

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

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.

Docket No. TC11-087

**DECLARATION OF SCOTT R. SWIER
IN OPPOSITION TO CENTURYLINK'S AND SPRINT'S
MOTIONS TO COMPEL DISCOVERY**

My name is Scott R. Swier and I am an attorney licensed to practice law in South Dakota. I represent Native American Telecom, LLC ("NAT") in this matter. I provide this Declaration in opposition to CenturyLink's and Sprint's Motions to Compel Discovery.

I declare that the attached are true and correct copies of the following documents:

1. Exhibit 1 to my Declaration is the Honorable Robert E. Payne's (Senior United States District Judge – Eastern District of Virginia) "Memorandum Opinion" in *Central Telephone Co. of Virginia, et al. v. Sprint Communications Co. of Virginia, Inc., et al.* Civ. 09-720, Eastern District of Virginia (Richmond Division) (filed March 2, 2011).
2. Exhibit 2 to my Declaration is the "Civil Docket Report" in *Central Telephone Co. of Virginia, et al. v. Sprint Communications*

Co. of Virginia, Inc., et al. Civ. 09-720, Eastern District of Virginia (Richmond Division), showing that Sprint Communications Company LP (“Sprint”) was represented in this Virginia District Court case by Mark Ayotte, Matthew Slaven, Max Heerman, and Philip Schenkenberg of Briggs and Morgan PA, 80 South Eighth Street, Minneapolis, Minnesota 55402. Briggs and Morgan PA is the same law firm that represents Sprint in the matter currently before the Commission.

3. Exhibit 3 to my Declaration is a copy of several *Denver Post* articles regarding the criminal conduct of former Qwest CEO Joe Nacchio.

4. Exhibit 4 to my Declaration is a March 19, 2012, news report from *DowJones NewsPlus* regarding Sprint’s current financial status.

I DECLARE UNDER PENALTY OF PERJURY that the foregoing statements are true and correct.

Dated this 13th day of April, 2012.

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

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of *DECLARATION OF SCOTT R. SWIER IN OPPOSITION TO CENTURYLINK'S AND SPRINT'S MOTIONS TO COMPEL DISCOVERY* was delivered *via electronic mail* on this 13th day of April, 2012, to the following parties:

Service List (SDPUC TC 11-087)

/s/ Scott R. Swier

Scott R. Swier