

**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)	APPLICATION FOR
EXCHANGE SERVICE ON THE)	CERTIFICATE OF
CROW CREEK INDIAN)	AUTHORITY
RESERVATION)	

Native American Telecom, LLC (“Native Telecom” or “Company”) hereby respectfully submits this application for a certificate of authority to provide local exchange service on the Crow Creek Indian Reservation, pursuant to ARSD 20:10:32:03 and 20:10:32:15. Native Telecom is a joint venture with the Crow Creek Sioux Tribe on the Crow Creek Indian Reservation to provide telecommunications services on the reservation. By taking responsibility for its telecommunications needs, the Crow Creek Sioux tribe, in partnership with Native Telecom, will develop the telecommunications infrastructure necessary for social and economic development on its reservation.

This application seeks to provide facilities-based basic telephone and advanced broadband services. Native Telecom will not resell the services of the incumbent local exchange carriers (“ILECs”), but intends to provide telecommunications services on the reservation using state-of-the-art technology. As demonstrated herein, Native Telecom has the required technical, financial, and managerial capabilities to meet the requirements to provide local exchange and advanced broadband services.

Native Telecom provides the following information as required by ARSD 20:10:32:03:

(1) The applicant’s name, address, telephone number, facsimile number, web page URL, and E-mail address.

Native American Telecom, LLC
6710 E. Split Rock Circle
Sioux Falls, SD 57110
605-370-8052 – Tel
501-868-8836 – Fax
E-Mail: info@dakelyn.com
Web Page URL: www.dakelyn.com

(2) A description of the legal and organizational structure of the applicant's company.

Native Telecom is a home grown telecommunications company organized as a limited liability company under the laws of South Dakota.

(3) The name under which applicant will provide local exchange services if different than in subdivision (1) of this section.

Same name as in subdivision (1).

(4) The location of the applicant's principal office, if any, in this state and the name and address of its current registered agent, if applicable.

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

(5) A copy of its certificate of authority to transact business in South Dakota from the secretary of state.

Copy of the certificate of authority is attached as Exhibit A.

(6) A description of the applicant's experience providing any telecommunications services in South Dakota or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services.

Native Telecom is a newly formed company, but organized and managed by individuals with significant experience providing telecommunications service in South Dakota and on Indian reservations (*see* response to question #10). The principals of Native Telecom were responsible for the build-out and operation of wireless telecommunications services in rural parts of South Dakota, and Indian reservations in particular, at their former business ventures. During this time, investment in rural South Dakota significantly increased, leading to service to previously unserved areas and the availability of new and advanced services.

(7) Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any.

None

(8) A list and specific description of the types of services the applicant seeks to offer and how the services will be provided including:

(a) Information indicating the classes of customers the applicant intends to serve.

Native Telecom will provide service to all individuals and organizations residing or doing business within the exterior boundaries of the Crow Creek reservation.

(b) Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale.

Native Telecom intends to provide service through its own facilities beginning on December 1, 2008 and will not purchase unbundled network elements (“UNEs”) from, or resell the services of, the ILECs. Native Telecom is currently working with carriers to establish connectivity for the exchange of telecommunications traffic and with equipment vendors for the technology, including advanced wireless broadband technology, to be used to provide service to customers. The Company will implement a phased deployment of service, which will enable the provision of service soon after all authorizations are received.

(c) A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers.

Native Telecom will not use the facilities of another carrier to provide service to customers, but will deploy its own facilities using advanced wireless technology and/or fiber optic and other wireline technology to serve customers.

(d) Information identifying the types of services it seeks authority to provide by reference to the general nature of the service.

Native Telecom seeks authority to provide local exchange service to compliment its provision of advanced broadband services and other services.

(9) A service area map or narrative description indicating with particularity the geographic area proposed to be served by the applicant.

Native Telecom will provide service only within the exterior boundaries of the Crow Creek Indian reservation.

(10) Information regarding the technical competence of the applicant to provide its proposed local exchange services including:

(a) A description of the education and experience of the applicant’s management personnel who will oversee the proposed local exchange services.

Attached hereto as Exhibit B are the biographies of the two principal owners of Native Telecom, who will oversee the provision of local exchange and other services provided on the Crow Creek Indian reservation.

(b) Information regarding policies, personnel, or arrangements made by the applicant which demonstrates the applicant’s ability to respond to customer complaints and inquiries promptly and to perform facility and equipment

maintenance necessary to ensure compliance with any commission quality of service requirements.

Native Telecom will establish a toll-free number and email address for all customer inquiries and complaints, and will establish a physical location on the reservation, working with the tribe, to handle all customer complaints and inquiries. The Company commits to respond to all inquiries and complaints within 24 hours.

(11) Information explaining how the applicant will provide customers with access to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services.

Native Telecom will establish connectivity with the ILECs and other telecommunications carriers to provide its customers with access to 911/E911, operator services, interexchange services, directory assistance, and telecommunications relay services. In addition, Native Telecom will establish direct connectivity to any reservation-based Public Service Answering Point (“PSAPs”) to ensure the most rapid response to emergency calls.

(12) For the most recent 12 month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements. The applicant shall provide audited financial statements, if available.

As a newly formed limited liability company, Native Telecom does not, itself, have any financial statements for the most recent 12-month period. However, Native Telecom has attached as Exhibit C, which is being filed under seal, the financial statements of its owners/investors. As demonstrated by these financial statements, Native Telecom has the financial resources necessary to initiate and provide service on the reservation.

(13) Information detailing the following matters associated with interconnection to provide proposed local exchange services:

(a) The identity of all local exchange carriers with which the applicant plans to interconnect.

Native Telecom will enter into interconnection agreements with some or all of the local exchange carriers serving the Crow Creek Indian reservation for the exchange of traffic. The Company will not require any other interconnection services, such as local number portability, resale, UNEs, or collocation; however, to the extent it is mutually-beneficial for Native Telecom and the ILECs to enter into these type of arrangements, the parties may do so.

(b) The likely timing of initiation of interconnection service and a statement as to when negotiations for interconnection started or when negotiations are likely to start.

Native Telecom has or will this month initiate negotiations with some or all of the local exchange carriers serving the Crow Creek Indian reservation. The Company does not anticipate any issues in entering a traffic exchange agreement with the ILECs.

(c) A copy of any request for interconnection made by the applicant to any local exchange carrier.

None available at this time.

(14) A description of how the applicant intends to market its local exchange services, its target market, whether the applicant engages in multilevel marketing, and copies of any company brochures that will be used to assist in sale of the services.

Native Telecom will focus its marketing efforts on individuals and organizations residing or doing business on the reservation and will provide service in a manner consistent with all applicable laws and policies. In addition, the Company will work cooperatively with the tribal government to market and provide service.

(15) If the applicant is seeking authority to provide local exchange service in the service area of a rural telephone company, the date by which the applicant expects to meet the service obligations imposed pursuant to § 20:10:32:15 and applicant's plans for meeting the service obligations.

Native Telecom will provide service throughout the reservation and will meet the service requirements imposed on eligible telecommunications carriers ("ETCs") pursuant to 47 U.S.C. Section 214(e)(1), and, as required by § 20:10:32:15, Native Telecom will meet the eligible telecommunications carrier service requirements within 24 months after the Commission's order granting certificate of authority to provide local exchange services. As a reservation-based competitive service provider whose service area will be limited to the exterior boundaries of the reservation, Native Telecom will seek designation as an ETC from the Federal Communications Commission ("FCC") pursuant to 47 U.S.C. Section 214(e)(6).

(16) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable.

As a newly formed company, Native Telecom is not registered or certificated to provide telecommunications services in other states, nor has the Company

applied for or been denied authority to provide telecommunications services in other states.

(17) The names, addresses, telephone numbers, E-mail addresses, and facsimile numbers of the applicant's representatives to whom all inquiries must be made regarding customer complaints and other regulatory matters.

Tom Reiman
Native American Telecom, LLC
6710 E. Split Rock Circle
Sioux Falls, SD 57110
Tel: 605-370-8052
Fax: 501-868-8836
E-Mail: complaints@dakelyn.com

(18) Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services.

Native Telecom will bill customers directly for its services on a monthly basis. Native Telecom will also work with the tribal authorities on the reservation to provide tribal members with additional options for paying for services to ensure that all customers, including low-income consumers, are able to obtain and pay for services.

(19) Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of local service customers by the applicant, its employees, or agents.

Native Telecom will utilize advertising designed to market its services within the reservation. Further, Native Telecom will not solicit customers via telemarketing. Company will not solicit and switch customers for local exchange service. Native Telecom will require all personnel to be trained in the Company's policies and procedures to ensure affirmative customer selection of service from the Company. The Company will require customers to complete an order form and/or a Letter of Authorization ("LOA") selecting Native Telecom as the customer's carrier. Native Telecom will comply with all state and federal rules, including ARSD 20:10:34, et. seq., prohibiting the slamming of customers.

(20) The number and nature of complaints filed against the applicant with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered.

None.

(21) Information concerning how the applicant will make available to any

person information concerning the applicant's current rates, terms, and conditions for all of its telecommunications services.

Native Telecom will advertise using media that targets residents and individuals doing business on the reservation. In addition, Native Telecom will maintain its tariffs at the Commission and in tribal administrative offices.

(22) Information concerning how the applicant will notify a customer of any materially adverse change to any rate, term, or condition of any telecommunications service being provided to the customer. The notification must be made at least thirty days in advance of the change.

Native Telecom will notify customers by mail or email, depending upon the customer's expressed preference as to how notification should be made, to apprise them of any changes in rates, terms and conditions of service. In addition, Native Telecom will work with tribal officials to ensure that tribal members are informed of any developments and changes that impact service.

(23) A written request for waiver of those rules believed to be inapplicable.

Pursuant to ARSD 20:10:32:18, Native Telecom requests a waiver of any requirement to serve the entire study area of rural telephone companies to the extent one applies in ARSD 20:10:32:15.

(24) Federal tax identification number and South Dakota sales tax number.

The Company's federal tax identification number is 26-3283812.

(25) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the local exchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

Native Telecom has entered into an agreement with the Crow Creek Sioux Tribe of the Crow Creek Indian reservation to work together to establish a telecommunications infrastructure on the reservation to meet its needs. Attached, as Exhibit D, is a copy of the Crow Creek tribe's Telecommunications Plan, which includes Native Telecom's provision of competitive local exchange services.

Dated this 8th day of September 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gene DeJordy". The signature is stylized with a large, sweeping loop at the end.

Gene DeJordy, Esq.
Native American Telecom, LLC
6710 E. Split Rock Circle
Sioux Falls, SD 57110
501-804-7797 (Tel)
501-868-8836 (Fax)
E-Mail: gene@dakelyn.com

CERTIFICATE OF SERVICE

I, Gene DeJordy, hereby certify that, on the 8th day of September 2008, I mailed by United States mail, first class prepaid postage, a true and correct copy of the Application for Certificate of Authority to the following:

Executive Director
South Dakota PUC
500 East Capitol Ave.
Pierre, SD 57501

Mark Benton
General Manager
Midstate Communications, Inc.
P.O. Box 48
Kimball, SD 57355
(serves part of the Crow Creek reservation)

Randy Houdek
General Manager
Venture Communications Cooperative
P.O. Box 157
Highmore, SD 57345
(may serve part of the Crow Creek reservation)

EXHIBIT A

NATIVE AMERICAN TELECOM, LLC

CERTIFICATE OF AUTHORITY

State of South Dakota



OFFICE OF THE SECRETARY OF STATE

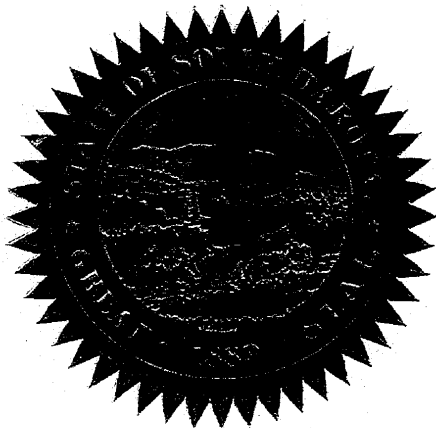
Certificate of Organization Limited Liability Company

ORGANIZATIONAL ID #: DL017257

I, Chris Nelson, Secretary of State of the State of South Dakota, hereby certify that the Articles of Organization of **NATIVE AMERICAN TELECOM, LLC** duly signed and verified, pursuant to the provisions of the South Dakota Limited Liability Company Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I hereby issue this Certificate of Organization and attach hereto a duplicate of the Articles of Organization.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, at Pierre, the Capital, this August 29, 2008.



Chris Nelson

Chris Nelson
Secretary of State

Cert of Organization LLC Merge

SECRETARY OF STATE
STATE CAPITOL
500 E. CAPITOL AVE.
PIERRE, S.D. 57501
605-773-4845

**ARTICLES OF ORGANIZATION
OF A
DOMESTIC LIMITED LIABILITY COMPANY**

**RECEIVED
AUG 29 2008
S.D. SEC. OF STATE**

1. The name of the Limited Liability Company is: Native American Telecom, LLC

2. The duration of the company if other than perpetual is: _____

3. The address of the initial designated office is: _____

6710 E. Split Rock Circle, Sioux Falls, South Dakota 57110

Filed this 27th day of

4. The name and street address of the initial agent for service of process is: _____

Thomas J. Reiman

6710 E. Split Rock Circle, Sioux Falls, South Dakota 57110

Chris Nelson
SECRETARY OF STATE

5. The name and address of each organizer: _____

LegalZoom.com, Inc., 7083 Hollywood Blvd., Suite 180, Los Angeles, CA 90028

6. If the company is to be a manager-managed company rather than a member-managed company, the name and address of each initial manager is: _____

7. Whether one or more of the members of the company are to be liable for its debts and obligations under SDCL 47-34A-303 (c).

Gene DeJordy, 6710 E. Split Rock Circle, Sioux Falls, South Dakota 57110

Thomas J. Reiman, 6710 E. Split Rock Circle, Sioux Falls, South Dakota 57110

8. Any other provisions not inconsistent with law, which the members elect to set out in the articles of organization.

The Articles of Organization must be signed by the organizers and must state adjacent to the signature the name and capacity of the signer.

Date 8/25/2008

(Signature and Title)

LegalZoom.com, Inc., Organizer By: Tania Lemus, Secretary

(Signature and Title)

(Signature and Title)

The Consent of Appointment below must be signed by the registered agent.

CONSENT OF APPOINTMENT BY THE REGISTERED AGENT

I, Thomas J. Reiman, hereby give my consent to serve as the
(name of registered agent)

registered agent for Native American Telecom, LLC

Dated 8/26/08 (limited liability company name)

Thomas J. Reiman President
(signature)

FILING INSTRUCTIONS:

One or more persons may organize a Limited Liability Company

One original and one exact or conformed copy must be submitted

FILING FEE \$125

EXHIBIT B

NATIVE AMERICAN TELECOM, LLC

MANAGEMENT QUALIFICATIONS

OFFICERS

Gene DeJordy
Chief Executive Officer
Native American Telecom, LLC

Gene DeJordy has over 25 years of telecommunications experience. He established Dakelyn Consulting in November 2007 to provide legal and business development consulting. Prior to that, he was the Senior Vice President of Alltel Corporation, where he was responsible for regulatory matters and universal service operations, and he was Vice President at Western Wireless Corporation, where he was responsible for business development and regulatory affairs. He started his career working as an engineer, project manager, and then an attorney. He has a Juris Doctorate from Catholic University, a Masters of Science from George Washington University, and a Bachelor of Science from University of Maryland. He has been recognized for his dedication and commitment to bringing service to rural America.

Tom Reiman
President
Native American Telecom, LLC

Tom Reiman has worked for several companies where he managed the provision of telecommunications service on Indian Reservations and in rural areas in general. He has worked closely with tribal governments, Economic Development Committees, Tribal Utilities Departments and Tribal Councils on numerous reservations to establish telecommunications services and then manage the on-going provision of service. He has a marketing degree from the University of Bradley and has spent the last 25 years in various management and sales roles in the banking and the telecommunications industry.

CONFIDENTIAL COMPANY SENSITIVE INFORMATION

FILED UNDER SEAL

EXHIBIT C

FINANCIAL STATEMENTS

EXHIBIT D

TELECOMMUNICATIONS PLAN OF THE

CROW CREEK TRIBE OF THE CROW CREEK INDIAN RESERVATION



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.