

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

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.

Docket No. TC11-087

**SPRINT COMMUNICATIONS
COMPANY'S DISCOVERY
REQUESTS ON NAT'S AMENDED
APPLICATION**

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 the following Second Set of Interrogatories and Document Requests pursuant to S.D. Admin. R. 20:10:01:01.02 and 20:10:01:22.01 and S.D.C.L. §§ 15-6-26(a), 15-6-33(a). Native American Telecom, LLC ("NAT") must answer these discovery requests on or before July 10, 2013.

INSTRUCTIONS

1. Each interrogatory and request is to be answered separately.
2. If you are unable to answer any discovery request completely, so state, answer to the extent possible, set forth the reasons for your inability to answer more fully, and state whatever knowledge or information you have concerning the unanswered portion.
3. If any act, event, transaction, occasion, instance, matter, course of conduct, course of action, person or document is mentioned or referred to in response to more than one of these discovery requests, you need not completely identify and describe it or him in every such instance, provided you supply a complete identification in one such instance and in each other such instance make a specific reference to the place in the answers to these discovery requests where it or he is fully identified and described, giving page number and the beginning and ending line numbers.
4. If you refuse to provide information on the basis that an interrogatory or request calls for privileged information, identify:

- (a) The name and address of the speaker or the author of the document that contains any part of the information withheld;
- (b) The date of the communication or document;
- (c) The name and address of any person to whom the communication was made or the document was sent or received or to whom copies were sent or circulated at any time;
- (d) The form of the communication or document (*i.e.*, letter, memorandum, invoice, contract, etc.);
- (e) The names and addresses of any person currently in possession of the document or a copy thereof; and
- (f) A description of the subject matter of the communication or document; and the specific grounds for withholding the information and the nature of the privilege claimed.

5. Whenever you are asked for the identity of or to identify a person, please state with respect to each such person:

- (a) The person's name;
- (b) The person's last known address;
- (c) The person's current business affiliation and title;
- (d) The person's current business address; or if that be unknown, the person's last known business address; and
- (e) The business affiliation, business address and the correct title of such person with respect to the business, organization, or entity with which the person was associated and the capacity in which such person acted in connection with the subject matter of this interrogatory or request.

6. Whenever you are asked the identity of or to identify an oral statement, or the answer to an interrogatory refers to an oral statement, state with respect to each such oral statement:

- (a) The date and place each such oral statement was made;
- (b) The identity of each person who participated in or heard any part of such oral statement;

- (c) The substance of what was said by each person who made such oral statement; and
- (d) The name and identity of the custodian of any written record or any mechanical or electrical recording that recorded, summarized or confirmed such oral statement.

7. Whenever you are asked to identify a document, please provide a description or bates number that will allow Sprint to identify the document as produced.

8. The interrogatories and requests shall be deemed to be continuing under Rule 15-6-26 of the South Dakota Rules of Procedure in Circuit Court and should be supplemented in accordance with the South Dakota Rules of Procedure in Circuit Court.

9. Please be advised that your answers must include all information available not only to you, but to your agents, officers, representatives, employees, attorneys, insurers, or others who have information available to you upon inquiry to them.

10. The singular should be construed as plural and vice versa.

11. "And" should be construed to include "or" and vice versa.

12. Unless otherwise directed, you should answer these interrogatories and requests for January 1, 2009, forward.

DEFINITIONS

"Correspondence" shall mean any written communication, including but not limited to: emails, letters exchanged by U.S. Mail, overnight mail, facsimile, or any other transmission method.

"Document" means the complete original, complete copy of the original, and each non-identical copy (whether different from the original because of notes made on the copy or otherwise) of any written, printed, typed, photocopied, photographic and graphic matter of any kind or character, and any recorded material, however produced or reproduced, in your possession or control, or known by you to exist, including, without limiting the generality of the foregoing, all "documents and electronically stored information" within the meaning of South Dakota rule of Procedure Circuit Court 15-6-34(a), and all drafts, contracts, diaries, agreements, calendars, desk pads, correspondence, computer printouts, telegrams, teletypes, memoranda, notes, studies, reports, lists, minutes, maps, graphs and entries in books of account relating in any way to the subject matter of these discovery requests.

"Each" means each and every.

“**Free Conferencing**” refers to Free Conferencing Corporation.

“**Including**” means “including, but not limited to.”

“**Local Exchange Carrier**” shall have the meaning set forth in 47 U.S.C. § 153(32).

“**NAT**” or “**you**” includes any of your agents, officers, directors, or persons otherwise acting on your behalf.

“**SDN**” refers to South Dakota Network, LLC.

“**Sprint**” refers to Sprint Communications Company L.P.

“**Widevoice**” refers to Widevoice Communications, Inc.

INTERROGATORIES

INTERROGATORY NO. 50: Is NAT seeking the authority to provide intrastate services to Free Conferencing Corp. (or any other non-tribal member that is not an IXC)? If so, identify those services. If not, is it NAT’s position that it can provide intrastate services to Free Conferencing Corp. (and other non-tribal members that are not IXCs) without authorization from the South Dakota Commission?

INTERROGATORY NO. 51: On page 2 of the Amended Application you indicate that the “Crow Creek Sioux Tribe took additional steps to establish the required tribal structure and laws to enable entities to be established and governed by Crow Creek Sioux tribal laws.” With respect to that statement answer the following questions:

- (a) Identify what steps were taken by the Tribe.
- (b) Identify any document or documents adopted in this process, including documents that establish an office (i.e., in the nature of a secretary of state) with the authority to enable entities to be governed by tribal laws, and that define such authorized entities.
- (c) Has the Commissioner of Indian Affairs approved the new code? Identify any documents sent to or received from the Bureau of Indian Affairs on this

issue. If not, what is the timeline for seeking and obtaining approval from the Commissioner of Indian Affairs?

- (d) Identify any Tribal Council meeting minutes at which this issue was discussed.

INTERROGATORY NO. 52: On page 2 of the Amended Application you indicate that “NAT is currently in the process of being reorganized as a Crow Creek tribal entity organized under, and operating under, the Crow Creek tribal laws.” Please describe that process in detail, including the timeline for this to occur, and identify how organizational documents will change if that occurs.

INTERROGATORY NO. 53: On page 6 of the Amended Application, you state that “NAT subsidizes telecommunications services to Tribal members by, among other things, providing service applications and on-going service requirements based on the specific credit and financial conditions impacting individuals on the Crow Creek Reservation.” Identify and describe the “service applications” to which you refer, and explain how they allow you to subsidize service to Tribal members. Identify and describe the “on-going service requirements” to which you refer and explain how they allow you to subsidize service to Tribal members.

INTERROGATORY NO. 54: Please describe in detail NAT’s plans to serve “other business end user customers, Call Centers, and other business development interests” as stated on page 7 of the Amended Application. Will NAT need and/or seek additional authority from the Commission to provide such services?

INTERROGATORY NO. 55: With respect to your statement about the provision of 911 service (page 9 of the Amended Application), do you route 911 calls to a PSAP? If so, identify the PSAP and its PSAP ID number on file with the FCC.

INTERROGATORY NO. 56: Identify NAT's total number of terminating minutes of use, by carrier, for each month from January 2012 to the present.

INTERROGATORY NO. 57: Identify the "two large public company carriers" that you claim are "complying with the terms of NAT's federal tariff." See NAT's May 31, 2013 Response to Staff's Data Request 2-1. What per-minute rate(s) were paid for past traffic? What per-minute rate(s) are being paid presently?

INTERROGATORY NO. 58: In NAT's May 31, 2013 Response to Staff's Data Request 2-2, you state that NAT has been authorized by the "Crow Creek Tribal Utility Authority to provide service to tribal residents of the Reservation." If Free Conferencing Corp. is not a tribal resident of the Reservation, under what authority to you provide service to Free Conferencing Corp.?

INTERROGATORY NO. 59: With respect to your supplemental response to Sprint's IR 15, is it correct that [BEGIN CONFIDENTIAL] Free Conferencing made no payment to NAT for services provided until the \$3,500 paid in September of 2011? Identify the billing periods to which the payment of \$156,604.25 on October 9, 2011 was applied. Why did Free Conferencing owe these amounts to NAT if the Service Agreement then in effect required NAT to provide service without charge? [END CONFIDENTIAL]

INTERROGATORY NO. 60: What per-minute rate is Wide Voice paying NAT to terminate traffic to NAT?

INTERROGATORY NO. 61: With respect to NAT's Response to Sprint's Interrogatory 7, how many towers does NAT have in Ft. Thompson?

INTERROGATORY NO. 62: Sprint has been provided with two different 2011 Form 499-A filings (reporting 2010 calendar year). *Compare* Doc. 131-3, pp. 2-9 in Case No. 10-cv-4110) *with* 00387-394. Explain why there are two such documents, when either was actually filed, and identify and provide signature pages and/or electronic filing receipts. Explain why amounts on lines 304.1 and 305.1 were transposed.

INTERROGATORY NO. 63: Sprint has been provided with two different 2012 Form 499-A filings (reporting 2011 calendar year). *Compare* 00396-403 *with* 00405-412. Explain why there are two such documents, when either was actually filed, and identify and provide signature pages and/or electronic filing receipts. Explain why amounts on lines 304.1 and 304.2, 405, 418.1, 419, 420, 241, 423, and 514 differ between the two documents.

INTERROGATORY NO. 64: Sprint has been provided with two different 2013 Form 499-A filings (reporting 2012 calendar year). *Compare* 00382-385 *with* 00413-420. Identify and provide the missing pages within 00382-385. Explain why there are two such documents, when either was actually filed, and identify and provide signature pages and/or electronic filing receipts. Explain any differences between 00382-385 (when fully produced) and 00413-420.

INTERROGATORY NO. 65: On December 15, 2011 in Docket 10-26, NAT provided Sprint with Exhibit 1, which was a spreadsheet titled “NAT-Crow Creek End User Fees and Taxes Inception through September 2011.” Please update that spreadsheet for periods through March 31, 2013.

DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 13: Produce any documents identified in your response to Interrogatory No. 51.

DOCUMENT REQUEST NO. 14: Produce any documents identified in your response to Interrogatory No. 52.

DOCUMENT REQUEST NO. 15: Produce any documents that evidence the statement referred to Interrogatory No. 53.

DOCUMENT REQUEST NO. 16: Produce any documents identified in Interrogatories 62-64.

DOCUMENT REQUEST NO. 17: Produce a copy of the amended Joint Venture Agreement identified in NAT’s response to Staff’s Data Request 2-1.

DOCUMENT REQUEST NO. 18: Provide NAT’s plan to maintain subscriber services, operations and customer support referred to in your Response to Staff’s Data Request 2-1.

DOCUMENT REQUEST NO. 19: Provide a copy of your proposed intrastate access tariff.

DOCUMENT REQUEST NO. 20: Provide 2012-1013 bank statements, profit and loss statements, general ledger detail and journal entries, and any other financial

records that identify the detail for NAT's income and expenses. Financials for 1Q13 should be included, and financials for 2Q13 should be produced when they are available.

DOCUMENT REQUEST NO. 21: Provide any 2013 financial projections.

DOCUMENT REQUEST NO. 22: Provide any bills or invoices NAT has issued to Free Conferencing Corp. from 2009 forward.

DOCUMENT REQUEST NO. 23: Provide the settlement agreements you entered into with the "two large public company carriers" that you claim are "complying with the terms of NAT's federal tariff." See NAT's May 31, 2013 Response to Staff's Data Request 2-1.

Dated: June 25, 2013

BRIGGS AND MORGAN, P.A.

s/Philip R. Schenkenberg

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CERTIFICATE OF SERVICE

The undersigned certifies that on the 25 day of June, 2013, I served a true and correct copy of **SPRINT COMMUNICATIONS COMPANY'S DISCOVERY REQUESTS ON NAT'S AMENDED APPLICATION**, in the above-entitled matter, by email:

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