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**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

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**IN THE MATTER OF THE PETITION  
OF NORTH AMERICAN LOCAL, LLC  
FOR DESIGNATION AS A  
FACILITIES-BASED ELIGIBLE  
TELECOMMUNICATIONS CARRIER**

**Docket No. TC23-046**

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**FIRST DISCOVERY REQUESTS OF SOUTH DAKOTA  
TELECOMMUNICATIONS ASSOCIATION (SDTA) TO NORTH AMERICAN  
LOCAL, LLC**

The South Dakota Telecommunications Association (“SDTA”) hereby serves its First Discovery Request on North American Local, LLC (“NAL”). You are requested and required to answer fully and under oath, pursuant to S.D. Admin. R. 20:10:01:22.01, each of the following Discovery Requests and serve a copy of your answers and responses thereto upon Kara Semmler, General Counsel for SDTA, on or before December 22, 2023. 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.

**DEFINITIONS AND INSTRUCTIONS**

**A. DEFINITIONS**

As used herein, the following terms have the meaning as set forth below:

1. The term “you” refers to “North American Local, LLC” or “NAL”.
2. The terms “document” or “documents” as used herein shall include, without limitation, any writings and documentary material of any kind whatsoever, both originals and copies (regardless of origin and whether or not including additional writing thereon or attached thereto), and any and all drafts, preliminary versions, alterations, modifications, revisions, changes and written comments of and concerning such material, including but not limited to: correspondence, letters, memoranda, notes, reports, directions, studies, investigations, questionnaires and surveys, inspections, permits, citizen complaints, papers, files, books, manuals, instructions, records, pamphlets, forms, contracts, contract amendments or supplements, contract offers, tenders, acceptances, counteroffers or negotiating agreements, notices, confirmations, telegrams, communications sent or received, print-

outs, diary entries, calendars, tables, compilations, tabulations, charts, graphs, maps, recommendations, ledgers, accounts, worksheets, photographs, tape recordings, movie pictures, videotapes, transcripts, logs, workpapers, minutes, summaries, notations and records of any sort (printed, recorded or otherwise) of any oral communication whether sent or received, and other written or electronic records or recordings, in whatever form, stored or contained in or on whatever medium including computerized or digital memory or magnetic media that: (a) are now or were formerly in your possession, custody or control; or (b) are known or believed to be responsive to these interrogatories, regardless of who has or formerly had custody, possession or control.

4. The term “including” means “including, but not limited to.”

## **B. INSTRUCTIONS**

1. If you maintain that any document or record that would be responsive to any of the data requests has been destroyed, set forth the content of said document, the location of any copies of said document, the date and circumstances of said destruction, and the name of the person who ordered or authorized such destruction.
2. In answering these data requests, furnish all responsive documents in your possession or in the possession of any of your directors, officers, employees, agents, representatives, or attorneys.
3. If you cannot answer a data request in full after exercising due diligence to secure all the information requested, or does not have precise information with regard to any part of a data request, so state in the response, describing in full the efforts to obtain the information requested, and then proceed to respond to the fullest extent possible. If an objection is made to any part of a data request, answer all parts of the data request to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.
4. If a responsive document is considered to contain confidential, proprietary, or otherwise protected information, please furnish this document subject to a protective agreement.
5. If any information is withheld under a claim of privilege, please describe the information without revealing the asserted privileged information, and provide a statement of the basis upon which the claim of privilege is based.

6. If any of the information requested by a data request varies over time, state the response for each period of time as to which the response differs, and identify the time periods.
7. These interrogatories and requests are considered continuing and should be supplemented as additional information becomes available.

### **INTERROGATORIES AND REQUEST FOR DOCUMENTS**

**REQUEST 1:** For each Request, identify each person who assisted in the preparation of these responses or who provided information for the purpose of preparing these responses.

**REQUEST 2:** Provide a copy of all documents marked “Confidential” that were filed with the PUC or provided to the PUC Staff.

**REQUEST 3:** Provide a copy of all documents and communications provided to or received from USAC with respect to the provision of ACP services in South Dakota. This request includes, but is not limited to:

- a. The election notice sent to USAC, to enable participation in the ACP program.
- b. A copy of all documents filed as a part of the annual ACP certification process.
- c. A copy of all documents submitted to USAC through the Affordable Connectivity Claims System.

**REQUEST 4:** List and describe all NAL owned facilities in other states. In your answer, specify the state in which the facilities are located.

**REQUEST 5:** List all states where NAL provides services and the number of customers in each state.

- a. Of the total customers, by state, how many are Lifeline customers?
- b. Of the total customers, by state, how many are ACP customers?

**REQUEST 6:** When did NAL begin offering ACP services to South Dakota consumers?

**REQUEST 7:** Provide a list of all South Dakota ACP customers. Include the customer’s name, address and phone number.

**REQUEST 8:** Describe NAL marketing methods. Specifically, how did NAL contact South Dakota residents for enrollment in the ACP program?

**REQUEST 9:** Provide a copy of any print advertising NAL used to enroll ACP consumers in South Dakota.

**REQUEST 10:** Did NAL conduct advertising, marketing or consumer outreach in South Dakota under any other name? If so, provide the name.

**REQUEST 11:** Did NAL set up a “storefront” or physical sales location of any type in South Dakota? If so, please describe the physical sales location.

**REQUEST 12:** Did NAL receive any consumer complaints from SD consumers? If so, provide a copy of all documents associated with or generated as a result of customer complaints.

**REQUEST 13:** Provide the total number of complaints, in 2022 and 2023, NAL received from consumers in other states. List the number of complaints by state.

**REQUEST 14:** Provide all documents or information NAL used to determine there is a “significant consumer demand” for affordable telephone and broadband services in South Dakota.

**REQUEST 15:** Where, in South Dakota, do consumers lack access to “affordable telephone and broadband services” as alleged in your Petition?

DATED this 22 day of November, 2023.

/s/ Kara Semmler

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Kara Semmler  
General Counsel  
South Dakota Telecommunications Assn.  
320 East Capitol Ave.  
P.O. Box 57  
Pierre, SD 57501

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the First Discovery Requests by SDTA to North American Local, LLC, dated November 22, 2023, was electronically served upon the following parties to PUC docket TC23-046:

<p>Amanda Reiss Logan Schaeffbauer Staff Attorney South Dakota Public Utilities Commission <a href="mailto:amanda.reiss@state.sd.us">amanda.reiss@state.sd.us</a> <a href="mailto:Logan.schaeffbauer@state.sd.us">Logan.schaeffbauer@state.sd.us</a></p>	<p>Joeseeph Rezac Staff Analyst South Dakota Public Utilities Commission <a href="mailto:Joseph.rezac@state.sd.us">Joseph.rezac@state.sd.us</a></p>
<p>Gene DeJordy - Representing: North American Local, LLC Dakelyn Consulting <a href="mailto:Gene@Dakelyn.com">Gene@Dakelyn.com</a></p>	

Dated this 22 day of November, 2023.

/s/ Kara Semmler

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Kara C. Semmler, General Counsel  
South Dakota Telecommunications  
Association  
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