

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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IN RE:

Docket No. TC10-026

SPRINT COMMUNICATIONS  
COMPANY L.P.,

Complainant,

v.

NATIVE AMERICAN TELECOM,  
LLC,

Respondent.

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**AFFIDAVIT OF  
SCOTT G. KNUDSON**

**[PUBLIC VERSION]**

Scott G. Knudson, being duly sworn, states under oath as follows:

1. My name is Scott G. Knudson. I am one of the attorneys representing Sprint Communication Company ("Sprint") against Native American Telecom ("NAT") in this proceeding. I give this affidavit in support of Sprint's Statement of Undisputed Facts.

2. Attached to my affidavit as Exhibit A is a true and correct copy of the Articles of Organization for Native American Telecom, LLC filed August 29, 2008.

3. Attached to my affidavit as Exhibit B is a true and correct copy of Direct Testimony of Jeff Holoubek dated February 16, 2012 in the docket of the Commission No. TC11-087.

4. Attached to my affidavit as Exhibit C is a true and correct copy of United States Census 2010 data regarding SD – Crow Creek

Reservation, a letter dated September 23, 2010 from Roger Fuller, Hughes County Director of Equalization and a letter dated September 24, 2010 from Evelyn Wulff, Director of Equalization in Buffalo County regarding tax records for Hughes and Buffalo County showing the majority of the land within those counties to be fee and not trust land.

5. Attached to my affidavit as Exhibit D is a true and correct copy of NAT's Objections and Responses to Sprint's Discovery Requests dated March 9, 2012 in the docket of the Commission No. TC11-087.

6. Attached to my affidavit as Exhibit E is a true and correct copy of Crow Creek Sioux Tribal Utility Authority Order dated October 28, 2008 In the Matter of Native American Telecom, LLC Request to Provide Telecommunications Service Within the Exterior Boundaries of the Crow Creek Reservation. This Order was filed in the Commission's docket in TC08-110 on December 1, 2008.

7. Attached to my affidavit as Exhibit F is a true and correct copy of an authorization NAT received from the Federal Communications Commission to register individual fixed and base stations for wireless operations on the 3650-3700 MHz band.

8. Attached to my affidavit as Exhibit G is a true and correct copy of NAT and Free Conferencing Service Agreement that was signed by the parties on or around May 1, 2009.

9. Attached to my affidavit as Exhibit H is a true and correct copy of the cover page and original page 14 of NAT's Tribal Tariff C.C.S.T. No. 1 issued September 1, 2009. The full document can be viewed at: <http://puc.sd.gov/commission/dockets/civil/2011/civ11-8/civilfiling/307-640.pdf> at page 153.

10. Attached to my affidavit as Exhibit I is a true and correct copy of a document NAT provided in response to Sprint's discovery requests. It shows the provision of [REDACTED] beginning in September 2009. NAT marked this document as confidential, so no copy will be in the public version of this affidavit.

11. Attached to my affidavit as Exhibit J is a true and correct copy of the cover page of NAT Tariff F.C.C. 1 effective September 15, 2009. The full document was filed in the federal court proceeding Sprint brought against NAT as docket number document 28-6 on the court's docket and can be viewed at: <https://ecf.sdd.uscourts.gov/doc1/16511320049>.

12. Attached to my affidavit as Exhibit K is a true and correct copy of NAT's first invoice to Sprint dated December 10, 2009.

13. Attached to my affidavit as Exhibit L is a true and correct copy of NAT's Profit and Loss for January 2010 through December 2010. NAT produced Exhibit L in the federal proceeding Sprint brought against

NAT. Also included in Exhibit L from Sprint's federal action against NAT is the testimony of Carlos Cestero, who keeps NAT's financial records, confirming that NAT paid Free Conferencing Corporation \$794,307.49 in 2010 as a marketing expense. See March 9, 2011 Transcript at 65:13-16, 71:18-72:3.

14. Attached to my affidavit as Exhibit M is a true and correct copy of March 3, 2011 Hearing Transcript in Civ. 10-4110 at pages 169-172.

This concludes my affidavit.

s/Scott G. Knudson

Scott G. Knudson

Subscribed and sworn to before me  
this 11<sup>th</sup> day of December, 2012.

s/Christel K. Nowling

Notary Public