

**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

**DIRECT TESTIMONY OF
BRANDON SAZUE
CHAIRMAN, CROW CREEK SIOUX TRIBE
ON BEHALF OF
NATIVE AMERICAN TELECOM, LLC**

July 26, 2013

Q: Please state your name.

A: My name is Brandon Sazue.

Q: What is your position within the Crow Creek Sioux Tribe and how are you affiliated with Native American Telecom, LLC?

A: I am the Chairman of the Crow Creek Sioux Tribe and, under my leadership, the Tribe established Native American Telecom, LLC (“NAT”) as a tribally-owned telecommunications carrier.

Q: What is the purpose of your testimony in this proceeding?

A: The purpose of my testimony is to: (i) provide the South Dakota Public Utilities Commission (“SDPUC”) with an understanding of the background, history and current standing of the Crow Creek Sioux Tribe, a federally-recognized sovereign Nation; (ii) identify the steps taken by the Crow Creek Sioux Tribe to foster economic development on the Crow Creek Reservation by, among other things, establishing NAT; and (iii) explain the purpose and intent of NAT’s application to provide intrastate interexchange access service for traffic that may originate or terminate off reservation.

Q: Have you previously filed testimony before the SDPUC?

A: No.

Q: Please summarize your background and experience.

A: I am Chairman of the Crow Creek Sioux Tribe and have served the Tribe in various capacities over the years.

BACKGROUND OF THE CROW CREEK SIOUX TRIBE

Q. Please explain the governing authority of the Crow Creek Sioux Tribe.

A. Under the Constitution and By Laws of the Crow Creek Sioux Tribe, the Tribal Council is empowered and authorized to enact resolutions and ordinances governing the management of all economic and educational affairs and enterprises on the Crow Creek Reservation. The Crow Creek Tribe Utility Authority Ordinance was amended in September 1997 to establish the Crow Creek Tribe Utility Authority. The stated purpose of the Crow Creek Tribe Utility Authority is to “plan for, provide, and furnish utility services in all areas of the Crow Creek Sioux Reservation.” The Crow Creek Sioux Tribe and its Tribe Utility Authority established a “Telecommunications Plan To Further Business, Economic, Social and Educational Development” on the Crow Creek Reservation on August 19,

2008. Under this Plan, the Crow Creek Sioux Tribe and its Tribe Utility Authority have taken several initiatives to further tribal self-sufficiency and economic development on the Crow Creek Reservation by, among other measures, using its telecommunications infrastructure to attract new businesses to generate economic development, employment opportunities, and revenue. Through NAT, tribal members now have access to affordable advanced broadband and basic voice telecommunications services on the Crow Creek Reservation, along with free Internet and computer access at its new Internet Library and Technology Center. The Tribe is also taking advantage of NAT's deployment of a telecommunications infrastructure to (i) develop private sector incentive programs, such as the Minority Business Enterprise Program, (ii) engage in new business as a tribally-owned enterprise, (iii) establish a foreign trade zone on the Crow Creek reservation, and (iv) expand access to information and services to enable tribal members to take advantage of programs and services aimed at addressing the social needs of the Reservation.

STEPS TAKEN BY THE CROW CREEK SIOUX TRIBE TO FOSTER ECONOMIC DEVELOPMENT ON THE CROW CREEK RESERVATION, INCLUDING THE ESTABLISHMENT OF NAT

Q: Please provide a description of NAT's legal and organizational structure.

A: NAT is a tribally-owned telecommunications company organized as a limited liability company under the laws of South Dakota, but subject to the laws of the Crow Creek Sioux Tribe and the Crow Creek Tribal Utility Authority. Recently, the Crow Creek Sioux Tribe took additional steps to establish the required tribal structure and laws to enable entities to be established and governed by Crow Creek Sioux tribal laws. NAT is currently in the process of being reorganized as a Crow Creek tribal entity organized under, and operating under, the Crow Creek Tribal laws.

PURPOSE AND INTENT OF NAT'S APPLICATION OF AUTHORITY TO PROVIDE SERVICE TO CONSUMERS THAT RESIDE OFF OF THE CROW CREEK RESERVATION

Q: Please provide NAT's name, address, telephone number, and web page URL.

A: Native American Telecom, LLC, 253 Ree Circle, Fort Thompson, South Dakota 57339, Telephone: 605-477-2222, Web page: NativeAmericanTelecom.com

Q: Has NAT been authorized by the Crow Creek Sioux Tribe to provide telecommunications services, including competitive local exchange services, on the Crow Creek Reservation?

A: Yes. On October 28, 2008, the Tribe Utility Authority, which was established by the Crow Creek Sioux Tribal Council to plan and oversee utility services on the Crow Creek Reservation and to promote the use of these services to improve the health and welfare of the residents, entered an *Order Granting Approval to Provide Telecommunications Service* (“Approval Order”). Under this Approval Order, NAT was “granted authority to provide telecommunications service on the . . . Reservation subject to the jurisdiction of the laws of the Crow Creek Sioux Tribe.” The Approval Order also required that the basic telephone service offered by NAT must be “consistent with the federal universal service requirements of 47 U.S.C. § 214(e) and the rules of the Federal Communications Commission.” Pursuant to the Approval Order, NAT filed its Access Tariffs with the FCC and the Tribe Utility Authority governing the termination of telephone traffic on the reservation.

Q: What authority are you seeking from the SDPUC?

A: NAT is authorized by the Crow Creek Sioux Tribe Utility Authority to provide local and long distance telecommunications services on the

Crow Creek reservation. This authority has been recognized by the FCC and other telecommunications administration bodies. Due to the nature of telecommunications, some traffic that originates or terminates on the Crow Creek Reservation may originate or terminate off Reservation within the state of South Dakota. It is unclear whether NAT requires any additional authority from the SDPUC to provide intrastate interexchange access service for traffic that originates or terminates off of the Crow Creek Reservation within the State of South Dakota, beyond the authority the company already has from the FCC and the Tribe Utility Authority. Nonetheless, in the interest of comity and intergovernmental coordination, NAT is filing its application with the SDPUC, if necessary, to provide intrastate interexchange access service for traffic that originates or terminates off of the Crow Creek Reservation within the State of South Dakota.

CONCLUSION

Q: Does this conclude your testimony?

A: Yes, it does.

VERIFICATION

I, Brandon Sazue, 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 ____ day of July, 2013.

Brandon Sazue
Chairman, Crow Creek Sioux Tribe

Subscribed and sworn to before
me this ____ day of July, 2013.

Notary Public

My Commission Expires:

(SEAL)