

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

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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. )

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Docket No. TC11-087

**CENTURYLINK'S RESPONSES TO NATIVE AMERICAN TELECOM, LLC'S  
FIRST SET OF DISCOVERY REQUESTS**

**GENERAL OBJECTIONS**

CenturyLink incorporates the following objections into each of its specific objections below.

1. CenturyLink objects generally to each interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney work product doctrine, common interest doctrine, joint defense privilege, CPNI rules and regulations, or any other applicable privilege or right.
2. CenturyLink objects generally to each interrogatory to the extent it is overbroad or seeks information not relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence, and to the extent that the requests are vague and ambiguous or unduly burdensome.
3. CenturyLink objects generally to each interrogatory insofar as it purports to require CenturyLink to inquire of all of its current and former employees, agents and representatives to determine whether information responsive to the interrogatory exists on the grounds that such an inquiry would be unduly burdensome and not reasonably calculated to lead

to the discovery of admissible evidence. CenturyLink will therefore limit its inquiry to the appropriate employees currently employed by CenturyLink that have or have had responsibility for matters to which the interrogatory relates.

4. CenturyLink objects generally to each interrogatory to the extent that the information requested is known to NAT or its counsel, or to the extent they require the production of information, documents, writings, records or publications in the public domain, or to the extent the information requested is equally available to NAT or which is available to NAT from sources other than CenturyLink.

5. CenturyLink objects generally to each interrogatory insofar as it seeks materials and/or information governed by a court order, protective order, or legal prohibition against disclosure in another matter. NAT may have to obtain permission from that separate court before obtaining information or production here.

6. CenturyLink objects generally to NAT's requests to the extent they seek information regarding free calling service company traffic or carriers outside of the state in which this action is pending. Such information would be unduly burdensome and oppressive to gather, and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Except as otherwise noted, CenturyLink limits its answers to South Dakota accordingly.

7. CenturyLink objects generally to the requests for lack of a defined time period, which makes the requests overly broad, irrelevant, and unduly burdensome to the extent they seek information from time periods not relevant to this action.

8. CenturyLink objects to providing confidential or trade secret information except subject to an appropriate protective order.

## CENTURYLINK'S RESPONSES

**Data Request 1.1:** Does CenturyLink deliver or transport any calls directly to any FCSC, such as a free conference call, chat line, recording, or like company? If so, identify the FCSC by name, website, and content.

**Response:**

No, CenturyLink does not deliver or transport any calls directly to any FCSC in South Dakota or any other state. Further, CenturyLink is not engaged in access stimulation, also known as traffic pumping, and, therefore, does not transport any calls directly to any FCSC.

**Data Request 1.2:** If the answer to number 1.1 is yes, identify and describe all charges that CenturyLink invoices carriers for such calls by rate, mileage, and any other component of the invoice.

**Response:**

Not applicable.

**Data Request 1.3:** Do you transport any calls to any other communications company (i.e., local exchange carrier, interexchange carrier or any other common carrier), that will be delivering calls to any FCSC or terminating calls for any FCSC? If so, identify the other communications company or companies, and the FCSC by name, website, and content.

**Response:**

When CenturyLink's retail long distance end users dial the numbers of an FSCS, CenturyLink as an interexchange carrier is obligated to transport those calls to the local exchange where the traffic pumping LEC has its exchange and where the FCSCs are located. We must do so under FCC requirements; this is an involuntary action that places CenturyLink and other IXCs as the victims of the traffic pumping scheme. In South Dakota, the traffic pumping LECs that have delivered calls to FCSC include NAT, Native American Pine Ridge, Sancom who is associated with Mitchell Telecom, Splitrock whose parent company is Alliance Communications Cooperative, and Northern Valley. FCSC that are engaged with these companies include Free Conferencing Corporation (including Powerhouse Communications LLC, Citrix Online

(gotomeeting.com), bestfreeconferencecall.com, aqconfernce.com, WebEx.com, <http://lawofattraction.meetup.com/255/calendar/5783991/>, [www.payphone-directory.org/discussion/sub2old.html](http://www.payphone-directory.org/discussion/sub2old.html), <http://search-9.com/search.php?aff=29038&saff=1&q=go%20bananas%20phone%20card> (Go Bananas Phone Card), [callingcards.lowestprice.yi.org/buy-call-code-phone-pin.aspx](http://callingcards.lowestprice.yi.org/buy-call-code-phone-pin.aspx) (Buy Call Code Phone Pin), <http://forums.ratehispanic.com/archive/index.php/t-73636.html> (Phone Conference [archive] Rate Hispanic Forums), [blindguru.com/free\\_tele\\_classes.htm](http://blindguru.com/free_tele_classes.htm) , <http://www.hotfrog.com/Products/Chakra> , [www.nnads.com/busop.html](http://www.nnads.com/busop.html), [www.hardcorejunky.co](http://www.hardcorejunky.co), [www.belgiansinsouthchina.net](http://www.belgiansinsouthchina.net), [www.darkwaterchat.com](http://www.darkwaterchat.com), <http://diary.yenta4.com>, <http://piperpictures.com>, <http://legacy.skullcrusherguild.com>, and [callingcards.lowestprice.yi.org](http://callingcards.lowestprice.yi.org)); Global Conference Partners (including TeleJunction, VAPPS, Inc., Eagle Teleconferencing, [www.octopuscity.com](http://www.octopuscity.com), [www.highspeedconferencing.com](http://www.highspeedconferencing.com), [www.yugma.com](http://www.yugma.com), and [www.easyconference.com](http://www.easyconference.com)); and Ocean Bay Marketing.

Further, there were instances in which other retail interexchange carriers would use CenturyLink as a wholesale “least cost router” to transport their calls to the exchange where a traffic pumping LEC and a FCSC may be located. When Qwest discovered the traffic pumping schemes in 2006 and 2007, it raised its rates so that it would not be used as a least cost router in these situations. Despite our efforts not to carry this traffic, there still may be instances where carriers or other types of customers use CenturyLink as a least cost router for calls delivered to traffic pumping LECs.

**Data Request 1.4:** If the answer to number 1.3 is yes, identify and describe all charges that CenturyLink will be invoicing carriers for such calls by rate, mileage, and any other component of the invoice.

**Response:**

As the retail interexchange carrier, CenturyLink does not invoice carriers for traffic that is delivered to traffic pumping LECs. As a least cost router, the charges are determined by contract.

**Data Request 1.5:** Provide a copy of all Access Tariff(s) currently filed with the South Dakota Public Utilities Commission by CenturyLink.

**Response:**

CenturyLink tariffs may be accessed at the following URL:

[http://tariffs.qwest.com:8000/Q\\_Tariffs/QT\\_Tariff\\_State\\_Page/index.htm](http://tariffs.qwest.com:8000/Q_Tariffs/QT_Tariff_State_Page/index.htm)

**Data Request 1.6:** Provide a copy of all local exchange tariff(s) you have filed with the South Dakota Public Utilities Commission.

**Response:**

This link to our local exchange tariffs is contained in our response to data request #1.5.

**Data Request 1.7:** Provide a copy of each of the local exchange tariffs, price lists or catalogs you have filed in each state in which CenturyLink is certificated.

**Response:**

Please see the response to data request #1.5.

**Data Request 1.8:** Identify each FCSC that receives calls delivered by CenturyLink in each state in which CenturyLink is certificated.

**Response:**

See Response to 1.1; CenturyLink does not deliver calls directly to FCSC in South Dakota or any other state.

**Data Request 1.9:** Does CenturyLink transport calls for other interexchange carriers in South Dakota? If so, what are the rate and mileage applicable to such calls?

**Response:**

CenturyLink, as a local exchange carrier, transports calls for interexchange carriers in South Dakota under the terms, conditions and rates contained in its interstate and intrastate switched access tariffs. These tariffs can be accessed using the link provided in response to data request #1.5.

**Data Request 1.10:** If CenturyLink does transport calls for other interexchange carriers, what are the points or places of connection with the interexchange carrier and where does CenturyLink transport the calls?

**Response:**

CenturyLink allows IXCs to establish a point of presence at any CenturyLink serving wire center. CenturyLink provides transport between the IXC point of presence and any CenturyLink end office or ILEC meet point.

**Data Request 1.11:** Will CenturyLink be engaging in access stimulation as defined by the FCC in the *Connect America* order?

**Response:**

No.

**Data Request 1.12:** If the answer to number 11 is yes, please produce a copy of the FCC tariff under 47 C.F.R. § 61.26 of the FCC rules.

**Response:**

Not applicable.

**Data Request 1.13:** Describe the percentage ownership of the owners of CenturyLink.

**Response:**

“CenturyLink” for purposes of this proceeding is Qwest Communications Company, LLC (QCC) d/b/a CenturyLink QCC. QCC is 100% owned by Qwest Services Corporation (QSC), which is 100% owned by Qwest Communications International Inc. (QCII), which is

100% owned by CenturyLink, Inc., a company that is publicly traded on the New York Stock Exchange as CTL.

**Data Request 1.14:** Describe CenturyLink relationship with any entity in which CenturyLink has any ownership or managerial connection, either directly or through corporations, partnerships, trusts, or any other form of entity.

**Note on Stipulation between CenturyLink and Native American Telecom:** Counsel for CenturyLink and Native American Telecom conferred about their respective discovery requests on February 29, 2012, and in the interest of narrowing the discovery requests, they stipulated to add, where logical, a threshold condition to each interrogatory or document request that the question be in the context of the delivery of calls to free service calling companies, or “FCSCs.” Thus, CenturyLink notes its interpretation that this question is asked in the context of the delivery of calls to FCSCs.

**Response:**

CenturyLink QCC has no relationship with any entity in which it has any ownership or managerial connection that is in any way related to the delivery of calls to FCSCs.

**Data Request 1.15:** Produce all documents evidencing communications between you and any LEC, ILEC, CLEC, and/or IXC offering services in the state of South Dakota.

**Note on Stipulation between CenturyLink and Native American Telecom:** Counsel for CenturyLink and Native American Telecom conferred about their respective discovery requests on February 29, 2012, and in the interest of narrowing the discovery requests, they stipulated to add, where logical, a threshold condition to each interrogatory or document request that the question be in the context of the delivery of calls to free service calling companies, or “FCSCs.” Thus, CenturyLink notes its interpretation that this question is asked in the context of the delivery of calls to FCSCs.

**Response:**

CenturyLink’s correspondence evidencing CenturyLink communications with respect to free calling services between it and any LEC, ILEC, CLEC or IXC offering services in the state of South Dakota is the result of pending litigation and is available at the law offices of Steese Evans & Frankel, P.C., subject to applicable protective orders, upon contacting CenturyLink counsel, Todd Lundy, to make arrangements for viewing. Documents “evidencing [the

requested] communications” produced to CenturyLink by others subject to protective orders, remain subject to those protective orders and CenturyLink accordingly cannot produce to NAT.

Also, see the disc labeled Attachment A for copies of dispute letters as evidence of our communications with LECs, ILECs, CLECs or IXCs in South Dakota with respect to free calling services.

**Data Request 1.16:** Produce all documents evidencing communications between you and any FCSC.

**Response:**

All documents evidencing communications between CenturyLink and any FCSC are not the result of any business relationship but rather the result of litigation we have against the FCSCs for their participation in traffic pumping schemes, and include pleadings, discovery and communications as part of the pending lawsuits. CenturyLink’s documents evidencing such communications are available at the law offices of Steese Evans & Frankel, P.C., subject to applicable protective orders, upon contacting CenturyLink counsel, Todd Lundy, to make arrangements for viewing. CenturyLink also will accommodate reasonable requests for specifically identified documents. Documents “evidencing [the requested] communications” produced to CenturyLink by others subject to protective orders, remain subject to those protective orders and CenturyLink accordingly cannot produce to NAT.

**Data Request 1.17:** Produce all documents evidencing communications between you and any centralized access provider in South Dakota.

**Note on Stipulation between CenturyLink and Native American Telecom:** Counsel for CenturyLink and Native American Telecom conferred about their respective discovery requests on February 29, 2012, and in the interest of narrowing the discovery requests, they stipulated to add, where logical, a threshold condition to each interrogatory or document request that the question be in the context of the delivery of calls to free service calling companies, or “FCSCs.” Thus, CenturyLink notes its interpretation that this question is asked in the context of the delivery of calls to FCSCs.

**Response:**

CenturyLink has had no communications with any centralized access provider in South Dakota with respect to the delivery of calls to FCSCs or providing free calling services.

**Data 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.

**Note on Stipulation between CenturyLink and Native American Telecom:** Counsel for CenturyLink and Native American Telecom conferred about their respective discovery requests on February 29, 2012, and in the interest of narrowing the discovery requests, they stipulated to add, where logical, a threshold condition to each interrogatory or document request that the question be in the context of the delivery of calls to free service calling companies, or "FCSCs." Thus, CenturyLink notes its interpretation that this question is asked in the context of the delivery of calls to FCSCs.

**Response:**

CenturyLink has no arrangements with any LEC or IXC offering services in South Dakota with respect to the delivery of calls to FCSCs or the provision of free calling services.

**Data Request 1.19:** Produce all contracts, agreements or other documentation of understanding or arrangement between you and any FCSC.

**Response:**

Not applicable. See response to data request #1.1.

**Data Request 1.20:** Produce all contracts, agreements or other documentation of understanding or arrangement between you and any centralized access provider in South Dakota.

**Note on Stipulation between CenturyLink and Native American Telecom:** Counsel for CenturyLink and Native American Telecom conferred about their respective discovery requests on February 29, 2012, and in the interest of narrowing the discovery requests, they stipulated to add, where logical, a threshold condition to each interrogatory or document request that the question be in the context of the delivery of calls to free service calling companies, or "FCSCs." Thus, CenturyLink notes its interpretation that this question is asked in the context of the delivery of calls to FCSCs.

**Response:**

CenturyLink has no arrangements with any centralized access provider in South Dakota with respect to the delivery of calls to FCSCs or providing free calling services.

**Data Request 1.21:** Produce all documents relating to any plan to share revenues, marketing fees or commissions, complete with the rates, terms and conditions, with any LEC offering services in South Dakota, and FCSC, or any centralized access provider in South Dakota.

**Note on Stipulation between CenturyLink and Native American Telecom:** Counsel for CenturyLink and Native American Telecom conferred about their respective discovery requests on February 29, 2012, and in the interest of narrowing the discovery requests, they stipulated to add, where logical, a threshold condition to each interrogatory or document request that the question be in the context of the delivery of calls to free service calling companies, or "FCSCs." Thus, CenturyLink notes its interpretation that this question is asked in the context of the delivery of calls to FCSCs.

**Response:**

CenturyLink has no arrangements relating to plans to share revenues, marketing fees or commissions with any LEC, FDSC or centralized access provider in South Dakota with respect to the delivery of calls to FCSCs.

**Data Request 1.22:** Produce all documents, memos, or correspondence addressing, discussing, analyzing, referencing or otherwise relating to business plans, strategies, goals, or methods of obtaining monies or revenues in South Dakota or in any other state.

**Note on Stipulation between CenturyLink and Native American Telecom:** Counsel for CenturyLink and Native American Telecom conferred about their respective discovery requests on February 29, 2012, and in the interest of narrowing the discovery requests, they stipulated to add, where logical, a threshold condition to each interrogatory or document request that the question be in the context of the delivery of calls to free service calling companies, or "FCSCs." Thus, CenturyLink notes its interpretation that this question is asked in the context of the delivery of calls to FCSCs.

**Response:**

CenturyLink does not have any documents, memos, or correspondence addressing business plans, strategies, goals or methods of obtaining monies or revenues with respect to delivery of calls to FCSCs or free calling services.

**Data Request 1.23:** Produce all memos addressing, discussing, analyzing, referencing or otherwise relating to business plans, strategies, goals, methods of obtaining monies or revenues from any retail, wholesale customer, including residents, businesses, local exchange carriers, and interexchange carriers, in South Dakota or any other state.

**Note on Stipulation between CenturyLink and Native American Telecom:** Counsel for CenturyLink and Native American Telecom conferred about their respective discovery requests on February 29, 2012, and in the interest of narrowing the discovery requests, they stipulated to add, where logical, a threshold condition to each interrogatory or document request that the question be in the context of the delivery of calls to free service calling companies, or “FCSCs.” Thus, CenturyLink notes its interpretation that this question is asked in the context of the delivery of calls to FCSCs.

**Response:**

CenturyLink does not have any memos addressing, discussing or analyzing business plans, strategies, goals or methods of obtaining monies or revenues from any customer with respect to free calling services.

**Data Request 1.24:** Produce all documents, memos, and correspondence relating to your wholesale pricing rates (“rate decks”) from 2009-present.

**Response:**

On February 29, 2012, counsel for CenturyLink conferred with counsel for Native American requesting clarification of this request. Counsel for Native American stated that he needed to review the matter and confer with his consultant, and that he would provide a clarification. As of the service of these responses, CenturyLink has not received a clarification. If a clarification is provided, then CenturyLink will respond within a reasonable period of time.

**Data Request 1.25:** Produce all documents, memos, and correspondence relating to your history of making payments to LECs, ILECs, and/or CLECs for terminating switched access charges from 2009-present date.

**Note on Stipulation between CenturyLink and Native American Telecom:** Counsel for CenturyLink and Native American Telecom conferred about their respective discovery requests on February 29, 2012, and in the interest of narrowing the discovery requests, they stipulated to add, where logical, a threshold condition to each interrogatory

or document request that the question be in the context of the delivery of calls to free service calling companies, or “FCSCs.” Thus, CenturyLink notes its interpretation that this question is asked in the context of the delivery of calls to FCSCs.

**Response:**

Please see the response to data request number 1.15 for the letters provided to South Dakota traffic pumping LECs in dispute of their charges to CenturyLink.

CenturyLink specifically objects to this request for “all” documents related to the CenturyLink’s history of payments even with the condition stated above limiting this request to traffic delivered to free service calling companies as unduly burdensome. However, in lieu of searching for and providing all of the source documentation, CenturyLink responds by providing the amounts Qwest Communications Company paid to traffic pumping LECs in South Dakota before CenturyLink recognized the schemes and began to dispute and withhold, as well as the amounts withheld from traffic pumping LECs.

Northern Valley (since the inception of traffic pumping activities, which pre-dates 2009):

Amount Qwest paid Northern Valley for traffic pumping traffic = \$64,231

Amount Qwest is withholding for Northern Valley traffic pumping traffic = \$4,962,975.

Sancom (since the inception of traffic pumping activities, which pre-dates 2009):

Amount Qwest paid Sancom for traffic pumping traffic = \$507,026.09.

Amount Qwest is withholding for Sancom traffic pumping traffic = \$528,146.84

Payments and withholdings to Splitrock, another South Dakota traffic pumping LEC, discontinued before 2009, and thus such information is not within the request.

Native American has full information on the amounts CenturyLink has paid and withheld to it, and thus there is no reason to provide that information here.

**Data Request 1.26:** Produce all documents, filings, memos, and correspondence relating to your intervention into any other federal, state, or local case in which a LEC, ILEC, and/or CLEC has sought an application for authority to provide telecommunications services.

**Response:**

CenturyLink provides copies of its petitions to intervene in two dockets in which CenturyLink objected to applications for certification. They include Wide Voice in South Dakota and Wyoming labeled as Attachments B and C, respectively.

**Data Request 1.27:** Identify all of CenturyLink bank accounts.

**Response:**

CenturyLink objects to this request on the ground that it is irrelevant, beyond the scope of the proceeding and has no connection to the issue of whether or not NAT should be granted a Certificate of Authority to provide local exchange service in South Dakota. During the February 29, 2012 conference with counsel for NAT, counsel for CenturyLink requested the basis for this data request. Counsel for NAT stated that he asked the question because Sprint asked it of NAT. Further, NAT's counsel said that the data request was related to the issue of "competition." These purported reasons do not satisfy the standard that the request be reasonably calculated to lead to the discovery of admissible evidence. Whether Sprint asked this data request of NAT is unrelated to how it would lead to discovery of admissible evidence from CenturyLink. Further, no issues of competition have been raised in this proceeding, and CenturyLink does not operate in the area that is the subject of the application for certification. Rather, the issues raised by CenturyLink's pleading involve the reasonableness of a carrier-customer relationship between NAT and CenturyLink, not a competitive one.

**Data Request 1.28:** Identify by name the employees and work locations of all of CenturyLink's employees.

**Response:**

CenturyLink objects to this request on the ground that it is irrelevant, beyond the scope of the proceeding and has no connection to the issue of whether or not NAT should be granted a

Certificate of Authority to provide local exchange service in South Dakota. During the February 29, 2012 conference with counsel for NAT, counsel for CenturyLink requested the basis for this data request. Counsel for NAT stated that he asked the question because Sprint asked it of NAT. Further, NAT's counsel said that the data request was related to the issue of "competition." These purported reasons do not satisfy the standard that the request be reasonably calculated to lead to the discovery of admissible evidence. Whether Sprint asked this data request of NAT is unrelated to how it would lead to discovery of admissible evidence from CenturyLink. Further, no issues of competition have been raised in this proceeding, and CenturyLink does not operate in the area that is the subject of the application for certification. Rather, the issues raised by CenturyLink's pleading involve the reasonableness of a carrier-customer relationship between NAT and CenturyLink, not a competitive one.

**Data Request 1.29:** Please provide all Business Plans you have prepared for the South Dakota market.

**Note on Stipulation between CenturyLink and Native American Telecom:** Counsel for CenturyLink and Native American Telecom conferred about their respective discovery requests on February 29, 2012, and in the interest of narrowing the discovery requests, they stipulated to add, where logical, a threshold condition to each interrogatory or document request that the question be in the context of the delivery of calls to free service calling companies, or "FCSCs." Thus, CenturyLink notes its interpretation that this question is asked in the context of the delivery of calls to FCSCs.

**Response:**

CenturyLink has not prepared Business Plans for the South Dakota market related to free calling services.

**Data Request 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.

**Response:**

CenturyLink objects to this request on the ground that it is irrelevant, beyond the scope of the proceeding and has no connection to the issue of whether or not NAT should be granted a Certificate of Authority to provide local exchange service in South Dakota. During the February 29, 2012 conference with counsel for NAT, counsel for CenturyLink requested the basis for this data request. Counsel for NAT stated that he asked the question because Sprint asked it of NAT. Further, NAT's counsel said that the data request was related to the issue of "competition." These purported reasons do not satisfy the standard that the request be reasonably calculated to lead to the discovery of admissible evidence. Whether Sprint asked this data request of NAT is unrelated to how it would lead to discovery of admissible evidence from CenturyLink. Further, no issues of competition have been raised in this proceeding, and CenturyLink does not operate in the area that is the subject of the application for certification. Rather, the issues raised by CenturyLink's pleading involve the reasonableness of a carrier-customer relationship between NAT and CenturyLink, not a competitive one.

**Data Request 1.31:** 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.

**Response:**

CenturyLink objects to this request on the ground that it is irrelevant, beyond the scope of the proceeding and has no connection to the issue of whether or not NAT should be granted a

Certificate of Authority to provide local exchange service in South Dakota. During the February 29, 2012 conference with counsel for NAT, counsel for CenturyLink requested the basis for this data request. Counsel for NAT stated that he asked the question because Sprint asked it of NAT. Further, NAT's counsel said that the data request was related to the issue of "competition." These purported reasons do not satisfy the standard that the request be reasonably calculated to lead to the discovery of admissible evidence. Whether Sprint asked this data request of NAT is unrelated to how it would lead to discovery of admissible evidence from CenturyLink. Further, no issues of competition have been raised in this proceeding, and CenturyLink does not operate in the area that is the subject of the application for certification. Rather, the issues raised by CenturyLink's pleading involve the reasonableness of a carrier-customer relationship between NAT and CenturyLink, not a competitive one.

**Data Request 1.32:** Please provide the number of CenturyLink's employees as of year-end 2010 and 2011.

**Response:**

CenturyLink objects to this request on the ground that it is irrelevant, beyond the scope of the proceeding and has no connection to the issue of whether or not NAT should be granted a Certificate of Authority to provide local exchange service in South Dakota. During the February 29, 2012 conference with counsel for NAT, counsel for CenturyLink requested the basis for this data request. Counsel for NAT stated that he asked the question because Sprint asked it of NAT. Further, NAT's counsel said that the data request was related to the issue of "competition." These purported reasons do not satisfy the standard that the request be reasonably calculated to lead to the discovery of admissible evidence. Whether Sprint asked this data request of NAT is unrelated to how it would lead to discovery of admissible evidence from CenturyLink. Further, no issues of competition have been raised in this proceeding, and

CenturyLink does not operate in the area that is the subject of the application for certification. Rather, the issues raised by CenturyLink's pleading involve the reasonableness of a carrier-customer relationship between NAT and CenturyLink, not a competitive one.

**Data Request 1.33:** Please provide an organization chart showing all CenturyLink employees as of year-end 2011.

**Response:**

CenturyLink objects to this request on the ground that it is irrelevant, beyond the scope of the proceeding and has no connection to the issue of whether or not NAT should be granted a Certificate of Authority to provide local exchange service in South Dakota. During the February 29, 2012 conference with counsel for NAT, counsel for CenturyLink requested the basis for this data request. Counsel for NAT stated that he asked the question because Sprint asked it of NAT. Further, NAT's counsel said that the data request was related to the issue of "competition." These purported reasons do not satisfy the standard that the request be reasonably calculated to lead to the discovery of admissible evidence. Whether Sprint asked this data request of NAT is unrelated to how it would lead to discovery of admissible evidence from CenturyLink. Further, no issues of competition have been raised in this proceeding, and CenturyLink does not operate in the area that is the subject of the application for certification. Rather, the issues raised by CenturyLink's pleading involve the reasonableness of a carrier-customer relationship between NAT and CenturyLink, not a competitive one.

**Data Request 1.34:** Please identify any expert witness that you have employed/retained in this matter and any factual information provided to any expert witness that you have employed/retained in this matter.

**Response:**

Although CenturyLink has yet to file testimony in this matter, it anticipates that it will file testimony prepared by William Easton, an employee of CenturyLink. The factual matters

that Mr. Easton will rely upon in preparing his testimony and that support his conclusion will be addressed in his testimony.

**Data Request 1.35:** Identify any cases in which any of your expert witness(es) have testified or prefiled testimony over the last four (4) years.

**Response:**

Please see the list below of dockets in which Mr. Easton has participated during the last four years:

<b><u>State</u></b>	<b><u>Proceeding</u></b>	<b><u>Docket Number</u></b>
Arizona	Arbitration	T-01051B-07-0693
Colorado	Cost	07A-211T
Colorado	Complaint	07B-514T
Colorado	Complaint	08F-295T
Colorado	Tariff Investigation	08S-550T
Iowa	Complaint	FCU-06-20
Iowa	Arbitration	ARB-08-1
Iowa	Complaint	FCU-08-19
Iowa	Complaint	FCU-2011-0002
Iowa	Show Cause	SPU-2011-0004
Minnesota	Arbitration	P-5535, 421/M-08-952
Minnesota	Complaint	P-421/C-05-1209
Nebraska	Transit Investigation	C-4165/PI-150
Oregon	Access Tariff	UT157
Pennsylvania	Access Investigation	I-00040105
South Dakota	Access Investigation	TC 10-014

Utah	Access Tariff	08-2430-01
Washington	Arbitration	UT-083041
Northern District of Texas	Civil Action No. 3:10-CV-1897-D	

**Data Request 1.36:** Please provide all information regarding your expert witness(es) as required by SDCL 15-6-26(b)(4).

**Response:**

Upon our review of SDCL 15-6-26(b)(4)(A), we understand that it allows the discovery of the following information regarding expert witnesses: (a) identification of expert witnesses; (2) the subject matter on which the expert is expected to testify; (3) the substance of the facts and opinions to which the expert is expected to testify; and (4) a summary of the grounds for each opinion.

As stated in response to Request 1-34, CenturyLink expects to file testimony from William Easton, an employee of CenturyLink. As to the subject matter on which Mr. Easton is expected to testify, the substance of the facts and opinions to which Mr. Easton is expected to testify, and a summary of the grounds for each opinion, Mr. Easton has yet to prepare his testimony, and such information will be contained in the written testimony filed in this docket.

**RESPONSES TO DOCUMENT REQUESTS**

**Document Request No. 1:** Provide any documents that evidence commitments for future financing of CenturyLink's operations.

**Response:**

CenturyLink objects to this request on the ground that it is irrelevant, beyond the scope of the proceeding and has no connection to the issue of whether or not NAT should be granted a Certificate of Authority to provide local exchange service in South Dakota. During the February 29, 2012 conference with counsel for NAT, counsel for CenturyLink requested the

basis for this data request. Counsel for NAT stated that he asked the question because Sprint asked it of NAT. Further, NAT's counsel said that the data request was related to the issue of "competition." These purported reasons do not satisfy the standard that the request be reasonably calculated to lead to the discovery of admissible evidence. Whether Sprint asked this data request of NAT is unrelated to how it would lead to discovery of admissible evidence from CenturyLink. Further, no issues of competition have been raised in this proceeding, and CenturyLink does not operate in the area that is the subject of the application for certification. Rather, the issues raised by CenturyLink's pleading involve the reasonableness of a carrier-customer relationship between NAT and CenturyLink, not a competitive one.

**Document Request No. 2:** Provide 2011 bank statements, general ledger and journal entries and any other financial records that identify the detail for CenturyLink's income and expenses.

**Response:**

CenturyLink objects to this request on the ground that it is irrelevant, beyond the scope of the proceeding and has no connection to the issue of whether or not NAT should be granted a Certificate of Authority to provide local exchange service in South Dakota. During the February 29, 2012 conference with counsel for NAT, counsel for CenturyLink requested the basis for this data request. Counsel for NAT stated that he asked the question because Sprint asked it of NAT. Further, NAT's counsel said that the data request was related to the issue of "competition." These purported reasons do not satisfy the standard that the request be reasonably calculated to lead to the discovery of admissible evidence. Whether Sprint asked this data request of NAT is unrelated to how it would lead to discovery of admissible evidence from CenturyLink. Further, no issues of competition have been raised in this proceeding, and CenturyLink does not operate in the area that is the subject of the application for certification.

Rather, the issues raised by CenturyLink's pleading involve the reasonableness of a carrier-customer relationship between NAT and CenturyLink, not a competitive one.

**Document Request No. 3:** Produce all documents that reflect CenturyLink's Board of Directors' meetings, minutes, and resolutions, and CenturyLink's bylaws.

**Response:**

CenturyLink objects to this request on the ground that it is irrelevant, beyond the scope of the proceeding and has no connection to the issue of whether or not NAT should be granted a Certificate of Authority to provide local exchange service in South Dakota. During the February 29, 2012 conference with counsel for NAT, counsel for CenturyLink requested the basis for this data request. Counsel for NAT stated that he asked the question because Sprint asked it of NAT. Further, NAT's counsel said that the data request was related to the issue of "competition." These purported reasons do not satisfy the standard that the request be reasonably calculated to lead to the discovery of admissible evidence. Whether Sprint asked this data request of NAT is unrelated to how it would lead to discovery of admissible evidence from CenturyLink. Further, no issues of competition have been raised in this proceeding, and CenturyLink does not operate in the area that is the subject of the application for certification. Rather, the issues raised by CenturyLink's pleading involve the reasonableness of a carrier-customer relationship between NAT and CenturyLink, not a competitive one.

**Document Request No. 4:** Provide all general ledger journal entries or other accounting records of CenturyLink that supports CenturyLink's balance sheets and profit and loss statements for 2009, 2010, and 2011.

**Response:**

CenturyLink objects to this request on the ground that it is irrelevant, beyond the scope of the proceeding and has no connection to the issue of whether or not NAT should be granted a Certificate of Authority to provide local exchange service in South Dakota. During the

February 29, 2012 conference with counsel for NAT, counsel for CenturyLink requested the basis for this data request. Counsel for NAT stated that he asked the question because Sprint asked it of NAT. Further, NAT's counsel said that the data request was related to the issue of "competition." These purported reasons do not satisfy the standard that the request be reasonably calculated to lead to the discovery of admissible evidence. Whether Sprint asked this data request of NAT is unrelated to how it would lead to discovery of admissible evidence from CenturyLink. Further, no issues of competition have been raised in this proceeding, and CenturyLink does not operate in the area that is the subject of the application for certification. Rather, the issues raised by CenturyLink's pleading involve the reasonableness of a carrier-customer relationship between NAT and CenturyLink, not a competitive one.

**Document Request No. 5:** Provide all documents reflecting any loan CenturyLink has received from any lender.

**Response:**

CenturyLink objects to this request on the ground that it is irrelevant, beyond the scope of the proceeding and has no connection to the issue of whether or not NAT should be granted a Certificate of Authority to provide local exchange service in South Dakota. During the February 29, 2012 conference with counsel for NAT, counsel for CenturyLink requested the basis for this data request. Counsel for NAT stated that he asked the question because Sprint asked it of NAT. Further, NAT's counsel said that the data request was related to the issue of "competition." These purported reasons do not satisfy the standard that the request be reasonably calculated to lead to the discovery of admissible evidence. Whether Sprint asked this data request of NAT is unrelated to how it would lead to discovery of admissible evidence from CenturyLink. Further, no issues of competition have been raised in this proceeding, and CenturyLink does not operate in the area that is the subject of the application for certification.

Rather, the issues raised by CenturyLink's pleading involve the reasonableness of a carrier-customer relationship between NAT and CenturyLink, not a competitive one.

**Document Request No. 6:** Please provide all cost studies or similar analyses that you have performed or had prepared on your behalf by any consultant or other third party for access services and high volume access services.

**Note on Stipulation between CenturyLink and Native American Telecom:** Counsel for CenturyLink and Native American Telecom conferred about their respective discovery requests on February 29, 2012, and in the interest of narrowing the discovery requests, they stipulated to add, where logical, a threshold condition to each interrogatory or document request that the question be in the context of the delivery of calls to free service calling companies, or "FCSCs." Thus, CenturyLink notes its interpretation that this question is asked in the context of the delivery of calls to FCSCs.

**Response:**

CenturyLink has not conducted cost studies or similar cost analyses for high volume access services. In proceedings addressing rates for high volume access services in Iowa, CenturyLink has proposed a rate of \$0.0007 per minute of use based on ISP-bound traffic which is similar in nature to high volume access service.

**Document Request No. 7:** Provide any documents that evidence commitments for future financing of CenturyLink's operations.

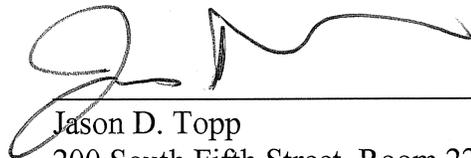
**Response:**

CenturyLink objects to this request on the ground that it is irrelevant, beyond the scope of the proceeding and has no connection to the issue of whether or not NAT should be granted a Certificate of Authority to provide local exchange service in South Dakota. During the February 29, 2012 conference with counsel for NAT, counsel for CenturyLink requested the basis for this data request. Counsel for NAT stated that he asked the question because Sprint asked it of NAT. Further, NAT's counsel said that the data request was related to the issue of "competition." These purported reasons do not satisfy the standard that the request be reasonably calculated to lead to the discovery of admissible evidence. Whether Sprint asked this

data request of NAT is unrelated to how it would lead to discovery of admissible evidence from CenturyLink. Further, no issues of competition have been raised in this proceeding, and CenturyLink does not operate in the area that is the subject of the application for certification. Rather, the issues raised by CenturyLink's pleading involve the reasonableness of a carrier-customer relationship between NAT and CenturyLink, not a competitive one.

Dated this 9<sup>th</sup> day of March, 2012.

QWEST COMMUNICATIONS COMPANY,  
LLC dba CENTURYLINK



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## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing CenturyLink's Responses to Native American Telecom, LLC's First Set of Discovery Requests was delivered electronically and by U.S. mail this 9<sup>th</sup> day of March, 2012 to the following:

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[cwmadsen@bgpw.com](mailto:cwmadsen@bgpw.com)

A handwritten signature in black ink, appearing to read "Dianne Barthel". The signature is written in a cursive style with a horizontal line underneath the name.

Dianne Barthel