

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION OF)
NATIVE AMERICAN TELECOM, LLC FOR A)
CERTIFICATE OF AUTHORITY TO PROVIDE)
INTEREXCHANGE TELECOMMUNICATION)
SERVICES AND LOCAL EXCHANGE SERVICES IN)
SOUTH DAKOTA)**

**ORDER FOR AND NOTICE
OF PROCEDURAL
SCHEDULE AND HEARING**

TC11-087

On October 11, 2011, the Public Utilities Commission (Commission) received an application from Native American Telecom, LLC (NAT) for a certificate of authority to provide interexchange long distance service and local exchange services in South Dakota. On October 13, 2011, the Commission electronically transmitted notice of the filing and the intervention deadline of October 28, 2011, to interested individuals and entities. On October 13, 2011, the Commission received a Petition to Intervene by Midstate Communications, Inc. (Midstate). On October 26, 2011, the Commission received a Petition to Intervene by AT&T Communications of the Midwest, Inc. (AT&T). On October 28, 2011, the Commission received a Petition to Intervene from Sprint Communications Company, L.P. (Sprint), Qwest Communications Company LLC dba CenturyLink (CenturyLink) and South Dakota Telecommunications Association (SDTA). On November 1, 2011, CenturyLink re-filed its Petition to Intervene. On November 14, 2011, NAT filed its responses to the petitions for intervention. On November 18, 2011, CenturyLink filed CenturyLink's reply. On November 21, 2011, NAT filed a Notice of Supplemental Authority. On November 22, 2011, the Commission voted unanimously to grant intervention to Midstate, AT&T, Sprint, CenturyLink, and SDTA. On January 12, 2012, NAT filed a Motion Requesting a Protective Order Requiring the Parties and Intervenors to Comply with a Confidentiality Agreement. On January 27, 2012, NAT filed a revised Application for Certificate of Authority. In its revised application, NAT states that it seeks to provide local exchange and interexchange service within the Crow Creek Sioux Tribe Reservation which is within the study area of Midstate. On January 31, 2012, the Commission granted the Motion Requesting a Protective Order Requiring the Parties and Intervenors to Comply with a Confidentiality Agreement.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31 and ARSD 20:10:01:15.05.

The procedural schedule shall be as follows:

| DATE | PROCEDURAL SCHEDULE |
|-------------------|---------------------------------|
| February 7, 2012 | NAT Discovery to Intervenors |
| February 15, 2012 | NAT Initial Testimony Due |
| February 24, 2012 | Intervenors/NAT Serve Discovery |
| March 9, 2012 | Discovery Responses Due |
| March 26, 2012 | Intervenors Testimony Due |
| April 4, 2012 | NAT Reply Testimony Due |

April 24-26, 2012

Hearing

Simultaneous post-trial briefs will be filed within ten (10) days of receiving the hearing transcript. Simultaneous post-trial reply briefs will be filed within ten (10) days of receiving post-trial briefs.

PLEASE TAKE NOTICE that a hearing shall be held commencing at 1:30 p.m., with marking of exhibits to begin at 1:00 p.m., on Tuesday, April 24, 2012, and continuing at 9:00 a.m., on April 25 and April 26, 2012, in Room 414 of the State Capitol, 500 E. Capitol Ave, Pierre, South Dakota. The hearing is open to the public. All persons testifying shall be subject to cross-examination.

The issue at the hearing is whether to grant NAT a certificate of authority to provide local exchange and interexchange service within the Crow Creek Sioux Tribe Reservation.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of this hearing, the Commission shall determine whether to grant NAT a certificate of authority to provide local exchange and interexchange service within the Crow Creek Sioux Tribe Reservation. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that the hearing shall commence at 1:30 p.m., with marking of exhibits to begin at 1:00 p.m., on Tuesday, April 24, 2012, and continuing at 9:00 a.m., on April 25 and April 26, 2012, in Room 414 of the State Capitol, 500 E. Capitol Avenue, Pierre, South Dakota.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 22 day of February, 2012.

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| CERTIFICATE OF SERVICE | |
| The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically. | |
| By: | <u>[Signature]</u> |
| Date: | <u>2-22-12</u> |
| (OFFICIAL SEAL) | |

BY ORDER OF THE COMMISSION:

[Signature]
CHRIS NELSON, Chairman

[Signature]
KRISTIE FIEGEN, Commissioner

[Signature]
GARY HANSON, Commissioner