

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

=====

IN THE MATTER OF THE APPLICATION OF TC11-087
NATIVE AMERICAN TELECOM, LLC FOR A
CERTIFICATE OF AUTHORITY TO PROVIDE
INTEREXCHANGE TELECOMMUNICATIONS
SERVICES AND LOCAL EXCHANGE SERVICES
IN SOUTH DAKOTA

=====

Transcript of Recorded Proceedings
May 14, 2012 **ORIGINAL**

=====

BEFORE THE PUBLIC UTILITIES COMMISSION,
CHRIS NELSON, CHAIRMAN
KRISTIE FIEGEN, VICE CHAIRMAN
GARY HANSON, COMMISSIONER

APPEARANCES

- Scott Swier
- Todd Lundy
- Richard Coit
- Bill Van Camp
- Meredith Moore
- Margo Northrup
- Kathy Ford
- Scott Knudson

RECEIVED
JUN 11 2012
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Reported By Cheri McComsey Wittler, RPR, CRR

1 CHAIRMAN JOHNSON: We will call the meeting to
2 order. Chairman Nelson is present in the meeting room.
3 Commissioner Fiegen is present on the line. One more
4 time, Commissioner Hanson.

5 Okay. We do have a quorum so we are going to
6 proceed with TC11-087, In the matter of the Application
7 of Native American Telecom, LLC for Certificate of
8 Authority to provide interexchange telecommunications
9 services and local exchange services in South Dakota.

10 Mr. Swier has issued a Subpoena to the
11 Commission, and in particular Ms. Wiest has received that
12 Subpoena. And, Ms. Wiest, I think I'm going to turn it
13 over to you first to maybe give us an understanding of
14 why the Subpoena is not being complied with and why we're
15 even here today, and then we'll go to Mr. Swier and see
16 how it plays out from there.

17 Ms. Wiest.

18 MS. AILTS WIEST: Well, this matter was put on
19 the agenda due to the fact the Subpoena requested
20 information filed confidential with the Commission. And
21 so at this point I think the Commission just needs to
22 hear from Mr. Swier as to his position on the Subpoena
23 and perhaps address the fact that it is requesting
24 information that has been filed by other parties in other
25 dockets, not this docket, that were filed as

1 confidential.

2 CHAIRMAN HANSON: Thank you. Appreciate that --
3 that explanation.

4 Mr. Swier, we'll turn it over to you. I think
5 you understand the context of what the issue is today,
6 the fact that you're requesting information that's been
7 declared confidential or has been -- I shouldn't say
8 declared but has been filed as confidential in other
9 dockets, not this one.

10 Go ahead, Scott.

11 MR. SWIER: Thank you, Mr. Chair. Mr. Chair, as
12 you know, NAT has the burden of proving that it has
13 sufficient technical, financial, and managerial
14 capabilities in this docket.

15 The information that NAT is seeking through its
16 Rule 45 Subpoena is directly related to the legal
17 standards that apply in this certification proceeding.

18 The information requested is necessary for the
19 case to be properly litigated, and the production of this
20 information will ensure that the Commission has the
21 necessary information before it to review the
22 application.

23 NAT's financial capabilities to provide the
24 proposed services is directly related to this case. NAT
25 has represented that it has the financial resources to

1 provide the telecommunication services as outlined in its
2 application. Sprint and CenturyLink dispute NAT's
3 financial claims. Since 2000 the Commission has granted
4 literally hundreds of applications that provide
5 telecommunication services in South Dakota. Each of
6 those hundreds of dockets has included a review by the
7 Commission of an Applicant's financial capabilities.

8 NAT is entitled to review the financial
9 documents of those previous applicants so that NAT can
10 analyze the financial threshold that the Commission has
11 established is adequate to receive a Certificate of
12 Authority in South Dakota.

13 NAT believes, number one, just from a relevancy
14 standpoint that a review of the prior Applicant's
15 financial documents will show that very few, if any, LECs
16 are flush with income at their inception.

17 NAT also believes that its review of the prior
18 Applicant's financial documents will show that it is much
19 more financially viable than the vast majority of LECs
20 that have received a Certificate of Authority from the
21 Commission.

22 Now regarding the confidentiality issue, as the
23 Commission is well-aware, on February 10 of 2012 it
24 granted a very specific protective order in this case.
25 The protective order is very clear as to how confidential

1 information should be treated. So the fact that the
2 information we're requesting is confidential really
3 should have no bearing because we do have that very
4 thorough protective order in place.

5 Also the Commission is the custodian of these
6 documents. Therefore, the Commission is a very
7 reasonable place to go to ask for these documents. I am
8 well within my right to issue the Subpoena.

9 We think we're entitled to the documents. We
10 think the protective order ameliorates any potential
11 confidentiality issues, and we'd ask the Commission to
12 grant the Subpoena as it was served.

13 CHAIRMAN HANSON: Thank you. I appreciate your
14 enunciating your position on this particular question.

15 The challenge that I think we are faced with
16 here is that even though we have a protective order in
17 place, the requests for confidentiality come not from in
18 many cases parties that are part of this particular
19 docket that were part of issuing that protective order
20 but rather are parties in the many other dockets that
21 you've referenced that have not had any due process so
22 far as whether or not their confidential information
23 should be released.

24 As you're aware, there are several
25 Administrative Rules that provide a process for obtaining

1 confidential information such as this that allow the
2 folks that have requested their information be
3 confidential that gives them some due process as we
4 determine whether or not that information can be
5 released.

6 Can you help me understand why you should not go
7 through that Administrative Rule process as opposed to
8 what you've attempted today?

9 MR. SWIER: Sure, Mr. Chair.

10 Well, number one is that those particular
11 administrative provisions apply to the situation where a
12 company has filed various financial documents under the
13 confidentiality provision. Those Administrative Rules
14 then allow an opposing party to challenge the
15 confidentiality of those documents.

16 So, in other words, if NAT filed confidential
17 documents and Sprint or CenturyLink challenged the
18 confidentiality of those documents, then we go through
19 the administrative rule procedure that's set out.

20 In this case NAT is not challenging the
21 confidentiality of these financial documents. We agree
22 that they're confidential. There is no -- there is no
23 reason to go through the process of determining if a
24 confidentiality designation is proper or not proper.

25 Here we're alleging, again, that the documents

1 are confidential. Therefore, your specific
2 Administrative Rule does not apply to this case and my
3 Rule 45 Subpoena is the only way for us to get these
4 documents. So that is why the administrative rules the
5 PUC has for confidentiality doesn't apply in this case.

6 CHAIRMAN HANSON: Thank you.

7 We've got a number of individuals on the
8 telephone, and we've got several in the audience today
9 that represent various telecommunication interests.

10 I think the only testimony that I want to take
11 from any of those individuals today would be limited
12 to -- well, I would limit testimony only coming from
13 individuals representing businesses that have information
14 that is confidential that this Subpoena seeks to obtain.

15 And what I would like to hear is obviously you
16 folks represent or may represent businesses that have
17 filed confidential financial statements, and we have a
18 Subpoena that attempts to get at those and provide them
19 to a party that was not party to your particular docket
20 when those confidential financials were filed.

21 And so I would like to, first of all, limit any
22 testimony at this point to only folks representing
23 companies that have these confidential financials that
24 are being sought. And then, secondly, to kind of
25 constrain our comments to why this Subpoena shouldn't be

1 granted in that case.

2 Just a second.

3 Before I get to that, Mr. Swier, do you have any
4 objection to hearing from the folks in the limited
5 fashion in which I have laid out?

6 MR. SWIER: No. As long as they are speaking
7 directly to their particular client, I believe that they
8 would have standing, and I don't object.

9 CHAIRMAN HANSON: Thank you. I appreciate that.
10 Commissioner Hanson, have you joined us?

11 COMMISSIONER HANSON: Yes. Can you hear me all
12 right?

13 CHAIRMAN HANSON: Yes. I can hear you. Thank
14 you.

15 COMMISSIONER HANSON: All right. Having a real
16 challenge getting through here. So if I drop off, I'll
17 try to get back on.

18 CHAIRMAN HANSON: Okay. Sounding good at this
19 point. Thank you.

20 With that, I see Mr. Coit has approached the
21 podium. Mr. Coit, would you like to go first?

22 MR. COIT: Sure. Mr. Chairman, Commissioners
23 and Staff, my name is Richard Coit. I'm with the
24 South Dakota Telecommunications Association. I'm not
25 sure -- I guess, based on Mr. Swier's comment, I'm not

1 sure as SDTA if we have standing or not.

2 I would say that there are four -- looking at
3 the list of companies in the Subpoena, there are four
4 SDTA member companies that were parties, applicants, in
5 some dockets: TC08-113, which was MidState
6 Communications; TC09-091, which was McCook Cooperative;
7 TC11-005, which was Brookings Municipal; and TC11-083,
8 which was Hills Telephone. All of those companies are
9 members of the SDTA.

10 With respect to those individual dockets, I did
11 not get an opportunity to go in and look to see what, if
12 any, confidential information was actually present in
13 those dockets.

14 With that being said, you know, I do have some
15 comments with respect to the process and relevancy, but I
16 guess I would ask the Commission, you know, as to, you
17 know, whether they feel I have sufficient interest to
18 comment or not.

19 CHAIRMAN HANSON: I don't see the issue today
20 dealing with the relevancy question. That is not an
21 issue for today. Certainly maybe for another day.

22 MR. COIT: Well, my only comment would be
23 certainly, you know, with respect to any of those
24 companies that are SDTA member companies, provided there
25 is some confidential information in those dockets, you

1 know, it would seem that, you know, each of those
2 individual companies should have gotten notice and gotten
3 an opportunity to, you know, protest with respect -- you
4 know, with respect to any of the applicants.

5 I mean, the process -- they have due process
6 rights, and I think those due process rights have to be
7 respected.

8 Thank you.

9 CHAIRMAN HANSON: Thank you, Mr. Van Camp.

10 MR. VAN CAMP: Thank you, Mr. Chairman. Bill
11 Van Camp. I'm the attorney for AT&T Communications of
12 the Midwest.

13 You know, as an initial matter the rapid nature
14 in which this came about hasn't allowed me to actually
15 sit down and go through the list with my client and
16 review what has been filed.

17 But I do know in this specific instance of
18 TC04-029 there was confidential information filed.
19 Clearly under your rules my client has the right to
20 review that confidential information.

21 I'll venture to say that there are additional
22 dockets where clients of mine, be it AT&T or others, have
23 filed confidential information and clearly each of those
24 have the due process rights that Mr. Coit identified
25 before those are turned over in a blanket Subpoena.

1 Thank you.

2 CHAIRMAN HANSON: Thank you.

3 Ms. Northrup, do you --

4 MS. NORTHRUP: Yes. Good morning. This is
5 Margo Northrup on behalf of South Dakota Network, LLC,
6 who is one of the companies that's listed on the list of
7 documents.

8 And in our specific situation we actually filed
9 a Motion in that docket asking for trade secret
10 protection because we've filed some audited financials in
11 that docket.

12 And so, you know, I just found out about this,
13 you know, not as SDN -- SDN was not notified of this so
14 they have not been given any due process. And under --
15 and not only our Administrative Rules, I believe there's
16 a process that if there's confidential information that's
17 sought that needs to be followed, which would include
18 giving notice -- under our South Dakota Statute 15-6-26C
19 there's a statute that allows us to go in and ask for a
20 protective order in this type of situation, and we can't
21 do that. And these other companies can't do that unless
22 they're given notice that our confidential information
23 might be at risk.

24 And I think that if you don't allow -- or if you
25 don't follow this process, it's going to make it a lot

1 more difficult and -- it's going to be more -- it's going
2 to be more difficult for the Commission to get
3 confidential information because it's going to be a lot
4 harder for us to turn over, you know, our very, very
5 trade secrets and proprietary information not knowing
6 whether it can be turned over without any sort of
7 information to us as a company.

8 And so, you know, I don't think that there -- it
9 doesn't appear to me that the Subpoena can be granted
10 without giving notice to each of the parties whose
11 information is sought.

12 Thank you.

13 CHAIRMAN HANSON: Thank you.

14 We'll now go to the individuals on the phone.

15 Todd Lundy, does your client fit within the
16 category that we can hear from today?

17 MR. LUNDY: Not as you've defined it,
18 Mr. Chairman, no. My comments would have gone to
19 relevance and other logistical issues.

20 CHAIRMAN HANSON: Okay. Thank you.

21 Meredith Moore, does your client -- and I think
22 maybe it's already been testified -- fits within the
23 category?

24 MS. MOORE: It does, Mr. Chairman. Mystic
25 Communications is one of the entities for which

1 confidential documentation has been requested.

2 I would echo the comments of Ms. Northrup,
3 Mr. Coit, and Mr. Van Camp with regard to some of the due
4 process considerations and potentially some additional
5 safeguards that might need to be put in place here,
6 depending on how that information is ultimately going to
7 be used.

8 And I appreciate that that's not typically the
9 standard employed when determining whether subpoenas
10 should be granted, and Mr. Swier is correct in that
11 regard, but I do think there are some considerations that
12 need to be taken into account by the Commission in
13 determining how compliance is effectuated in regard to
14 this particular Subpoena.

15 There are several other of my clients who are
16 also on that list. Unfortunately, because of the timing
17 of this matter I have not had the opportunity to visit
18 with all of them, but I think they would echo the same
19 concerns with regard to how this information is going to
20 be used and what additional safeguards might be put into
21 place in order to protect that information.

22 Thank you.

23 CHAIRMAN HANSON: Thank you.

24 Kathy Ford, does your client fit within that
25 category?

1 MS. FORD: Yes, sir. Good morning. I represent
2 Midcontinent Communications.

3 And there are actually five Midcontinent dockets
4 on the exhibit attached to the Subpoena, including
5 TC00-085, TC03-068, TC04-081, TC05-161, and TC07-057.
6 And I have checked each of those dockets, and there was
7 confidential information filed by Midcontinent in each of
8 those proceedings.

9 I would again echo the comments of the other
10 attorneys have made to this point and would just add to
11 the comments that, you know, Midcontinent is not a party
12 to this NAT docket and, therefore, is not a party to the
13 confidentiality protective order referenced by Mr. Swier.

14 Our opinion is, of course, that there is a
15 procedural process under ARSD 20:10:01:43 that addresses
16 requests for access to confidential information, and I
17 would say that I disagree with Mr. Swier's assessment
18 that that only applies in the instance where a party to a
19 docket or opposing the docket is asking for access to
20 confidential information.

21 I've looked at the rule, and it doesn't say
22 anything about a specific docket or being parties to the
23 docket. So at a minimum we think they should have to
24 follow the procedural rules in the administrative code.

25 And then I also wanted to say that, you know,

1 it's the Commission's role to ensure fairness in the
2 application of its rules. And there appears to be an
3 underlying assumption in this Subpoena that the
4 Commission is not applying the rules in a fair manner to
5 NAT.

6 And although we're not parties to the docket, I
7 don't see anything in the most recent Summary Judgment
8 Order or anything else that indicates that the Commission
9 has or is holding NAT to a higher standard than any other
10 company.

11 So without such a showing, I guess our position
12 would be that the information in other parties'
13 financials is irrelevant, and we would oppose any attempt
14 to provide our information without us having due process
15 to challenge it.

16 CHAIRMAN HANSON: Thank you.

17 Mr. Knudson, does your client fit within the
18 category?

19 MR. KNUDSON: I would say that we're in the same
20 position as CenturyLink. We have serious reservations
21 about the relevancy of this information and (Inaudible)
22 this particular docket and (Inaudible) verify is what
23 would happen with the hearing for June 7 because we need
24 to plan ahead with respect to travel schedules and so
25 forth.

1 CHAIRMAN HANSON: Thank you. I appreciate
2 that -- that comment.

3 And I don't -- let me -- I'm looking at
4 Karen Cremer from Staff. I don't know if you care to
5 weigh in at all on this.

6 MS. CREMER: It really is not our record.

7 CHAIRMAN HANSON: I understand.

8 MS. CREMER: So thank you.

9 CHAIRMAN HANSON: Thank you.

10 Mr. Swier, I'll give you a minute of rebuttal,
11 and then I'll open it up for Commissioner questions.

12 MR. SWIER: Thank you, Mr. Chair.

13 We have complied with Rule 45. The Commission
14 is the custodian of these documents. It would be just
15 like any other third-party Subpoena in any other civil
16 case.

17 And, again, we've complied with Rule 45. We
18 don't -- we think it's very clear that the Administrative
19 Rules that have been cited do not apply to this type of
20 situation and that the Subpoena in this case should be
21 granted.

22 And if the Commission is not going to grant the
23 Subpoena, then I would ask that either objections or a
24 protective order be sought so that we can expeditiously
25 take this matter to the Circuit Court for review if we

1 deem it necessary.

2 But I think it's very clear we've complied here.
3 We'd ask the court to issue -- we'd ask the court to
4 abide by -- excuse me. We'd ask the Commission to abide
5 by the Subpoena and provide the requested information
6 which you're the custodian.

7 CHAIRMAN HANSON: Thank you. At this point,
8 Commissioner questions.

9 I'm not hearing anything so either there's no
10 questions or we've got mute buttons on.

11 COMMISSIONER FIEGEN: Mr. Chairman.

12 CHAIRMAN HANSON: Commissioner Fiegen.

13 COMMISSIONER FIEGEN: Just to look at
14 Rule 20:10:01:43, it looks like that rule is request for
15 access of confidential information, and that's what I've
16 been looking at.

17 Is Mr. Swier -- is that the one he's looking at,
18 or is he looking at another rule?

19 CHAIRMAN HANSON: Mr. Swier, would you like to
20 respond?

21 MR. SWIER: I couldn't hear which rule
22 Commissioner Fiegen cited.

23 CHAIRMAN HANSON: It was 20:10:01:43.

24 MR. SWIER: And I don't have that in front of
25 me. Is that the rule that cites -- well, I don't have

1 the rules in front of me so I can't comment on that
2 particular rule.

3 But I know that earlier Commission Staff had
4 questions regarding us not following the administrative
5 process, and I indicated, again, I didn't think that that
6 rule was applicable. But I can definitely look at the
7 20:10:01:43 because, again, I don't have that in front of
8 me.

9 CHAIRMAN HANSON: Commissioner Fiegen, does that
10 answer the question?

11 COMMISSIONER FIEGEN: Yes. Thank you. I guess
12 good enough for today.

13 CHAIRMAN HANSON: Commissioner Hanson, any
14 questions?

15 COMMISSIONER HANSON: I don't have any
16 questions. Thank you, Mr. Chairman.

17 CHAIRMAN HANSON: Okay. Ms. Wiest, any last
18 thoughts?

19 MS. AILTS WIEST: I just wanted a clarification
20 from Mr. Swier. I don't know if I understood your point
21 about asking for objections? You said something about
22 that before you took it to court?

23 MR. SWIER: Well, I believe the proper process
24 would be that if an entity receives a Rule 45 Subpoena,
25 they can either -- by the time of the date and time of

1 production either request a protective order or simply
2 file written objections in response to the Subpoena.

3 But I don't think it's proper procedure to
4 simply ignore the Subpoena, let the date and time of
5 production go by. I think there has to be some type of
6 response by the due date so that, again, if this is
7 appealed, a record is created.

8 MS. AILTS WIEST: Well, is it possible -- I
9 mean, our rule references that the Commission on its own
10 motion can quash the Subpoena. That would be action by
11 the Commission, would it not?

12 MR. SWIER: Yes. Absolutely.

13 MS. AILTS WIEST: And then is it your position
14 that when someone files information as confidential that
15 the Commission pursuant to a Subpoena can give that
16 information to anyone as long as that person says it's
17 subject to a protective order without the person who
18 filed the confidential information being given any notice
19 that their confidential information is being released?

20 MR. SWIER: Yes. I think under our South Dakota
21 Rules it can do that. The Commission is the custodian of
22 this information. I would issue a Rule 45 Subpoena to
23 any governmental entity in the state regarding
24 information that that administrative agency is the
25 custodian of, without having to provide individual notice

1 to all the companies.

2 So I think that, again, because the PUC is the
3 custodian, that this Rule 45 Subpoena is proper in asking
4 for the information, especially in light of the
5 protective order that is in place in this case.

6 NAT has had to provide all of its confidential
7 information pursuant to the protective order. The
8 protective order is in place to make sure that that
9 confidential information does not go any further than the
10 scope of the protective order. So, yes, I believe that
11 it is proper to simply subpoena the Commission to produce
12 the records that it has the custody of.

13 MS. AILTS WIEST: Was it your position that even
14 if there wasn't a protective order in place that the
15 Commission would still need to comply with the subpoena
16 and release any confidential information requested by
17 anyone?

18 MR. SWIER: No.

19 MS. AILTS WIEST: Oh. I thought that's what you
20 said.

21 MR. SWIER: I think the protective order makes
22 this an entirely different case, and that was the entire
23 content -- or intent of the protective order was to make
24 sure the confidential information is indeed protected to
25 the greatest extent possible.

1 MS. AILTS WIEST: And the parties who actually
2 have an interest in their own financial information being
3 released do not deserve any notice that their information
4 can be released to someone else?

5 MR. SWIER: I think under our rules that the
6 notice is not provided. It would be just like another
7 party subpoenaing NAT for documents that are essentially
8 confidential but that NAT is the custodian of.

9 NAT would be provided with the Rule 45 Subpoena.
10 NAT would then have to as the custodian of the record
11 either produce the documents, seek a protective order, or
12 object on whatever basis to the Subpoena.

13 So I don't see just because we're dealing with
14 the governmental entity where the demands are any
15 different than what it would be from a typical private
16 subpoenaed party.

17 MS. AILTS WIEST: Thank you. I would -- I would
18 have a recommendation to the Commission.

19 CHAIRMAN HANSON: Certainly.

20 MS. AILTS WIEST: I certainly do have a concern
21 about the due process of parties who have filed
22 confidential information with the Commission. And at
23 least under our rules it's certainly appeared that it
24 would be the expectation of the parties that there would
25 be a process before the Commission to release that

1 information.

2 At this point in time I believe those parties
3 have -- those interested persons have, for the most part,
4 not received any notice of the Subpoena, are not aware
5 that a party is requesting confidential information, and
6 I would recommend that the Commission on its own motion
7 quash this Subpoena.

8 CHAIRMAN HANSON: Thank you.

9 We're at the point of -- let me just -- any
10 further Commissioner questions?

11 Hearing none, we are at the point of motions.
12 And I will move that the Commission quash this
13 Subpoena based on the authority granted to us in
14 ARSD 20:10:01:17.01 for the reason that this Subpoena
15 does not give all of the affected parties any due process
16 rights to object to this or to be heard in that fashion.

17 And, secondly, that the Commission has a very
18 specific rule, ARSD 20:10:01:43, that provides anyone,
19 not just parties to those dockets, but anyone access to
20 confidential information, while preserving the due
21 process rights of those that are affected.

22 Discussion on the Motion?

23 COMMISSIONER HANSON: Mr. Chairman.

24 CHAIRMAN HANSON: Commissioner Hanson.

25 COMMISSIONER HANSON: Thank you for the Motion.

1 I think it's very well articulated. The parties have
2 made excellent points regarding their concerns. It's
3 certainly -- this matter is not as simple as it has been
4 presented to us. Due process absolutely needs to be
5 followed, and your Motion succinctly provides for that
6 it.

7 I think there's a tremendous concern regarding
8 the trade secrets, proprietary information, which needs
9 to be protected, and certainly I'm very concerned about
10 the relevance of the information that's being sought. It
11 needs to be substantiated. And there simply must be a
12 reasonable assumption that the information that's being
13 requested is somehow -- contributes to the conclusion of
14 the docket.

15 And that -- I don't -- I'm very uncomfortable
16 with just a Subpoena asking for information -- I won't
17 use the term fishing expedition but it absolutely has to
18 be germane in some content and has to be shown to us to
19 be relevant and the parties need to be able to go through
20 the due process.

21 And I think this particular Subpoena
22 circumvents all of those. So I'm pleased to support the
23 Motion that you made.

24 CHAIRMAN HANSON: Thank you.

25 Other discussion?

1 I will simply say in response to Commissioner
2 Hanson that the question of relevance is one that is
3 entirely open yet in my mind. I'm not foreclosed how
4 this information which, you know, ultimately may come
5 forward how it may impact upon this case.

6 And so I just wanted to make it very clear that
7 my Motion in no way goes to any predetermination on
8 relevance. That is completely an open question in my
9 mind on this point.

10 Other discussion?

11 Seeing none, all those in favor will vote aye,
12 those opposed nay.

13 Commissioner Hanson.

14 COMMISSIONER HANSON: Aye.

15 CHAIRMAN HANSON: Commissioner Fiegen.

16 COMMISSIONER FIEGEN: Fiegen votes aye.

17 CHAIRMAN HANSON: And Nelson votes aye. Motion
18 carries.

19 Now if I might turn to Rolayne, the question
20 that I believe Mr. Knudson asked about, how this affects
21 other timing and the upcoming hearing in this matter.

22 Do we have any --

23 MS. ALLTS WIEST: I would just suggest that
24 Staff can discuss that with the parties. They usually
25 work on procedural issues.

1 CHAIRMAN HANSON: Okay. We will not address
2 that today.

3 Anything else for the good of the order?

4 Seeing none, is there a Motion to Adjourn?

5 COMMISSIONER FIEGEN: Move to adjourn.

6 CHAIRMAN HANSON: Move to adjourn. All those in
7 favor will vote aye.

8 Commissioner Hanson.

9 COMMISSIONER HANSON: Aye.

10 CHAIRMAN HANSON: Commissioner Fiegen.

11 COMMISSIONER FIEGEN: Fiegen votes aye.

12 CHAIRMAN HANSON: And Nelson votes aye. Motion
13 carries.

14 We are adjourned.
15
16
17
18
19
20
21
22
23
24
25

1 STATE OF SOUTH DAKOTA)

2 :SS

CERTIFICATE

3 COUNTY OF HUGHES)

4

5 I, CHERI MCCOMSEY WITTLER, a Registered
6 Professional Reporter, Certified Realtime Reporter and
7 Notary Public in and for the State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed
9 shorthand reporter, I transcribed the recording of the
10 foregoing proceedings.

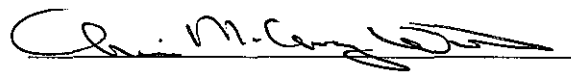
11 Dated at Pierre, South Dakota this 6th day of
12 June, 2012.

13

14

15

16



17

18

Cheri McComsey Wittler,
Notary Public and
Registered Professional Reporter
Certified Realtime Reporter

19

20

21

22

23

24

25

1	14:24, 18:4, 19:24 affected [2] - 22:15, 22:21 affects [1] - 24:20 agency [1] - 19:24 agenda [1] - 2:19 agree [1] - 6:21 ahead [2] - 3:10, 15:24	attempts [1] - 7:18 attorney [1] - 10:11 attorneys [1] - 14:10 audience [1] - 7:8 audited [1] - 11:10 Authority [3] - 2:8, 4:12, 4:20 authority [1] - 22:13 AUTHORITY [1] - 1:5 aware [3] - 4:23, 5:24, 22:4 aye [8] - 24:11, 24:14, 24:16, 24:17, 25:7, 25:9, 25:11, 25:12	certification [1] - 3:17 Certified [2] - 26:6, 26:19 CERTIFY [1] - 26:8 chair [4] - 3:11, 6:9, 16:12 CHAIRMAN [36] - 1:11, 1:12, 2:1, 3:2, 5:13, 7:6, 8:9, 8:13, 8:18, 9:19, 10:9, 11:2, 12:13, 12:20, 13:23, 15:16, 16:1, 16:7, 16:9, 17:7, 17:12, 17:19, 17:23, 18:9, 18:13, 18:17, 21:19, 22:8, 22:24, 23:24, 24:15, 24:17, 25:1, 25:6, 25:10, 25:12 chairman [8] - 2:2, 8:22, 10:10, 12:18, 12:24, 17:11, 18:16, 22:23 challenge [4] - 5:15, 6:14, 8:16, 15:15 challenged [1] - 6:17 challenging [1] - 6:20 checked [1] - 14:6 CHERI [1] - 26:5 Cheri [2] - 1:23, 26:17 CHRIS [1] - 1:11 Circuit [1] - 16:25 circumvents [1] - 23:22 cited [2] - 16:19, 17:22 cites [1] - 17:25 civil [1] - 16:15 claims [1] - 4:3 clarification [1] - 18:19 clear [4] - 4:25, 16:18, 17:2, 24:6 clearly [2] - 10:19, 10:23 client [7] - 8:7, 10:15, 10:19, 12:15, 12:21, 13:24, 15:17 clients [2] - 10:22, 13:15 code [1] - 14:24 Coit [6] - 1:16, 8:20, 8:21, 8:23, 10:24, 13:3 COIT [2] - 8:22, 9:22 coming [1] - 7:12 comment [5] - 8:25, 9:18, 9:22, 16:2, 18:1 comments [6] - 7:25, 9:15, 12:18, 13:2,	14:9, 14:11 Commission [33] - 2:11, 2:20, 2:21, 3:20, 4:3, 4:7, 4:10, 4:21, 4:23, 5:5, 5:6, 5:11, 9:16, 12:2, 13:12, 15:4, 15:8, 16:13, 16:22, 17:4, 18:3, 19:9, 19:11, 19:15, 19:21, 20:11, 20:15, 21:18, 21:22, 21:25, 22:6, 22:12, 22:17 COMMISSION [2] - 1:1, 1:11 Commission's [1] - 15:1 COMMISSIONER [14] - 1:12, 8:11, 8:15, 17:11, 17:13, 18:11, 18:15, 22:23, 22:25, 24:14, 24:16, 25:5, 25:9, 25:11 Commissioner [16] - 2:3, 2:4, 8:10, 16:11, 17:8, 17:12, 17:22, 18:9, 18:13, 22:10, 22:24, 24:1, 24:13, 24:15, 25:8, 25:10 Commissioners [1] - 8:22 Communications [1] - 14:2 communications [3] - 9:6, 10:11, 12:25 companies [10] - 7:23, 9:3, 9:4, 9:8, 9:24, 10:2, 11:6, 11:21, 20:1 company [3] - 6:12, 12:7, 15:10 completely [1] - 24:8 compliance [1] - 13:13 complied [4] - 2:14, 16:13, 16:17, 17:2 comply [1] - 20:15 concern [2] - 21:20, 23:7 concerned [1] - 23:9 concerns [2] - 13:19, 23:2 conclusion [1] - 23:13 confidential [40] - 2:20, 3:1, 3:7, 3:8, 4:25, 5:2, 5:22, 6:1, 6:3, 6:16, 6:22, 7:1, 7:14, 7:17, 7:20, 7:23, 9:12, 9:25, 10:18, 10:20, 10:23,
10 [1] - 4:23 14 [1] - 1:9 15-6-26C [1] - 11:18	AILTS [10] - 2:18, 18:19, 19:8, 19:13, 20:13, 20:19, 21:1, 21:17, 21:20, 24:23 alleging [1] - 6:25 allow [3] - 6:1, 6:14, 11:24 allowed [1] - 10:14 allows [1] - 11:19 ameliorates [1] - 5:10 AMERICAN [1] - 1:4 American [1] - 2:7 analyze [1] - 4:10 AND [1] - 1:6 answer [1] - 18:10 appealed [1] - 19:7 appear [1] - 12:9 APPEARANCES [1] - 1:14 appeared [1] - 21:23 applicable [1] - 18:6 Applicant's [3] - 4:7, 4:14, 4:18 applicants [3] - 4:9, 9:4, 10:4 application [4] - 2:6, 3:22, 4:2, 15:2 APPLICATION [1] - 1:4 applications [1] - 4:4 applies [1] - 14:18 apply [5] - 3:17, 6:11, 7:2, 7:5, 16:19 applying [1] - 15:4 appointed [1] - 26:8 appreciate [5] - 3:2, 5:13, 8:9, 13:8, 16:1 approached [1] - 8:20 ARSD [3] - 14:15, 22:14, 22:18 articulated [1] - 23:1 assessment [1] - 14:17 Association [1] - 8:24 assumption [2] - 15:3, 23:12 AT&T [2] - 10:11, 10:22 attached [1] - 14:4 attempt [1] - 15:13 attempted [1] - 6:8	based [2] - 8:25, 22:13 basis [1] - 21:12 bearing [1] - 5:3 BEFORE [1] - 1:11 behalf [1] - 11:5 believes [2] - 4:13, 4:17 Bill [2] - 1:16, 10:10 blanket [1] - 10:25 Brookings [1] - 9:7 burden [1] - 3:12 businesses [2] - 7:13, 7:16 buttons [1] - 17:10	certification [1] - 3:17 Certified [2] - 26:6, 26:19 CERTIFY [1] - 26:8 chair [4] - 3:11, 6:9, 16:12 CHAIRMAN [36] - 1:11, 1:12, 2:1, 3:2, 5:13, 7:6, 8:9, 8:13, 8:18, 9:19, 10:9, 11:2, 12:13, 12:20, 13:23, 15:16, 16:1, 16:7, 16:9, 17:7, 17:12, 17:19, 17:23, 18:9, 18:13, 18:17, 21:19, 22:8, 22:24, 23:24, 24:15, 24:17, 25:1, 25:6, 25:10, 25:12 chairman [8] - 2:2, 8:22, 10:10, 12:18, 12:24, 17:11, 18:16, 22:23 challenge [4] - 5:15, 6:14, 8:16, 15:15 challenged [1] - 6:17 challenging [1] - 6:20 checked [1] - 14:6 CHERI [1] - 26:5 Cheri [2] - 1:23, 26:17 CHRIS [1] - 1:11 Circuit [1] - 16:25 circumvents [1] - 23:22 cited [2] - 16:19, 17:22 cites [1] - 17:25 civil [1] - 16:15 claims [1] - 4:3 clarification [1] - 18:19 clear [4] - 4:25, 16:18, 17:2, 24:6 clearly [2] - 10:19, 10:23 client [7] - 8:7, 10:15, 10:19, 12:15, 12:21, 13:24, 15:17 clients [2] - 10:22, 13:15 code [1] - 14:24 Coit [6] - 1:16, 8:20, 8:21, 8:23, 10:24, 13:3 COIT [2] - 8:22, 9:22 coming [1] - 7:12 comment [5] - 8:25, 9:18, 9:22, 16:2, 18:1 comments [6] - 7:25, 9:15, 12:18, 13:2,	1
2		B		
2000 [1] - 4:3 2012 [3] - 1:9, 4:23, 26:12 20:10:01:17.01 [1] - 22:14 20:10:01:43 [5] - 14:15, 17:14, 17:23, 18:7, 22:18				
4				
45 [8] - 3:16, 7:3, 16:13, 16:17, 18:24, 19:22, 20:3, 21:9				
6				
6th [1] - 26:11				
7				
7 [1] - 15:23				
A		C		
abide [2] - 17:4 able [1] - 23:19 absolutely [3] - 19:12, 23:4, 23:17 access [4] - 14:16, 14:19, 17:15, 22:19 account [1] - 13:12 action [1] - 19:10 add [1] - 14:10 additional [3] - 10:21, 13:4, 13:20 address [2] - 2:23, 25:1 addresses [1] - 14:15 adequate [1] - 4:11 adjourn [3] - 25:4, 25:5, 25:6 adjourned [1] - 25:14 Administrative [6] - 5:25, 6:7, 6:13, 7:2, 11:15, 16:18 administrative [6] - 6:11, 6:19, 7:4,		CAMP [1] - 10:10 Camp [4] - 1:16, 10:9, 10:11, 13:3 capabilities [3] - 3:14, 3:23, 4:7 care [1] - 16:4 carries [2] - 24:18, 25:13 case [12] - 3:19, 3:24, 4:24, 6:20, 7:2, 7:5, 8:1, 16:16, 16:20, 20:5, 20:22, 24:5 cases [1] - 5:18 category [4] - 12:16, 12:23, 13:25, 15:18 CenturyLink [3] - 4:2, 6:17, 15:20 certainly [7] - 9:21, 9:23, 21:19, 21:20, 21:23, 23:3, 23:9 Certificate [3] - 2:7, 4:11, 4:20 CERTIFICATE [2] - 1:5, 26:2		

11:16, 11:22, 12:3, 13:1, 14:7, 14:16, 14:20, 17:15, 19:14, 19:18, 19:19, 20:6, 20:9, 20:16, 20:24, 21:8, 21:22, 22:5, 22:20

confidentiality [10] - 4:22, 5:11, 5:17, 6:13, 6:15, 6:18, 6:21, 6:24, 7:5, 14:13

considerations [2] - 13:4, 13:11

constrain [1] - 7:25

content [2] - 20:23, 23:18

context [1] - 3:5

contributes [1] - 23:13

cooperative [1] - 9:6

correct [1] - 13:10

COUNTY [1] - 26:3

course [1] - 14:14

Court [1] - 16:25

court [3] - 17:3, 18:22

created [1] - 19:7

Cremer [1] - 16:4

CREMER [2] - 16:6, 16:8

CRR [1] - 1:23

custodian [9] - 5:5, 16:14, 17:6, 19:21, 19:25, 20:3, 21:8, 21:10

custody [1] - 20:12

D

DAKOTA [3] - 1:2, 1:6, 26:1

Dakota [9] - 2:9, 4:5, 4:12, 8:24, 11:5, 11:18, 19:20, 26:7, 26:11

date [3] - 18:25, 19:4, 19:6

Dated [1] - 26:11

dealing [2] - 9:20, 21:13

declared [2] - 3:7, 3:8

deem [1] - 17:1

defined [1] - 12:17

definitely [1] - 18:6

demands [1] - 21:14

deserve [1] - 21:3

designation [1] - 6:24

determine [1] - 6:4

determining [3] -

6:23, 13:9, 13:13

different [2] - 20:22, 21:15

difficult [2] - 12:1, 12:2

directly [3] - 3:16, 3:24, 8:7

disagree [1] - 14:17

discuss [1] - 24:24

discussion [3] - 22:22, 23:25, 24:10

dispute [1] - 4:2

DO [1] - 26:8

docket [14] - 2:25, 3:14, 5:19, 7:19, 11:9, 11:11, 14:12, 14:19, 14:22, 14:23, 15:6, 15:22, 23:14

dockets [12] - 2:25, 3:9, 4:6, 5:20, 9:5, 9:10, 9:13, 9:25, 10:22, 14:3, 14:6, 22:19

documentation [1] - 13:1

documents [17] - 4:9, 4:15, 4:18, 5:6, 5:7, 5:9, 6:12, 6:15, 6:17, 6:18, 6:21, 6:25, 7:4, 11:7, 16:14, 21:7, 21:11

down [1] - 10:15

drop [1] - 8:16

due [15] - 2:19, 5:21, 6:3, 10:5, 10:6, 10:24, 11:14, 13:3, 15:14, 19:6, 21:21, 22:15, 22:20, 23:4, 23:20

duly [1] - 26:8

duly-appointed [1] - 26:8

E

echo [3] - 13:2, 13:18, 14:9

effectuated [1] - 13:13

either [5] - 16:23, 17:9, 18:25, 19:1, 21:11

employed [1] - 13:9

ensure [2] - 3:20, 15:1

entire [1] - 20:22

entirely [2] - 20:22, 24:3

entities [1] - 12:25

entitled [2] - 4:8, 5:9

entity [3] - 18:24,

19:23, 21:14

enunciating [1] - 5:14

especially [1] - 20:4

essentially [1] - 21:7

established [1] - 4:11

excellent [1] - 23:2

exchange [1] - 2:9

EXCHANGE [1] - 1:6

excuse [1] - 17:4

exhibit [1] - 14:4

expectation [1] - 21:24

expedition [1] - 23:17

expeditiously [1] - 16:24

explanation [1] - 3:3

extent [1] - 20:25

F

faced [1] - 5:15

fact [4] - 2:19, 2:23, 3:6, 5:1

fair [1] - 15:4

fairness [1] - 15:1

far [1] - 5:22

fashion [2] - 8:5, 22:16

February [2] - 24:11, 25:7

favor [1] - 4:23

few [1] - 4:15

FIGEN [7] - 1:12, 17:11, 17:13, 18:11, 24:16, 25:5, 25:11

Fiigen [8] - 2:3, 17:12, 17:22, 18:9, 24:15, 24:16, 25:10, 25:11

file [1] - 19:2

filed [16] - 2:20, 2:24, 2:25, 3:8, 6:12, 6:16, 7:17, 7:20, 10:16, 10:18, 10:23, 11:8, 11:10, 14:7, 19:18, 21:21

files [1] - 19:14

financial [13] - 3:13, 3:23, 3:25, 4:3, 4:7, 4:8, 4:10, 4:15, 4:18, 6:12, 6:21, 7:17, 21:2

financially [1] - 4:19

financials [4] - 7:20, 7:23, 11:10, 15:13

first [3] - 2:13, 7:21, 8:21

fish [1] - 23:17

fit [3] - 12:15, 13:24, 15:17

fits [1] - 12:22

five [1] - 14:3

flush [1] - 4:16

folks [4] - 6:2, 7:16, 7:22, 8:4

follow [2] - 11:25, 14:24

followed [2] - 11:17, 23:5

following [1] - 18:4

FOR [1] - 1:4

FORD [1] - 14:1

Ford [2] - 1:18, 13:24

foreclosed [1] - 24:3

foregoing [1] - 26:10

forth [1] - 15:25

forward [1] - 24:5

four [2] - 9:2, 9:3

front [3] - 17:24, 18:1, 18:7

G

GARY [1] - 1:12

germane [1] - 23:18

given [3] - 11:14, 11:22, 19:18

governmental [2] - 19:23, 21:14

grant [2] - 5:12, 16:22

granted [7] - 4:3, 4:24, 8:1, 12:9, 13:10, 16:21, 22:13

greatest [1] - 20:25

guess [4] - 8:25, 9:16, 15:11, 18:11

H

HANSON [41] - 1:12, 3:2, 5:13, 7:6, 8:9, 8:11, 8:13, 8:15, 8:18, 9:19, 10:9, 11:2, 12:13, 12:20, 13:23, 15:16, 16:1, 16:7, 16:9, 17:7, 17:12, 17:19, 17:23, 18:9, 18:13, 18:15, 18:17, 21:19, 22:8, 22:23, 22:24, 22:25, 23:24, 24:14, 24:15, 24:17, 25:1, 25:6, 25:9, 25:10, 25:12

Hanson [7] - 2:4, 8:10, 18:13, 22:24, 24:2, 24:13, 25:8

harder [1] - 12:4

hear [6] - 2:22, 7:15, 8:11, 8:13, 12:16,

17:21

heard [1] - 22:16

hearing [5] - 8:4, 15:23, 17:9, 22:11, 24:21

help [1] - 6:6

HEREBY [1] - 26:8

higher [1] - 15:9

hills [1] - 9:8

holding [1] - 15:9

HUGHES [1] - 26:3

hundreds [2] - 4:4, 4:6

I

identified [1] - 10:24

ignore [1] - 19:4

impact [1] - 24:5

IN [2] - 1:4, 1:6

Inaudible [2] - 15:21, 15:22

inception [1] - 4:16

include [1] - 11:17

included [1] - 4:6

including [1] - 14:4

income [1] - 4:16

indeed [1] - 20:24

indicated [1] - 18:5

indicates [1] - 15:8

individual [3] - 9:10, 10:2, 19:25

individuals [4] - 7:7, 7:11, 7:13, 12:14

information [58] - 2:20, 2:24, 3:6, 3:15, 3:18, 3:20, 3:21, 5:1, 5:2, 5:22, 6:1, 6:2, 6:4, 7:13, 9:12, 9:25, 10:18, 10:20, 10:23, 11:16, 11:22, 12:3, 12:5, 12:7, 12:11, 13:6, 13:19, 13:21, 14:7, 14:16, 14:20, 15:12, 15:14, 15:21, 17:5, 17:15, 19:14, 19:16, 19:18, 19:19, 19:22, 19:24, 20:4, 20:7, 20:9, 20:16, 20:24, 21:2, 21:3, 21:22, 22:1, 22:5, 22:20, 23:8, 23:10, 23:12, 23:16, 24:4

initial [1] - 10:13

instance [2] - 10:17, 14:18

intent [1] - 20:23

interest [2] - 9:17, 21:2

interested [1] - 22:3

<p>interests [1] - 7:9 interexchange [1] - 2:8 INTEREXCHANGE [1] - 1:5 irrelevant [1] - 15:13 issue [7] - 3:5, 4:22, 5:8, 9:19, 9:21, 17:3, 19:22 issued [1] - 2:10 issues [3] - 5:11, 12:19, 24:25 issuing [1] - 5:19</p>	<p>looks [1] - 17:14 Lundy [2] - 1:15, 12:15 LUNDY [1] - 12:17</p>	<p>16:8, 18:19, 19:8, 19:13, 20:13, 20:19, 21:1, 21:17, 21:20, 24:23 municipal [1] - 9:7 must [1] - 23:11 mute [1] - 17:10 Mystic [1] - 12:24</p>	<p>obviously [1] - 7:15 OF [7] - 1:2, 1:4, 1:5, 26:1, 26:3 one [8] - 2:3, 3:9, 4:13, 6:10, 11:6, 12:25, 17:17, 24:2 open [3] - 16:11, 24:3, 24:8 opinion [1] - 14:14 opportunity [3] - 9:11, 10:3, 13:17 oppose [1] - 15:13 opposed [2] - 6:7, 24:12 opposing [2] - 6:14, 14:19 order [23] - 2:2, 4:24, 4:25, 5:4, 5:10, 5:16, 5:19, 11:20, 13:21, 14:13, 15:8, 16:24, 19:1, 19:17, 20:5, 20:7, 20:8, 20:10, 20:14, 20:21, 20:23, 21:11, 25:3 outlined [1] - 4:1 own [3] - 19:9, 21:2, 22:6</p>	<p>podium [1] - 8:21 point [10] - 2:21, 7:22, 8:19, 14:10, 17:7, 18:20, 22:2, 22:9, 22:11, 24:9 points [1] - 23:2 position [6] - 2:22, 5:14, 15:11, 15:20, 19:13, 20:13 possible [2] - 19:8, 20:25 potential [1] - 5:10 potentially [1] - 13:4 predetermination [1] - 24:7 present [3] - 2:2, 2:3, 9:12 presented [1] - 23:4 preserving [1] - 22:20 previous [1] - 4:9 private [1] - 21:15 procedural [3] - 14:15, 14:24, 24:25 procedure [2] - 6:19, 19:3 proceed [1] - 2:6 proceeding [1] - 3:17 Proceedings [1] - 1:8 proceedings [2] - 14:8, 26:10 process [24] - 5:21, 5:25, 6:3, 6:7, 6:23, 9:15, 10:5, 10:6, 10:24, 11:14, 11:16, 11:25, 13:4, 14:15, 15:14, 18:5, 18:23, 21:21, 21:25, 22:15, 22:21, 23:4, 23:20 produce [2] - 20:11, 21:11 production [3] - 3:19, 19:1, 19:5 Professional [2] - 26:6, 26:18 proper [6] - 6:24, 18:23, 19:3, 20:3, 20:11 properly [1] - 3:19 proposed [1] - 3:24 proprietary [2] - 12:5, 23:8 protect [1] - 13:21 protected [2] - 20:24, 23:9 protection [1] - 11:10 protective [19] - 4:24, 4:25, 5:4, 5:10, 5:16, 5:19, 11:20, 14:13, 16:24, 19:1, 19:17, 20:5, 20:7, 20:8,</p>
<p>J</p>	<p>M</p>	<p>N</p>	<p>P</p>	<p>3</p>
<p>JOHNSON [1] - 2:1 joined [1] - 8:10 judgment [1] - 15:7 June [2] - 15:23, 26:12</p>	<p>majority [1] - 4:19 managerial [1] - 3:13 manner [1] - 15:4 Margo [2] - 1:17, 11:5 matter [7] - 2:6, 2:18, 10:13, 13:17, 16:25, 23:3, 24:21 MATTER [1] - 1:4 MCCOMSEY [1] - 26:5 McComsey [2] - 1:23, 26:17 McCook [1] - 9:6 mean [2] - 10:5, 19:9 meeting [2] - 2:1, 2:2 member [2] - 9:4, 9:24 members [1] - 9:9 Meredith [2] - 1:17, 12:21 Midcontinent [4] - 14:2, 14:3, 14:7, 14:11 MidState [1] - 9:5 Midwest [1] - 10:12 might [4] - 11:23, 13:5, 13:20, 24:19 mind [2] - 24:3, 24:9 mine [1] - 10:22 minimum [1] - 14:23 minute [1] - 16:10 Moore [2] - 1:17, 12:21 MOORE [1] - 12:24 morning [2] - 11:4, 14:1 most [2] - 15:7, 22:3 motion [2] - 19:10, 22:6 Motion [9] - 11:9, 22:22, 22:25, 23:5, 23:23, 24:7, 24:17, 25:4, 25:12 motions [1] - 22:11 move [3] - 22:12, 25:5, 25:6 MR [17] - 3:11, 6:9, 8:6, 8:22, 9:22, 10:10, 12:17, 15:19, 16:12, 17:21, 17:24, 18:23, 19:12, 19:20, 20:18, 20:21, 21:5 MS [15] - 2:18, 11:4, 12:24, 14:1, 16:6,</p>	<p>name [1] - 8:23 NAT [17] - 3:12, 3:15, 3:24, 4:8, 4:9, 4:13, 4:17, 6:16, 6:20, 14:12, 15:5, 15:9, 20:6, 21:7, 21:8, 21:9, 21:10 NAT's [2] - 3:23, 4:2 NATIVE [1] - 1:4 Native [1] - 2:7 nature [1] - 10:13 nay [1] - 24:12 necessary [3] - 3:18, 3:21, 17:1 need [5] - 13:5, 13:12, 15:23, 20:15, 23:19 needs [5] - 2:21, 11:17, 23:4, 23:8, 23:11 NELSON [1] - 1:11 Nelson [3] - 2:2, 24:17, 25:12 network [1] - 11:5 none [3] - 22:11, 24:11, 25:4 NORTHROP [1] - 11:4 Northrup [4] - 1:17, 11:3, 11:5, 13:2 Notary [2] - 26:7, 26:18 notice [9] - 10:2, 11:18, 11:22, 12:10, 19:18, 19:25, 21:3, 21:6, 22:4 notified [1] - 11:13 number [3] - 4:13, 6:10, 7:7</p>	<p>part [3] - 5:18, 5:19, 22:3 particular [10] - 2:11, 5:14, 5:18, 6:10, 7:19, 8:7, 13:14, 15:22, 18:2, 23:21 parties [16] - 2:24, 5:18, 5:20, 9:4, 12:10, 14:22, 15:6, 21:1, 21:21, 21:24, 22:2, 22:15, 22:19, 23:1, 23:19, 24:24 parties' [1] - 15:12 party [10] - 6:14, 7:19, 14:11, 14:12, 14:18, 16:15, 21:7, 21:16, 22:5 perhaps [1] - 2:23 person [2] - 19:16, 19:17 persons [1] - 22:3 phone [1] - 12:14 Pierre [1] - 26:11 place [6] - 5:4, 5:7, 5:17, 13:5, 13:21, 20:5, 20:8, 20:14 plan [1] - 15:24 plays [1] - 2:16 pleased [1] - 23:22</p>	<p>part [3] - 5:18, 5:19, 22:3 particular [10] - 2:11, 5:14, 5:18, 6:10, 7:19, 8:7, 13:14, 15:22, 18:2, 23:21 parties [16] - 2:24, 5:18, 5:20, 9:4, 12:10, 14:22, 15:6, 21:1, 21:21, 21:24, 22:2, 22:15, 22:19, 23:1, 23:19, 24:24 parties' [1] - 15:12 party [10] - 6:14, 7:19, 14:11, 14:12, 14:18, 16:15, 21:7, 21:16, 22:5 perhaps [1] - 2:23 person [2] - 19:16, 19:17 persons [1] - 22:3 phone [1] - 12:14 Pierre [1] - 26:11 place [6] - 5:4, 5:7, 5:17, 13:5, 13:21, 20:5, 20:8, 20:14 plan [1] - 15:24 plays [1] - 2:16 pleased [1] - 23:22</p>
<p>K</p>	<p>L</p>	<p>O</p>	<p>P</p>	<p>3</p>
<p>Karen [1] - 16:4 Kathy [2] - 1:18, 13:24 kind [1] - 7:24 knowing [1] - 12:5 Knudson [3] - 1:18, 15:17, 24:20 KNUDSON [1] - 15:19 KRISTIE [1] - 1:12</p>	<p>laid [1] - 8:5 last [1] - 18:17 least [1] - 21:23 LECs [2] - 4:15, 4:19 legal [1] - 3:16 light [1] - 20:4 limit [2] - 7:12, 7:21 limited [2] - 7:11, 8:4 line [1] - 2:3 list [4] - 9:3, 10:15, 11:6, 13:16 listed [1] - 11:6 literally [1] - 4:4 litigated [1] - 3:19 LLC [3] - 1:4, 2:7, 11:5 local [1] - 2:9 LOCAL [1] - 1:6 logistical [1] - 12:19 look [3] - 9:11, 17:13, 18:6 looked [1] - 14:21 looking [5] - 9:2, 16:3, 17:16, 17:17, 17:18</p>	<p>object [3] - 8:8, 21:12, 22:16 objection [1] - 8:4 objections [3] - 16:23, 18:21, 19:2 obtain [1] - 7:14 obtaining [1] - 5:25</p>	<p>part [3] - 5:18, 5:19, 22:3 particular [10] - 2:11, 5:14, 5:18, 6:10, 7:19, 8:7, 13:14, 15:22, 18:2, 23:21 parties [16] - 2:24, 5:18, 5:20, 9:4, 12:10, 14:22, 15:6, 21:1, 21:21, 21:24, 22:2, 22:15, 22:19, 23:1, 23:19, 24:24 parties' [1] - 15:12 party [10] - 6:14, 7:19, 14:11, 14:12, 14:18, 16:15, 21:7, 21:16, 22:5 perhaps [1] - 2:23 person [2] - 19:16, 19:17 persons [1] - 22:3 phone [1] - 12:14 Pierre [1] - 26:11 place [6] - 5:4, 5:7, 5:17, 13:5, 13:21, 20:5, 20:8, 20:14 plan [1] - 15:24 plays [1] - 2:16 pleased [1] - 23:22</p>	<p>part [3] - 5:18, 5:19, 22:3 particular [10] - 2:11, 5:14, 5:18, 6:10, 7:19, 8:7, 13:14, 15:22, 18:2, 23:21 parties [16] - 2:24, 5:18, 5:20, 9:4, 12:10, 14:22, 15:6, 21:1, 21:21, 21:24, 22:2, 22:15, 22:19, 23:1, 23:19, 24:24 parties' [1] - 15:12 party [10] - 6:14, 7:19, 14:11, 14:12, 14:18, 16:15, 21:7, 21:16, 22:5 perhaps [1] - 2:23 person [2] - 19:16, 19:17 persons [1] - 22:3 phone [1] - 12:14 Pierre [1] - 26:11 place [6] - 5:4, 5:7, 5:17, 13:5, 13:21, 20:5, 20:8, 20:14 plan [1] - 15:24 plays [1] - 2:16 pleased [1] - 23:22</p>

<p>20:10, 20:14, 20:21, 20:23, 21:11 protest [1] - 10:3 PROVIDE [1] - 1:5 provide [10] - 2:8, 3:23, 4:1, 4:4, 5:25, 7:18, 15:14, 17:5, 19:25, 20:6 provided [3] - 9:24, 21:6, 21:9 provides [2] - 22:18, 23:5 proving [1] - 3:12 provision [1] - 6:13 provisions [1] - 6:11 Public [2] - 26:7, 26:18 PUBLIC [2] - 1:1, 1:11 PUC [2] - 7:5, 20:2 pursuant [2] - 19:15, 20:7 put [3] - 2:18, 13:5, 13:20</p>	<p>records [1] - 20:12 referenced [2] - 5:21, 14:13 references [1] - 19:9 regard [4] - 13:3, 13:11, 13:13, 13:19 regarding [5] - 4:22, 18:4, 19:23, 23:2, 23:7 Registered [2] - 26:5, 26:18 related [2] - 3:16, 3:24 release [2] - 20:16, 21:25 released [5] - 5:23, 6:5, 19:19, 21:3, 21:4 relevance [4] - 12:19, 23:10, 24:2, 24:8 relevancy [4] - 4:13, 9:15, 9:20, 15:21 relevant [1] - 23:19 Reported [1] - 1:23 Reporter [4] - 26:6, 26:18, 26:19 reporter [1] - 26:9 represent [4] - 7:9, 7:16, 14:1 represented [1] - 3:25 representing [2] - 7:13, 7:22 request [2] - 17:14, 19:1 requested [7] - 2:19, 3:18, 6:2, 13:1, 17:5, 20:16, 23:13 requesting [4] - 2:23, 3:6, 5:2, 22:5 requests [2] - 5:17, 14:16 reservations [1] - 15:20 resources [1] - 3:25 respect [6] - 9:10, 9:15, 9:23, 10:3, 10:4, 15:24 respected [1] - 10:7 respond [1] - 17:20 response [3] - 19:2, 19:6, 24:1 review [6] - 3:21, 4:6, 4:8, 4:14, 4:17, 10:16, 10:20, 16:25 Richard [2] - 1:16, 8:23 rights [5] - 10:6, 10:24, 22:16, 22:21 risk [1] - 11:23 Rolayne [1] - 24:19 role [1] - 15:1</p>	<p>room [1] - 2:2 RPR [1] - 1:23 Rule [10] - 3:16, 6:7, 7:2, 7:3, 16:13, 16:17, 18:24, 19:22, 20:3, 21:9 rule [11] - 6:19, 14:21, 17:14, 17:18, 17:21, 17:25, 18:2, 18:6, 19:9, 22:18 Rules [4] - 5:25, 6:13, 11:15, 16:19 rules [9] - 7:4, 10:19, 14:24, 15:2, 15:4, 18:1, 19:21, 21:5, 21:23</p>	<p>11:8, 11:20, 16:20 someone [2] - 19:14, 21:4 sort [1] - 12:6 sought [5] - 7:24, 11:17, 12:11, 16:24, 23:10 sounding [1] - 8:18 South [9] - 2:9, 4:5, 4:12, 8:24, 11:5, 11:18, 19:20, 26:7, 26:11 SOUTH [3] - 1:2, 1:6, 26:1 speaking [1] - 8:6 specific [6] - 4:24, 7:1, 10:17, 11:8, 14:22, 22:18 Sprint [2] - 4:2, 6:17 SS [1] - 26:2 Staff [4] - 8:23, 16:4, 18:3, 24:24 standard [2] - 13:9, 15:9 standards [1] - 3:17 standing [2] - 8:8, 9:1 standpoint [1] - 4:14 state [1] - 19:23 STATE [2] - 1:2, 26:1 State [1] - 26:7 statements [1] - 7:17 Statute [1] - 11:18 statute [1] - 11:19 still [1] - 20:15 subject [1] - 19:17 Subpoena [37] - 2:10, 2:12, 2:14, 2:19, 2:22, 3:16, 5:8, 5:12, 7:3, 7:14, 7:18, 7:25, 9:3, 10:25, 12:9, 13:14, 14:4, 15:3, 16:15, 16:20, 16:23, 17:5, 18:24, 19:2, 19:4, 19:10, 19:15, 19:22, 20:3, 21:9, 21:12, 22:4, 22:7, 22:13, 22:14, 23:16, 23:21 subpoena [2] - 20:11, 20:15 subpoenaed [1] - 21:16 subpoenaing [1] - 21:7 subpoenas [1] - 13:9 substantiated [1] - 23:11 succinctly [1] - 23:5 sufficient [2] - 3:13, 9:17</p>	<p>suggest [1] - 24:23 summary [1] - 15:7 support [1] - 23:22 Swier [12] - 1:15, 2:10, 2:15, 2:22, 3:4, 8:3, 13:10, 14:13, 16:10, 17:17, 17:19, 18:20 SWIER [12] - 3:11, 6:9, 8:6, 16:12, 17:21, 17:24, 18:23, 19:12, 19:20, 20:18, 20:21, 21:5 Swier's [2] - 8:25, 14:17</p>
<p>Q</p>	<p>quash [3] - 19:10, 22:7, 22:12 questions [7] - 16:11, 17:8, 17:10, 18:4, 18:14, 18:16, 22:10 quorum [1] - 2:5</p>	<p>S</p>	<p>safeguards [2] - 13:5, 13:20 schedules [1] - 15:24 scope [1] - 20:10 Scott [3] - 1:15, 1:18, 3:10 SDN [2] - 11:13 SDTA [4] - 9:1, 9:4, 9:9, 9:24 second [1] - 8:2 secondly [2] - 7:24, 22:17 secret [1] - 11:9 secrets [2] - 12:5, 23:8 see [6] - 2:15, 8:20, 9:11, 9:19, 15:7, 21:13 seeing [2] - 24:11, 25:4 seek [1] - 21:11 seeking [1] - 3:15 seeks [1] - 7:14 seem [1] - 10:1 serious [1] - 15:20 served [1] - 5:12 SERVICES [2] - 1:6 services [5] - 2:9, 3:24, 4:1, 4:5 set [1] - 6:19 several [3] - 5:24, 7:8, 13:15 shorthand [1] - 26:9 show [2] - 4:15, 4:18 showing [1] - 15:11 shown [1] - 23:18 simple [1] - 23:3 simply [5] - 19:1, 19:4, 20:11, 23:11, 24:1 sit [1] - 10:15 situation [4] - 6:11,</p>	<p>T</p>
<p>R</p>	<p>rapid [1] - 10:13 rather [1] - 5:20 real [1] - 8:15 really [2] - 5:2, 16:6 Realtime [2] - 26:6, 26:19 reason [2] - 6:23, 22:14 reasonable [2] - 5:7, 23:12 rebuttal [1] - 16:10 receive [1] - 4:11 received [3] - 2:11, 4:20, 22:4 receives [1] - 18:24 recent [1] - 15:7 recommend [1] - 22:6 recommendation [1] - 21:18 record [3] - 16:6, 19:7, 21:10 Recorded [1] - 1:8 recording [1] - 26:9</p>	<p>TC00-085 [1] - 14:5 TC03-068 [1] - 14:5 TC04-029 [1] - 10:18 TC04-081 [1] - 14:5 TC05-161 [1] - 14:5 TC07-057 [1] - 14:5 TC08-113 [1] - 9:5 TC09-091 [1] - 9:6 TC11-005 [1] - 9:7 TC11-083 [1] - 9:7 TC11-087 [2] - 1:4, 2:6 technical [1] - 3:13 Telecom [1] - 2:7 TELECOM [1] - 1:4 telecommunication [3] - 4:1, 4:5, 7:9 Telecommunication [1] - 8:24 telecommunications [1] - 2:8 TELECOMMUNICATI ONS [1] - 1:5 telephone [2] - 7:8, 9:8 term [1] - 23:17 testified [1] - 12:22 testimony [3] - 7:10, 7:12, 7:22 THE [5] - 1:1, 1:2, 1:4, 1:11 therefore [3] - 5:6, 7:1, 14:12 third [1] - 16:15 third-party [1] - 16:15 thorough [1] - 5:4 thoughts [1] - 18:18 threshold [1] - 4:10 timing [2] - 13:16, 24:21 TO [1] - 1:5 today [10] - 2:15, 3:5, 6:8, 7:8, 7:11, 9:19,</p>		

<p>9:21, 12:16, 18:12, 25:2 Todd [2] - 1:15, 12:15 took [1] - 18:22 trade [3] - 11:9, 12:5, 23:8 transcribed [1] - 26:9 Transcript [1] - 1:8 travel [1] - 15:24 treated [1] - 5:1 tremendous [1] - 23:7 try [1] - 8:17 turn [4] - 2:12, 3:4, 12:4, 24:19 turned [2] - 10:25, 12:6 type [3] - 11:20, 16:19, 19:5 typical [1] - 21:15 typically [1] - 13:8</p>	<p style="text-align: center;">W</p> <p>weigh [1] - 16:5 well-aware [1] - 4:23 Wiest [4] - 2:11, 2:12, 2:17, 18:17 WIEST [10] - 2:18, 18:19, 19:8, 19:13, 20:13, 20:19, 21:1, 21:17, 21:20, 24:23 Wittler [2] - 1:23, 26:17 WITTLER [1] - 26:5 words [1] - 6:16 written [1] - 19:2</p>
<p style="text-align: center;">U</p> <p>ultimately [2] - 13:6, 24:4 uncomfortable [1] - 23:15 under [8] - 6:12, 10:19, 11:14, 11:18, 14:15, 19:20, 21:5, 21:23 underlying [1] - 15:3 understood [1] - 18:20 unfortunately [1] - 13:16 unless [1] - 11:21 up [1] - 16:11 upcoming [1] - 24:21 UTILITIES [2] - 1:1, 1:11</p>	
<p style="text-align: center;">V</p> <p>VAN [1] - 10:10 Van [4] - 1:16, 10:9, 10:11, 13:3 various [2] - 6:12, 7:9 vast [1] - 4:19 venture [1] - 10:21 verify [1] - 15:22 viable [1] - 4:19 VICE [1] - 1:12 visit [1] - 13:17 vote [2] - 24:11, 25:7 votes [4] - 24:16, 24:17, 25:11, 25:12</p>	