

**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

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

Native American Telecom, LLC ("NAT"), through counsel, hereby serves its First Set of Discovery Requests upon CenturyLink.

CenturyLink must answer these discovery requests on or before March 9, 2012.

INSTRUCTIONS

These requests are continuing in nature and amended answers are to be served as soon as reasonably practical when additional information is available to you, directly or indirectly, that would render incomplete, incorrect or misleading any answer previously provided.

Please repeat each data request and identify the individual(s) supplying the response. Where a request calls for a response in multiple parts, each part should be separated in the response so that the response is understandable and complete with respect to each part. If a request is not clearly understood or questions arise related to a request, please contact the undersigned counsel for clarification.

NAT hereby incorporates all other "Instructions" as contained in CenturyLink's Discovery Requests to NAT (dated February 24, 2012)

Unless otherwise directed, you should answer these requests for January 1, 2009, forward.

Exhibit 4

DEFINITIONS

1. “NAT” shall mean Native American Telecom, LLC and its predecessors and assigns, including without limitation, its officers, directors, employees, agents, consultants, attorneys, affiliates and subsidiaries.
2. “CLEC” shall mean competitive local exchange carrier as that term is used and understood in the Telecommunications Act of 1996.
3. “Conference call company” means any provider of voice conferencing or chat-line services.
4. “Describe” when used in reference to a document or other communication means to identify the type of document or communication, the date created or made, the people involved in communication, the present location or possession of the document or other recorded evidence of communication, and the substance content of the document or other communication.
5. “Describe” when used in reference to a factual situation or allegation means to state with particularity all facts known connected with, bearing upon, or relating in any way to the matters on which inquiry is made.
6. “Document,” or “documentation,” shall include, without limitation, any correspondence, writing, DVD, CD, graphic material, note, report, summary, manual, draft, calendar, log, photograph, plan, invoice, diary, ledger, journal, data or other recorded communication of any kind—regardless of medium and whether or not original or draft including additional writing thereon or attached thereto—that is responsive to the request.
7. “Free Calling Service Company” or “FCSC” is defined as any person or entity that provides conference calling, chat rooms, adult content calling, podcasts, and international calling services. FCSC is also defined as any person or entity that receives a kickback, marketing fee, commission or other payment based upon the volume of traffic delivered or routed through a particular

destination, including without limitation any and all brokers, agents, persons or entities between you and a FCSC.

8. "Identify, identity or identification" when used herein shall mean provide the full name, title, business address and telephone number of any relevant individuals or, when used in reference to documentation, shall mean to state the type of document (e.g., letter, memorandum, policy, circular, book, etc.) and the location of such documentation by business address.
9. "LEC" shall mean local exchange carrier as that term is defined in 47 U.S.C. § 153(26).
10. "List," "explain," "specify," or "state" shall mean to set forth fully, in detail, and unambiguously each and every fact of which you, your company or your agents or representatives have knowledge which is relevant to the answer called for by the request.
11. "You" or "your" includes without limitation CenturyLink and its predecessors, assigns, affiliates, subsidiaries, officers, agents, directors, employees, and consultants.
12. NAT hereby incorporates all other "Definitions" as contained in CenturyLink's Discovery Requests to NAT (dated February 24, 2012).

DATA REQUESTS

- 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.
- 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.

- 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.
- 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.
- 1.5 Provide a copy of all Access Tariff(s) currently filed with the South Dakota Public Utilities Commission by CenturyLink.
- 1.6 Provide a copy of all local exchange tariff(s) you have filed with the South Dakota Public Utilities Commission.
- 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.
- 1.8 Identify each FCSC that receives calls delivered by CenturyLink in each state in which CenturyLink is certificated.
- 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?
- 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?
- 1.11 Will CenturyLink be engaging in access stimulation as defined by the FCC in the *Connect America* order?
- 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.

- 1.13 Describe the percentage ownership of the owners of CenturyLink.
- 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.
- 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.
- 1.16 Produce all documents evidencing communications between you and any FCSC.
- 1.17 Produce all documents evidencing communications between you and any centralized access provider in South Dakota.
- 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.
- 1.19 Produce all contracts, agreements or other documentation of understanding or arrangement between you and any FCSC.
- 1.20 Produce all contracts, agreements or other documentation of understanding or arrangement between you and any centralized access provider in South Dakota.
- 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,
- 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.

- 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.
- 1.24 Produce all documents, memos, and correspondence relating to your wholesale pricing rates ("rate decks") from 2009-present.
- 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.
- 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.
- 1.27 Identify all of CenturyLink bank accounts.
- 1.28 Identify by name the employees and work locations of all of CenturyLink's employees.
- 1.29 Please provide all Business Plans you have prepared for the South Dakota market.
- 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 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 year-end 2010 and 2011.
- 1.33 Please provide an organization chart showing all CenturyLink employees as of year-end 2011.
- 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.
- 1.35 Identify any cases in which any of your expert witness(es) have testified or prefiled testimony over the last four (4) years.
- 1.36. Please provide all information regarding your expert witness(es) as required by SDCL 15-6-26(b)(4).

DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 1: Provide any documents that evidence commitments for future financing of CenturyLink's operations.

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.

DOCUMENT REQUEST NO. 3: Produce all documents that reflect CenturyLink's Board of Directors' meetings, minutes, and resolutions, and CenturyLink's bylaws.

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.

DOCUMENT REQUEST NO. 5: Provide all documents reflecting any loan CenturyLink has received from any lender.

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.

DOCUMENT REQUEST NO. 7: Provide any documents that evidence commitments for future financing of CenturyLink's operations.

Dated this 24th day of February, 2012.

SWIER LAW FIRM, PROF. LLC

/s/ Scott R. Swier

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of *NATIVE AMERICAN TELECOM, LLC'S FIRST SET OF DISCOVERY REQUESTS TO CENTURYLINK* was delivered via *electronic mail* on this *24th day of February, 2012*, to the following parties:

SERVICE LIST
(SDPUC TC 11-087)

/s/ Scott R. Swier
Scott R. Swier