

**NAT'S EXHIBIT 1**

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

**SPRINT COMMUNICATIONS  
COMPANY L.P.'S OBJECTIONS  
AND RESPONSES TO NAT'S  
SECOND SET OF DISCOVERY  
REQUESTS**

**TO:** Native American Telecom, LLC and their attorney Scott R. Swier, Swier Law Firm, Prof. LLC, 202 N. Main Street, P.O. Box 256, Avon, South Dakota 57315:

Sprint Communications Company L.P. ("Sprint") serves its objections and responses to Native American Telecom, LLC's ("NAT") Second Set of Discovery Requests.

**DATA REQUEST 2.1:** Identify each person who has knowledge of the subject matter of this contested case hearing, and provide a summary of the knowledge each person possesses.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

Sprint further objects to this request on relevance grounds to the extent it is construed to extend beyond Sprint's employees.

**DATA REQUEST 2.2:** Identify the person(s) who supplied any information for Sprint's responses to these Discovery Requests, and summarize the information provided by each person so identified.

**RESPONSE:**

To the extent a substantive response is provided, this information will be placed within each discrete discovery response.

**DATA REQUEST 2.3:** Identify each person whom Sprint expects to call as a witness at this contested case hearing. In your answer include the name, address, and employer of any such witness, and describe in detail the substance of the expected testimony.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

**DATA REQUEST 2.4:** Produce each exhibit Sprint will introduce at this contested case hearing, including for documents, the author and date of each such document and a summary of the substance of each such document.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

**DATA REQUEST 2.5:** Produce all documents substantiating any allegations that Sprint will make at this contested case hearing.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

**DATA REQUEST 2.6:** Pursuant to S.D.C.L. 15-6-26, identify:

- (a) each person you expect to call as an expert witness at the hearing;
- (b) state the subject matter on which each such expert is expected to testify;
- (c) state the substance of the facts and opinions to which such expert is expected to testify;
- (d) the summary of the grounds for each opinion; and
- (e) identify all written reports or other documents prepared by such experts concerning the subject matter of this hearing.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

Sprint further objects to this Request to the extent it seeks information protected by the work product/trial preparation privilege, and as seeking information that is neither admissible nor reasonably calculated to lead to the discovery of admissible evidence.

**DATA REQUEST 2.7:** Identify any experts retained or specially employed in anticipation of litigation or preparation for this contested case hearing, but who are not expected to be called as an expert at the hearing.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

Sprint further objects to this Request to the extent it seeks discovery beyond that allowed by SDCL § 15-6-26(b), to the extent it seeks information protected by the work product/trial preparation privilege, and as seeking information that is neither admissible nor reasonably calculated to lead to the discovery of admissible evidence.

**DATA REQUEST 2.8:** On March 26, 2012, Sprint filed the Direct Testimony of Randy G. Farrar (“Direct Testimony”). In this Direct Testimony, Mr. Farrar alleges that he has “presented written or oral testimonies or affidavits before twenty-seven state regulatory agencies and the Federal Communications Commission, concerning interconnection issues, reciprocal compensation, access reform, universal service, the avoided costs of resold services, local competition issues such as the cost of unbundled network elements, and economic burden analyses in the context of Incumbent Local Exchange Carrier (“ILEC”)-claimed rural exemptions.” (Direct Testimony – page 4, lines 8-20). With regard to these allegations, please provide:

- (a) A full transcript or written copy of Mr. Farrar’s oral testimony, written testimony, and/or affidavits in each of these twenty-seven state regulatory/FCC proceedings.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT’s statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

Sprint further objects to this request to the extent it seeks discovery beyond that allowed by SDCL § 15-6-26(b)(4). Sprint further objects to providing any testimony that might contain information subject to protective orders in other cases.

**DATA REQUEST 2.9:** In his Direct Testimony, Mr. Farrar alleges that NAT is a “sham entity, established for the sole purpose of ‘traffic pumping.’” (Direct Testimony – page 6, lines 1-3). With regard to this allegation, please provide:

- (a) each fact and opinion, professional or otherwise, upon which you rely and supports such allegation;
- (b) identify each person who has personal knowledge of such fact and opinion; and
- (c) identify each document and, particularly, the specific language of such document which supports such allegation.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

**DATA REQUEST 2.10:** In his Direct Testimony, Mr. Farrar alleges that "it is not in the public interest to grant [NAT's] Certificate." (Direct Testimony – page 6, line 3). With regard to this allegation, please provide:

- (a) each fact and opinion, professional or otherwise, upon which you rely and supports such allegation;
- (b) identify each person who has personal knowledge of such fact and opinion; and
- (c) identify each document and, particularly, the specific language of such document which supports such allegation.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

**DATA REQUEST 2.11:** In his Direct Testimony, Mr. Farrar alleges that "the Joint Venture Agreement between (1) the Crow Creek Sioux Tribe, (2) NATE, and (3) WideVoice is deliberately and intentionally designed for only one purpose – to promote NAT-CC's 'traffic pumping' business and to enrich NATE and WideVoice." (Direct Testimony – page 6, lines 9-13). With regard to this allegation, please provide:

- (a) each fact and opinion, professional or otherwise, upon which you rely and supports such allegation;
- (b) identify each person who has personal knowledge of such fact and opinion; and
- (c) identify each document and, particularly, the specific language of such document which supports such allegation.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

**DATA REQUEST 2.12:** In his Direct Testimony, Mr. Farrar alleges that "the Service Agreement between NAT-CC and Free Conference is deliberately and intentionally designed for only one purpose – to promote NAT-CC's 'traffic pumping' business and to enrich Free Conference." (Direct Testimony – page 6, lines 15-17). With regard to this allegation, please provide:

- (a) each fact and opinion, professional or otherwise, upon which you rely and supports such allegation;
- (b) identify each person who has personal knowledge of such fact and opinion; and
- (c) identify each document and, particularly, the specific language of such document which supports such allegation.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

**DATA REQUEST 2.13:** In his Direct Testimony, Mr. Farrar alleges that "NAT-CC's 'traffic pumping' business harms Sprint and Sprint's customers . . . by increasing its costs of doing business . . ." (Direct Testimony – page 7, lines 1-5). With regard to this allegation, please provide:

- (a) each fact and opinion, professional or otherwise, upon which you rely and supports such allegation;
- (b) identify each person who has personal knowledge of such fact and opinion; and
- (c) identify each document and, particularly, the specific language of such document which supports such allegation.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

**DATA REQUEST 2.14:** In his Direct Testimony, Mr. Farrar alleges that "NAT-CC provides virtually no financial benefit to CCST. . . ." (Direct Testimony – page 7, lines 7-13). With regard to each allegation contained in Direct Testimony – page 7, lines 7-13, please provide:

- (a) each fact and opinion, professional or otherwise, upon which you rely and supports such allegation;
- (b) identify each person who has personal knowledge of such fact and opinion; and
- (c) identify each document and, particularly, the specific language of such document which supports such allegation.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

**DATA REQUEST 2.15:** In his Direct Testimony, Mr. Farrar describes the creation of NAT-CC and the *Joint Venture Agreement*. (Direct Testimony – page 9 – lines 18-22 and page 10 – lines 1-19). With regard to each allegation contained in Direct Testimony – page 9 – lines 18-22 and page 10 – lines 1-19, please provide:

- (a) each fact and opinion, professional or otherwise, upon which you rely and supports such allegation;
- (b) identify each person who has personal knowledge of such fact and opinion; and
- (c) identify each document and, particularly, the specific language of such document which supports such allegation.



**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

**DATA REQUEST 2.16:** In his Direct Testimony, Mr. Farrar disputes the benefits to the CCST provided by NAT-CC. (Direct Testimony – page 11 – lines 5-12). With regard to each allegation contained in Direct Testimony – page 11 – lines 5-12, please provide:

- (a) each fact and opinion, professional or otherwise, upon which you rely and supports such allegation;
- (b) identify each person who has personal knowledge of such fact and opinion; and
- (c) identify each document and, particularly, the specific language of such document which supports such allegation.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

**DATA REQUEST 2.17:** In his Direct Testimony, Mr. Farrar alleges that "CCST's ownership results in little meaningful control over NAT-CC, and has resulted in no financial benefit." (Direct Testimony – page 12 – lines 4-5). With regard to each allegation contained in Direct Testimony – page 12 – lines 4-5, please provide:

- (a) each fact and opinion, professional or otherwise, upon which you rely and supports such allegation;
- (b) identify each person who has personal knowledge of such fact and opinion; and
- (c) identify each document and, particularly, the specific language of such document which supports such allegation.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

**DATA REQUEST 2.18:** In his Direct Testimony, Mr. Farrar alleges that CCST does not receive any meaningful financial benefit from NAT-CC under the terms of the Joint Venture Agreement. (Direct Testimony – page 12 – lines 7-27; page 13 – lines 1-28; page 14 – lines 1-11). With regard to each allegation contained in Direct Testimony – page 12 – lines 7-27; page 13 – lines 1-28; and page 14, lines 1-11, please provide:

- (a) each fact and opinion, professional or otherwise, upon which you rely and supports such allegation;
- (b) identify each person who has personal knowledge of such fact and opinion; and
- (c) identify each document and, particularly, the specific language of such document which supports such allegation.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

**DATA REQUEST 2.19:** In his Direct Testimony, Mr. Farrar alleges that CCST does not have any meaningful decision making or operational control over NAT-CC, or any ability to influence financial decisions. (Direct Testimony – page 14 – lines 13-16; page 15 – lines 1-32; page 16 – lines 1-20). With regard to each allegation contained in Direct Testimony – page 14 – lines 13-16; page 15 – lines 1-32; page 16 – lines 1-20, please provide:

- (a) each fact and opinion, professional or otherwise, upon which you rely and supports such allegation;
- (b) identify each person who has personal knowledge of such fact and opinion; and
- (c) identify each document and, particularly, the specific language of such document which supports such allegation.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

**DATA REQUEST 2.20:** In his Direct Testimony, Mr. Farrar alleges that the Joint Venture Agreement is deliberately and intentionally designed to leave all meaningful control in the hands of NATE and Wide Voice and that the Joint Venture Agreement is deliberately and intentionally designed to leave all financial benefit in the hands of NATE, WideVoice, and Free Conference. (Direct Testimony – page 16 – lines 22-28; page 17 – lines 1-4). With regard to each allegation contained in Direct Testimony – page 16 – lines 22-28; page 17 – lines 1-4, please provide:

- (a) each fact and opinion, professional or otherwise, upon which you rely and supports such allegation;
- (b) identify each person who has personal knowledge of such fact and opinion; and
- (c) identify each document and, particularly, the specific language of such document which supports such allegation.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

**DATA REQUEST 2.21:** In his Direct Testimony, Mr. Farrar alleges that NAT-CC is not a financially viable entity in the future. (Direct Testimony – page 28 – lines 9-13). With regard to each allegation contained in Direct Testimony – page 28 – lines 9-13, please provide:

- (a) each fact and opinion, professional or otherwise, upon which you rely and supports such allegation;
- (b) identify each person who has personal knowledge of such fact and opinion; and
- (c) identify each document and, particularly, the specific language of such document which supports such allegation.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

**DATA REQUEST 2.22:** Has Mr. Farrar (or any other witness Sprint intends to call at the hearing in this contested case) ever been convicted or pleaded guilty to a misdemeanor or felony? If so, please state:

- (a) the jurisdiction in which you were convicted or pleaded guilty;
- (b) the criminal offense of which you were convicted or pleaded guilty;
- (c) the dates of such convictions or guilty pleas;
- (d) the sentence which you were given as a result of such convictions or guilty pleas; and
- (e) if you were incarcerated as a result, the names and addresses of the facility in which you were incarcerated.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

Sprint further objects to this request to the extent it seeks information that is neither admissible nor reasonably calculated to lead to the discovery of admissible evidence.

**DATA REQUEST 2.23:** If you withhold any requested information on the basis of privilege, work product, or otherwise, provide the following information:

- (a) the nature and subject matter of the documents or communications;
- (b) the date of the documents or communications;
- (c) the name and title of the author, address, and any other recipient;
- (d) the name and title of each person participating in the communications or preparing the documents;
- (e) the basis on which you claim the documents or communications are protected from disclosure; and

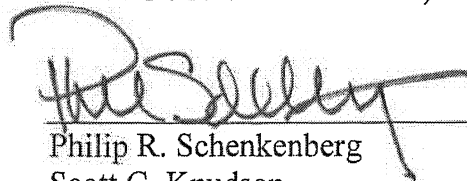
- (f) the name and title of each person supplying the information requested in paragraphs a-e above.

**RESPONSE:**

Sprint objects to this request on relevance grounds because NAT has indicated that it will submit a revised application. NAT's statement moots this pending discovery, which is predicated on the revised application filed in January 2012.

Dated: April 3, 2013

**BRIGGS AND MORGAN, P.A.**



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Counsel for Sprint Communications  
Company L.P.

## CERTIFICATE OF SERVICE

The undersigned certifies that on the 3rd day of April, 2013, I served a true and correct copy of **SPRINT COMMUNICATIONS COMPANY L.P.'s RESPONSES TO NAT'S SECOND SET OF DISCOVERY REQUESTS** in the above-entitled matter, by email to:

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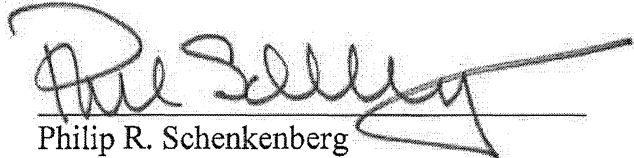
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