
From: scott@swierlaw.com [mailto:scott@swierlaw.com]

Sent: Thursday, March 29, 2012 3:15 PM

To: Lundy, Todd

Subject: RE: SDPUC TC 11-087 -- NAT'S DISCOVERY RESPONSES/OBJECTIONS (CENTURYLINK - SECOND SET)

Todd:

Thank you for your below email.

NAT will not agree to produce these documents as the documents are not reasonably related to the limited issue in this matter.

Scott

Scott R. Swier

SWIER LAW FIRM, PROF. LLC

202 N. Main Street
P.O. Box 256
Avon, SD 57315
Telephone: (605) 286-3218
Facsimile: (605) 286-3219
Scott@SwierLaw.com
www.SwierLaw.com

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----- Original Message -----

Subject: RE: SDPUC TC 11-087 -- NAT'S DISCOVERY RESPONSES/OBJECTIONS (CENTURYLINK - SECOND SET)

From: "Lundy, Todd" <Todd.Lundy@CenturyLink.com>

Date: Thu, March 29, 2012 3:47 pm

To: "scott@swierlaw.com" <scott@swierlaw.com>, "Schenkenberg, Philip" <PSchenkenberg@Briggs.com>, Meredith Moore <meredithm@cutlerlawfirm.com>, Rich Coit <richcoit@sdtionline.com>, "Karen.Cremer@state.sd.us" <Karen.Cremer@state.sd.us>, "cwmadsen@bgpw.com" <cwmadsen@bgpw.com>, "bvantcamp@olingerlaw.net"

<bvancamp@olingerlaw.net>, "Knudson, Scott"
<SKnudson@Briggs.com>, Ryan Taylor <ryant@cutlerlawfirm.com>,
"Topp, Jason" <Jason.Topp@CenturyLink.com>, "Thomas Welk"
<tjwelk@bgpw.com>, "chris.daugaard@state.sd.us"
<chris.daugaard@state.sd.us>, "Stanley Whiting"
<swhiting@gwtc.net>, "Jeff Holoubek"
<jeff@nativeamericantelecom.com>, "Diane Browning"
<diane.c.browning@sprint.com>, "Patty VanGerpen"
<patty.vangerpen@state.sd.us>, "M.Northrup@riterlaw.com"
<M.Northrup@riterlaw.com>, "DPRogers@riterlaw.com"
<DPRogers@riterlaw.com>, "david.jacobson@state.sd.us"
<david.jacobson@state.sd.us>, "tobinlaw@gwtc.net"
<tobinlaw@gwtc.net>, William Lawson <Bret.Lawson@sprint.com>

Scott, in addition to the issues regarding the lack of a response by NAT to CenturyLink's requests 2.1, 2.2, and 2.3 as addressed below, CenturyLink also requests that NAT reconsider its objections to and refusal to answer the following, as these subject matter areas are well within the issues as framed by the pleadings in this docket:

1.13 Produce all documents evidencing communications between you and any FCSC relating to calls that may be delivered to, or transported through, the area that is the subject of its Application for Certificate of Authority.

1.14 Produce all contracts, agreements or other documentation of understanding or arrangement between you and any FCSC relating in any way to calls delivered to, or transported through, the area that is the subject of NAT's Application for Certificate of Authority.

1.15 Produce all documents, memos, or correspondence addressing, discussing, analyzing, referencing or otherwise relating to business plans, strategies, goals, or methods of obtaining monies or revenues from interexchange carriers in the area that is the subject of NAT's Application for Certificate of Authority, for calls that may be delivered or transported to FCSCs. Thank you.

Todd Lundy
CenturyLink Law Department
1801 California, #1000
Denver, CO 80202
Work: 303-992-2510
Fax: 303-295-7069
Cell: 303-587-4820
Email: todd.lundy@gwest.com

From: Lundy, Todd

Sent: Wednesday, March 21, 2012 1:52 PM

To: 'scott@swierlaw.com'; 'Schenkenberg, Philip'; 'Meredith Moore'; 'Rich Coit'; 'Karen.Cremer@state.sd.us'; 'cwmadsen@bgpw.com'; 'bvancamp@olingerlaw.net'; 'Knudson, Scott'; 'Ryan Taylor'; 'Topp, Jason'; 'Thomas Welk'; 'chris.daugaard@state.sd.us'; 'Stanley Whiting'; 'Jeff Holoubek'; 'Diane Browning'; 'Patty VanGerpen'; 'M.Northrup@riterlaw.com'; 'DPRogers@riterlaw.com'; 'david.jacobson@state.sd.us'; 'tobinlaw@gwtc.net'; 'William Lawson'

Subject: RE: SDPUC TC 11-087 -- NAT'S DISCOVERY RESPONSES/OBJECTIONS (CENTURYLINK - SECOND SET)

Scott, the words "documents, data, and other information" are qualified by the phrase "reviewed or analyzed by Carey Roesel in his preparation and drafting of his Direct Testimony." So, we're asking for the documents and information he reviewed from the time he started his preparation of his testimony through its completion.

If Mr Roesel did not review his college textbooks and Continuing Educational materials in the preparation of his testimony, then we are not asking for those. On the other hand, if he did review his college textbook in the formulation of his testimony, then we're asking for that.

Thank you.

Todd Lundy
CenturyLink Law Department
1801 California, #1000
Denver, CO 80202
Work: 303-992-2510
Fax: 303-295-7069
Cell: 303-587-4820
Email: todd.lundy@qwest.com

From: scott@swierlaw.com [mailto:scott@swierlaw.com]
Sent: Wednesday, March 21, 2012 11:06 AM
To: Lundy, Todd
Subject: RE: SDPUC TC 11-087 -- NAT'S DISCOVERY RESPONSES/OBJECTIONS (CENTURYLINK - SECOND SET)

Todd:

Thanks for your below email.

Please clarify what "documents, data, and other information" CenturyLink is seeking in Data Requests 2.1 and 2.2
The information encompassed by these Data Request could include Mr. Roesel's college textbooks, continuing education materials, etc.

Please advise.

Scott

Scott R. Swier

SWIER LAW FIRM, PROF. LLC

202 N. Main Street
P.O. Box 256
Avon, SD 57315
Telephone: (605) 286-3218
Facsimile: (605) 286-3219
Scott@SwierLaw.com
www.SwierLaw.com

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----- Original Message -----

Subject: RE: SDPUC TC 11-087 -- NAT'S DISCOVERY RESPONSES/OBJECTIONS
(CENTURYLINK - SECOND SET)

From: "Lundy, Todd" <Todd.Lundy@CenturyLink.com>

Date: Mon, March 19, 2012 1:11 pm

To: "scott@swierlaw.com" <scott@swierlaw.com>, "Schenkenberg, Philip" <PSchenkenberg@Briggs.com>, Meredith Moore <meredithm@cutlerlawfirm.com>, Rich Coit <richcoit@sdtaonline.com>, "Karen.Cremer@state.sd.us" <Karen.Cremer@state.sd.us>, "cwmadsen@bgpw.com" <cwmadsen@bgpw.com>, "bvancamp@olingerlaw.net" <bvancamp@olingerlaw.net>, "Knudson, Scott" <SKnudson@Briggs.com>, Ryan Taylor <ryant@cutlerlawfirm.com>, "Topp, Jason" <Jason.Topp@CenturyLink.com>, "Thomas Welk" <tjiwelk@bgpw.com>, "chris.daugaard@state.sd.us" <chris.daugaard@state.sd.us>, "Stanley Whiting" <swhiting@gwtc.net>, "Jeff Holoubek" <jeff@nativeamericantelecom.com>, "Diane Browning" <diane.c.browning@sprint.com>, "Patty VanGerpen" <patty.vangerpen@state.sd.us>, "M.Northrup@riterlaw.com" <M.Northrup@riterlaw.com>, "DPRogers@riterlaw.com" <DPRogers@riterlaw.com>, "david.jacobson@state.sd.us" <david.jacobson@state.sd.us>, "tobinlaw@gwtc.net" <tobinlaw@gwtc.net>, William Lawson <Bret.Lawson@sprint.com>

Scott, I have received and reviewed NAT's responses to CenturyLink's second set of discovery requests, which, in sum, asks for information reviewed by NAT's consultant, Mr. Roesel, in the preparation of his testimony. Your responses to 2.1, 2.2, and 2.3 are that they are outside the scope of this case. I fail to see how a question of what an expert has reviewed in preparation of testimony that has actually been filed in the case could be outside its scope. Please let me and the others know how it is that the information reviewed in preparation of an expert's testimony filed in a docket could be outside the docket.

Further, you object on the grounds that use of the words "facts, data, and other information" is vague. I also fail to see how that objection is sustainable. In short, CenturyLink wants to know what Mr. Roesel reviewed and analyzed, and such language was intended to provide detail of what is being requested.

Thanks.

Todd Lundy
CenturyLink Law Department
1801 California, #1000
Denver, CO 80202
Work: 303-992-2510
Fax: 303-295-7069
Cell: 303-587-4820

Email: todd.lundy@qwest.com

From: scott@swierlaw.com [mailto:scott@swierlaw.com]

Sent: Monday, March 19, 2012 8:13 AM

To: Schenkenberg, Philip; Meredith Moore; Rich Coit; Lundy, Todd; Karen.Cremer@state.sd.us; cwmadsen@bgpw.com; bvancamp@olingerlaw.net; Knudson, Scott; Ryan Taylor; Topp, Jason; 'Thomas Welk'; chris.daugaard@state.sd.us; 'Stanley Whiting'; 'Jeff Holoubek'; 'Diane Browning'; 'Patty VanGerpen'; M.Northrup@riterlaw.com; DPRogers@riterlaw.com; david.jacobson@state.sd.us; tobinlaw@gwtc.net; William Lawson

Subject: SDPUC TC 11-087 -- NAT'S DISCOVERY RESPONSES/OBJECTIONS (CENTURYLINK - SECOND SET)

Counsel:

Attached please find NAT's Responses/Objections to CenturyLink's Second Set of Discovery Requests.

Scott

Scott R. Swier

SWIER LAW FIRM, PROF. LLC

202 N. Main Street
P.O. Box 256
Avon, SD 57315
Telephone: (605) 286-3218
Facsimile: (605) 286-3219
Scott@SwierLaw.com
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----- Original Message -----

Subject: RE: SDPUC TC 11-087 -- NAT'S DISCOVERY RESPONSES/OBJECTIONS (MIDSTATE/SDTA)

From: <scott@swierlaw.com>

Date: Fri, March 09, 2012 4:35 pm

To: "Schenkenberg, Philip" <PSchenkenberg@Briggs.com>, "Meredith Moore" <meredithm@cutlerlawfirm.com>, "Rich Coit"

<richcoit@sdtaonline.com>, "Lundy, Todd"
<Todd.Lundy@CenturyLink.com>, "Karen.Cremer@state.sd.us"
<Karen.Cremer@state.sd.us>, "cwmadsen@bgpw.com"
<cwmadsen@bgpw.com>,
"bvancamp@olingerlaw.net" <bvancamp@olingerlaw.net>, "Knudson, Scott"
<SKnudson@Briggs.com>, "Ryan Taylor" <ryant@cutlerlawfirm.com>, "Topp,
Jason" <Jason.Topp@CenturyLink.com>, "Thomas Welk"
<tjwelk@bgpw.com>, "chris.daugaard@state.sd.us"
<chris.daugaard@state.sd.us>, "Stanley Whiting" <swhiting@gwtc.net>,
"Jeff Holoubek" <jeff@nativeamericantelecom.com>, "Diane Browning"
<diane.c.browning@sprint.com>, "Patty VanGerpen"
<patty.vangerpen@state.sd.us>, "M.Northrup@riterlaw.com"
<M.Northrup@riterlaw.com>, "DPRogers@riterlaw.com"
<DPRogers@riterlaw.com>, "david.jacobson@state.sd.us"
<david.jacobson@state.sd.us>, "tobinlaw@gwtc.net" <tobinlaw@gwtc.net>,
"William Lawson" <Bret.Lawson@sprint.com>

Counsel:

Attached please find NAT's Responses/Objections to Midstate's/SDTA's discovery requests.

Thank you.

Scott

Scott R. Swier

SWIER LAW FIRM, PROF. LLC

202 N. Main Street
P.O. Box 256
Avon, SD 57315
Telephone: (605) 286-3218
Facsimile: (605) 286-3219
Scott@SwierLaw.com
www.SwierLaw.com

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----- Original Message -----

Subject: SDPUC TC 11-087 -- NAT'S DISCOVERY
RESPONSES/OBJECTIONS
(SPRINT & CENTURYLINKS)

From: <scott@swierlaw.com>
Date: Fri, March 09, 2012 4:25 pm
To: "Schenkenberg, Philip" <PSchenkenberg@Briggs.com>, "Meredith Moore" <meredithm@cutlerlawfirm.com>, "Rich Coit" <richcoit@sdtaonline.com>, "Lundy, Todd" <Todd.Lundy@CenturyLink.com>, "Karen.Cremer@state.sd.us" <Karen.Cremer@state.sd.us>, "cwmadsen@bgpw.com" <cwmadsen@bgpw.com>, "bvancamp@olingerlaw.net" <bvancamp@olingerlaw.net>, "Knudson, Scott" <SKnudson@Briggs.com>, "Ryan Taylor" <ryant@cutlerlawfirm.com>, "Topp, Jason" <Jason.Topp@CenturyLink.com>, "Thomas Welk" <tjwelk@bgpw.com>, "chris.daugaard@state.sd.us" <chris.daugaard@state.sd.us>, "Stanley Whiting" <swhiting@gwtc.net>, "Jeff Holoubek" <jeff@nativeamericantelecom.com>, "Diane Browning" <diane.c.browning@sprint.com>, "Patty VanGerpen" <patty.vangerpen@state.sd.us>, "M.Northrup@riterlaw.com" <M.Northrup@riterlaw.com>, "DPRogers@riterlaw.com" <DPRogers@riterlaw.com>, "david.jacobson@state.sd.us" <david.jacobson@state.sd.us>, "tobinlaw@gwtc.net" <tobinlaw@gwtc.net>, "William Lawson" <Bret.Lawson@sprint.com>

Counsel:

Attached please find NAT's Responses/Objections to Sprint's and CenturyLink's discovery requests.

Thank you.

Scott

Scott R. Swier

SWIER LAW FIRM, PROF. LLC

202 N. Main Street
P.O. Box 256
Avon, SD 57315
Telephone: (605) 286-3218
Facsimile: (605) 286-3219
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www.SwierLaw.com

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