

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF BUFFALO)

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

CIV. 12-06

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.

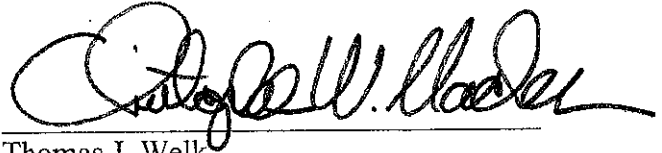
**SUPPLEMENT TO
MOTION TO DISMISS
APPEAL**

Qwest Communications Company, LLC, doing business as “CenturyLink QCC” (hereinafter referred to as “CenturyLink”), by and through its undersigned attorneys, respectfully submits this supplement to its May 25, 2012 motion to dismiss the appeal of Native American Telecom, Inc. (“NAT”). On or about May 29, 2012, NAT filed a “Second Notice of Appeal,” which purports to incorporate into this matter another intermediate order issued by the South Dakota Public Utilities Commission entitled “Order Quashing Subpoena” (TC11-087) dated May 16, 2012.

For the reasons set forth in CenturyLink’s May 25, 2012 Motion to Dismiss Appeal, the Circuit Court lacks subject matter jurisdiction. The Order Quashing Subpoena is merely a procedural or intermediate ruling. The subpoena in question sought production of “confidential” materials, particularly financial statements submitted to the PUC by various entities supporting applications for Certificates of Authority to provide local exchange services. More specifically, NAT sought production of “confidential” materials from 339 dockets going back to the year 2000 to present. As stated in its Order Quashing Subpoena, the PUC quashed the subpoena because the various applicants did not have notice of potential disclosure of their own confidential materials. This Order Quashing Subpoena is not a final order or judgment because it

does not adjudicate all issues of fact and law that exist between the parties in the NAT docket (TC 11-087). NAT's ability to seek final review of the Order Quashing Subpoena after a final ruling in this docket remains intact. Accordingly, CenturyLink moves to dismiss this appeal in its entirety, according to SDCL 15-6-12(b)(1).

Dated this 7th day of June, 2012.



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