

From: Lundy, Todd

Sent: Friday, February 24, 2012 5:05 PM

To: 'scott@swierlaw.com'; patty.vangerpen@state.sd.us; 'karen.cremer@state.sd.us' (karen.cremer@state.sd.us); chris.daugaard@state.sd.us; jeff@nativeamericantelecom.com; bvancamp@olingerlaw.net; sknudson@briggs.com; Schenkenberg, Philip (PSchenkenberg@Briggs.com); swhiting@gwtc.net; Topp, Jason; richcoit@sdtaonline.com; Meredith Moore; cwmadsen@bgpw.com; Scott Knudson

Subject: RE: SDPUC TC 11-087 -- NAT'S FIRST SET OF DISCOVERY REQUESTS TO CENTURYLINK

Scott,

Pursuant to your invitation, I have questions about NAT's discovery requests served upon CenturyLink.

First, as we did in the Wide Voice case, are you willing to stipulate that, in the interest of narrowing the discovery requests, we include a threshold condition to each interrogatory or document request, where logical, that the question be in the context of the delivery of calls to free service calling companies, or "FCSCs"?

For example, Discovery Request 1.18 – "Produce all contracts, agreements or other documentation of understanding or arrangement between you and any LEC and/or IXC offering services in South Dakota" – would, under the proposed stipulation, be interpreted to be limited to any such agreements relating to the delivery of calls to FSCSs in South Dakota, as we did in the Wide Voice case. We believe this stipulation should apply to the following requests from NAT:

- 1.14
- 1.15
- 1.17
- 1.18
- 1.20
- 1.21
- 1.22
- 1.23
- 1.25

Absent this stipulation, these requests are far beyond any reasonable scope of discovery. Thus, if you do not so stipulate, please let us know at your earliest convenience how the above-listed requests are reasonably calculated to lead to the discovery of admissible evidence in this docket, as framed by the pleadings filed by the parties:

Second, there are other requests from NAT that appear to have no relationship to the relevant issues in this docket and to be asked for the purposes of placing an undue discovery burden upon CenturyLink. Please let us know at your earliest convenience how the following requests are reasonably calculated to lead to the discovery of admissible evidence in this docket, as framed by the pleadings:

- 1.13. Describe the percentage ownership of the owners of CenturyLink.
- 1.27. Identify all of CenturyLink bank accounts.
- 1.28. Identify by name the employees and work locations of all of CenturyLink's employees.
- 1.30 As of year-end 2010 and 2011, please provide the number of CenturyLink's:
 - (a) Retail residential customers in South Dakota;
 - (b) Retail traditional business customers in South Dakota; and
 - (c) Any other customers.
- 1.31.1 As of year-end 2010 and 2011, please provide the number of CenturyLink's:
 - (a) Retail residential access lines in South Dakota;
 - (b) Retail traditional business access lines in South Dakota;
 - (c) Conferencing calling company access lines in South Dakota; and
 - (d) Any other access lines in South Dakota.
- 1.32 Please provide the number of CenturyLink's employees as of yearend 2010 and 2011.
- 1.33 Please provide an organization chart showing all CenturyLink employees as of year-end 2011.

Finally, will you please provide clarification in terms of what you mean by:

- 1.24 Produce all documents, memos, and correspondence relating to your wholesale pricing rates ("rate decks") from 2009-present.

Thank you.

Todd Lundy
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From: scott@swierlaw.com [mailto:scott@swierlaw.com]

Sent: Friday, February 24, 2012 3:01 PM

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Subject: SDPUC TC 11-087 -- NAT'S FIRST SET OF DISCOVERY REQUESTS TO CENTURYLINK

Todd:

I have attached NAT's first set of discovery requests to CenturyLink.

Please contact me if you have any questions.

Thanks.

Scott

Scott R. Swier

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----- Original Message -----

Subject: RE: Application of NAT - TC11-087 - Discovery Requests to NAT

From: "Lundy, Todd" <Todd.Lundy@CenturyLink.com>

Date: Fri, February 24, 2012 3:29 pm

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I have attached CenturyLink's discovery requests to Native American Telecom. Please contact me if you have any questions. Thank you.

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