## 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
PHILIP R. SCHENKENBERG
IN SUPPORT OF SPRINT'S
MOTION TO QUASH
DEPOSITION NOTICES

STATE OF MINNESOTA	)
	) ss
COUNTY OF HENNEPIN	)

## **PHILIP R. SCHENKENBERG**, being first duly sworn, states as follows:

- 1. I am a shareholder with Briggs and Morgan, P.A., I am one of the attorneys representing Sprint Communications Company L.P. ("Sprint") in the above matter, and I make this affidavit in support of Sprint's Motion to Quash Deposition Notices.
- 2. NAT's 2012 Data Requests and Document Requests were filed as part of NAT's April 3, 2012 Motion To Compel. A true and correct copy of these requests is attached as **Exhibit A**.
- 3. NAT initially served these deposition notices on July 17, 2013 and noticed the depositions for July 30 and 31. I advised NAT's counsel, Mr. Shultz, that I was unavailable these days and asked to meet and confer on the substance of the notices. We met and conferred by telephone on July 23. During that call, I reminded Mr. Shultz of the Commission's May 4, 2012 order. He recognized that NAT's new requests are contrary to that ruling, but he refused to withdraw the requests and re-served them without substantive modification.

4. During our meet-and-confer call, we also discussed the application of the South

Dakota Rules to expert discovery like that sought of Mr. Farrar. Mr. Shultz acknowledged that

the rules allow expert depositions only by motion and subject to cost shifting, but re-served

NAT's deposition without bringing motion and without arranging for compensation.

5. Sprint served NAT with Amended Responses to NAT's Data Requests 1.34-1.36

on April 13, 2012. A true and correct copy of these responses is attached as **Exhibit B**.

6. Bruce R. Tillotson, billing analyst for Sprint, executed an affidavit on March 12,

2012, which was submitted to this Commission in opposition to NAT's 2012 Motion to

Compel. A true and correct copy of this affidavit is attached as **Exhibit C**.

7. Karine M. Hellwig, manager of regulatory reporting for Sprint, executed an

affidavit on February 22, 2012, which was submitted to this Commission in opposition to

NAT's 2012 Motion to Compel. A true and correct copy of this affidavit is attached as

Exhibit D.

AFFIANT SAYS NOTHING FURTHER.

s/Philip R. Schenkenberg

Philip R. Schenkenberg

Subscribed and sworn to before me

this 20th day of August, 2013.

Sheryl M. O'Neill

Notary Public

My commission expires: 1-31-2015

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