

**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

**DIRECT TESTIMONY OF  
JEFF HOLOUBEK  
ON BEHALF OF  
NATIVE AMERICAN TELECOM, LLC**

**February 16, 2012**



**BACKGROUND & EXPERIENCE OF JEFF HOLOUBEK**

**Q: Please state your name.**

A: My name is Jeff Holoubek.

**Q: How are you affiliated with Native American Telecom, LLC?**

A: I serve as Native American Telecom, LLC's ("NAT") acting president.

**Q: What is the purpose of your testimony in this proceeding?**

A: The purpose of my testimony is to describe the managerial, financial, and technical ability of NAT to provide the telecommunications services as outlined in NAT's revised "Application for a Certificate of Authority" and filed with the Commission on January 27, 2012. These proposed services include providing facilities-based basic telephone service to compliment NAT's advanced broadband services. NAT will provide telecommunications services using its own advanced facilities.

**Q: Have you previously filed testimony or appeared as an expert witness before a regulatory or legislative body?**

A: No.

**Q: Please summarize your background and experience.**

A: I currently serve as the acting president of NAT. I have a law degree from the Boston University School of Law. I have a Masters of Business Administration ("MBA") from California State University - Fullerton, where I received the "Most Outstanding Graduate Student" designation. I hold Bachelor of Arts degrees in Accounting, Finance, and Philosophy.

**NATIVE AMERICAN TELECOM, LLC**

**Q: Please provide NAT's name, address, telephone number, facsimile number, and web page URL.**

A: Native American Telecom, LLC, 253 Ree Circle, Fort Thompson, South Dakota 57339, Telephone: 949-842-4478, Facsimile: 562-432-5250, Web page: NativeAmericanTelecom.com

**Q: Please provide a description of NAT's legal and organizational structure.**

A: NAT is a tribally-owned telecommunications company organized as a limited liability company under the laws of South Dakota.

**Q: Please provide the location of NAT's principal office and the name and address of NAT's current registered agent.**

A: Native American Telecom, LLC, 253 Ree Circle, Fort Thompson, South Dakota 57339, Current Registered Agent: Scott R. Swier, 133 N. Main Street, P.O. Box 256, Avon, South Dakota 57315.

**Q: Does NAT have a certificate of authority to transact business in South Dakota?**

A: Yes, a copy of NAT's certificate of authority from the South Dakota Secretary of State's Office is attached as "Exhibit A" to NAT's revised application.

**Q: Please describe NAT's experience providing any telecommunications services in South Dakota, or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services.**

A: NAT is a tribally-owned, full service telecommunications carrier currently providing service on the Crow Creek Sioux Tribe Reservation ("Reservation") pursuant to an *Order Granting Approval To Provide Telecommunications Service* by the Crow Creek Sioux Tribe Crow Creek Utility Authority. NAT's ownership structure consists of the Crow Creek

Sioux Tribe (51%) ("Tribe"), located at P.O. Box 50, Fort Thompson, SD 57339-0050, Native American Telecom Enterprise, LLC (25%) ("NAT Enterprise"), located at 747 S. 4th Ave., Sioux Falls, SD 57104, and WideVoice Communications, Inc. (24%) ("WideVoice"), located at 410 South Rampart, Suite 390, Las Vegas, NV 89145.

NAT provides high-speed Internet access, basic telephone, and long-distance services on and within the Reservation. As a result of its efforts, NAT has created jobs and provided much-needed economic opportunities on the Reservation.

In 1997, the Crow Creek Sioux Tribal Council established the Crow Creek Sioux Tribe Utility Authority for the purpose of planning and overseeing utility services on the Reservation and to promote the use of these services "to improve the health and welfare of the residents." On August 19, 2008, the Tribe issued its "Crow Creek Indian Reservation – Telecommunications Plan to Further Business, Economic, Social, and Educational Development."

On October 28, 2008, the Tribal Utility Authority entered its "Order Granting Approval to Provide Telecommunications Service" ("Approval Order"). Under this Approval Order, NAT was "granted authority to provide telecommunications service on the Crow Creek Reservation

subject to the jurisdiction of the laws of the Crow Creek Sioux Tribe." As a result of the Approval Order, NAT filed two Access Service Tariffs governing termination of telephone traffic on the Reservation. One Access Tariff was filed with the Federal Communications Commission for interstate traffic. A second Access Tariff was filed with the Tribal Utility Authority.

In September 2009, pursuant to the Approval Order, and after over one year of planning and infrastructure development, NAT launched one of the first new tribally-owned telephone systems in the United States. The telephone and advanced broadband network system on the Reservation enables the Tribe to pursue new economic development opportunities. The Tribe describes its advanced telecommunications system as a vehicle for "paving the way for much needed business, economic, social and educational development on the Crow Creek Reservation." Specifically, the broadband network supports high-speed broadband services, voice service, data and Internet access, and multimedia.

NAT has physical offices, telecommunications equipment, and telecommunications towers on the Reservation. NAT also provides a computer training facility with free Internet and telephone service to tribal members. NAT will soon open a new stand-alone Internet Library

and Training Facility, which will include Internet stations and educational facilities for classes. Specifically, NAT's services on the Reservation include:

- NAT provides 110 high-speed broadband and telephone installations at residential and business locations on the Reservation. Additional installations are taking place on a consistent basis.
- NAT has established an Internet Library with six (6) work stations that provide computer/Internet opportunities for residents that do not otherwise have access to computers.
- The demand for the Internet Library's services is so great that NAT built an additional facility on the Reservation that will serve as a full-service communications center offering free Internet, online education classes, computer classes and instruction, and free telephone access to individuals who would otherwise not have access to even these basic services. This state-of-the-art facility will open later this year.
- NAT has created seven jobs (three full-time and four part-time) and an office location on the Reservation. These employment opportunities are substantial considering the well-documented

fact that the Reservation's unemployment rate is estimated to be between eighty (80) and ninety (90) percent.

**Q: What classes of customers does NAT intend to serve?**

A: NAT will provide service to all customer classes within the Reservation which is within the study area of MidState.

**Q: Please indicate the extent to and time-frame by which NAT will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale.**

A: NAT will provide service through its own facilities. NAT is currently interconnected with MidState and other carriers for the exchange of telecommunications traffic.

**Q: Please provide a description of all facilities that NAT will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers.**

A: NAT is using WiMAX (Worldwide Interoperability for Microwave Access) technology operating in the 3.65 GHz licensed spectrum providing service to residential, small business, hospitality and public safety. The network supports high-speed broadband services, voice service, data and Internet access, and multimedia.



Through the use of advanced antenna and radio technology with OFDM1 OFDMA (Orthogonal Frequency Division Multiplexing), NAT is able to deliver wireless IP (Internet Protocol) voice and data communications. WiMAX was selected because this 4G technology offers flexible, scalable and economically viable solutions that are key components to deploying in vast rural environments, such as the Reservation.

**Q: Please describe the geographic area proposed to be served by NAT.**

A: NAT will provide service only within the boundaries of the Reservation. NAT requests a waiver of any requirement to serve the entire study area.

**Q: Please describe the policies, personnel, or arrangements made by NAT which demonstrates NAT's ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements.**

A: NAT has established a toll-free number and email address for all customer inquiries and complaints, and has a physical location on the

Reservation to handle all customer complaints and inquiries. NAT commits to respond to all inquiries and complaints within twenty-four (24) hours.

**Q: Does NAT plan to interconnect with any local exchange carriers?**

A: NAT currently interconnects with MidState for the exchange of telecommunications traffic.

**Q: Please describe how NAT intends to market its local exchange services, its target market, and whether NAT engages in multilevel marketing.**

A: NAT will target its direct marketing efforts to only those individuals and organizations within the Reservation.

**Q: Please describe (1) what other jurisdictions is NAT registered or certified to provide telecommunications services; and (2) whether NAT has ever been denied registration or certification in any state and the reasons for any such denial.**

A: As a newly-formed limited liability company, NAT is not registered or certificated to provide telecommunications services in other states, nor

has NAT applied for or ever been denied authority to provide telecommunications services in other states.

**Q: Please describe NAT's policies relating to solicitation of new customers and NAT's efforts to prevent the unauthorized switching of local service customers.**

A: NAT will utilize advertising designed to market its services. Further, NAT will not solicit customers via telemarketing. NAT will require all personnel to be trained in NAT's policies and procedures to ensure affirmative customer selection of service from NAT. NAT will require customers to complete an order form and/or a Letter of Authorization ("LOA") selecting NAT as the customer's carrier, if a consumer is switching local service providers. NAT will comply with all state and federal rules prohibiting the slamming of customers.

**Q: Has NAT ever had a complaint filed against it with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered.**

A: No.

**Q: Please describe how NAT will make available any information concerning NAT's current rates, terms, and conditions for all of its telecommunications services.**

A: NAT will post the current rates, terms and conditions for its local and interexchange services offered in South Dakota on its website located at [www.NativeAmericanTelecom.com](http://www.NativeAmericanTelecom.com).

**Q: Please describe how NAT will notify a customer of any materially adverse change to any rate, term, or condition of any telecommunications service being provided to the customer.**

A: NAT will notify customers by mail, email or telephone, depending upon the customer's expressed preference, as to how notification should be made, to apprise them of any changes in rates, terms and conditions of service.

**Q: What is NAT's Federal Tax Identification Number?**

A: NAT's Federal Tax Identification Number is 26-3283812.

**Q: What is NAT's South Dakota sales tax number?**

A: NAT's South Dakota sales tax number is 1012-1173-ST

**NAT'S PROPOSED SERVICES AND EXPERTISE**

**Q: Please describe the services NAT proposes to offer.**

A: NAT proposes to offer local exchange and interexchange service within the Reservation, which is within the study area of MidState Communications, Inc. ("MidState").

**Q: Has NAT previously operated as a CLEC in South Dakota?**

A: No.

**Q: Does NAT offer similar services as a CLEC in other states?**

A: No.

**Q: What managerial and technical ability does NAT possess to offer the proposed services?**

A: NAT has many years of managerial and technical experience in providing the telecommunications services proposed in its revised Application. NAT will use the same experienced technical staff that it presently has in place.

**Q: Please describe the extent to and time frame by which NAT will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale.**

A: NAT proposes to provide service immediately upon the Commission's certification using its own facilities.

### **NAT'S FINANCIAL CAPABILITIES**

**Q: Is NAT a publicly-held entity?**

A: No.

**Q: What are NAT's financial capabilities to provide the services proposed?**

A: For NAT's financial information, see "Confidential Financial Documents" provided to the Commission by NAT. NAT is committed and prepared to allocate the necessary resources to provide high-quality telecommunications services to its customers.

### **CONCLUSION**

**Q: Does NAT have the technical, financial, and managerial qualifications to provide local and interexchange services in South Dakota?**

A: Yes, NAT has the technical, financial, and managerial qualification to provide the telecommunications services as outlined in NAT's revised "Application for a Certificate of Authority" and filed with the Commission. These proposed services include providing facilities-based basic telephone service to compliment NAT's advanced broadband services.

**Q: Does this conclude your testimony?**

A: Yes, it does.

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**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.

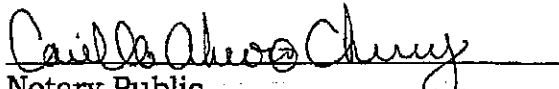
Dated this 16 day of February, 2012.

  
Jeff Holoubek

STATE OF CALIFORNIA )

COUNTY OF Los Angeles )

Subscribed and sworn to before me this 16 day of February, 2012.

  
Notary Public

My Commission Expires: Oct 8, 2015

(SEAL)

