

# **EXHIBIT B**

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

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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.

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Docket No. TC11-087

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

Native American Telecom, LLC ("NAT") hereby submits its objections and responses to Sprint Communications Company L.P.'s ("Sprint") Second 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 29<sup>th</sup> day of March, 2013.

SWIER LAW FIRM, PROF. LLC

*/s/ Scott R. Swier* \_\_\_\_\_

Scott R. Swier

202 N. Main Street

P.O. Box 256

Avon, South Dakota 57315

Telephone: (605) 286-3218

Facsimile: (605) 286-3219

scott@swierlaw.com

*Attorneys for NAT*

## INTERROGATORIES

**INTERROGATORY NO. 45:** If any facts contained within your January 27, 2012 revised application (including attachments) have changed, please identify the facts that have changed, and provide current information.

**RESPONSE/OBJECTIONS:** *Because of recent events, NAT will be submitting a revised application forthwith.*

**INTERROGATORY NO. 46:** NAT's supplemental response to

Interrogatory No. 6 refers to a diagram marked as 00005. With respect to that diagram: 1) identify the purpose for the lease facility between NAT's location and the MidState Kimball switch; and 2) identify the network route taken on calls to 911 (if such trunks have been established).

**RESPONSE/OBJECTIONS:** *1) The purpose of the leased facility between NAT's location and the MidState Kimball switch is for local access, to connect local calls from the LEC to NAT's end-users. 2) 911 calls are routed outbound via the trunk switch to the local, on-Reservation, police department. The Reservation is very remote, so 911 calls are routed to the Reservation Policy Station. These callers do not utilize the Enhanced 911 system.*

**INTERROGATORY NO. 47:** Identify the service(s) being billed by the invoices marked as 000034, 000036, and 000038.

**RESPONSE/OBJECTIONS:** *The services being billed by the invoices marked as 000034, 000036, and 000038 are for class-5 switching services offered to the Reservation. NAT originally received Dial Tone via ComPartners, prior to the Reservation implementing its own infrastructure. NAT's ATA's used to register with ComPartners. Wide Voice LLC routed their DID's to ComPartners to host and provide service back to the Reservation. This changed in the beginning of 2010. ComPartners filed for bankruptcy. ComPartners' invoices are dated 2011 because ComPartners continued to bill for past services with the contention that it did not adequately bill for services that were provided in 2009 and 2010.*

**INTERROGATORY NO. 48:** Document 000043 appears to be a bill from MidState for local phone service. Is NAT a local telephone customer of MidState? What business purpose is that line or lines used for?

**RESPONSE/OBJECTIONS:** *Document 000043 is a bill from MidState for local phone service. This charge is for a traditional POTS line in the NAT telephone HUT on the Reservation. This is an out-of-band access number used to reach the equipment installed in the Central Office in the event of a complete loss of Internet Protocol access.*



**INTERROGATORY NO. 49:** In its supplemental response to Interrogatory No. 30 NAT indicates that David Erickson provides services or performs functions for NAT. For 2009 to the present, what services has he provided, and what functions has he performed?

**RESPONSE/OBJECTIONS:** *For 2009 to the present, the services provided and the functions performed by David Erickson have been those of a Director. David Erickson is one of nine Directors on the NAT Board.*

## DOCUMENT REQUESTS

**DOCUMENT REQUEST NO. 10:** Provide NAT's Statement of Cash Flows, Balance Sheet, Profit & Loss, and General Ledger, as of December 31, 2012.

**RESPONSE/OBJECTIONS:** *See "NAT's Response to Sprint's RFPD No. 10" (attached).*

**DOCUMENT REQUEST NO. 11:** Provide FCC Form 499 filings for 2012.

**RESPONSE/OBJECTIONS:** *See "NAT's Response to Sprint's RFPD No. 11" (attached).*

**DOCUMENT REQUEST NO. 12:** In ¶ 24 of his January 11, 2013 Affidavit in TC 10-026, Mr. Holoubek states that Widevoice made a non-recourse loan to NAT, with the physical equipment being the collateral. Please provide the loan and security documentation, including promissory note(s), security agreement(s), and lien filings.

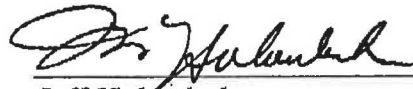
**RESPONSE/OBJECTIONS:** *Currently, there are no such documents in existence, although the equipment as collateral for the loan has been discussed among the board members. The loan documents were never completed because shortly after NAT began operations, most payments*

*ceased and it was necessary for Wide Voice Communications to make on-going loans to NAT for its daily operations. Now that NAT has entered into settlement agreements and is operating profitably, the loan documentation will be completed and NAT will provide a copy of such document when executed.*

**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 29<sup>TH</sup> day of March, 2013.

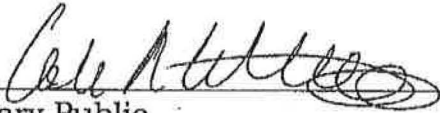


Jeff Holoubek

STATE OF CALIFORNIA )

COUNTY OF LOS ANGELES )

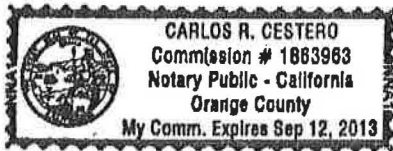
Subscribed and sworn to before me this 29<sup>TH</sup> day of March, 2013.



Notary Public

My Commission Expires: 9/12/13

(SEAL)



**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of *NATIVE AMERICAN TELECOM, LLC'S OBJECTIONS AND RESPONSES TO SPRINT COMMUNICATIONS COMPANY L.P.'S SECOND DISCOVERY REQUESTS* was delivered *via electronic mail* on this *29<sup>th</sup> day of March, 2013*, to the following parties:

*Service List (SDPUC TC 11-087)*

*/s/ Scott R. Swier* \_\_\_\_\_  
Scott R. Swier