

IN THE MATTER OF THE		TC 11-087
APPLICATION OF NATIVE AMERICAN)	STIPULATION BY AND BETWEEN
TELECOM, LLC FOR A CERTIFICATE)	NATIVE AMERICAN TELECOM,
OF AUTHORITY TO PROVIDE LOCAL)	LLC, MIDSTATE
EXCHANGE SERVICE WITHIN THE)	COMMUNICATIONS, INC. AND
STUDY AREA OF MIDSTATE)	SOUTH DAKOTA TELECOM
COMMUNICATIONS, INC.		ASSOCIATION

1. On or about October 6, 2011, Native American Telecom, LLC (“NAT”) filed an Application with this Commission seeking a certificate of authority to provide local exchange and interexchange services within the existing study area of Midstate Communications, Inc. (Midstate).

3. On January 27, 2012, NAT filed a revised Application for Certificate of Authority, which revised Application stated that NAT “will provide service only within the boundaries of the Crow Creek Sioux Tribe Reservation.” Pursuant to A.R.S.D. 20:10:32:18, the revised Application further requested a waiver of the requirement to serve the entirety of Midstate’s study area as required by A.R.S.D. 20:10:32:15. See revised Application for Certificate of Authority, p. 7, ¶9.

1

identification of that portion of Midstate's study area for which NAT seeks a Certificate of Authority.

5. On March 9, 2012, NAT responded to the Interrogatories and Requests for Production of Documents, stating that it intends to provide service only within Midstate's Fort Thompson exchange, all of which is located on the Crow Creek Sioux Reservation. While the boundaries of the Crow Creek Sioux Reservation extend beyond the Fort Thompson exchange, NAT's services will be limited to the Fort Thompson exchange. In those same discovery responses, NAT further represented that there is no risk for "cherry picking" or "cream skimming" behavior on its part because of the nature of its request and the location of the Fort Thompson exchange and Crow Creek Sioux Reservation.

6. Based upon NAT's representations in its discovery responses and discussions between the parties regarding the nature and scope of NAT's Application for a Certificate of Authority, neither Midstate nor SDTA object to NAT's request for waiver pursuant to A.R.S.D. 20:10:32:15. This Stipulation is submitted by Midstate and SDTA in lieu of pre-filed testimony on the issues presented by NAT's revised Application for Certificate of Authority.

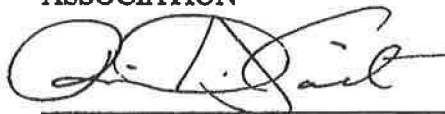
Dated this 26 day of March, 2012.

Respectfully submitted,

CUTLER & DONAHOE, LLP


Meredith A. Moore
Cutler & Donahoe, LLP
100 N. Phillips Ave., 9th Floor
Sioux Falls, South Dakota 57104-6725
Telephone: (605) 335-4950
meredithm@cutlerlawfirm.com
Attorneys for Midtate Communications, Inc.

SOUTH DAKOTA TELECOMMUNICATIONS
ASSOCIATION



Richard D. Coit, General Counsel
320 East Capitol Avenue
Pierre, SD 57501
Telephone: (605) 224-7629
richcoit@sdaonline.com
Executive Director and General Counsel SDTA

SWIER LAW FIRM, PROF. LLC



Mr. Scott R. Swier
Swier Law Firm, Prof. LLC
202 N. Main St.
PO Box 256
Avon, SD 57315
Telephone: (605) 286-3218
scott@swierlaw.com
Attorneys for Native American Telecom, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served electronically on the 26th day of March, 2012, upon the following:

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501
Patty.vangerpen@state.sd.us
Telephone: 605-773-3201

Ms. Karen Cremer
Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501
Karen.cremer@state.sd.us
Telephone: 605-773-3201

Mr. Chris Daugaard
Staff Analyst
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501
chris.daugaard@state.sd.us
Telephone: 605-773-3201

Mr. Scott R. Swier
Swier Law Firm, Prof. LLC
202 N. Main St.
PO Box 256
Avon, SD 57315
scott@swierlaw.com
Telephone: 605-286-3218

Mr. Jeff Holoubeck
President
Native American Telecom, LLC
253 Ree Circle
Fort Thompson, SD 574339
jeff@nativeamericantelecom.com
Telephone: 949-842-4478

Mr. William VanCamp
Olinger, Lovald, McCahren & Reimers, P.C.
117 East Capitol
PO Box 66
Pierre, SD 57501-0066
bvancamp@olingerlaw.net
Telephone: 605-224-8851

Mr. Scott G. Knudson
Briggs and Morgan, PA.
80 S. Eighth St.
2200 IDS Center
Minneapolis, MN 55402
sknudson@briggs.com
Telephone: 612-977-8400

Mr. Phillip Schenkenberg
Briggs and Morgan, PA.
80 South Eighth Street
2200 IDS Center
Minneapolis, MN 55402
pschenkenberg@briggs.com
Telephone: 612-977-8400

Mr. Stanley E. Whiting
Attorney
142 E. Third St.
Winner, SD 57580
swhiting@gwtc.net
Telephone: 605-842-3313

Mr. Jason D. Topp
Corporate Counsel
Qwest Corporation dba CenturyLink
200 S. Fifth St., Room 2200
Minneapolis, MN 55402
jason.topp@centurylink.com
Telephone: 612-672-8905

Mr. Todd Lundy
Qwest dba CenturyLink Law Department
180 1 California Street, #1000
Denver, CO 80202
todd.lundy@centurylink.com
Telephone: 303-383-6599

Mr. Thomas J. Welk
Boyce Greenfield Pashby & Welk LLP
101 N. Phillips Ave., Ste. 600
Sioux Falls, SD 57117-5015
tjwelk@bgpw.com
Telephone: 605-336-2424


Meredith A. Moore