

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT OF)
SOUTH DAKOTA NETWORK, LLC, AGAINST)
SPRINT COMMUNICATIONS COMPANY LP)

TC 09-098

IN THE MATTER OF THE THIRD PARTY)
COMPLAINT OF SPRINT COMMUNICATIONS)
COMPANY LP AGAINST SPLITROCK)
PROPERTIES, INC., NORTHERN VALLEY)
COMMUNICATIONS, INC., SANCOM, INC.,)
AND CAPITAL TELEPHONE COMPANY)

**SUBPOENA FOR DEPOSITION
OF CORPORATE
REPRESENTATIVE OF NATIVE
AMERICAN TELECOM, LLC**

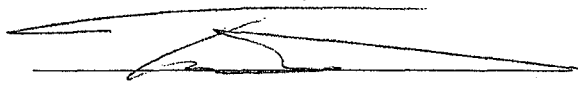
**TO: Native American Telecom, LLC and its counsel, Scott Swier, Swier Law
Office, Prof. LLC, 133 N. Main Street, P.O. Box 256, Avon, SD 57315:**

YOU ARE HEREBY COMMANDED pursuant to SDCL § 15-6-45(a) to produce one or more officers, directors, or managing agents or other persons to testify on behalf of Native American Telecom, LLC. The recipient of this subpoena is required to make such a designation, pursuant to SDCL § 15-6-30(b)(6).

This deposition shall be taken by the counsel for Sprint Communications Company L.P. ("Sprint") at 4300 E. Pacific Coast Highway, Long Beach, CA 90804 on the 2nd day of November, 2011, at 9:00 a.m. Pacific time before a qualified notary public, and thereafter by adjournment until the same shall be completed. Pursuant to SDCL § 15-6-30(b)(6), Native American Telecom, LLC is requested to designate and produce a person or persons for testimony relating to the matters set forth on Exhibit A.

ISSUED in the name of South Dakota Public Utilities Commission, Gary Hanson Chairman, this 22nd day of September, 2011.

GUNDERSON, PALMER, NELSON
& ASHMORE, LLP



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Company LP
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EXHIBIT A

**MATTERS UPON WHICH DEPOSITION EXAMINATION IS REQUESTED
PURSUANT TO SUBPOENA REQUESTED BY
SPRINT COMMUNICATIONS COMPANY L.P. FOR
SDCL § 15-6-30(b)(6) DEPOSITION OF
NATIVE AMERICAN TELECOM, LLC
BY CORPORATE DESIGNEE(S)**

Definitions

“**Document**” means all written, printed, typed, punched, taped, filed, or graphic matter, however produced, reproduced or stored, of every kind and description, now or formerly in your actual or constructive possession, custody, trust, care, or control, including but not limited to: correspondence (such as letters, e-mail, faxes, cables, and telegrams); notes; memoranda (including memoranda of conversations, conferences, and telephone conversations); reports; data compilation or analyses; logs and records; photographs, books; papers, manuals; handbooks; bulletins; advisories; messages; magazines; periodicals; film strips or movies; press releases; newspaper clippings; pamphlets, studies; notations; working papers; charts; graphs; plans; drawings; diagrams; computer printouts; indexes; minutes; transcripts; contracts; agreements; leases; legal pleading; invoices; billings; statements; accounting books or records; financial data of any kind; journals; ledgers; diaries; tax returns; bylaws; rules; regulations; constitution; annual reports; programs; certifications; resolutions; any electronic or any other records of any kind or nature and any mechanical or electronic sound or recordings or transcripts thereof; computer files; data faxes; and all copies or facsimiles of documents by whatever means made.

“**You,**” “**your,**” “**yours**” or “**NAT**” means Native American Telecom, LLC and its predecessors and assigns and includes, without limitation, its officers, directors, employees, agents, consultants, attorneys, corporate subsidiaries and affiliates.

“Person” means any and all natural persons, corporations, businesses, firms, companies, partnerships, unincorporated associations, governmental or public agencies, joint ventures and all other entities, including, without limitations, all employees, representatives, consultants and agents of any of the foregoing.

“Call Connection Company” means Free Conferencing Corporation and any other entity that itself or through an affiliated entity advertises, markets, or provides the ability for consumers to access or obtain a Call Connection Service.

“Call Connection Service” means any service, product, or offering that provides the ability for consumers to dial a telephone number associated with NAT to reach a chat line, conference line, or recording. It also includes any service provided by an entity via telephone when that service generates compensation to the entity from NAT based upon the volume of traffic generated by or delivered to the entity (for example, any service that receives revenue for each minute of access traffic it generates).

“Correspondence” means any written communication, including but not limited to, emails and letters exchanged by U.S. Mail, overnight mail, facsimile or any other transmission method.

“Relate” or **“relating”** means regards, connects to, supports, evidences, describes, mentions, refers to, contradicts, comprises, or to be associated with.

The words **“any”** and **“all”** shall be considered to include each and every.

The singular of any word shall include the plural and the plural of any word shall include the singular.

All of the categories of requested testimony regard the time period from January 1, 2008 to the present unless specifically stated otherwise.

MATTERS UPON WHICH DEPOSITION EXAMINATION IS REQUESTED

1. Be prepared to discuss how NAT is and has been operated.
2. Be prepared to discuss and describe all communications (including but not limited to correspondence or other documentation exchanged) between you and any Call Connection Company.
3. Be prepared to discuss the terms of all contracts, agreements or other documentation of understandings or arrangements between you and any Call Connection Company.
4. Be prepared to discuss your relationships with Call Connection Companies, including but not limited to: the genesis of your decision to enter arrangements or contracts with Call Connection Companies, the information you collected in connection with initiation of service (including information in application or customer intake forms), the meaning of each understanding or contract with each Call Connection Company, the basis of the decisions to change contracts with Call Connection Companies over time, negotiation of such changes, and the extent to which NAT and Call Connection Companies have shared the costs of delivering traffic to Call Connection Companies and the revenues generated by that traffic.
5. Be prepared to discuss the volume of traffic that has been routed or delivered to you by Call Connection Companies.
6. Be prepared to discuss the equipment that receives, processes and/or otherwise handles calls delivered by you to Call Connection Companies. This should include without limitation:
 - a. The type of equipment deployed;
 - b. The location of the deployed equipment;
 - c. How the equipment operates;
 - d. How calls are routed to or from any portion or components of the equipment; and
 - e. When this equipment was deployed.
7. Be prepared to discuss the revenues you have paid to or received from Call Connection Companies.

8. Be prepared to discuss amounts due or claimed to be due for services provided by you to Call Connection Companies.
9. Be prepared to discuss your assignment of telephone numbers to Call Connection Companies and others.
10. Be prepared to discuss the rates, terms and conditions under which any Call Connection Company has received services from you, including the extent to which any services have been provided pursuant to contracts and or tariffs.
11. Be prepared to discuss the taxes (including but not limited to sales taxes, usage taxes, excise taxes) and surcharges (including but not limited to federal universal service contributions, 911 fees, number portability surcharges, and surcharges for the hearing impaired) that you billed, remitted, and/or accounted for as a result of the services allegedly provided by you to any Call Connection Company.
12. Be prepared to discuss your contributions to the federal Universal Service Fund.
13. Be prepared to discuss NAT's provision of services to those who are not Call Connection Companies.
14. Be prepared to discuss your line counts, and how your relationships with Call Connection Companies are reflected in line counts.
15. Be prepared to discuss your accounting treatment of amounts due or claimed to be due from Call Connection Companies.
16. Be prepared to discuss South Dakota Network's ("SDN") delivery of traffic to you, including any services you purchase from SDN and communications you have had with SDN regarding your provision of service.

17. Be prepared to discuss your document preservation policies, electronic systems on which documents reside, the process of preserving and producing documents for this litigation, whether there were documents related to the subject of this docket that no longer exist and reasons they no longer exist, and any effort to destroy documents related to traffic to Call Connection Companies or any anticipated subjects of this litigation (before or after litigation commenced).