

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

<b>IN THE MATTER OF THE APPLICATION OF ) NATIVE AMERICAN TELECOM, LLC FOR A ) CERTIFICATE OF AUTHORITY TO PROVIDE ) LOCAL EXCHANGE SERVICES ON THE ) CROW CREEK INDIAN RESERVATION )</b>	<b>) ) ) ) )</b>	<b>ORDER GRANTING MOTION TO DISMISS AND CLOSING DOCKET  TC08-110</b>
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On September 8, 2008, Native American Telecom, LLC (Native American) filed an application with the Public Utilities Commission (Commission) for a certificate of authority to provide local exchange services on the Crow Creek Indian Reservation.

On September 11, 2008, the Commission electronically transmitted notice of the filing and the intervention deadline of September 26, 2008, to interested individuals and entities. Midstate Communications (Midstate), Venture Communications Cooperative (Venture) and South Dakota Telecommunications Association (SDTA) filed to intervene on September 26, 2008. At its regularly scheduled meeting of October 7, 2008, the Commission granted intervention to Midstate, Venture and SDTA.

On December 1, 2008, the Commission received a Motion to Dismiss from Native American. On December 10, 2008, the Commission received Intervenors Response to Motion to Dismiss. On December 18, 2008, the Commission received a Reply of Native American to Intervenors' Response to Motion to Dismiss. On January 15, 2009, the Commission received Comments of the Crow Creek Sioux Tribe. On January 16, 2009, the Commission received Intervenors Motion to Compel. On January 20, 2009, the Commission received Staff's Response to Motion to Dismiss.

At its regularly scheduled meeting of January 27, 2009, the Commission considered this matter. The Commission has jurisdiction over this matter pursuant to SDCL 49-31-3 and ARSD Chapter 20:10:32. The Commission found that Native American's motion to voluntarily dismiss its application for a certificate of authority, without prejudice, is reasonable and not contrary to the public interest and close the docket. It is therefore

ORDERED, that Native American's motion to dismiss its application for a certificate of authority is granted and the application is dismissed, without prejudice; and it is further

ORDERED, that this docket is closed.

Dated at Pierre, South Dakota, this 5<sup>th</sup> day of February, 2009.

**EXHIBIT M**

<b>CERTIFICATE OF SERVICE</b>
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.
By: <u><i>Delaine Kolbo</i></u>
Date: <u>2/5/09</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Dustin M. Johnson*  
DUSTIN M. JOHNSON, Chairman

*Steve Kolbeck*  
STEVE KOLBECK, Commissioner

*Gary Hanson*  
GARY HANSON, Commissioner