

DATA REQUESTS

DATA REQUEST 3-1: Please confirm that Native American Telecom, LLC (NAT) is seeking to provide local exchange service only within the boundaries of the Fort Thompson exchange.

CROW CREEK TELECOM LLC's/NAT's RESPONSE/OBJECTIONS:

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 to the extent that the SDPUC's questions reach beyond the specific purpose for which Crow Creek Telecom LLC/NAT has applied for a CLEC license. Without waiving said objections, Crow Creek Telecom LLC/NAT believes that it already has authority to provide service within the exterior

boundaries of the Crow Creek Sioux Tribe Reservation. This authority was granted by the Crow Creek Sioux Tribal Utility Authority on or about October 28, 2008. Crow Creek Telecom LLC/NAT seeks the authority to provide intrastate interexchange service to subscribers residing on the Reservation who wish to make calls to destinations outside the Reservation and within the state of South Dakota.

Currently, subscribers of Crow Creek Telecom LLC/NAT telephone service are prevented from placing calls to 605 telephone numbers to destinations that are other than a Native American Indian Reservation. This is a tragic reality that hurts residents of the state of South Dakota, especially since many of those residents have no other resource to place telephone calls.

In addition, South Dakota residents who wish to participate in a conference call using the Free Conferencing Corporation service which is provided from Crow Creek Telecom LLC/NAT are not allowed to do so from a 605 telephone number.

DATA REQUEST 3-2: Please provide the toll-free number NAT refers to in 10(b) of the Amended Application.

CROW CREEK TELECOM LLC's/NAT's RESPONSE/OBJECTIONS:

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 to the extent that the SDPUC's questions reach beyond the specific purpose for which Crow Creek Telecom LLC/NAT has applied for a CLEC license. Without waiving said objections, (866) 508-9061 is the telephone number provided by Crow Creek Telecom LLC/NAT for new customers and customer complaints and inquiries. It should be noted however, that all

numbers placed from a location within the exterior boundaries of the Crow Creek Sioux Reservation by using the service provided by Crow Creek Telecom LLC/NAT are placed without any charge of any kind by Crow Creek Telecom LLC/NAT. Consequently, it may be said that all calls are toll free.

DATA REQUEST 3-3: Referring to NAT's response to Staff Data Request 2-2, please explain what specific service NAT is seeking authority to provide which is not granted in the local exchange service certificate of authority in ARSD 20:10:32:03.

CROW CREEK TELECOM LLC's/NAT's RESPONSE/OBJECTIONS:

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 to the extent that the SDPUC's questions reach beyond the specific purpose for which Crow Creek Telecom LLC/NAT has applied to a CLEC license. Without waiving said objections, Crow Creek Telecom LLC/NAT is a limited liability company organized under the laws of the Crow Creek Sioux Tribe,

is operating exclusively on the Crow Creek Reservation, and is providing telecommunications services to tribal members on the Reservation as well as to customers who agree to be subject to the jurisdiction and authority of the Crow Creek Sioux Tribe and the Crow Creek Sioux Tribal Utility Authority, pursuant to a Tribal Order approving the provision of service on the Crow Creek Reservation by the Crow Creek Sioux Tribal Utility Authority. The Tribal Order authorized Crow Creek Telecom LLC/NAT to provide what is commonly referred to as competitive local exchange carrier ("CLEC") service (or local COA using the State's vernacular). Typically, CLEC or local COA authority includes not only the provision of local telephone service, but also access service for the origination and termination of long distance traffic.

The vast majority of Crow Creek Telecom LLC's/NAT's access traffic is interstate and therefore subject to Crow Creek Telecom LLC's/NAT's lawful interstate access tariff on file with the Federal Communications Commission. Crow Creek Telecom LLC/NAT recognizes, however, that some subscribers to Crow Creek Telecom LLC's/NAT's telephone service may wish to place calls that originate on Reservation and terminate off Reservation within the state of South Dakota, and that some callers within the state of South Dakota may wish to place calls to subscribers of Crow Creek Telecom LLC's/NAT's services on the Crow Creek Reservation.

Although it is not entirely clear to Crow Creek Telecom LLC/NAT whether a Certificate of Authority is required in order to accommodate these callers, Crow Creek Telecom LLC/NAT filed its application for a Certificate of Authority with the South Dakota Public Utilities Commission in the interest of comity. To the extent that the Commission believes that Crow Creek Telecom LLC/NAT is also required to have an IXC Certificate of Authority, Crow Creek Telecom LLC's/NAT's application for Certificate of Authority encompasses both local and interexchange services. However, Crow Creek Telecom LLC/NAT is not asking for the authority to provide originating access services to anyone outside the borders of the Crow Creek Reservation.

Crow Creek Telecom LLC/NAT believes that it is in the public interest to grant this authority, since it only harms residents in the state of South Dakota if these calls are prohibited. In regard to the Free Conference Call customers who reside in South Dakota and who wish to place calls into a conference call number issued by Crow Creek Telecom LLC/NAT, it is also in the public interest to allow these intrastate calls that originate off Reservation to be completed.

First, a conference call reduces the overall number of calls that must be placed in order to convey a common message to multiple parties. It therefore reduces the overall amount of minutes of telephone time used.

There are also obvious efficiencies recognized by both businesses and individuals who use conferencing services. From a cost perspective, not only are fewer overall minutes utilized, but the calls are all terminated at the lowest rate in South Dakota, Crow Creek Telecom LLC's/NAT's terminating access rate of \$.006327 per MOU. If callers were required to make individual telephone calls to various destinations with different terminating access rates, then the average rate per minute of use and the overall cost would certainly be greater, because callers would be calling different locations with higher terminating access rates, in addition to spending more time overall on the telephone. Contrary to the opinion of some biased intervenors who offer "toll" conferencing services, conference calls do not cost consumers more money by driving up terminating access fees for IXCs. This conclusion of the intervenors assumes that the calls which are the subject of the conference calls would not be placed at all if the "free" conference calls were prohibited.

Second, all conference calls result in the imposition of terminating access fees, whether they are placed using a "free" service or a "toll" service. Both types of calls are charged terminating access. The difference is that the host of the "toll" service is charged an additional fee by the IXC. A conservative rate charged by "toll" providers is \$.13 per minute per caller on the conference call. This excessive charge is in

addition to the terminating access charge. It is very clear that all consumers benefit by the use of conference calling services, and that consumers benefit even more when “free” conference calls are placed.

To the extent that “free” conference calls are often associated with access stimulation, Crow Creek Telecom LLC’s/NAT’s position is that the calls are going to terminate somewhere and why not in South Dakota? This means that more revenues will be recognized in South Dakota. To the extent that Native Americans on the Crow Creek Reservation are also benefiting, this simply means that fewer other resources are required to supplement this impoverished community.

Crow Creek Telecom LLC/NAT believes that the South Dakota House of Representatives recognized this when, during the 2010 legislative session, it voted down House Bill 1097 entitled “An Act to Prohibit Local Exchange Carriers from Assessing Certain Access Stimulation Charges and to Establish Certain Penalties.” This defeat was punctuated during the 2011 legislative session when Senate Bill 87 (with the same title and purpose) was also defeated. Consequently, the South Dakota State Legislature has recognized that it is in the public interest to allow free conferencing services, access stimulation, and revenue sharing in South Dakota. Indeed, these activities have been taking place in South Dakota for many years before Crow Creek Telecom LLC/NAT began allowing its

customers to provide these services, and these services will still be provided in South Dakota even if the Crow Creek Sioux Tribe is prevented from having a telephone company.

VERIFICATION

I, *Jeff Holoubek*, state that I have first-hand knowledge of the matters set forth above and hereby verify that, to the best of my knowledge and belief, the allegations and statements contained herein are true and correct.

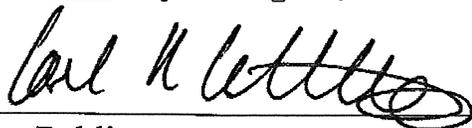
Dated this 22 day of August, 2013.


Jeff Holoubek

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES)

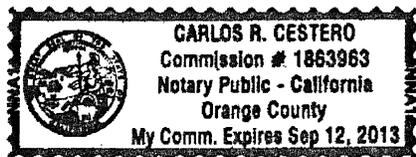
Subscribed and sworn to before me this 22ND day of August, 2013.



Notary Public

My Commission Expires: SEPTEMBER 12, 2013

(SEAL)



CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of *NATIVE AMERICAN TELECOM, LLC'S OBJECTIONS AND RESPONSES TO SDPUC STAFF'S THIRD DATA REQUESTS* was delivered *via electronic mail* on this 22nd day of August, 2013, to the following parties:

Service List (SDPUC TC 11-087)

/s/ Scott R. Swier
Scott R. Swier