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**JUN 07 2010**

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

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

IN THE MATTER OF THE COMPLAINT )  
FILED BY SPRINT COMMUNICATIONS )  
COMPANY, LP AGAINST NATIVE AMERICAN ) Docket No. TC10-026  
TELECOM, LLC REGARDING )  
TELECOMMUNICATIONS SERVICES )

**CROW CREEK SIOUX TRIBE UTILITY AUTHORITY  
MOTION TO DISMISS, OR, IN THE ALTERNATIVE, PETITION TO  
INTERVENE**

The Crow Creek Sioux Tribe Utility Authority ("CCSTUA") hereby petitions the Public Utility Commission ("Commission") to dismiss Sprint's Complaint, or, in the alternative, for intervention in the above captioned proceeding pursuant to SDCL 1-26-17.1 and ARSD §§ 20:10:01:15.02, 20:10:01:15.03 and 20:10:01:15.05. The CCSTUA has jurisdiction over the matter raised by Sprint's Complaint and therefore the Complaint should be dismissed or, in the alternative, CCSTUA should be allowed to intervene because it has a direct interest in this proceeding to the extent the Commission takes any action that would usurp the jurisdiction and authority of the Crow Creek Sioux Tribe and the CCSTUA. In support of this Petition, the CCSTUA states the following:

1. Under the Constitution and By Laws of the Crow Creek Sioux Tribe, the Tribal Council is empowered and authorized to enact resolutions and ordinances governing the management of all economic and educational affairs and enterprises on the Crow Creek reservation.
2. The Crow Creek Tribe Utility Authority Ordinance was amended in September 1997 to establish the Crow Creek Tribe Utility Authority. Under the Crow Creek Tribe

Utility Authority Plan of Operation, the stated purpose of the Crow Creek Tribe Utility Authority is to “plan for, provide, and furnish utility services in all areas of the Crow Creek Sioux Reservation” (Section 3.A.1.).

3. On August 19, 2008, the Crow Creek Sioux Tribe adopted its Telecommunications Plan To Further Business, Economic, Social and Educational Development on the Crow Creek reservation, which, in part, provides for the introduction of a tribally-owned entity providing “advanced broadband services through the establishment of a new competitive local exchange carrier (“CLEC”) utilizing state-of-the-art advanced fixed wireless technology on the reservation. The CLEC, Native American Telecom, LLC (“NAT”), will initially provide broadband internet access to critical tribal government locations, schools, and other educational or medical locations, and then will expand service to other businesses and residents on the reservation.” See Attachment A.

4. On October 28, 2008, the CCSTUA issued an Order implementing the Tribal Council’s directives in the Telecommunications Plan by approving NAT as a CLEC operating within the exterior boundaries of the Crow Creek reservation, subject to the jurisdiction and laws of the Crow Creek Sioux Tribe. See Attachment B.

5. In October 2009, NAT filed its tribal access tariff with the CCSTUA for long distance traffic that originates in South Dakota, but terminates on the Crow Creek reservation. NAT’s tribal access tariff mirrors the rates, terms, and conditions of its access tariff filed with the Federal Communications Commission (“FCC”).<sup>1</sup>

6. In October 2009, NAT commenced providing service on the Crow Creek

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<sup>1</sup> NAT does not charge intrastate access rates at the level charges by the ILECs, but, instead, has established rates for all traffic that terminates on the Crow Creek reservation that mirror its rates filed with the FCC.

reservation, subject to the jurisdiction and laws of the Crow Creek Sioux Tribe, including the requirement to build-out and serve throughout the reservation.

7. In February 2010, the Crow Creek Sioux Tribe released a Notice announcing that NAT is fulfilling its obligations and responsibilities to the Tribe and its members by providing basic telephone and advanced broadband services on the reservation, including one of the first Tribal Internet Libraries in the U.S., providing free computer access and Internet services to tribal members. See Attachment C.

8. On March 26, 2010, NAT filed a Complaint with the CCSTUA, providing a copy of Sprint's stated dispute: "Sprint objects to the nature of certain traffic for which Cabs Agents/Native American Telecom is billing access charges and Sprint disputes the terminating charges in full. It is Sprint's position that traffic volumes associated with, but not limited to; artificially stimulated usage, chat lines, free conferencing, and revenue sharing are not subject to access charges. If you have any questions please call Julie Walker at 913-762-6442 or email at [julie.a.walker@sprint.com](mailto:julie.a.walker@sprint.com)."

9. On March 29, 2010, CCSTUA issued an Order addressing the issue raised by Sprint's dispute. See Attachment D. The CCSTUA stated, in part, that:

this Utility Authority finds Sprint's non-payment of Native American Telecom – Crow Creek's access tariff charges to be a violation of the laws of the Crow Creek Sioux Tribe. This finding applies to both the intrastate access services subject to the tariff in effect at this Utility Authority and the interstate access services subject to the tariff in effect at the FCC. To the extent Sprint believes that Native American Telecom – Crow Creek's access rates are unreasonable or not applicable, it should file a Complaint with this Utility Authority and not take matters into its own hands by not paying for services provided by Native American Telecom – Crow Creek.

10. It has come to the attention of the CCSTUA that Sprint continues to fail to

recognize the jurisdiction of the Crow Creek Sioux Tribe and this Utility Authority and has filed a Complaint with the Commission, which attempts to usurp the authority of the CCSTUA, which could have wide-ranging ramifications, and threatens the comity between state and tribal authorities.

Therefore, the CCSTUA asks the Commission to dismiss Sprint's Complaint and direct Sprint to address its concerns with the CCSTUA as directed in its March 29, 2010 Order, or, in the alternative, CCSTUA requests intervention in this proceeding.

Dated May 21, 2010.

Respectfully submitted,

Crow Creek Sioux Tribe Utility Authority

By:

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Gina Howe  
Crow Creek Sioux Tribe Utility Authority  
Crow Creek Sioux Reservation  
Fort Thompson, South Dakota

**CERTIFICATE OF SERVICE**

I hereby certify that an original of the Petition To Dismiss, Or, In The Alternative,  
Petition to Intervention, dated May 21, 2010, filed in PUC Docket TC10-026 was served  
upon the PUC electronically, directed to the attention of:

Ms. Patty Van Gerpen  
Executive Director  
South Dakota Public Utilities Commission  
500 East Capitol Avenue  
Pierre, SD 57501

A copy was also sent by e-mail and/or US First Class mail to the following:

Tom Reiman, Registered Agent  
Native American Telecom, LLC  
6710 E. Split Rock Circle  
Sioux Falls, SD 57110

Kathryn E. Ford  
Davenport Evans Hurwitz and Smith, LLP  
206 West 14th St. P.O. Box 1030  
Sioux Falls, SD 57104

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**CROW CREEK SIOUX TRIBE**  
FORT THOMPSON, SOUTH DAKOTA 57339

**Crow Creek Indian Reservation**  
**Telecommunications Plan**

**To Further Business, Economic, Social, and Educational Development**

August 19, 2008 – Fort Thompson, South Dakota. The Crow Creek Indian Reservation is home to the Crow Creek Sioux Tribe which lies mostly in Buffalo County in South Dakota. The Crow Creek reservation is the nation's poorest Indian Reservation; more than 97% of the 3,000 residents are unemployed, compared to the rest of American who fret over a recession that has driven unemployment from 4% up to 6%,--and it's been that way for as long as anyone can remember.

With the poverty come staggering rates of homelessness, alcoholism, disease, drug abuse, murders, suicide, infant mortality, teen-age pregnancy and school dropouts.

To address these issues and more, the Crow Creek Indian Reservation has developed a Telecommunications Plan for the establishment of a telecommunication infrastructure on the reservation that will enable business, economic, social and educational development.

- The Crow Creek Sioux Tribe will supplement the wireless and wire line services available on the reservation with advanced broadband services through the establishment of a new competitive local exchange carrier ("CLEC") utilizing state-of-the-art advanced fixed wireless technology on the reservation. The CLEC, Native American Telecom LLC, will initially provide broadband internet access to critical tribal government locations, schools, and other educational or medical locations, and then will expand service to other businesses and residents on the reservation.

- The Crow Creek Sioux Tribe will use its telecommunications infrastructure to attract new businesses to generate economic development, employment opportunities, and revenue. The tribe will take advantage of its telecommunications infrastructure to (i) develop private sector incentive programs, such as the Minority Business Enterprise Program, (ii) take advantage of its tribal sovereignty in engaging in business, and (iii) apply for status as a foreign trade zone.
- The Crow Creek Sioux Tribe will use its access to information and services to position the tribe to take advantage of programs and services aimed at addressing the social needs of the reservation. Each year, the tribe will establish goals and objectives, and programs aimed at achieving these goals and objectives, to address social and economic development issues, such as poverty, medical needs, unemployment, dependencies, and education.

The Crow Creek Sioux Tribe Chairman's Office can be reached at 605-245-2221.

**Crow Creek Sioux Tribe**

**Crow Creek Utility Authority**

In the Matter of }  
Native American Telecom, LLC }  
Request To Provide Telecommunications }  
Service Within The Exterior Boundaries }  
of the Crow Creek Reservation }

**Order Granting Approval To Provide Telecommunications Service**

Native American Telecom, LLC ("Native Telecom") is hereby granted authority to provide telecommunications service on the Crow Creek reservation.

Under the Constitution and By Laws of the Crow Creek Sioux Tribe, the Tribal Council is empowered and authorized to enact resolutions and ordinances governing the management of all economic and educational affairs and enterprises of the Tribe. The Crow Creek Utility Authority Ordinance was amended in September 1997 to establish the Crow Creek Utility Authority. Under the Crow Creek Utility Authority Plan of Operation, the stated purpose of the Crow Creek Utility Authority is to "plan for, provide, and furnish utility services in all areas of the Crow Creek Sioux Reservation" (Section 3.A.1.).

Native Telecom proposes to: (i) provide basic telephone and advanced broadband services, which are "utility services" essential to the health and welfare of the tribe; and (ii) provide these services in "all areas of the Crow Creek Sioux Reservation." Furthermore, Native Telecom proposes to provide basic telephone service, consistent with the federal universal service requirements of 47 U.S.C. § 214(e) and the rules of the Federal Communications Commission ("FCC"). In addition, Native Telecom commits to work with the Crow Creek Sioux Tribe to identify and pursue economic development opportunities and make basic telephone and advanced broadband services readily available and affordable to residents of the reservation.

The Crow Creek Utility Authority concludes that Native Telecom's proposal to provide basic telephone and advanced broadband services on the reservation is consistent with the "Crow Creek Indian Reservation Telecommunications Plan To Further Business, Economic, Social, and Educational Development" on the reservation.<sup>2</sup> Based upon

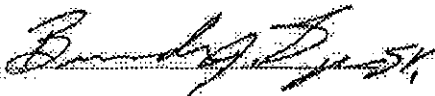
<sup>1</sup> This approval is akin to competitive local exchange carrier (CLEC) approval provided to carriers outside of reservations.

<sup>2</sup> On August 19, 2008, the Crow Creek Sioux Tribe released its Telecommunications Plan To Further Business, Economic, Social, and Educational Development on the reservation.

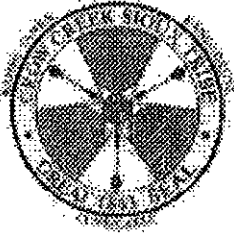


Native Telecom's proposal and commitments, Native Telecom is hereby granted authority to provide telecommunications services on the Crow Creek Reservation subject to the jurisdiction of the laws of the Crow Creek Sioux Tribe.

Dated: October 28, 2008



Brandon Sazue  
Crow Creek Tribal Chairman



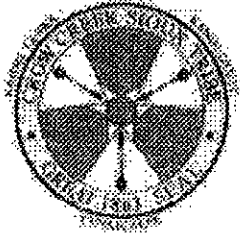
**CROW CREEK SIOUX TRIBE**  
FORT THOMPSON, SOUTH DAKOTA 57339

**Crow Creek Sioux Tribe Launches New  
Tribally Owned Telephone and Advanced Broadband  
Telecommunications System**

February 8, 2010 — Fort Thompson, South Dakota. The Crow Creek Sioux Tribe has launched one of the first new tribally-owned telephone systems in the United States, paving the way for much-needed business, economic, social and educational development on the Crow Creek reservation. In September 2009, Native American Telecom — Crow Creek, a tribally owned local exchange carrier providing telephone and advanced broadband service on the Crow Creek reservation, launched service to residential and business customers. Brandon Saxe, Chairman of the Crow Creek Sioux Tribe, stated:

"The Crow Creek Sioux Tribe is a sovereign Nation that has endured its share of heartache and challenges, but it is also a Tribe with much pride that has persevered over the years with the Will of a warrior Nation intent on righting the injustices of the past and present. We must take our destiny into our own hands, which we have done with the establishment of Native American Telecom — Crow Creek, a new tribally-owned telephone and broadband service provider. Native American Telecom — Crow Creek, however, is not just a service provider, like non-tribally-owned service providers, but is structured to serve the needs of the Tribe and its people by providing jobs, opportunities for economic development, and affordable access to essential services, like the Internet, that is necessary for self-sufficiency, prosperity, and tribal independence."

The deployment of an advanced broadband network on the reservation by Native American Telecom — Crow Creek has enabled the Tribe to pursue new economic development opportunities, such as the recently announced EcoTech Fuels waste project. According to Brandon Saxe, "The Tribe's plans for a fuel production plant were made



**CROW CREEK SIOUX TRIBE**  
FORT THOMPSON, SOUTH DAKOTA 57339

possible, in part, by the tribal infrastructure on the reservation, such as the new advanced broadband telecommunications network deployed by Native American Telecom - Crow Creek."

Vice Chairman, Randy Shields, further stated:

"One small step for Indian Country, one large step for the Crow Creek Sioux Nation. The importance of establishing a new enterprise on the Crow Creek reservation needs to be considered in light of the poor economic and social conditions that exists on the reservation. Native American Telecom - Crow Creek will not only lift up and provide hope and opportunities for our people, but will hopefully serve as an example for all of Indian Country."

Crow Creek Housing Authority Executive Director Joe Sazae II stated:

"It will definitely benefit our people. At Housing, we are in the process of developing a web site that will keep our residents informed of things that are going on with the reservation. With Native American Telecom - Crow Creek's initiatives to provide residents having Internet access and educate people on the value of this service, we have much hope for the future. It's good that the Tribe has taken the steps necessary to move forward with this technology."

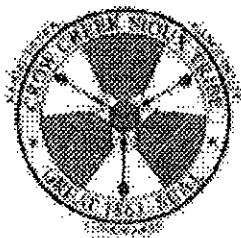
Peter Lengkoek, Tree of Life Construction Supervisor, who is also affiliated with Can-Do.org, stated:

"This service is long over-do. Our people have been in the dark when it comes to modern technologies that are available elsewhere. This will get us up to speed with the outside world and it will make things easier for the residents of the Crow Creek Reservation. Having internet access available will further our people in their ability to learn."

Crow Creek Ambulance Director Larry Blaine emphasized:

"Wow, is this Internet fast. We are able to download information quickly and easily. Many of the residents of the Crow Creek Reservation do not have computers or the know-how to access the Internet, but now with the Internet Library open to the residents of Crow Creek they have a place to go and learn about the Internet and computers. Native American Telecom-Crow Creek understands our people and our needs, and is working to help us through education, resources and empowerment."

P.O. BOX 50 • TELEPHONE: (605)<sup>2</sup> 245-2221 • FAX #: (605) 245-2470



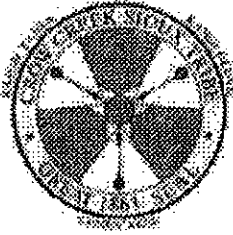
## CROW CREEK SIOUX TRIBE

FORT THOMPSON, SOUTH DAKOTA 57339

The Tribe has been diligently working with Native American Telecom Enterprise, LLC ("NATE"), a telecommunications service and economic development company, to: (i) construct and operate the wireless broadband network on the reservation using advanced WiMAX technology; (ii) attract companies to locate on the reservation and take advantage of the capabilities of the new broadband network; (iii) work with tribal members to establish new Internet-based businesses on the reservation, taking advantage of the capabilities of the new broadband network; and (iv) establish a state-of-the-art Internet Library, providing free computer and Internet access to tribal members. In September 2009, after months of work, Native American Telecom - Crow Creek commenced operations by providing broadband and local telephone service to residential and tribal locations on the reservation. According to Gene DeJordy, Chief Executive Officer of NATE, "After more than one year of working closely with Crow Creek Sioux tribal officials and other tribal members, it is very satisfying to see our collective vision for the Tribe come to fruition. We have established an enterprise, not just a service provider, that is building a foundation for the future of the Tribe."

The network will support high-speed broadband services, voice service, data and Internet access, and multimedia. Most significantly, according to Tom Reiman, President of NATE, "an Internet Library has been established that provides free computer and Internet access to tribal members. For over one year, the Tribe has been planning and putting in place the necessary infrastructure for the Internet Library and now all of the hard work and dedication of many Tribal members involved in this project has come together in a uniquely tribal way with the Crow Creek Yes We Can Foundation, a non-profit organization responsible for managing the Internet Library."

"Native American Telecom - Crow Creek is using WiMAX technology operating in the 3.65 GHz licensed spectrum providing service to residential, small business, hospitality



**CROW CREEK SIOUX TRIBE**  
FORT THOMPSON, SOUTH DAKOTA 57338

and public safety", according to Benjamin Martello, Chief Operating Officer of WireFree Communications, Inc. ("WFC"). WFC was selected by Native American Telecom - Crow Creek as the wireless turnkey firm responsible for E&I (Engineer, Furnish and Install) on the reservation based on the company's vast technical and operational experience in rural deployments. WiMAX (Worldwide Interoperability for Microwave Access) is a Broadband Wireless Access technology based on the IEEE 802.16 standard that enables the delivery of high-speed personal, business and enterprise class broadband services to subscribers anytime, anywhere. Through the use of advanced antenna and radio technology with OFDM/ OFDMA (Orthogonal Frequency Division Multiplexing), Native American Telecom - Crow Creek 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 Crow Creek reservation.

The Crow Creek Sioux Tribe Chairman's Office can be reached at 605-245-2221; E-Mail: [Brandon@NativeAmericanTelecom.com](mailto:Brandon@NativeAmericanTelecom.com).

Native American Telecom Enterprise, LLC can be reached at 605-370-8052; E-Mail: [tom@nativeamericantelecom.com](mailto:tom@nativeamericantelecom.com); Web site: [www.nativeamericantelecom.com](http://www.nativeamericantelecom.com).

WireFree Communications, Inc. can be reached at (702) 473-5800; E-Mail: [brmartello@wfc-us.com](mailto:brmartello@wfc-us.com); Web site: [www.wirefreecommunication.com](http://www.wirefreecommunication.com).



**Crow Creek Sioux Tribe Utility Authority**  
**P.O. BOX 497**  
**Fort Thompson, SD 57339-0497**  
**605-245-2544 Telephone**  
**605-245-2752 Facsimile**

**Order**

Before the Crow Creek Sioux Tribe Utility Authority ("Utility Authority") is a Complaint filed by Native American Telecom, LLC ("Native American Telecom – Crow Creek") seeking enforcement of its Access Service Tariff, filed with the Utility Authority and in effect as of September 1, 2009. Native American Telecom – Crow Creek contends that Sprint is not paying for services rendered on the Crow Creek reservation. In particular, Native American Telecom - Crow Creek states that Sprint has provided the following response to its recent access services invoice:<sup>1</sup>

"Sprint objects to the nature of certain traffic for which Cabs Agents/Native American Telecom is billing access charges and Sprint disputes the terminating charges in full. It is Sprint's position that traffic volumes associated with, but not limited to; artificially stimulated usage, chat lines, free conferencing, and revenue sharing are not subject to access charges. If you have any questions please call Julie Walker at 913-762-6442 or email at [julie.a.walker@sprint.com](mailto:julie.a.walker@sprint.com).

On March 26, 2010, Native American Telecom – Crow Creek provided this Utility Authority with a copy of the billing dispute by Sprint. While normally this Utility Authority would not intervene in a billing dispute that involves factual issues to be addressed by the parties, this situation involves a legal issue that requires the intervention of the Utility Authority. By taking the position the termination of traffic by Native American Telecom – Crow Creek on the reservation is "not subject to access charges," even though Native American Telecom – Crow

<sup>1</sup> Email from Candice Clark, billing agent of Native American Telecom – Crow Creek, to Gene DeJordy, CEO of Native American Telecom – Crow Creek.

Creek has a lawful tariff in effect at the Utility Authority, Sprint appears to be challenging the jurisdiction and laws of the Crow Creek Sioux Nation and this Utility Authority.

Sprint's self-help in refusing to pay Native American Telecom – Crow Creek's tariffed rates violates the "filed rate doctrine," which require all customers, such as Sprint, who avail themselves of tariffed services, to pay the rates contained in effective tariffs. The filed rate doctrine, also known as the filed tariff doctrine, is a common law construct that originated in judicial and regulatory interpretations of the Interstate Commerce Act, and was later applied to the Communications Act of 1934, as amended. It has been applied consistently to a variety of regulated industries for almost a century. The filed rate doctrine stands for the principle that a validly filed tariff has the force of law, and may not be challenged in the courts for unreasonableness, except upon direct review of an agency's endorsement of the rate.<sup>2</sup> This Utility Authority looks to common law practices to guide its decisions and be precedent for future actions.

The FCC has reaffirmed the filed rate doctrine in its *CLEC Access Charge Order* and expressly applied it to access charges, like those imposed by Native American Telecom – Crow Creek through its tariff in effect with the Utility Authority. The FCC stated "[t]ariffs require IXCs to pay the published rate for tariffed CLEC access services, absent an agreement to the contrary or a finding by the Commission that the rate is unreasonable."<sup>3</sup>

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<sup>2</sup> E.g., *Maislin Industries, U.S. v. Primary Steel, Inc.*, 497 U.S. 116, 117 (1990); *Telecom International America, Ltd. v. AT&T Corp.*, 67 F. Supp. 2d 189, 216-17 (S.D.N.Y.1999); *MCI Telecommunications Corp. v. Dominican Communications Corp.*, 984 F.Supp.185, 189 (S.D.N.Y.1997).

<sup>3</sup> *CLEC Access Charge Order*, 16 FCC Rcd 9923 ¶128. It should be noted that Native American Telecom – Crow Creek's intrastate tariffed rates mirror its interstate tariffed rates, which are based upon the interstate access rates of MidState Communications, who is the incumbent local exchange carrier.

The filed rate doctrine is motivated by two principles: (1) it prevents carriers from engaging in price discrimination between ratepayers; and (2) it preserves the exclusive role of authorities in approving “reasonable” rates for telecommunications services by keeping courts out of the rate-making process.<sup>4</sup> Thus, if a carrier acquires services under a filed tariff, only the rate contained in the tariff for that service would apply. The filed rate doctrine is applied strictly, and it requires a party that receives tariffed services to pay the filed rates, even if that party is dissatisfied with the rates or alleges fraud. Rather, a party seeking to challenge a tariffed rate must pay the rate in the tariff and then file a complaint with this Utility Authority challenging the rate. Sprint’s has not filed a complaint with this Utility Authority and its self-help actions could jeopardize the ability of a carrier, like Native American Telecom – Crow Creek, to serve the essential telecommunications needs of the residents of the Crow Creek reservation. In fact, this Utility Authority takes notice that Native American Telecom – Crow Creek commenced providing essential telecommunications services, including local exchange telephone service and high-speed broadband service, to residents of the Crow Creek reservation pursuant to an *Order Granting Approval To Provide Telecommunications Service* by this Utility Authority on October 28, 2008. It is also a matter of public record that Native American Telecom – Crow Creek has commenced offering new and critically needed services on the reservation.<sup>5</sup>

In approving Native American Telecom – Crow Creek’s provision of service on the reservation, the Utility Authority relied on Native American Telecom – Crow Creek’s commitments to:

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<sup>4</sup> *Marcus v. AT&T Corp.*, 138 F.3d 46, 58 (2nd Cir. 1998).

<sup>5</sup> See Crow Creek Sioux Tribe Notice dated February 8, 2010, *Crow Creek Sioux Tribe Launches New Tribally Owned Telephone and Advanced Broadband Telecommunications System*.



- (i) “provide basic telephone and advanced broadband services . . . essential to the health and welfare of the tribe;”
- (ii) “provide these services in “all areas of the Crow Creek Sioux Reservation;”
- (iii) “provide basic telephone service, consistent with the federal universal service requirements of 47 C.F.R. § 214(e) and the rules of the Federal Communications Commission (“FCC”);” and
- (iv) “make basic telephone and advanced broadband services readily available and affordable to residents of the reservation.”

*Order Granting Approval To Provide Telecommunications Service* at page 1. The Crow Creek reservation is a rural, high-cost service area. Access service revenue has historically been a critically important source of revenue for rural carriers, like Native American Telecom – Crow Creek, to support operations. Native American Telecom – Crow Creek’s commitments, which are now obligations, are significant and justify its access service tariff for the termination of traffic, including conference calling traffic, on the Crow Creek reservation. If carriers, like Sprint, are able to take self-help actions and not pay for services rendered subject to a lawful tariff, it would not only put at risk the continued operation of carriers like Native American Telecom – Crow Creek, but would also put at risk the services relied upon by, and in some cases essential to the health and safety of, consumers.

For the foregoing reasons, this Utility Authority finds Sprint’s non-payment of Native American Telecom – Crow Creek’s access tariff charges to be a violation of the laws of the Crow Creek Sioux Tribe. This finding applies to both the intrastate access services subject to the tariff in effect at this Utility Authority and the interstate access services subject to the tariff in effect at the FCC. To the extent Sprint believes that Native American Telecom – Crow Creek’s

access rates are unreasonable or not applicable, it should file a Complaint with this Utility Authority and not take matters into its own hands by not paying for services provided by Native American Telecom - Crow Creek.

Dated: March 29, 2010

/s/ Brandon Sazue  
Brandon Sazue, Chairman  
Crow Creek Sioux Tribe Utility Authority