

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT OF)
SOUTH DAKOTA NETWORK, LLC, AGAINST)
SPRINT COMMUNICATIONS COMPANY LP)

TC 09-098

IN THE MATTER OF THE THIRD PARTY)
COMPLAINT OF SPRINT COMMUNICATIONS)
COMPANY LP AGAINST SPLITROCK)
PROPERTIES, INC., NORTHERN VALLEY)
COMMUNICATIONS, INC., SANCOM, INC.,)
AND CAPITAL TELEPHONE COMPANY)

**SUBPOENA DUCES TECUM
FOR NATIVE AMERICAN
TELECOM, LLC**

**TO: Native American Telecom, LLC and its counsel, Scott Swier, Swier Law
Office, Prof. LLC, 133 N. Main Street, P.O. Box 256, Avon, SD 57315:**

YOU ARE HEREBY COMMANDED, pursuant to SDCL § 15-6-45(a) and SDCL § 15-6-45(b), to designate one or more officers, directors, or managing agents or other persons to produce for inspection and copying all documents of Native American Telecom described in Exhibit A hereto. The recipient of this subpoena duces tecum is required to make such a designation, pursuant to SDCL § 15-6-30(b)(6).

The documents should be sent to Phil Schenkenberg, counsel for Sprint Communications Company L.P. ("Sprint"), at Briggs and Morgan; 80 S. 8th Street, Suite 2200; Minneapolis, MN 55402 on the 26th day of October, 2011.

ISSUED in the name of South Dakota Public Utilities Commission, Gary Hanson Chairman, this 28th day of September, 2011.

GUNDERSON, PALMER, NELSON
& ASHMORE, LLP



Talbot J. Wiczorek
Attorneys for Sprint Communications
Company LP
PO Box 8045
Rapid City, SD 57709
Phone: 605-342-1078
Fax: 605-342-0480
Email: tjw@gpnlaw.com

EXHIBIT A

**DOCUMENTS TO BE PRODUCED BY CUSTODIAN OF RECORDS OF NATIVE
AMERICAN TELECOM PURSUANT TO SUBPOENA REQUESTED BY SPRINT
COMMUNICATIONS COMPANY L.P. FOR SDCL § 15-6-45(a) AND SDCL § 15-6-45(b)
DEPOSITION**

Definitions

“**Document**” means all written, printed, typed, punched, taped, filed, or graphic matter, however produced, reproduced or stored, of every kind and description, now or formerly in your actual or constructive possession, custody, trust, care, or control, including but not limited to: correspondence (such as letters, e-mail, faxes, cables, and telegrams); notes; memoranda (including memoranda of conversations, conferences, and telephone conversations); reports; data compilation or analyses; logs and records; photographs; books; papers; manuals; handbooks; bulletins; advisories; messages; magazines; periodicals; film strips or movies; press releases; newspaper clippings; pamphlets, studies; notations; working papers; charts; graphs; plans; drawings; diagrams; computer printouts; indexes; minutes; transcripts; contracts; agreements; leases; legal pleading; invoices; billings; statements; accounting books or records; financial data of any kind; journals; ledgers; diaries; tax returns; bylaws; rules; regulations; constitution; annual reports; programs; certifications; resolutions; any electronic or any other records of any kind or nature and any mechanical or electronic sound or recordings or transcripts thereof; computer files; data faxes; and all copies or facsimiles of documents by whatever means made. *All electronically stored information shall be produced in the following formats: in general, in searchable .pdf form, but for spreadsheets and data files, which should be produced in their native formats.*

“You,” “your,” “yours” or “NAT” means Native American Telecom, LLC and its predecessors and assigns and includes, without limitation, its officers, directors, employees, agents, consultants, attorneys, corporate subsidiaries and affiliates.

“SDN” means South Dakota Network, LLC.

“Person” means any and all natural persons, corporations, businesses, firms, companies, partnerships, unincorporated associations, governmental or public agencies, joint ventures and all other entities, including, without limitations, all employees, representatives, consultants and agents of any of the foregoing.

“Correspondence” means any written communication, including but not limited to, emails and letters exchanged by U.S. Mail, overnight mail, facsimile or any other transmission method.

“Call Connection Company” means Free Conferencing Corporation and any other entity that itself or through an affiliated entity advertises, markets, or provides the ability for consumers to access or obtain a Call Connection Service.

“Call Connection Service” means any service, product, or offering that provides the ability for consumers to dial a telephone number associated with NAT to reach a chat line, conference line, or recording. It also includes any service provided by an entity via telephone when that service generates compensation to the entity from NAT based upon the volume of traffic generated by or delivered to the entity (for example, any service that receives revenue for each minute of access traffic it generates).

“Relate” or “relating” means regards, connects to, supports, evidences, describes, mentions, refers to, contradicts, comprises, or to be associated with.

The words “any” and “all” shall be considered to include each and every.

The singular of any word shall include the plural and the plural of any word shall include the singular.

All of the documents sought seek materials from January 1, 2008 to the present unless specifically stated otherwise.

DOCUMENTS TO PRODUCE

1. Produce a diagram depicting the NAT corporate structure (i.e., identifying any parent, subsidiary, and/or affiliate companies) and/or all other documents sufficient to identify NAT's parent, subsidiary, and/or affiliate companies.
2. Produce all documents submitted to the Crow Creek Tribal Utility Authority to obtain your authority to provide telecommunications services on the Crow Creek Reservation.
3. Produce all documents that reflect NAT Board of Directors' minutes, meetings, and resolutions, and NAT's bylaws.
4. Produce all documents that refer to the relationship between you, Native American Telecom Enterprise, LLC, and WideVoice Communications, Inc.
5. Produce all documents evidencing the easements, licenses, permissions and other land rights the Crow Creek Sioux Tribe has contributed to NAT.
6. Produce all your communications with SDN.
7. Produce documents sufficient to show both NAT's total number of originating and its total number of terminating access minutes, broken down by intrastate and interstate minutes, and the charges NAT billed interexchange carriers.
8. Produce all documents that reflect or otherwise identify call traffic (or the volume of such traffic) that has been routed to you from Sprint and then sent to a Call Connection Company, excluding CDR information.

9. Produce all documents related to any payments or other consideration you have made or received related to any Call Connection Service or Call Connection Company (regardless of whether any payments were netted against other payments), including payments to any brokers or consultants related to a Call Connection Company or related to a Call Connection Service, and including all documents showing how any payments encompassed within this document request were calculated.

10. Produce all documents reflecting any service that you allege you provided to any Call Connection Company.

11. For each CCC, produce the following categories of documents concerning that entity or person:

- a. written contracts, agreements, arrangements, or documents of understanding;
- b. negotiations files for any contracts, agreements or arrangements (written, oral, implied or express);
- c. documents supporting written, oral, implied or express contracts, agreements or arrangements;
- d. emails and other correspondence exchanged with the entity or person;
- e. invoices to or from the entity or person;
- f. documents evidencing payment from or to the entity or person;
- g. all documents exchanged with any person about or relating to the revenue sharing with the entity or person;
- h. all other documents relating to the entity or person;
- i. all documents relating to revenue sharing of any kind.

12. Produce all documents (including proposals, offers, business plans, contracts, agreements, or other communication) from January 2008 forward exchanged between you and WideVoice.

13. Produce all documents (including proposals, offers, business plans, contracts, agreements, or other communication) from January 2008 forward exchanged between you and the Crow Creek Tribal Council.

14. Produce all documents (including proposals, offers, business plans, contracts, agreements, or other communication) from January 2008 forward exchanged between you and the Crow Creek Tribal Utility Authority.

15. For each Call Connection Company to which you have delivered calls, produce documents sufficient to identify the telephone number(s) or block of telephone numbers that you have assigned to the Call Connection Company and the date the number was assigned and their effective service date.

16. Produce all documentation and internal or external communications reflecting, discussing, or analyzing the assignment of telephone numbers to Call Connection Companies, the changing of phone numbers for any and all lines or services associated with Call Connection Services, reasons for changing such numbers, and any requests to do so.

17. Produce all website information, advertisements or other marketing materials in your possession concerning each and every Call Connection Service or Call Connection Company to which you send traffic or have sent traffic, including all prior or draft versions of such website information, advertisements, or marketing materials regardless of when created, used, or effective. In addition to the marketing materials themselves, produce any documents or communications related to advertising or marketing of Call Connection Services.

18. Produce all documents showing the type of service provided by each Call Connection Company to which you transmit traffic.

19. Produce all documents relating to revenue sharing with Call Connection Companies, as well as documents relating to any contemplated revenue sharing with Call Connection Companies.

20. Produce documents that show the source of your revenues, including any documents that show what portion of revenues come from Call Connection Companies, business customers, residential customers, access charges on calls to Call Connection Companies, access charges on calls to non-customers (that are not to Call Connection Companies), and other sources of revenue. Include your financial statements (unaudited and audited if available) and those of your Affiliates, including Balance Sheets, Income Statements, and Statements of Cash Flow, for 2009 and 2010.

21. Produce complete copies of your state, federal, and tribal access tariffs, and your local service tariffs in effect since January 2008.

22. Produce all documents discussing the reasons for or otherwise relating to any changes in your state and federal switched access and local service tariffs for all time periods within the scope of the Complaint.

23. Produce all documents relating to disputes between you and other companies relating to access charges on calls to any Call Connection Company or otherwise involving issues similar to those raised in the complaint, including documents relating to settlements of such disputes.

24. Produce documents that identify switching equipment used to route Call Connection Service or Call Connection Company traffic, including the make, model, year purchased, and CLLI code, and produce any and all documents that diagram how the Call Connection Service or Call Connection Company traffic is routed.

25. Produce all documents showing whether taxes were paid on any payments made by Call Connection Companies to you for services they received, or discussing whether taxes should be paid on such payments.

26. Produce all documents showing whether the lines used by Call Connection Companies are reported as access lines to the FCC or any state agency.
27. Produce all documents showing whether the numbers used by Call Connection Companies are included in directory listings or whether any requests have been made by Call Connection Companies for nonpublished numbers.
28. Produce all documents showing the location of the equipment of all Call Connection Companies to which you provide service or with which you do business, or otherwise showing the geographic and network location at which calls directed to Call Connection Companies terminate.
29. Produce all documents showing the call path for calls directed to numbers associated with Call Connection Companies or Call Connection Services.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE COMPLAINT OF)
SOUTH DAKOTA NETWORK, LLC,)
AGAINST SPRINT COMMUNICATIONS)
COMPANY LP)

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IN THE MATTER OF THE THIRD PARTY)
COMPLAINT OF SPRINT)
COMMUNICATIONS COMPANY LP)
AGAINST SPLITROCK PROPERTIES, INC.,)
NORTHERN VALLEY COMMUNICATIONS,)
INC., SANCOM, INC., AND CAPITAL)
TELEPHONE COMPANY)

**NOTICE OF REQUEST FOR
DOCUMENTS FROM THE
CUSTODIAN OF RECORDS OF
NATIVE AMERICAN TELECOM,
LLC**

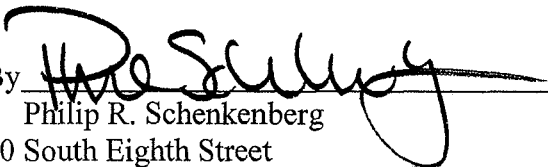
TO: Native American Telecom, LLC and its counsel, Scott Swier, Swier Law Office, Prof. LLC, 133 N. Main Street, P.O. Box 256, Avon, SD 57315:

PLEASE TAKE NOTICE that, pursuant to SDCL § 15-6-30(b)(6) and SDCL § 15-6-45(a), Sprint Communications Company L.P. ("Sprint") requests the designation of one or more officers, directors, or managing agents or other persons to produce for inspection and copying all documents of Native American Telecom described in the attached subpoena.

The documents should be sent to Phil Schenkenberg, counsel for Sprint Communications Company L.P. ("Sprint"), at Briggs and Morgan; 80 S. 8th Street, Suite 2200; Minneapolis, MN 55402 on the 26th day of October, 2011.

Dated: September 29, 2011

BRIGGS AND MORGAN, P.A.

By 
Philip R. Schenkenberg
80 South Eighth Street
2200 IDS Center
Minneapolis, MN 55402
612.977.8400

Talbot J. Wiczorek
Gunderson, Palmer, Nelson & Ashmore, LLP
440 Mount Rushmore Road
Third Floor
P.O. Box 8045
Rapid City, SD 57701
605.342.1078

Attorneys for Sprint Communications Company
L.P.

CERTIFICATE OF SERVICE

The undersigned certifies that on this 29th day of September, 2011, copies of:

1. **NOTICE OF TAKING DEPOSITION OF NATIVE AMERICAN TELECOM, LLC;**
2. **SUBPOENA FOR DEPOSITION OF CORPORATE REPRESENTATIVE OF NATIVE AMERICAN TELECOM, LLC;**
3. **NOTICE OF REQUEST FOR DOCUMENTS FROM THE CUSTODIAN OF RECORDS OF NATIVE AMERICAN TELECOM, LLC;**
4. **SUBPOENA DUCES TECUM FOR NATIVE AMERICAN TELECOM, LLC; AND**
5. **ADMISSION OF SERVICE;**

were served via email upon:

Karen Cremer
Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501
Karen.cremer@state.sd.us

Bobbi Bourk
Staff Analyst
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501
Bobbi.bourk@state.sd.us

Darla Pollman Rogers
Riter, Rogers, Wattier & Brown LLP
P O Box 280
Pierre, SD 57501-0280
dprogers@riterlaw.com

Jeffrey S. Larson
Larson & Nipe
P O Box 277
Woonsocket, SD 57385
jdlarson@santel.net

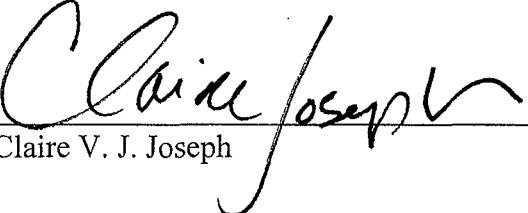
Margo D. Northrup
Riter, Rogers, Wattier & Brown LLP
P O Box 280
Pierre, SD 57501-0280
m.northrup@riterlaw.com

Meredith Moore
Cutler & Donahoe, LLP
100 N. Phillips Avenue, 9th Floor
Sioux Falls, SD 57104-6725
meredithm@cutlerlawfirm.com

James M. Cremer
Bantz, Gosch & Cremer LLC
P O Box 970
Aberdeen, SD 57402-0970
jcremer@bantzlaw.com

Ross A. Buntrock
G. David Carter
Arent Fox LLP
1050 Connecticut Ave, NW
Washington, DC 20036
buntrock.ross@arentfox.com
carter.david@arentfox.com

Scott R. Swier
Swier Law Firm, Prof. LLC
PO Box 256
Avon, SD 57315
scott@swierlaw.com



Claire V. J. Joseph