

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

**AFFIDAVIT OF PHILIP R.
SCHENKENBERG IN SUPPORT OF
SPRINT'S SECOND MOTION TO
COMPEL/ENFORCE PRIOR
COMMISSION ORDER**

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

Philip R. Schenkenberg, being first duly sworn, states as follows:

1. I am a shareholder with Briggs and Morgan, P.A., I am one of the attorneys representing Sprint Communications Company L.P. (“Sprint”) in the above matter, and I make this affidavit in support of Sprint’s Second Motion to Compel/Enforce Prior Commission Order.

2. I received supplemental discovery responses from NAT’s counsel, Scott Swier, on January 18, 2013. A true and correct copy of NAT’s First Supplemental Objections and Responses to Sprint’s Discovery Requests is attached as **Exhibit A**. NAT failed to respond to Interrogatory No. 9 and provided an attachment for its response to Sprint’s Interrogatory No. 7. A true and correct copy of the attachment NAT provided in response to Interrogatory No. 7 is attached as **Exhibit B**.

3. On February 5, 2013, after Sprint reviewed the responses and documents produced by NAT, I sent a letter to Mr. Swier identifying various deficiencies. A true and correct copy of that letter is attached as **Exhibit C**.

4. I received a second set of supplemental discovery responses from NAT on February 19, 2013. A true and correct copy of NAT's Second Supplemental Objections and Responses to Sprint's Discovery Requests is attached as **Exhibit D**.

5. On February 25, 2013, I sent a letter to Mr. Swier identifying two issues that remained inadequately addressed in NAT's discovery responses. These issues pertained to NAT's responses to Sprint's Interrogatories Nos. 7 and 9. A true and correct copy of that letter is attached as **Exhibit E**.

6. On March 14, 2013, Scott Knudson of my firm sent a letter by email to Mr. Swier noting that NAT had failed to further supplement its earlier responses as requested by my letters on February 5, 2013 and February 25, 2013. A true and correct copy of Mr. Knudson's March 14 letter is attached as **Exhibit F**.

7. I spoke with Mr. Swier on Friday, March 22, 2013 and advised him that if Sprint did not receive information in the following several business days, we would move to compel.

8. On March 29, 2013, Mr. Swier provided NAT's responses to additional discovery requests that had been served on NAT by Sprint. NAT's responses, however, did not address the deficiencies of NAT's responses to Sprint's Interrogatories Nos. 7 and 9.

AFFIANT SAYS NOTHING FURTHER.

s/Philip R. Schenkenberg
Philip R. Schenkenberg

Subscribed and sworn to before me
this 4th day of April, 2013.

Sheryl M. O'Neill
Notary Public
My commission expires: 1-31-2015