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JUL 29 2005

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

July 28, 2005

## VIA OVERNIGHT DELIVERY

Ms. Pam Bonrud, Executive Director  
South Dakota Public Utilities Commission  
Capitol Building, 1st floor  
500 East Capitol Avenue  
Pierre, SD 57501-5070

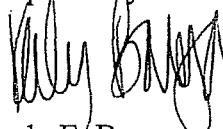
Re: Navigator Telecommunications, LLC. Application for Local Exchange  
Telecommunications Authority

Dear Ms. Bonrud:

Enclosed please find an original and ten copies of the above-captioned Application for filing with the South Dakota Public Utilities Commission ("Commission"). Also enclosed is a Request for Confidential Treatment to accompany the confidential and proprietary documents that have been filed under seal.

Also enclosed is a duplicate copy of this filing, along with a self-addressed, postage-paid envelope. Please date-stamp the duplicate upon receipt and return it in the envelope provided. Also please find enclosed a check for \$250.00 to cover the requisite filing fees. Thank you for your assistance in this matter.

Respectfully submitted,

  
Karly E. Baraga

Enclosures

Before the  
STATE OF SOUTH DAKOTA  
PUBLIC UTILITY COMMISSION

RECEIVED

JUL 29 2005

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

Application of )  
)  
Navigator Telecommunications, LLC. )  
)  
for Authority to Provide )  
Resold Interexchange Telecommunications )  
Services in the State of South Dakota )

Docket No. \_\_\_\_\_

**APPLICATION OF  
NAVIGATOR TELECOMMUNICATIONS, LLC.**

Navigator Telecommunications, LLC. ("Applicant", "Company" or "Navigator"), by its representatives and pursuant to SDCL section 49-31-3, S.D. Admin. R. 20:10:24:02, and to all other relevant Rules and Regulations of the South Dakota Public Utility Commission ("Commission"), respectfully requests that the Commission grant it a Certificate of Public Convenience and Necessity to provide resold interexchange telecommunications services in the State of South Dakota. In support thereof, Applicant provides the following information:

**1. The name, address, and telephone number of the applicant:**

Applicant's full name is Navigator Telecommunications, LLC. and is headquartered at 8525 Riverwood Park Drive, North Little Rock, AR 72113. Applicant's telephone number is (501) 954-4000.

**2. The name under which the applicant will provide these services if different than in subdivision (1) of this section:**

Applicant will provide services under the same name as listed above.

**3. If the applicant is a corporation:**

Navigator is a privately held limited liability company formed under the laws of Arkansas, organized on September 9, 1997. A copy of Applicant's Articles of Organization and amendments thereto are appended hereto as *Exhibit A*. Applicant is qualified to conduct business within the State of South Dakota as a foreign limited liability company. A copy of the qualifying document is attached hereto as *Exhibit B*.

**4. If the applicant is a partnership, the name, title, and business address of each partner, both general and limited:**

As explained above, Navigator is a limited liability company.

**5. A description of the telecommunications service the applicant intends to offer:**

By this Application, Navigator seeks authority to provide a full array of resold interLATA and intraLATA interexchange telecommunications services to business and residential customers in the State of South Dakota. Specifically, Navigator seeks authority to provide basic "1+" long distance services, otherwise known as Message Telecommunications Service ("MTS"), travel services, and toll-free services. At a later date, Navigator may expand its long distance offerings, to include a broader range of interexchange products and services, and may, as economic conditions permit, seek authority to provide local exchange services. Navigator seeks authority to provide interexchange telecommunications services on a statewide basis. The Applicant will not provide operator assisted services.

**6. A detailed statement of the means by which the applicant will provide its services:**

Applicant plans to provide its service on a resale basis.

**7. The geographic areas in which the services will be offered or a map describing the service:**

Applicant seeks authority to provide its services on a statewide basis.

8. **Current financial statements of the applicant including a balance sheet, income statement, and cash flow statement; a copy of the applicant's latest annual report; a copy of the applicant's report to stockholders; and a copy of the applicant's tariff with the terms and conditions of service:**

Navigator has attached hereto as *Exhibit D* its current audited financial statements for 2003 and 2004, filed under seal. Navigator is a privately-held company. Accordingly, its financial statements are not public information. Navigator respectfully requests that the its financial statements disclosed in connection with this Application be filed under seal, solely for the purpose of the Commission's *in camera* review, as per S.D. Admin. R. 20:10:01:39-20:10:10:44. By offering service on a purely resale basis, Navigator reduces its need for significant capital expenditures. Company is a privately-held company and, thus, does not issue annual reports or submit any financial filings with the Securities and Exchange Commission. Navigators' proposed initial tariff is attached hereto as *Exhibit E*.

9. **The names, addresses, telephone number, fax number, E-mail address, and toll-free number of the applicant's representatives to whom all inquiries must be made regarding complaints and regulatory matters and a description of how the applicant handles customer billings and customer service matters.**

Copies of all correspondence, notice, inquiries and orders relating to consumer issues, billing issues, technical service quality issues, and customer complaint issues should be sent to:

Brian Russell  
Area Manager, Operations  
NAVIGATOR TELECOMMUNICATIONS, LLC.  
8525 Riverwood Park Drive  
P.O. Box 13860  
North Little Rock, AR 72113  
Telephone: (501) 954-4021  
Facsimile: (501) 954-4002

- 10. A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable:**

Navigator has been granted Certificates of Public Convenience and Necessity to provide local exchange and interexchange telecommunications services in twenty-four jurisdictions. These Certificates have been granted in the following states: Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas and Wisconsin. Applicant has applications to provide both local exchange and interexchange services pending in the following jurisdictions: Arizona, Connecticut, Maryland, Minnesota, Montana, Oregon, Rhode Island, Vermont, Virginia and Washington. Navigator also has applications pending to provide resold interexchange service in Colorado, Idaho, Iowa, Maine, Nebraska, Nevada, New Hampshire, New Mexico, South Dakota, West Virginia, and Wyoming. Applicant also intends to offer its resold interexchange services on an unregulated basis in the District of Columbia and Utah. Navigator has not been denied a request for certification to provide telecommunications services by any jurisdictional authority.

- 11. A description of how the applicant intends to market its services, its target market, whether the applicant engages in any multilevel marketing, and copies of any company brochures used to assist in the sale of services:**

Navigator currently has customers with numerous locations in a number of states, and will initially direct market services to those existing customers with additional locations in South Dakota. Navigator's target market is medium to small business and businesses with multiple locations. Navigator utilizes sales agents in direct marketing efforts to reach those customers. Navigator does not plan to utilize any multi-level marketing at this time. Navigator

does not currently have any company brochures used to assist in the sale of services it intends to offer in South Dakota. Navigator intends to expand its offerings to include services to residential markets over time.

**12. Cost support for rates shown in the company's tariff for all noncompetitive or emerging competitive services:**

~~\_\_\_\_\_ All services are competitive. \_\_\_\_\_~~

**13. Federal tax identification number: 62-1706724**

**14. The number and nature of complaints filed against the applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered:**

In the past seven years of operation, Navigator has received a limited number of complaints from customers asserting that they had been "slammed" (approximately 22 complaints in nine states). In the majority of these cases, the allegations were without basis, and a written explanation of the circumstances to the appropriate state PSC has been sufficient to resolve the complaint. In the unusual instance where a customer's service was changed without their authorization, it has always been due to an inadvertent keying error or other ordering error or anomaly, and has been immediately corrected. Navigator has never been sanctioned, fined, or otherwise investigated for improper switching of customers.

**15. A written request for waiver of those rules the applicant believes to be inapplicable:**

At this time, Navigator does not request any waivers.

**16. Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the interexchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.**

As demonstrated below, Navigator is well-qualified managerially, technically and financially to provide the competitive interexchange telecommunications services for which

authority is requested in this Application. Navigator's management team includes individuals with substantive experience in successfully developing and operating telecommunications business. Consequentially, the Company has the adequate internal technical resources to support its South Dakota operations. This expertise in the telecommunications industry makes Navigator's management team well-qualified to operate its interexchange operations in South Dakota. Specific details of the business and technical experience of Navigator's officers and management personnel are attached as *Exhibit C*, which also contain biographies and a brief description of the business experiences of key management personnel who will be responsible for Navigator's telecommunications services in South Dakota and throughout the United States.

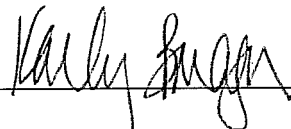
As is evident from the information contained in *Exhibit C*, Applicant is managed by persons with substantial technical expertise in operating telecommunications networks. This wealth of expertise will enable Navigator to provide its interexchange customers with advanced, state-of-the-art technology, for its telecommunications services.

A decision by the Commission to grant the Applicant authority to provide resold interexchange telecommunications services is in the public interest. Applicant is well qualified to operate as a service provider in South Dakota. Consumers of telecommunications services in South Dakota will receive the benefits of downward pressure on prices, increased choice, improved quality of service and customer responsiveness, innovative service offerings, and access to increasingly advanced telecommunications technology. The market incentives for new and existing providers of telecommunications services will be improved through an increase in the diversity of suppliers and competition within the local exchange and interexchange telecommunications market. Granting Navigator's Application would enhance the development of competition in the local exchange and interexchange markets and provide the consumers of South Dakota with all of the benefits described above.

WHEREFORE, Applicant respectfully requests that the Commission grant it a Certificate of Public Convenience and Necessity to provide competitive interexchange telecommunications services in the State of South Dakota.

Respectfully submitted,

**NAVIGATOR TELECOMMUNICATIONS, LLC.**

By: \_\_\_\_\_

Karly E. Baraga  
KELLEY, DRYE AND WARREN, LLP  
1200 19th Street, N.W., Suite 500  
Washington, D.C. 20036  
Phone: (202) 955-9600  
Fax: (202) 955-9792

And

Michael McAlister  
General Counsel  
NAVIGATOR TELECOMMUNICATIONS, LLC.  
8525 Riverwood Park Drive  
North Little Rock, AR 72113

Dated: July 28, 2005



## VERIFICATION

I, Michael McAlister, am General Counsel of Navigator Telecommunications, LLC., and am authorized to represent it and to make this verification on its behalf. The statements in the foregoing document relating to this company, except as otherwise specifically attributed, are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.



---

Subscribed and sworn to before me this 18th day of July, 2005.

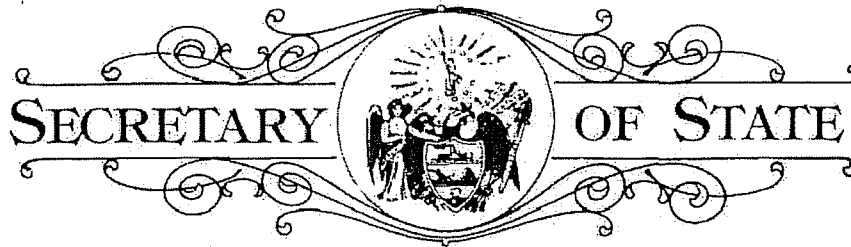
  
Notary Public

My Commission expires: 5-25-2014

# **EXHIBIT A**

## **ARTICLES OF ORGANIZATION**

# STATE OF ARKANSAS



*Sharon Priest*  
SECRETARY OF STATE

*To All to Whom These Presents Shall Come, Greetings:*

*I, Sharon Priest, Secretary of State of Arkansas, do hereby certify that the following and hereto attached instrument of writing is a true and perfect copy of*

## ARTICLES OF ORGANIZATION

OF

**NAVIGATOR TELECOMMUNICATIONS, LLC.**

ORIGINAL ARTICLES FILED:

September 9, 1997



*In Testimony Whereof, I have hereunto set my hand and affixed my official Seal. Done at my office in the City of Little Rock, this 9th day of September 1997.*

*Sharon Priest*

Secretary of State

FILED  
CORPORATION DIVISION  
150748

97 SEP -9 AM 11:14

Instructions: File in DUPLICATE with the Secretary of State, State Capitol, Little Rock, Arkansas 72201-1094. A copy will be returned after filing has been completed.  
PLEASE TYPE OR PRINT IN INK

State of Arkansas - Office of Secretary of State  
ARTICLES OF ORGANIZATION

The undersigned authorized manager or member or person forming this Limited Liability Company under the Small Business Entity Pass Through Act, Act 1993, adopt the following Articles of Organization of such Limited Liability Company.

First: The Name of the Limited Liability Company is:

NAVIGATOR TELECOMMUNICATIONS, ~~ENTERPRISE LLC~~ LLC.

Must contain the words "Limited Liability Company," "Limited Company," or the abbreviation "LLC," "L.C.," "LLC," or "LC." The word "Limited" may be abbreviated as "Ltd.," and the Company may be abbreviated as "Co."

Companies which perform PROFESSIONAL SERVICE MUST additionally contain the words "Professional Limited Liability Company," "Professional Limited Company," or the abbreviations "P.L.L.C.," "P.L.C.," "PLLC," or "PLC." The word "Limited" may be abbreviated as "Ltd." and the word Company may be abbreviated as "Co."

Second: Address of registered office of the Limited Liability Company which may be, but not be, the place of business shall be:

11810 PLEASANT RIDGE ROAD, #601  
LITTLE ROCK, ARKANSAS 72212

Third: The name of the registered agent and the business residence or mailing address of said agent shall be:

LOUIS F. McALISTER, JR  
11810 PLEASANT RIDGE ROAD, #601  
LITTLE ROCK, ARKANSAS 72212

(a) Acknowledgment and acceptance of appointment **MUST** be signed. I hereby acknowledge and accept the appointment of registered agent for and on behalf of the above named Limited Liability Company.

  
Please sign here LOUIS F. McALISTER, JR.

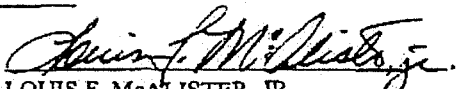
Fourth: The latest date (month, day, year) upon which this Limited Liability Company is to dissolve:

12-31-2097

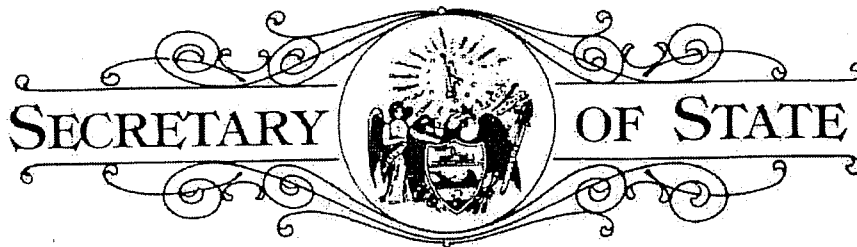
Fifth: IF THE MANAGEMENT OF THIS COMPANY IS VESTED IN A MANGER OR MANAGERS, A STATEMENT TO THAT EFFECT MUST BE INCLUDED IN THE SPACE PROVIDED OR BY ATTACHMENT:

\_\_\_\_\_  
PLEASE TYPE OR PRINT CLEARLY IN INK THE NAME OF THE PERSON(S) AUTHORIZED TO EXECUTE THIS DOCUMENT.

LOUIS F. McALISTER, JR.

Signature of authorized manager, member, or person forming this Company:   
Filing Fee \$50.00 LOUIS F. McALISTER, JR.

# STATE OF ARKANSAS



*Sharon Priest*  
SECRETARY OF STATE

To All to Whom These Presents Shall Come, Greetings:

I, Sharon Priest, Secretary of State of Arkansas, do hereby certify that the following and hereto attached instrument of writing is a true and perfect copy of

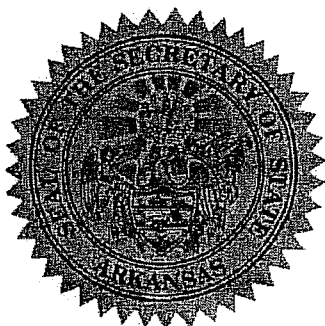
## CERTIFICATE OF AMENDMENT

OF

NAVIGATOR TELECOMMUNICATIONS, LLC.

FILED IN THIS OFFICE.

November 12, 1997



In Testimony Whereof, I have hereunto set my hand and affixed my official Seal.  
Done at my office in the City of Little Rock,  
this 12th day of November 1997.

*Sharon Priest*  
Secretary of State

Instructions: File in **DUPLICATE** with the Secretary of State, State Capitol, Little Rock, Arkansas 72201-1094. A copy will be returned after filing has been completed.

97 NOV 12 PM 12:48

STATE OF ARKANSAS - OFFICE OF SECRETARY OF STATE  
AMENDMENT TO THE ARTICLES OF ORGANIZATION  
NAVIGATOR TELECOMMUNICATIONS, LLC

SHARON PRIEST  
STATE OF ARKANSAS

BB

The undersigned authorized manager or member or person forming this Limited Liability Company under the Small Business Entity Tax Pass Through Act, Act 1003 of 1993, adopt the following Amendment(s) to the Articles of Organization of Navigator Telecommunications, LLC:

**FIFTH:** The names and respective positions of the persons in whom management of this limited liability company is vested are:

Stephen L. Parr	Chairman of the Board and Chief Financial Officer
Louis F. McAlister, Jr.	President and Chief Executive Officer
Michael Kelly	Vice-President, Marketing and Business Development
Dan Margolis	Vice-President, Operations
Kenrick L. LeDoux	Vice-President, Network Services
Hilgrove Gordon	Sr. Technical Advisor

DATED: 11-12-97

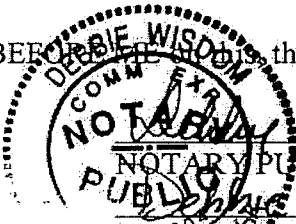
  
LOUIS F. MCALISTER, JR.  
President and Chief Executive Officer

**ACKNOWLEDGMENT**

THE STATE OF ARKANSAS        )  
  )       SS  
COUNTY OF PULASKI        )

BEFORE ME, the undersigned authority, on this day personally appeared LOUIS F. MCALISTER, JR., and acknowledged to me that he has executed the foregoing Amendment to the Articles of Organization for the purpose therein expressed.

SUBSCRIBED AND SWORN TO BEFORE ME on the 12 day of November, 1997.

  
NOTARY PUBLIC, STATE OF ARKANSAS  
Printed Name: Debbie Wisdom  
My Commission Expires: 9-18-04

# **EXHIBIT B**

## **CERTIFICATE OF QUALIFICATION**



# State of South Dakota



## OFFICE OF THE SECRETARY OF STATE

### Certificate of Authority Limited Liability Company

ORGANIZATIONAL ID #: FL002472

I, **Chris Nelson**, Secretary of State of the State of South Dakota, hereby certify that duplicate of the Application for a Certificate of Authority of **NAVIGATOR TELECOMMUNICATIONS, LLC (AR)** to transact business in this state duly signed and verified pursuant to the provisions of the South Dakota Limited Liability Company Act, have been received in this office and are found to conform to law.

**ACCORDINGLY** and by virtue of the authority vested in me by law, I hereby issue this Certificate of Authority and attach hereto a duplicate of the application for certificate of authority.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, at Pierre, the Capital, this July 14, 2005.



*Chris Nelson*

Chris Nelson  
Secretary of State

CertAuthLLC Merge.doc

# EXHIBIT C

## MANAGEMENT BIOGRAPHIES

Navigator possesses the managerial expertise and experience necessary to provide the services it proposes herein. In support of its application, Navigator submits the following information to demonstrate that it has sufficient managerial telecommunications experience and expertise adequate to ensure its provision of interexchange telecommunications services within the State of South Dakota.

Navigator's Officers and Management Team include:

**Dennis J. Ferra, Chief Executive Officer**

From 1975 to 1985 Mr. Ferra was a CPA and Audit Manager at Price Waterhouse Coopers (Coopers & Lybrand) in their Cleveland, Ohio office covering large public companies such as ALLTEL, Firestone, Parker Hannifin, Ohio Bell and Johnson & Johnson. From 1985 to 1999, Mr. Ferra held the following positions with increasing responsibility at ALLTEL, a \$7 billion revenue NYSE company: Vice-President and Controller, Senior Vice-President and Chief Financial Officer, and Executive Vice-President and Chief Administration and Financial Officer. Dennis received his Bachelor of Accounting from Kent State University.

**Louis F. McAlister, President**

During his 19-year career at Southwestern Bell Telephone (SWBT) Mr. McAlister served in a wide variety of positions including engineering, operations, sales, customer service, and marketing. At SWBT, he introduced several new services, systems enhancements, and work process improvements that increased revenues and reduced costs. Mr. McAlister spent three years at Bell Communications Research (Bellcore) in systems design and operations strategic planning. His team developed a business model for end-to-end service operations, administration, maintenance, and provisioning that is in use today in the Regional Bell Operating Companies.

In 1991, Mr. McAlister joined Network Equipment Technologies (N.E.T.) where he was instrumental in their worldwide sales and marketing success to the carrier market. In addition to being a perennial revenue overachiever at N.E.T., he helped develop marketing plans, collateral, and sales compensation plans for the Carrier Sales group. Mr. McAlister also recruited and hired many of the field sales and engineering personnel for the carrier sales effort. His clients included AT&T, SWBT, NYNEX, and Sprint.

**David Stotemyer, Chief Financial Officer**

Prior to Navigator, Mr. Stotemyer was Senior Vice President and CFO for National Medical Systems, Inc. a regional privately-owned Home Health Company with 35 locations in three states.

Prior to National, Mr. Stotemyer served as Vice-President and CFO of Forrest Capital Corporation for five years. Mr. Stotemyer's career started with seven years at Arthur Young & Company, the last two as Audit Manager in the Little Rock, Arkansas office. Mr. Stotemyer graduated from Harding University with a BS degree in accounting and is a CPA.

**Kenrick L. LeDoux, Vice-President Engineering and Chief Technical Officer**

Mr. LeDoux began his career with Southwestern Bell Telephone Co. in 1988. He has worked in several engineering and technical sales positions including data communications and network design. Mr. LeDoux joined Network Equipment Technologies in 1993 as an ATM specialist. Mr. LeDoux has a BS in Computer Science and MBA from Central Missouri State University and an MS in Telecommunications Management from Washington University in St. Louis.

**Steve Garrett, Chief Information Officer**

Previously, Mr. Garrett managed enterprise-wide strategic and operational technology resources as IT Director for Connect Communications, a nationwide CLEC, and as Vice President of Information Systems for National Medical Systems, a regional privately-owned Home Health Company with 35 locations in three states. Prior to National, Mr. Garrett worked as a software engineer with Digital Equipment Corporation, now part of Hewlett-Packard. In addition, he works actively with the board of the Muscular Dystrophy Association in its fundraising and family care activities. Mr. Garrett graduated magna cum laude from Harding University with a BS degree where his honors included national publication of his mathematical research with the Dean of the School of Science and Mathematics.

**James Ellis, Vice President Operations**

Mr. Ellis brings to Navigator a broad range of operations and project management expertise, along with varied service management, technical, and administrative experience. His extensive telecommunications background includes spending 30 years with Southwestern Bell (SBC) and being an integral part of the SBC project development team that established Methods and Procedures for the Competitive Local Exchange Carrier (CLEC). Mr. Ellis has a vast knowledge of RBOC/ILEC coordination and migration that includes rules and regulations. While at SBC, he developed the Coordinated Hot Cut (CHC) process, allowing the CLEC to seamlessly migrate telephone customers from ILEC to CLEC status. This process continues to be used throughout the industry today.

Mr. Ellis served as Director of Operations for CapRock Communications and founded Ellis Telecommunications Consulting. He has received numerous awards and acclamations throughout the industry, and was particularly recognized for testimony presented before the Texas Public Utility Commission (PUC).

**Curt Selman, Vice President Sales**

Mr. Selman has been primarily responsible for the execution of the Company's sales strategy. Mr. Selman has served as Regional Manager for Verizon and Director of LEC sales for Qwest Communications as well as President of Southern Missouri Payphones, a private payphone company. Mr. Selman has extensive knowledge in the long distance and payphone arenas. He is a graduate of Austin College in Sherman, Texas.

**Michael McAlister, General Counsel and Director of Regulatory Affairs**

Mr. McAlister served nine years on the judicial staff at the Arkansas Court of Appeals, where he dealt with a broad variety of legal issues ranging from criminal law, workers' compensation, unemployment, property, and family law to complex administrative law and commercial litigation. In 1998, Mr. McAlister joined Navigator where, in addition to duties as general counsel, he has concentrated his practice in the areas of telecommunications and regulatory law. He is a graduate of Vanderbilt University with a Bachelor of Arts degree and the University of Arkansas at Little Rock School of Law with a Doctorate of Jurisprudence.

# **EXHIBIT D**

## **FINANCIAL STATEMENTS**

**CONFIDENTIAL AND PROPRIETARY – FILED UNDER SEAL**

**PURSUANT TO S.D. ADMIN. R. 20:10:01:39-20:10:01:44**

# **EXHIBIT E**

## **PROPOSED INITIAL TARIFF**

The Company's telephone numbers are:

1-888-662-8835	Customer Service
1-888-562-8835	Repair
1-877-628-0035	Business
1-800-238-9716	Coin

Effective:

By: Louis F. McAlister, President  
8525 Riverwood Park Drive, P.O. Box 13860  
North Little Rock, AR 72113-0860

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**CHECK SHEET**

The Title Page and pages listed below of this tariff are effective as of the date shown. Revised sheets contain all changes from the original tariff that are in effect as of the date indicated.

PAGE

REVISION

PAGE

REVISION

**ALL PAGES ARE ORIGINAL**

Issued: \_\_\_\_\_

Effective: \_\_\_\_\_

By: Louis F. McAlister, President  
8525 Riverwood Park Drive, P.O. Box 13860  
North Little Rock, AR 72113-0860



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Issued: \_\_\_\_\_

Effective: \_\_\_\_\_

By: Louis F. McAlister, President  
8525 Riverwood Park Drive, P.O. Box 13860  
North Little Rock, AR 72113-0860

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Issued: \_\_\_\_\_

Effective: \_\_\_\_\_

By: Louis F. McAlister, President  
8525 Riverwood Park Drive, P.O. Box 13860  
North Little Rock, AR 72113-0860

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## TARIFF FORMAT

- A. Sheet Numbering** - Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially by section. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.
- B. Sheet Revision Numbers** - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the South Dakota Public Utility Commission. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Consult the Check Sheet for the sheet currently in effect.
- C. Paragraph Numbering Sequence** - There are nine levels of paragraph coding. Each level of coding is subservient to the next higher level:
- 2
  - 2.1
  - 2.1.1
  - 2.1.1.A
  - 2.1.1.A.1
  - 2.1.1.A.1.(a)
  - 2.1.1.A.1.(a).I
  - 2.1.1.A.1.(a).I.(i)
  - 2.1.1.A.1.(a).I.(i).1
- D. Check Sheets** - When a tariff filing is made with the South Dakota Public Utility Commission, an updated Check Sheet accompanies the tariff filing. The Check Sheet lists the sheets contained in the tariff, with a cross reference to the current revision number. When new pages are added, the Check Sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (\*). There will be no other symbols used on the check sheet if these are the only changes made (i.e., the format, etc. remain the same, just revised revision levels on some pages. The tariff user should refer to the latest Check Sheet to determine if a particular sheet within the tariff is the most current on file with the South Dakota Public Utility Commission.

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## SYMBOLS

The following symbols are used for the purposes indicated below:

- C** - To signify changed regulation
- D** - Delete or discontinue.
- I** - Change resulting in an increase to a rate.
- M** - Moved from another tariff location.
- N** - New.
- R** - Change Resulting in a reduction to a rate.
- S** - Matter appearing elsewhere or repeated for clarification.
- T** - Change in text, but no change to rate or charge.
- V** - Signifies vintage tariff.
- Z** - Correction.

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## TECHNICAL TERMS AND ABBREVIATIONS

**Access Line** - An arrangement which connects the Customer's telephone to a Navigator Telecommunications, LLC.'s designated switching center or point of presence.

**Authorization Code** - A pre-defined series of numbers to be dialed by the Customer or Authorized User upon access to the Carrier's Travel Service network to identify the caller and validate the caller's authorization to use the services provided.

**Authorized User** - A person, firm, corporation, or any other entity authorized by the Customer to utilize the Carrier's service under the term and conditions of this tariff. The Customer remains responsible for payment of services.

**Commission** - South Dakota Public Utility Commission.

**Company or Carrier** - Whenever used in this tariff, "Carrier" or "Company", or "Navigator" refers to Navigator Telecommunications, LLC. unless otherwise specified or clearly indicated by the context.

**Customer** - The person, firm, corporation or other entity which orders, cancels, amends or uses service and is responsible for payment of charges and compliance with the Company's tariff.

**Equal Access** - A form of dialed access provided by local exchange companies whereby interexchange calls dialed by the Customer are automatically routed to the Company's network. Presubscribed Customers may also route interexchange calls to the Company's network by dialing an access code supplied by the company.

**Initial And Additional Period** - The Initial Period denotes the interval of time allowed at the rate specified for a connection between given service points. The Additional Period denotes the interval of time used for measuring and charging for time in excess of the Initial Period.

**Navigator** - Used throughout this tariff to refer to Navigator Telecommunications, LLC.

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**TECHNICAL TERMS AND ABBREVIATIONS, CONT.**

**Premises** - The physical space designated by the Customer for the termination of the Company's service.

**Serving Wire Center** - A specified geographic point from which the vertical and horizontal coordinate is used in calculation of airline mileage.

**Subscriber** - See Customer.

**Switched Access Origination/Termination** - Where access between the customer and the interexchange carrier is provided on local Exchange Company Feature Group circuits and the connection to the customer is a LEC-provided business or residential access line. The cost of switched Feature Group access is billed to the interexchange carrier.

**Travel Card Call** - A service whereby the Customer or Authorized User dials all of the digits necessary to route and bill a call placed from a location other than his/her residence or normal place of business. Service is accessed via a "1-800", or other access code dialing sequence.

**United States** - The forty-eight states contained within the mainland United States, the District of Columbia, Alaska, Hawaii, Puerto Rico and the U.S. Virgin Islands.

**V & H Coordinates** - Geographic points which define the originating and terminating points of a call in mathematical terms so that the airline mileage of the call may be determined. Call mileage may be used for the purposed of rating calls.

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## SECTION 1 - RULES AND REGULATIONS

### 1.1 Undertaking of the Company

Navigator's services and facilities are furnished for communications originating at specified points within the State of South Dakota under terms of this tariff.

Navigator arranges for installation, operation, and maintenance of the communications services provided in this tariff for Customers in accordance with the terms and conditions set forth under this tariff. Navigator may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities, when authorized by the customer, to allow connection of a Customer's location to the network.

The Company's services and facilities are provided on a monthly basis unless otherwise provided, and are available twenty-four hours per day, seven days per week.

### 1.2 Use

Services provided under this tariff may be used by the Customer for any lawful telecommunications purpose for which the service is technically suited.

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**SECTION 1 - RULES AND REGULATIONS, CONT.**

**1.3 Limitations**

- 1.3.1 Service is offered subject to the availability of the necessary facilities and/or equipment and subject to the provisions of this tariff. The Company may decline applications for service to or from a location where the necessary facilities or equipment are not available. The Company may discontinue furnishing service in accordance with the terms of this tariff.
- 1.3.2 The Company reserves the right to discontinue service when necessitated by conditions beyond its control, or when the Customer is using the service in violation of the provisions of this tariff, or in violation of the law.
- 1.3.3 The Company does not undertake to transmit messages, but offers the use of its facilities when available, and will not be liable for errors in transmission or for failure to establish connection.
- 1.3.4 The Company reserves the right to discontinue service, limit service, or to impose requirements on Customers as required to meet changing regulatory or statutory rules and standards, or when such rules and standards have an adverse material effect on the business or economic feasibility of providing service, as determined by Navigator in its reasonable judgement.

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**SECTION 1 - RULES AND REGULATIONS, CONT.**

**1.4 Assignment or Transfer**

All service provided under this tariff is directly or indirectly controlled by the Company and neither the Customer nor its Authorized Users may transfer or assign the use of service without the express prior written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of service. All terms and conditions contained in this tariff shall apply to all such permitted transferees or assignees, as well as all condition of service.

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**SECTION 1 - RULES AND REGULATIONS, CONT.**

**1.5 Liability of the Company**

- 1.5.1 The liability of the Company for damages of any nature arising from errors, mistakes, omissions, interruptions, or delays of the company, its agents, servants, or employees, in the course of establishing, furnishing, rearranging, moving, terminating, maintaining, restoring, or changing the service or facilities or equipment shall not exceed an amount equal to the charges applicable under this tariff (calculated on a proportionate basis where appropriate) to the period during which such error, mistake, omission, interruption or delay occurs.
- 1.5.2 In no event shall the Company be liable for any incidental, indirect, special, or consequential damages (including lost revenue or profits) of any kind whatsoever regardless of the cause or foreseeability thereof.
- 1.5.3 When the services or facilities of other common carriers are used separately or in conjunction with the Company's facilities or equipment in establishing connection to points not reached by the Company's facilities or equipment, the Company shall not be liable for any act or omission of such other common carriers or their agents, servants or employees.
- 1.5.4 The Company shall not be liable for any failure of performance hereunder if such failure is due to any cause or causes beyond the reasonable control of the Company. Such causes shall include, without limitation, acts of God, fire, explosion, vandalism, cable cut, storm or other similar occurrence, any law, order, regulation, direction, action or request of the United States government or of any other government or of any civil or military authority, national emergencies, insurrections, riots, wars, strikes, lockouts or work stoppages or other labor difficulties, supplier failures, shortages, breaches or delays, or preemption of existing service to restore service in compliance with the Commission's Rules and Regulations.
- 1.5.5 The Company shall not be liable for interruptions, delays, errors, or defects in transmission, or for any injury whatsoever, caused by the Customer, the Customer's agents, or Authorized Users, or by facilities or equipment provided by the Customer.

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**SECTION 1 - RULES AND REGULATIONS, CONT.**

**1.5 Liability of the Company, cont.**

1.5.6 The Customer shall indemnify, defend and hold harmless the Company (including the costs of reasonable attorney's fees) against:

- A. Claims for libel, slander, infringement of copyright or unauthorized use of any trademark, trade name or service mark arising out of the material, data, information, or other content transmitted over the Company's facilities or equipment;
- B. Claims for patent infringement arising from combining or connecting the Company's facilities or equipment with facilities, equipment, apparatus or System of the customer; and
- C. All other claims (including, without limitation, claims for damage to any business or property, or injury to, or death of, any person) arising out of any act or omission of the Customer, the Customer's agents or Authorized Users, in connection with any service or facilities or equipment provided by the Company.

**1.6 Minimum Period**

The minimum period for which services are provided and for which rates and charges are applicable is one (1) month unless otherwise specified in this tariff or by mutually agreed upon contract. When a service is discontinued prior to the expiration of the minimum period, charges are applicable, whether the service is used or not.

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**SECTION 1 - RULES AND REGULATIONS, CONT.**

**1.7 Billing and Payment for Service**

**1.7.1 Responsibility for Charges**

Charges for installations, service connections, moves, rearrangements, and prepaid services, where applicable, are payable upon demand to the Company or its authorized agent. Billing thereafter will include recurring charges and actual usage as defined in this tariff.

The Customer is responsible for payment of all charges for services and equipment furnished to the Customer for transmission of calls via the Company.

**1.7.2 Payment for Service**

All charges due by the Customer are payable to the Company or any agent duly authorized to receive such payments. All bills for Company service are due and payable upon receipt. Any objections to billed charges must be promptly reported to the Company or its billing agent. Adjustments to Customers' bills shall be made to the extent that circumstances exist which reasonably indicate that such changes are appropriate.

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**SECTION 1 - RULES AND REGULATIONS, CONT.**

**1.7 Billing and Payment for Service, cont.**

**1.7.3 Delinquent Bills**

Navigator allows residential Customers at least 25 days to pay bill charges.

**1.7.4 Late Payment Fees**

The Company reserves the right to assess a late payment fee of 1.5% on any past due balance.

**1.7.5 Returned Check Charge**

The Company reserves the right to assess a return check charge of \$30 + sales tax whenever a check or draft presented for payment of service is not accepted by the institution upon which it is written.

**1.7.6 Telephone Inquiries**

Telephone inquiries may be directed to Navigator Telecommunications, LLC. at 1-888-662-8835. Written inquiries may be directed to:

Navigator Telecommunications, LLC.  
8525 Riverwood Park Drive  
P.O. Box 13860  
North Little Rock, Arkansas 72113-0860

**1.7.7 Disputes**

If a Customer is not satisfied with the Company's response to an inquiry or request for credit, he or she may appeal to the South Dakota Public Utility Commission for final resolution. The Commission may be contacted at:

South Dakota Public Utility Commission  
Capitol Building, 1<sup>st</sup> Floor, 500 East Capitol Avenue  
Pierre, SD 57501-5070

By Telephone: 800-332-1782  
By Fax: 605-773-3809

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**SECTION 1 - RULES AND REGULATIONS, CONT.**

**1.8 Deposits**

1.8.1 The Company will not collect deposits from customers.

**1.9 Advance Payments**

Recurring Charges: For Customers from whom the Company feels an advance payment is necessary, Navigator reserves the right to collect an amount not to exceed one (1) month's estimated charges as an advance payment for service. This will be applied against the next month's charges.

Non-Recurring Charges: Navigator reserves the right to require pre-payment of non-recurring charges in such amount as may be deemed necessary by the Company. In addition, where special construction is involved, advance payment of the quoted construction charges may be required at the time of application for service.

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**SECTION 1 - RULES AND REGULATIONS, CONT.**

**1.10 Taxes and Fees**

The Company reserves the right to bill any and all applicable taxes and fees in addition to normal rates and charges for services provided to the customer. Taxes and fees include, but are not limited to: Federal Excise Tax, State Sales Tax, Municipal Tax, and Gross Receipts Tax. Such taxes and fees are in addition to rates as quoted in this tariff and will be itemized separately on customer invoices.

**1.11 Terminal Equipment**

The Company's facilities and service may be used with or terminated in terminal equipment or communications systems such as a PBX, key system, single line telephone, or pay telephone. Such terminal equipment shall be furnished and maintained at the expense of the Customer. The customer is responsible for all costs at his or her premises, including personnel, wiring, electrical power, and the like, incurred in the use of Navigator's service. When such terminal equipment is used, the equipment shall comply with the generally accepted minimum protective criteria standards of the telecommunications industry.

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**SECTION 1 - RULES AND REGULATIONS, CONT.**

**1.12 Interconnection**

1.12.1 Service furnished by the Company may be interconnected with services or facilities of other authorized communications common carriers and with private systems, subject to technical limitations established by the Company. Service furnished by the Company is not part of a joint undertaking with such other common carriers or systems. The Company does not undertake to provide any special facilities, equipment, or services to enable the Customer to interconnect the facilities or the equipment of the Company with services or facilities of other common carriers or with private systems.

1.12.2 Interconnection with the services or facilities of other common carriers shall be under the applicable terms and condition of this tariff and the other common carrier's tariffs.

**1.13 Inspection, Testing, and Adjustment**

The Company may, upon reasonable notice, make such tests and inspections as may be necessary to determine whether the terms and conditions of this tariff are being complied within the installation, operation or maintenance of the customers or the Company's facilities or equipment. The Company may interrupt service at any time, without penalty or liability, due to the departure from or reasonable suspicion of the departure from any of these terms and conditions.

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**SECTION 1 - RULES AND REGULATIONS, CONT.**

**1.14 Credit Allowances for Interruption of Service**

Credit allowances for interruptions of service which are not due to the Company's inspection or testing, to the negligence of the Customer, or to the failure of channels, equipment and/or communications systems provided by the Customer, are subject to the general liability provisions set forth in this tariff.

It shall be the obligation of the Customer to notify the company immediately of any interruption in service for which a credit allowance is desired by Customer. Before giving such notice, the Customer shall ascertain that the trouble is not within his or her control, or is not in wiring or equipment, if any, furnished by Customer.

For purposes of credit computation every month shall be considered to have 30 days. The Customer shall be credited for an interruption of one day (24 hours) or more at the rate of 1/30th of the monthly charge for the services affected for each day that the interruption continues.

Credit Formula:

$$\text{Credit} = A/30 \times B$$

A = outage time in days

B = total monthly charge for affected service.

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**SECTION 1 - RULES AND REGULATIONS, CONT.**

**1.15 Notice of Discontinuance of Service**

1.15.1 The Company shall give the Customer five (5) days written notice before initially discontinuing service, unless the discontinuance is upon Customer request or involves a dangerous condition, violation of Company rules or unauthorized interference with or use of services (Sections 1.17.1, 1.17.3, 1.17.7, and 1.17.8 herein), in which case the Company may discontinue service immediately.

1.15.2 Notice shall be sent to the account name and address. Service of notice by mail is complete upon mailing. The Company shall maintain an accurate record of the date of mailing.

**1.16 Cancellation by the Customer**

The Customer may have service discontinued upon reasonable notice to the Company. The Company shall hold the Customer responsible for payment of all bills for service furnished until the cancellation date specified by the Customer or until the date that the written cancellation notice is received, whichever is later.

**1.17 Refusal or Discontinuance by the Company**

The Company may discontinue or refuse service for any of the following reasons, provided that proper notice of discontinuance of service has been given, as provided in Section 1.15 above:

1.17.1 When the subscriber requests it.

1.17.2 When a telephone bill becomes delinquent, after proper notice has been given by the Company. Navigator Telecommunications, LLC. allows Customers at least 25 days to pay bill charges.

1.17.3 When a dangerous condition exists on the Customer's premises.

1.17.4 When the Customer fails to provide credit information.

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**SECTION 1 - RULES AND REGULATIONS, CONT.**

**1.17 Refusal or Discontinuance by the Company, cont.**

- 1.17.5 When the Customer misrepresents his or her identity for the purpose of obtaining telephone service.
- 1.17.6 When the Customer refuses to grant the Company personnel access, during normal working hours, to telephone equipment installed upon the premises of the Customer for the purpose of inspection, maintenance, or replacement.
- 1.17.7 When the Customer violates any rule of the Company, which violation adversely affects the safety of the Customer or other persons, or the integrity of the telephone system.
- 1.17.8 When the Customer causes or permits unauthorized interference with or use of telephone service situated on or about the Customer's premises.

**1.18 Discontinuance in Special Circumstances**

1.18.1 If a subscriber notifies the telephone company and establishes that:

- A. Discontinuance would be especially dangerous to the health of the Customer, resident member of the Customer's family or other permanent resident of the premises where service is rendered, and
- B. Such Customer is unable to pay for such service in accordance with the requirements of the Company's billing or is able to pay for such service only in installments,

The Company shall either allow payment in reasonable installments or postpone discontinuance of service for at least twenty-one (21) days so that the Customer can make arrangements for reasonable installment payments.

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**SECTION 1 - RULES AND REGULATIONS, CONT.**

**1.19 Restoration of Service**

- 1.19.1 Upon the Customer's request, a telephone company shall restore service promptly when (a) the cause of discontinuance of service has been eliminated, or (b) applicable restoration charges have been paid, or (c) satisfactory credit arrangements have been made.
- 1.19.2 At all times, every responsible effort will be made to restore service on the restoration day requested.
- 1.19.3 The Company may charge a reasonable fee for the restoration of service. If a notice of discontinuance is given pursuant to Section 1.15 above, the Company may require a charge for such notice as provided in the Company's rules, regulations or tariffs.

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**SECTION 1 - RULES AND REGULATIONS, CONT.**

**1.20 Customer Responsibility**

**1.20.1 General**

All customers assume general responsibilities in connection with the provisions and use of Company's services. When facilities, equipment, and/or communication systems provided by others are connected to Company's facilities, the customer assumes additional responsibilities:

- A. The customer is responsible for placing orders for service, paying all charges for service rendered by the Company and complying with all of the Company's regulations governing the service. The customer is also responsible for assuring that its users comply with the regulations.
- B. At the time of placing an order for service, the customer must provide:
  - 1. The name(s) and address(es) for the person(s) responsible for the payment of service charges.
  - 2. The name(s), telephone number(s), and address(es) of the contact person(s).
- C. The customer must pay Company for the replacement or repair of Company's equipment when the damage results from:
  - 1. Negligence or willful act of the customer or user,
  - 2. Improper use of service,
  - 3. Any use of equipment or service provided by others.
- D. After receipt of payment for the damages, Company will cooperate with the customer in prosecuting a claim against any third party causing damage.

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## SECTION 2 - SERVICE DESCRIPTIONS AND RATES

### 2.1 General

Navigator offers direct dialed (1+) service, inbound toll-free number service and travel card services for communications originating and terminating within the State of South Dakota under terms of this tariff.

Direct dial service is offered from originating locations within the State of South Dakota. Calls may be placed to locations within South Dakota.

In-bound toll-free service is available to Customers served from locations within the State of South Dakota.

When a Customer elects to use the Company's Travel Service, calls may be initiated from any location within the State of South Dakota from which the caller can dial the appropriate access code(s) and may be placed to any location within the State of South Dakota.

Customers are billed based on their use of Navigator's network and services. Charges may vary by service offering, class of call, time of day, day of week, and/or call duration.

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## SECTION 2 - SERVICE DESCRIPTIONS AND RATES, CONT.

### 2.2 Timing of Calls

Billing for calls placed over the Company network is based in part on the duration of the call as follows, unless otherwise specified in this tariff:

- 2.2.1 Call timing begins when the called party answers the call (i.e., when two-way communications are established.) Answer detection is based on standard industry answer detection methods, including hardware and software answer detection.
- 2.2.2 Chargeable time for calls ends when one of the parties disconnects from the call.
- 2.2.3 For billing purposes, minimum call duration periods vary by service and are specified by product or option in subsequent sections of this tariff.
- 2.2.4 For billing purposes, usage after the initial period varies by service and is specified by product or option subsequent sections of this tariff.
- 2.2.5 The Company will not bill for unanswered calls. When a Customer indicates that he/she was billed for an incomplete call, Navigator will reasonably issue credit for the call.

### 2.3 Calculation of Distance

Usage charges for all mileage sensitive products are based on the airline distance between rate centers associated with the originating and terminating points of the call.

The airline mileage between rate centers is determined by applying the formula below to the vertical and horizontal coordinates associated with the rate centers involved. The company uses the rate centers and associated vertical and horizontal coordinates that are generally accepted within the telecommunications industry.

Formula: 
$$\frac{\sqrt{(V1 - V2)^2 + (H1 + H2)^2}}{10}$$

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## SECTION 2 - SERVICE DESCRIPTIONS AND RATES, CONT.

### 2.4 Rate Periods

2.4.1 The following rate periods apply:

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
8:00 AM TO 5:00 PM*	Daytime Rate Period						Evening
5:00 PM TO 11:00 PM*	Evening Rate Period						
11:00 PM* TO 8:00 AM	Night/Weekend Rate Period						

\* Up to but not including.

### 2.4.2 Holiday Rates

For services subject to holiday discounts, the following are Company recognized national holidays, determined at the location of the calling station. The evening rate is used on national holidays, unless a lower rate normally would apply.

New Year's Day	January 1
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Christmas Day	December 25

Calls are billed based on the rate in effect at the time the call begins. Calls that cross rate period boundaries are billed the rate in effect at the beginning of the call for the duration of the entire call.

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**SECTION 2 - SERVICE DESCRIPTIONS AND RATES, CONT.**

**2.5 Outbound Long Distance Service**

Navigator's Outbound Long Distance Service is a "1+" direct dial service available for Customer use 24 hours a day, seven days a week. Service is accessed through standard switched access lines. The Customer is responsible for obtaining suitable access from the Customer's local exchange carrier. All costs incurred in the installation and use of local access lines is the responsibility of the customer.

A number of service plans are available to the Customer. Rates, billing increments, volume discounts and qualifications, if applicable, vary by plan and are provided in the following sections.

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**SECTION 2 - SERVICE DESCRIPTIONS AND RATES, CONT.**

**2.5 Outbound Long Distance Service, cont.**

**2.5.1 Direct Dial Service**

Navigator's outbound long distance service is a flat rate offering with no monthly charge. For billing purposes, call timing is billed in six-second increments after a minimum initial period of eighteen seconds. No volume, time of day and holiday discounts apply.

Monthly Recurring Charges: Not Applicable

Usage Charges:

Per Minute Rates		
Day	Evening	Night/Weekend
\$.089	\$.089	\$.089

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**SECTION 2 - SERVICE DESCRIPTIONS AND RATES, CONT.**

**2.6 Inbound Toll-Free Number Service**

Navigator's Inbound Toll-Free Number Service is an 8XX number service available for Customer use twenty-four (24) hours a day, seven (7) days a week.

Service is terminated through switched access lines. Calls may originate from any valid exchange and terminate to the Customer's location at no charge to the calling party.

For billing purposes, call timing is billed in six-second increments after a minimum initial period of eighteen seconds. No Volume, Time of day and holiday discounts apply.

Monthly Recurring Charges: Not Applicable

Payphone Surcharge: \$ .55

Usage Charges:

The following rates apply to calls placed from locations in the state of South Dakota.

Per Minute Rates		
Day	Evening	Night/Weekend
\$.1200	\$.1200	\$.1200

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By: Louis F. McAlister, President  
8525 Riverwood Park Drive, P.O. Box 13860  
North Little Rock, AR 72113-0860

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**SECTION 2 - SERVICE DESCRIPTIONS AND RATES, CONT.**

**2.7 Travel Service**

Navigator's Travel Service is offered 24 hours a day, seven days a week to all valid terminating locations. Access to Navigator's Travel Card service is via a toll free number. The Customer must input a valid Authorization Code in addition to the destination number with area code. Travel Service rates apply to calls placed to locations in the mainland United States, Alaska, Hawaii, Puerto Rico and the U.S. Virgin Islands.

For billing purposes, calls within the Continental USA are billed in six second increments after an eighteen second initial period. Time of day, holiday and volume discounts do not apply. No per call service charges apply.

Monthly Recurring Charges: Not Applicable

Payphone Surcharge: \$ .55

Usage Charges:

Per Minute Rates	
Initial Minute	Each Additional Minute
\$ .2400	\$ .2400

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**SECTION 2 - SERVICE DESCRIPTIONS AND RATES, CONT.**

**2.8 Dedicated Access Long Distance Service**

Navigator's Dedicated Long Distance Service is a "1+" direct dial service available for Customer use 24 hours a day, seven days a week. Service is accessed through a dedicated circuit to the Long Distance Network. The Customer may order the access circuit directly from their local exchange carrier or Navigator will provide the access circuit. All costs incurred in the installation and use of access circuits is the responsibility of the customer.

A number of service plans are available to the Customer. Rates, billing increments, volume discounts and qualifications, if applicable, vary by plan and are provided in the following sections.

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**SECTION 2 - SERVICE DESCRIPTIONS AND RATES, CONT.**

**2.8 Dedicated Access Long Distance Service, cont.**

**2.8.1 Dedicated Access Service**

Navigator's dedicated access long distance service is a flat rate offering with no monthly charge. For billing purposes, call timing is billed in six-second increments after a minimum initial period of eighteen seconds.

At the option of the Company, rates for Dedicated Access Service will be determined on an Individual Case Basis (ICB). ICB rates will be structured to recover the Company's cost of providing the services and will be made available to Customers in a nondiscriminatory manner. Specifically, the terms of the ICB arrangement may be based at least partially or completely on the term and volume commitment contained in the ICB arrangement. Terms of the specific ICB contracts will be made available to the South Dakota Public Utility Commission upon request on a proprietary basis.

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**SECTION 3 - MISCELLANEOUS SERVICES AND RATES**

**3.1 Directory Assistance**

Directory Assistance is available to Customers of Navigator Telecommunications, LLC. Directory Assistance charges apply to each call to the Directory Assistance Bureau. Up to two requests may be made on each call to Directory Assistance. The Directory Assistance charge applies to each call regardless of whether the Directory Assistance Bureau is able to furnish the requested telephone number.

Directory Assistance, Per Call \$1.25

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## SECTION 4 - PROMOTIONS

### 4.1 General

From time to time the Company shall, at its option, promote subscription or stimulate network usage by offering to waive some or all of the nonrecurring or recurring charges for the Customer (if eligible) of target services for a limited duration. Such promotions shall be made available to all similarly situated Customers in the target market area.

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**SECTION 5 - CONTRACT SERVICES**

**5.1 General**

At the option of the Company, service may be offered on a contract basis to meet specialized requirements of the Customer not contemplated in this tariff. The terms of each contract be mutually agreed upon between the Customer and Company and may include discounts off of rates contained herein, waiver of recurring or nonrecurring charges, charges for specially designed and constructed services not contained in the Company's general service offerings, or other customized features. The terms of the Contract may be based partially or completely on the term and volume commitment, type of originating or terminating access, mixture of services or other distinguishing features. Service shall be available to all similarly situated Customers for a fixed period of time following the initial offering to the first contract Customer as specific in each individual contract.

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By: Louis F. McAlister, President  
8525 Riverwood Park Drive, P.O. Box 13860  
North Little Rock, AR 72113-0860

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

**RECEIVED**

JUL 29 2005

In the Matter of the Application of )  
 )  
Navigator Telecommunications, LLC. )  
 )  
for a Authority to Provide )  
Resold Interexchange Telecommunication )  
Services in the State of South Dakota )

Docket No. \_\_\_\_\_

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

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**REQUEST FOR CONFIDENTIAL TREATMENT**

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**INTRODUCTION**

Navigator Telecommunications, LLC. ("Navigator" or "Movant"), by its attorneys and pursuant to S.D. ADMIN. R. 20:10:01:40-42, hereby files this Request for Confidential Treatment ("Request") in the above-captioned proceeding. Navigator submits this Request for the purpose of seeking the confidential treatment of certain commercially-sensitive financial information, which has been appended as *Exhibit D* to its Application for a Certificate of Public Convenience and Necessity to Provide Resold Interexchange Services in the State of South Dakota ("Application"). Because the instant Request is an inseparable part of the Application, it is being filed concurrently with Navigator's Application.

In support of this Request, Navigator states the following:

1. The exact legal name, address, and telephone number of the Movant are:

Navigator Telecommunications, LLC.  
8525 Riverwood Park Drive  
P.O. Box 13860  
North Little Rock, AR 72113  
(501) 954-4051 Telephone  
(501) 954-4002 Facsimile

2. The designated contact for this Request is:

Karly E. Baraga  
KELLEY DRYE & WARREN LLP  
1200 19th Street, N.W., Suite 500  
Washington, D.C. 20036  
(202) 955-9869 telephone  
(202) 955-9792 fax

All correspondence, notice, orders and inquiries regarding the processing of this Application should be sent to:

Michael McAlister  
General Counsel  
Navigator Telecommunications, LLC.  
8525 Riverwood Park Drive  
P.O. Box 13860  
North Little Rock, AR 72113  
(501) 954-4051 Telephone  
(501) 954-4002 Facsimile

The corporate contact for consumer issues or customer complaints is:

Brian Russell  
Navigator Telecommunications, LLC.  
8525 Riverwood Park Drive  
P.O. Box 13860  
North Little Rock, AR 72113  
(501) 954-4051 Telephone  
(501) 954-4002 Facsimile

## **I. DESCRIPTION OF CONFIDENTIAL INFORMATION**

3. SDCL § 49-31-3 requires telecommunications applicants seeking the authority to provide competitive interexchange telecommunications services as public utilities to provide

financial information in support of their ability to provide the services requested in their applications. In conformity with these rules, Navigator has appended to the above-referenced Application as *Exhibit D* its most recent annual financial statements. Because *Exhibit D* contains highly-confidential and strictly-proprietary information, the public disclosure of which potentially may result in direct and immediate harm to the competitive position of Navigator in South Dakota and elsewhere, Navigator seeks the confidential treatment of this information.

## **II. GROUND FOR CLAIM OF CONFIDENTIAL TREATMENT**

4. Navigator is a privately-held limited liability company presently immune from a legal obligation to prepare or submit financial statements to any public entity. As such, the financial statements set forth in *Exhibit D* to Navigator's Application are not readily ascertainable by persons external to the Company.

5. Because Navigator's financial statements contain confidential and commercially-sensitive information from which its competitors may derive economic value, Navigator actively seeks to protect such material from public disclosure. Navigator derives independent economic value from the fact that significant, detailed and proprietary information regarding the Company's financial structure and current financing activities is unknown to its competitors. Given this fact, the disclosure of this information could provide existing and potential competitors, including competitive local exchange carriers ("CLECs"), incumbent local exchange carriers ("ILECs"), independent local exchange carriers, and interexchange carriers ("IXCs") in South Dakota, as well as in other states in which Navigator provides or intends to provide telecommunication services, with an unfair and undeserved competitive advantage over Navigator and its affiliates.

## **III. PERIOD OF NONDISCLOSURE**

6. Navigator requests that the material contained in *Exhibit D* be held confidential for a period of three (3) years.

## CONCLUSION

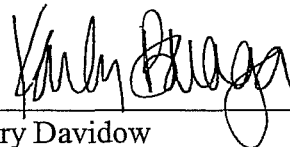
7. The information for which confidential treatment is sought in this Application is both private and competitively-sensitive. The direct harm that could be caused to Navigator as a result of any such disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required Navigator to make its financial statements available to the public. For all of these reasons, Navigator's financial statements should be protected from public disclosure.

WHEREFORE, Navigator Telecommunications, LLC. respectfully requests that the Commission grant its Request for Confidential Treatment with respect to *Exhibit D* of its Application for a Certificate of Public Convenience and Necessity to Provide Resold Interexchange Telecommunications Services in the State of South Dakota.

Respectfully submitted,

**Navigator Telecommunications, LLC.**

By: \_\_\_\_\_



Harry Davidow  
Karly E. Baraga  
KELLEY DRYE & WARREN LLP  
1200 19th Street, N.W., Suite 500  
Washington, D.C. 20036  
(202) 955-9600 telephone  
(202) 955-9792 fax

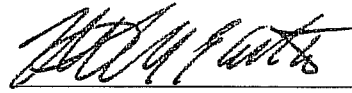
Its Attorneys

July 28, 2005

## VERIFICATION

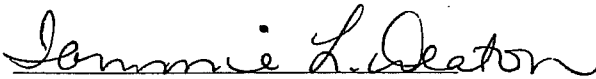
I, Michael McAlister, am General Counsel of Navigator Telecommunications, LLC., and am authorized to represent it and to make this verification on its behalf. The statements in the foregoing document relating to this company, except as otherwise specifically attributed, are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.



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Subscribed and sworn to before me this 18th day of  
July, 2005.

  
Notary Public

My Commission expires: 5-25-2014