## 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 AMENDED THIRD
MOTION TO COMPEL

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 Amended Third Motion to Compel.
- 2. On August 5, NAT served written responses and documents Bates stamped 000422-000548. The written responses are attached hereto as Exhibit A.
- 3. On Friday August 9, Bret Lawson of Sprint and I met and conferred by phone with Jay Shultz and Scott Swier for NAT about the responses that Sprint deemed to be deficient. A few small items were resolved on that call, but on most issues NAT's counsel indicated they would need to confer with their client representative. Mr. Swier committed to responding the following week.
  - 4. Since that call, I have heard nothing from NAT on these issues.
- 5. Financial documents we have received from NAT support the factual statements made in our Interrogatory No. 59.

6. With respect to Interrogatory Nos. 62-64, NAT did not produce all of the

signature pages and/or electronic filing receipts with respect to the Form 499 forms that were

identified in the question.

7. With respect to Document Requests 13-16, NAT's counsel could not explain

why the referenced documents were not included within the other production, and has not

produced those since our call.

8. With respect to Document Request 17, I have reviewed all of the documents

produced by NAT and do not have a copy of the amended Joint Venture Agreement referred to

in NAT's response to Staff's Data Request 2-1. I have asked NAT by email and by phone to

either identify a Bates number (in case I am incorrect) or produce the document, but NAT has

done neither.

9. With respect to Document Requests 20-21, while NAT has provided some new

financial information, it has not provided the 2013 General Ledger, a June 30, 2013 Balance

Sheet, or any future financial projections.

AFFIANT SAYS NOTHING FURTHER.

s/Philip R. Schenkenberg

Philip R. Schenkenberg

Subscribed and sworn to before me

this 21st day of August, 2013.

Sheryl M. O'Neill

Notary Public

My commission expires: 1-31-2015

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