson

**Attachment A**

1. SDN-AT&T Agreement (Sept. 19, 2014).
2. Email from Mark Shlanta to Jack Habiak, AT&T (Apr. 19, 2013) (JV150).
3. Email from Darla Rogers to Ross Buntrock (Dec. 3, 2013) (JV87).
4. Email exchange between M. Shlanta and J. Groft (Dec. 7, 2013) (SDN to JV 0465).
5. South Dakota Network, LLC's Response to Plaintiffs' Motion in Limine #1: Exclude Testimony or Documents Relating to Undisclosed Damages Calculations (Feb. 23, 2018).
6. SDN's Responses to James Valley's First Set of Requests for Admission (Oct. 30, 2015).
7. SDN's Supplemental Responses to Requests for Admission (Feb. 22, 2016).
8. Deposition of Nick Kortan, 9:7 – 9:21; 38:6 – 40:24; 39:2 - 49:16 (Oct. 27, 2016).
9. Deposition of James Groft, 38:17 – 39:12 (May 11, 2016).
10. Deposition of Marlene Bennett, 44:20 – 53:18, 57:25 – 60:15, 61:7 – 63:11, 69:10 – 71:22 (Apr. 7, 2015).
11. Testimony of Marlene Bennett, Consortia Consulting, SDN's Cost-Study Consultants, 10:23 – 14:2; 26:11 – 26:23; 32:18 - 33:20; 55:17 – 68:10; 103:18 – 104:7; 111:9 – 118:20 (Oct. 11, 2016).
12. Testimony of Mark Shlanta, SDN's CEO, 120:10 – 123:13; 313:22 – 314:1 (June 3, 2015).
13. Testimony of Mark Shlanta, SDN's CEO, 137:24 – 147:22 (Oct. 26, 2016).
14. Testimony of Mark Shlanta, SDN's CEO, at Show Cause Hearing (Feb. 21, 2018).

Note: Any testimony would include any exhibits being discussed in that portion of the testimony.