

**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
OBJECTIONS AND RESPONSES TO
MIDSTATE COMMUNICATIONS, INC.'S/SDTA'S
FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION**

Native American Telecom, LLC ("NAT") hereby submits its objections and responses to Midstate Communications, Inc.'s ("Midstate") and South Dakota Telecommunications Association's ("SDTA") First Set of Interrogatories and Requests for Production.

GENERAL OBJECTIONS

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

1. NAT objects generally to each discovery request to the extent it seeks information protected by the attorney-client privilege, the attorney work product doctrine, common interest doctrine, joint defense privilege, or any other applicable privilege or right.

2. NAT objects generally to each discovery request to the extent it is



overbroad and 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. NAT objects generally to each discovery request insofar as it purports to require NAT to inquire of all of its current and former employees, agents and representatives to determine whether information responsive to the question exists on the grounds that such an inquiry would be unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. NAT will therefore limit its inquiry to the appropriate employees currently employed by NAT that have or have had responsibility for matters to which the discovery request relates.

4. NAT objects generally to each discovery request to the extent that the information requested is known to Midstate/SDTA or its counsel, or to the extent they require disclosure of information, documents, writings, records or publications in the public domain, or to the extent the information requested is equally available to Midstate/SDTA from sources other than NAT.

Please see NAT's specific objections and responses attached hereto.

Dated this 9th day of March, 2012.

SWIER LAW FIRM, PROF. LLC

/s/ Scott R. Swier

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Attorneys for NAT

INTERROGATORY NO. 2: In its revised Application, NAT states that it will provide service only within the boundaries of the Crow Creek Sioux Tribe Reservation. Consistent with your response to Interrogatory No. 1 above, please indicate in which of Midstate's exchanges NAT will provide service if its Application is approved.

RESPONSE/OBJECTIONS: *Although the Crow Creek Sioux Reservation boundaries extend beyond Midstate's Fort Thompson exchange, NAT's services will be limited to the Fort Thompson exchange.*

INTERROGATORY NO. 3: In its revised Application, NAT, pursuant to ARSD 20:10:32:18, requests a waiver of any requirement to serve the entire study area of Midstate. As required by the terms of the applicable administrative rule, identify all facts which support NAT's claim that the waiver will not adversely impact universal service and serves the public interest.

RESPONSE/OBJECTIONS: *The benefits of NAT's proposed services for the Crow Creek Sioux Reservation are described in NAT's application. As for negatively impacting universal service, nothing about the proposed service area suggests there is any potential for "cherry picking" or "cream skimming" behavior by NAT. Additionally, because NAT's effective service*

area is only a small portion of Midstate's serving area, NAT's presence as an "unsubsidized competitor" should pose little threat to Midstate's future USF receipts.

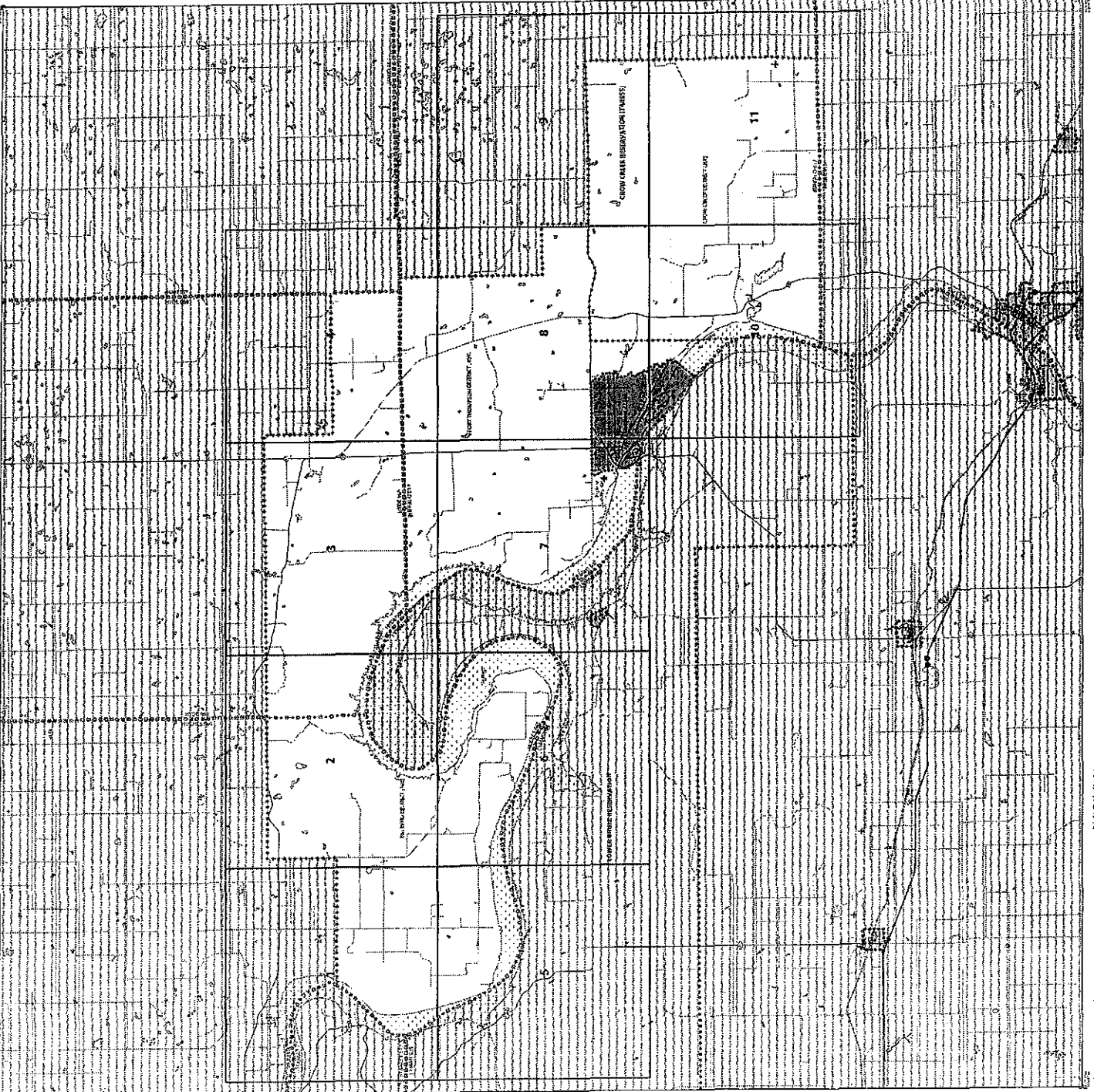
REQUESTS FOR PRODUCTION OF DOCUMENTS

DOCUMENT REQUEST NO. 1: Produce a map which shows the boundaries of the Crow Creek Sioux Reservation.

RESPONSE/OBJECTIONS: *The State of South Dakota's official government website provides a map which shows the boundaries of the Crow Creek Sioux Reservation. This map can be found at <http://www.sdtribalrelations.com/images/ccst.jpg>. Also, attached to these discovery responses is the United States Census Bureau's 2011 Boundary and Annexation Survey for the Crow Creek Sioux Reservation.*

2011 BOUNDARY AND ANNEXATION SURVEY (BAS); Crow Creek Reservation (49900590855)

PROJECT INFORMATION		OWNER INFORMATION	
PROJECT NAME	2011 BOUNDARY AND ANNEXATION SURVEY (BAS); Crow Creek Reservation (49900590855)	OWNER	BUREAU OF LAND MANAGEMENT
PROJECT NUMBER	49900590855	OWNER ADDRESS	1000 L Street, SW, Denver, CO 80202
PROJECT DATE	07/2011	OWNER PHONE	(303) 462-6200
PROJECT STATUS	Final	OWNER FAX	(303) 462-6200
PROJECT DESCRIPTION	Survey of the Crow Creek Reservation boundary and annexation of adjacent lands.	OWNER E-mail	land@blm.gov
PROJECT PURPOSE	Boundary and Annexation Survey	OWNER WEBSITE	www.blm.gov
PROJECT LOCATION	Section 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	OWNER PROJECT NUMBER	49900590855



SURVEY DATA	
DATE	07/2011
TIME	10:00 AM
LOCATION	Section 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
PROJECT NUMBER	49900590855
OWNER NAME	BUREAU OF LAND MANAGEMENT
OWNER ADDRESS	1000 L Street, SW, Denver, CO 80202
OWNER PHONE	(303) 462-6200
OWNER FAX	(303) 462-6200
OWNER E-mail	land@blm.gov
OWNER WEBSITE	www.blm.gov

Total Sheet: 13 (Books 1; Pages 1; Sheet 0)



Bas Information: Draft/Plan Sheet 1, 2011
 U.S. DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 1000 L Street, SW, Denver, CO 80202
 (303) 462-6200
 www.blm.gov

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Scale: 1" = 100'
 100 feet
 200 feet
 300 feet
 400 feet
 500 feet
 600 feet
 700 feet
 800 feet
 900 feet
 1000 feet

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