

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

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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.

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Docket No. TC11-087

**NATIVE AMERICAN TELECOM, LLC'S  
OBJECTIONS AND RESPONSES TO  
SDPUC STAFF'S THIRD DATA REQUESTS**

Native American Telecom, LLC ("NAT") hereby submits its objections and responses to SDPUC Staff's Third Data Requests.<sup>1</sup>

**GENERAL OBJECTIONS**

NAT incorporates the following objections into each of its specific objections below.

1. NAT objects generally to each discovery request to the extent it seeks information protected by the attorney-client privilege, the attorney work product doctrine, common interest doctrine, joint defense privilege, or any other applicable privilege or right.

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<sup>1</sup> SDPUC Staff's Third Data Requests were served upon NAT on August 7, 2013.

2. NAT objects generally to each discovery request to the extent it is overbroad and seeks information not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence, and to the extent that the requests are vague and ambiguous or unduly burdensome.

3. NAT objects generally to each discovery request insofar as it purports to require NAT to inquire of all of its former employees, agents and representatives to determine whether information responsive to the question exists on the grounds that such an inquiry would be unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. NAT will therefore limit its inquiry to the appropriate employees currently employed by NAT that have or have had responsibility for matters to which the discovery request relates.

4. NAT objects generally to each discovery request to the extent that the information requested is known to the SDPUC or its counsel, or to the extent they require disclosure of information, documents, writings, records or publications in the public domain, or to the extent the information requested is equally available to the SDPUC from sources other than NAT.

5. Pursuant to the laws of the Crow Creek Sioux Tribe, NAT has merged into a tribally-chartered Limited Liability Corporation – Crow Creek Telecom, LLC – which is majority-owned and controlled by the Crow Creek Sioux Tribe, and is an arm of the Crow Creek Sioux Tribe. As a result of this merger, all of the rights and assets of NAT, including any rights formerly held by NAT in these proceedings, are now held by Crow Creek Telecom, LLC. As an arm of the Crow Creek Sioux Tribe, Crow Creek Telecom LLC is bestowed with all of the rights, privileges and immunities of the Crow Creek Sioux Tribe, including tribal sovereign immunity from civil and regulatory proceedings, including this proceeding. As such, Crow Creek Telecom LLC/NAT objects to these discovery requests on the grounds of tribal sovereign immunity and lack of subject matter jurisdiction.

Please see NAT's specific objections and responses attached hereto.

Dated this 22<sup>nd</sup> day of August, 2013.

SWIER LAW FIRM, PROF. LLC

/s/ Scott R. Swier

Scott R. Swier

202 N. Main Street

P.O. Box 256

Avon, South Dakota 57315

Telephone: (605) 286-3218

Facsimile: (605) 286-3219

scott@swierlaw.com

*Attorneys for NAT*