

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

IN THE MATTER OF THE COMPLAINT
FILED BY SPRINT COMMUNICATIONS
COMPANY, LP, AGAINST NATIVE
AMERICAN TELECOM, LLC REGARDING
TELECOMMUNICATIONS SERVICES

TC10-026

**NATIVE AMERICAN TELECOM, LLC'S
APPENDIX AND AFFIDAVIT IN RESPONSE TO
SPRINT COMMUNICATIONS COMPANY, LP'S
MOTION FOR SUMMARY JUDGMENT**

AFFIDAVIT OF SCOTT R. SWIER

I, Scott R. Swier, state as follows:

I am a member of the South Dakota Bar Association and serve as counsel for Native American Telecom, LLC ("NAT") in this matter.

The Exhibits attached to this declaration are true and correct copies of pleadings, filings, discovery responses, correspondence, and transcripts (or portions thereof).

EXHIBITS

1. Attached as Exhibit 1 is a true and accurate copy of the Direct Testimony of Jeff Holoubek (dated February 16, 2012) (SDPUC TC 11-087).

2. Attached as Exhibit 2 is a true and accurate copy of Native American Telecom, LLC's Application for Certificate of Authority (SDPUC TC 11-087).
3. Attached as Exhibit 3 is a true and accurate copy of the cover page for NAT's "Tariff No. 1" filed with the Federal Communications Commission.
4. Attached as Exhibit 4 is a true and correct copy of the cover page for NAT's "Tariff No. 2" filed with the Federal Communications Commission.
5. Attached as Exhibit 5 is a true and accurate copy of Sprint's (and other IXC's) "Joint Petition" asking the Federal Communications Commission to reject, or in the alternative, suspend and investigate, NAT's "Tariff No. 2."
6. Attached as Exhibit 6 is a true and accurate copy of NAT's response to Sprint's (and other IXC's) "Joint Petition."
7. Attached as Exhibit 7 is a true and accurate copy of the Federal Communications Commission's denial of Sprint's (and other IXC's) "Joint Petition."
8. Attached as Exhibit 8 is a true and accurate copy of NAT's "FCC Tariff No. 2 – Revised."

9. Attached as Exhibit 9 is a true and accurate copy of NAT's
"FCC Tariff No. 3."

I DECLARE that the foregoing statements are true and correct
upon best information.

Dated this 11th day of January, 2013.

/s/ Scott R. Swier
Scott R. Swier

CERTIFICATE OF SERVICE

The undersigned certifies that on this 11th day of January, 2013, the foregoing *NATIVE AMERICAN TELECOM, LLC'S APPENDIX AND AFFIDAVIT IN RESPONSE TO SPRINT COMMUNICATIONS COMPANY, LP'S MOTION FOR SUMMARY JUDGMENT* was served was delivered *via electronic mail* on the following parties:

Service List (SDPUC TC 10-026)

/s/ Scott R. Swier
Scott R. Swier