

EXHIBIT D

**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 LOCAL EXCHANGE SERVICE
WITHIN THE STUDY AREA OF
MIDSTATE COMMUNICATIONS, INC.

Docket No. TC11-087

**NATIVE AMERICAN TELECOM, LLC'S
SECOND SUPPLEMENTAL OBJECTIONS AND RESPONSES
TO SPRINT COMMUNICATIONS COMPANY L.P.'S
DISCOVERY REQUESTS**

Native American Telecom, LLC ("NAT") hereby submits its **SECOND SUPPLEMENTAL** objections and responses to Sprint Communications Company L.P.'s ("Sprint") Discovery Requests.

GENERAL OBJECTIONS

NAT incorporates the following objections into each of its specific objections below.

1. NAT objects generally to each discovery request to the extent it seeks information protected by the attorney-client privilege, the attorney work product doctrine, common interest doctrine, joint defense privilege, or any other applicable privilege or right.
2. NAT objects generally to each discovery request to the extent it is overbroad and seeks information not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible

evidence, and to the extent that the requests are vague and ambiguous or unduly burdensome.

3. NAT objects generally to each discovery request insofar as it purports to require NAT to inquire of all of its current and former employees, agents and representatives to determine whether information responsive to the question exists on the grounds that such an inquiry would be unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. NAT will therefore limit its inquiry to the appropriate employees currently employed by NAT that have or have had responsibility for matters to which the discovery request relates.

4. NAT objects generally to each discovery request to the extent that the information requested is known to Sprint or its counsel, or to the extent they require disclosure of information, documents, writings, records or publications in the public domain, or to the extent the information requested is equally available to Sprint from sources other than NAT.

Please see NAT's specific objections and responses attached hereto.

Dated this 19th day of February, 2013.

SWIER LAW FIRM, PROF. LLC

/s/ Scott R. Swier

Scott R. Swier

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Attorneys for NAT

INTERROGATORIES

INTERROGATORY NO. 9: With respect to the voice services you have been providing, identify the taxes, assessments and surcharges that apply, including USF surcharges, TRS, and 911 assessments. Has NAT been collecting and/or remitting such amounts? If so, explain how amounts have been calculated, if not, why not? In doing so you should explain the calculations that resulted in NAT's remittance of \$10,665 to USAC for the 2012 calendar year.

RESPONSE/OBJECTIONS: *Subject to and notwithstanding the aforementioned general objections, such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in this Certificate for Authority matter.*

SECOND SUPPLEMENTAL RESPONSE/OBJECTIONS: *USF is calculated based on the number of end-users (on the reservation) and trunks provided multiplied by the USF contribution rate for each perspective quarter. NAT has been remitting USF since it crossed the de minimus threshold. In accordance with the FCC's rules, NAT remits all applicable taxes and surcharges. For USF, the calculations are based on the billed end-user revenue multiplied by the prospective USF contribution rate on a quarterly basis.*

INTERROGATORY NO. 33: If NAT's revenues do not exceed expenses, where will NAT obtain the necessary resources to continue to provide high quality telecommunication services to its customers?

RESPONSE/OBJECTIONS: *Subject to and notwithstanding the aforementioned general objections, such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in this Certificate for Authority matter. Without waiving said objections, NAT maintains that its revenues will exceed expenses. Also, following the Federal Communications Commission's recent USF/ICC Order, and consistent with this Order, more IXCs now recognize their legal duty to pay these tariffs and are doing so.*

SECOND SUPPLEMENTAL RESPONSE/OBJECTIONS: *NAT's revenues do exceed expenses. See "NAT's Response to Sprint's Interrogatory No. 33" (attached).*

INTERROGATORY NO. 36: Please describe and identify, in detail, all cash transactions and payments from NAT to NAT Enterprise in 2010 and 2011. This should include, but not limited to, professional or consulting fees, interest payments, shareholder distributions, and percent of gross revenues per Section 6.06 of the Joint Venture Agreement.

RESPONSE/OBJECTIONS: *Subject to and notwithstanding the aforementioned general objections, such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in this Certificate for Authority matter.*

SECOND SUPPLEMENTAL RESPONSE/OBJECTIONS: *NATE logged expenses and made cash withdrawals for expenses beginning in August of 2009 through August of 2010. During that time, NATE logged \$27,916.02 in expenses. An audit of those expenses was conducted and it was determined that only \$14,966.60 should be considered allowable expenses. The remaining \$12,949.42 that was disallowed was treated as a shareholder distribution to NATE. There were no corresponding proportional distributions made to Wide Voice Communications or the Crow Creek Sioux Tribe ("Tribe").*

On March 19, 2012, NAT, LLC, distributed \$24,992.89 to its owners. NATE's share of that distribution was \$6,248.22. That amount was

withheld by NAT, LLC, and credited against NATE's prior distribution balance of \$12,949.42, resulting in a remaining balance of \$6,701.20. On April 23, 2012, NATE paid NAT, LLC, the remaining balance of \$6,701.20. See accompanying documentation.

Tom Reiman, a principal of NATE, serves in a consulting position for NAT, LLC. Mr. Reiman has many duties including, but not limited to, interfacing with the Tribe, responding to needs of the Tribe in relation to NAT, LLC, services, overseeing maintenance of the telecommunications equipment and communications center, installation of WiMax receivers, troubleshooting broadband issues with customers, and managing employees in the Internet library. Mr. Reiman receives a stipend of \$3000.00 per month for his duties and most expenses. This payment is not considered a distribution.

There is no distribution, nor has there ever been a distribution, of "percent of gross revenues per Section 6.06 of the Joint Venture Agreement." NAT, LLC, was established with the idea that the Tribe would eventually manage NAT, LLC. This clause was included in the original Agreement in order to make sure that there was always money available to pay expenses of NAT, LLC, because the relationship between the parties was new and no one knew if the controlling majority of owners

would vote to distribute all of the revenues without properly planning for business obligations. This clause was never exercised.

See "NAT's Response to Sprint's Interrogatory No. 36" (attached).

DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 5: Produce all documents that reflect NAT's Board of Directors' minutes, meetings, and resolutions, and NAT's bylaws.

RESPONSE/OBJECTIONS: *Subject to and notwithstanding the aforementioned general objections, such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in this Certificate for Authority matter.*

SECOND SUPPLEMENTAL RESPONSE/OBJECTIONS: *See "NAT's Response to Sprint's RFPD No. 5" (attached).*

DOCUMENT REQUEST NO. 6: Provide all documents reflecting NAT's contract with Free Conferencing.

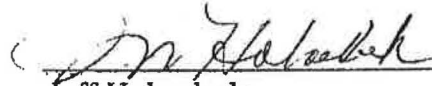
RESPONSE/OBJECTIONS: *Subject to and notwithstanding the aforementioned general objections, such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in this Certificate for Authority matter.*

SECOND SUPPLEMENTAL RESPONSE/OBJECTIONS: *See "NAT's Response to Sprint's RFPD No. 6" (attached).*

VERIFICATION

I, *Jeff Holoubek*, state that I have first-hand knowledge of the matters set forth above and hereby verify that, to the best of my knowledge and belief, the allegations and statements contained herein are true and correct.

Dated this 15 day of February, 2013.

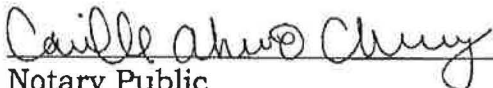


Jeff Holoubek

STATE OF CALIFORNIA)

COUNTY OF Los Angeles)

Subscribed and sworn to before
me this 15 day of February, 2013.



Notary Public

My Commission Expires: 10 · 8 · 15

(SEAL)



CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of *NATIVE AMERICAN TELECOM, LLC'S **SECOND SUPPLEMENTAL** OBJECTIONS AND RESPONSES TO SPRINT COMMUNICATIONS COMPANY L.P.'S DISCOVERY REQUESTS* was delivered *via electronic mail* on this 19th day of February, 2013, to the following parties:

Service List (SDPUC TC 11-087)

/s/ Scott R. Swier _____

Scott R. Swier