

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

**AFFIDAVIT OF
REGINA ROACH
IN SUPPORT OF SPRINT'S
MOTION TO QUASH
DEPOSITION NOTICES**

STATE OF KANSAS)
) ss
COUNTY OF JOHNSON)

REGINA ROACH, being duly sworn under oath, states and alleges as follows:

1. I am Manager, Access Verification, for Sprint Communications Company L.P. ("Sprint") and I have personal knowledge of the matters contained in this Affidavit or have obtained the information from records of which I have custody.

2. I make this affidavit in support of Sprint's motion to quash deposition notices.

3. I understand that Native American Telecom, LLC ("NAT") filed Document Request 8, which asks Sprint to produce:

All documents related to payments made by Sprint of other local exchange carriers' access rates for the termination of conferencing traffic, including:

(a) Identifying the local exchange carriers whose access rates for the termination of conferencing traffic is paid by Sprint.

(b) Identifying the access rates paid by Sprint to local exchange carriers for the termination of conferencing traffic.

(c) An explanation of Sprint's rationale for paying non-Indian owned local exchange carriers' access rates for terminating conferencing traffic, but not paying NAT's access rates.

4. The first point I would make on this request is that Sprint does not have a way of knowing or tracking what is “conferencing traffic.” Not all conferencing traffic would necessarily be considered “pumped” traffic, and conferencing traffic that we do consider pumped is not distinguished from a billing and dispute standpoint from other categories of pumped traffic. Conference, chat, recordings, radio, etc. are all lumped together for our purposes. Thus, I do not believe there is any way Sprint could respond to the request as it is worded.

5. The traffic that Sprint deems to be pumped is traffic we believe does not qualify as access traffic. Sprint’s general practice is to dispute bills that attempt to impose access charges on pumped traffic. That has been Sprint’s practice in South Dakota.

6. To my knowledge, and with respect to the state of South Dakota, Sprint has not previously, and does not currently, knowingly pay terminating switched “access charges” (the term used in Document Request 8) that are billed by local exchange carriers (“LECs”) for pumped traffic.

7. Most of Sprint’s traffic pumping disputes are like its dispute with NAT – for some period of time, Sprint paid bills that included pumped traffic, and only after identifying the LEC as a traffic pumper were disputes and a refund claim filed. In South Dakota, this was true with respect to Sprint’s disputes with Northern Valley Sancom, Splitrock, Capital, and NAT. I do not consider these to be knowing payments of access charges for pumped traffic – when we acquired the information needed to file disputes, we did so. Sprint has filed disputes with more than 100 carriers.

8. Sprint has entered into settlements with some carriers following the initiation of pumping disputes. Those settlements are all confidential, but it can be noted that they do not

involve the payment of access charges by Sprint. I would not consider that information to be responsive to Document Request 8.

9. In addition, Document Request 8 seeks documents from an extremely extended historical time period. Gathering all the data going back to the beginning of identified pumping periods for all LECs would require extracting years of invoice data to determine each carrier's rates by month. For older periods, we would need to retrieve paper invoices.


10. If Sprint were ordered to produce all information about all amounts it paid as described in ¶¶ 7-8, I expect that would take more than 150 hours to compile estimated data and ultimately 300 man-hours to respond to NAT's request.

Affiant says nothing further.



Regina Roach

Subscribed and sworn to before me
this 20th day of August, 2013.



Notary Public

