

**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

INTERROGATORIES

INTERROGATORY NO. 1: Subject to the definition of “Tribal Lands” prescribed by the Federal Communications Commission and set forth in the instructions above, describe with particularity the boundaries of the Crow Creek Sioux Reservation.

RESPONSE/OBJECTIONS: *The Crow Creek Sioux Reservation is located in parts of Buffalo, Hughes, and Hyde counties on the east bank of the Missouri River in central South Dakota. The Reservation has a land area of approximately 421.658 sq mi (1,092.09 km) and a 2000 census population of approximately 2,225 persons. The Reservation’s major town and capital is in Fort Thompson, South Dakota. 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. For additional information regarding the Crow Creek Sioux Reservation and its boundaries, see also <http://www.sdtribalrelations.com/crowcreek.aspx> and <http://crowcreekconnections.org/>.*

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.*

VERIFICATION

I, *Jeff Holoubek*, 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 9 day of March, 2012.



NATIVE AMERICAN TELECOM, LLC
By: Jeff Holoubek
Its: President

STATE OF CALIFORNIA)

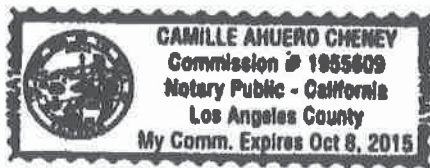
COUNTY OF Los Angeles)

Subscribed and sworn to before
me this 9 day of March, 2012.


Notary Public

My Commission Expires: 10.8.15

(SEAL)



CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of *NATIVE AMERICAN TELECOM, LLC'S OBJECTIONS AND RESPONSES TO MIDSTATE COMMUNICATIONS, INC.'S/SDTA'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION* was delivered *via electronic mail* on this 9th day of March, 2012, to the following parties:

Service List (SDPUC TC 11-087)

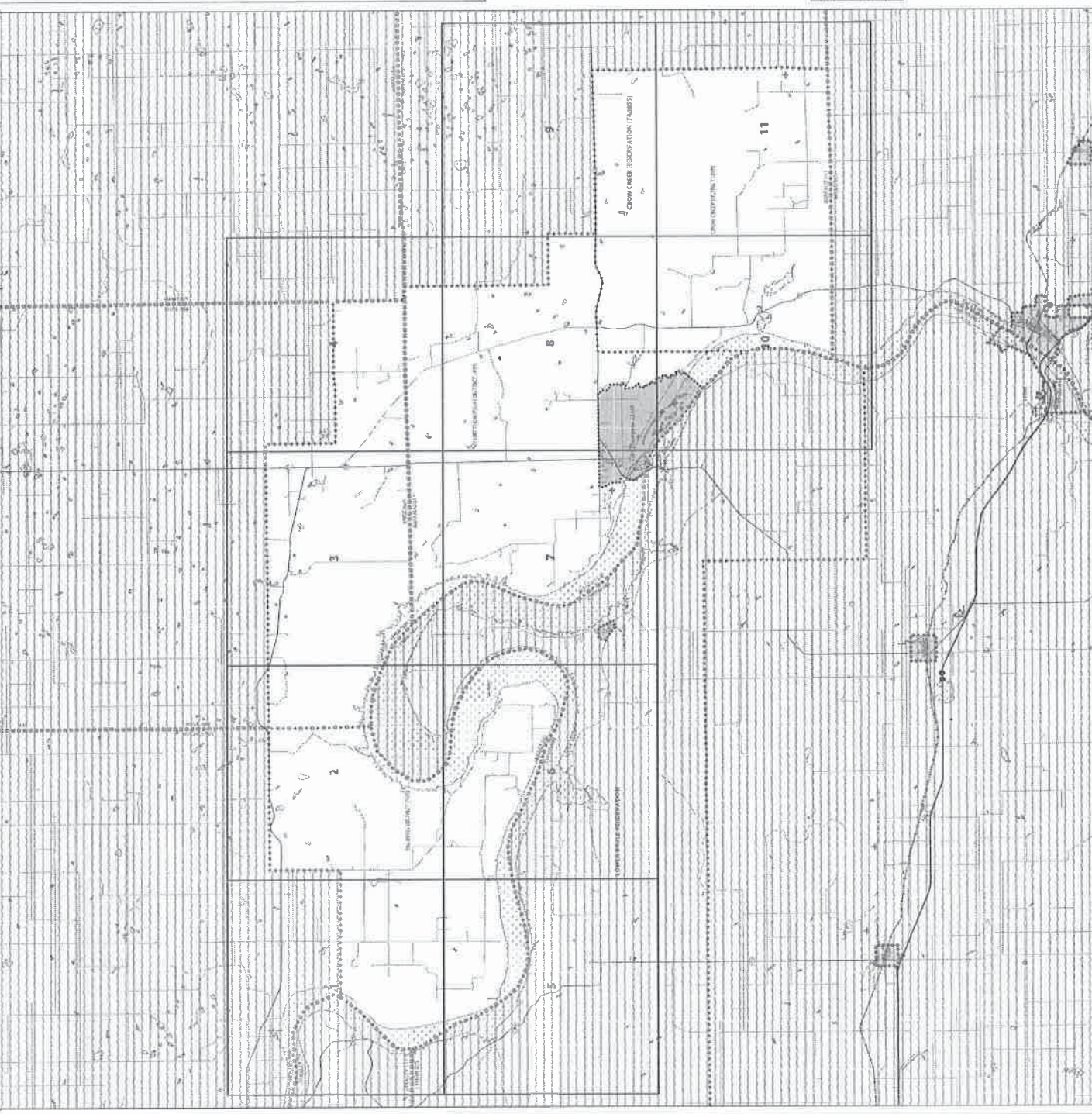
/s/ Scott R. Swier
Scott R. Swier

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

2011 BAS TYPING LEGEND

BOUNDARY	LINE	ANALOG	LINE
Survey Boundary	5-5-5-5	Survey Boundary	5-5-5-5
Adjacent Survey Boundary	4-4-4-4	Survey Boundary	4-4-4-4
Subdivision Boundary	3-3-3-3	Survey Boundary	3-3-3-3
Proposed Boundary	2-2-2-2	Survey Boundary	2-2-2-2
Unsurveyed Boundary	1-1-1-1	Survey Boundary	1-1-1-1
Survey Boundary	0-0-0-0	Survey Boundary	0-0-0-0
Subdivision Boundary	0-0-0-0	Survey Boundary	0-0-0-0
Proposed Boundary	0-0-0-0	Survey Boundary	0-0-0-0
Unsurveyed Boundary	0-0-0-0	Survey Boundary	0-0-0-0
Survey Boundary	0-0-0-0	Survey Boundary	0-0-0-0
Survey Boundary	0-0-0-0	Survey Boundary	0-0-0-0
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Survey Boundary	0-0-0-0	Survey Boundary	0-0-0-0

Notes: (1) Survey boundaries are shown with the appropriate line type and thickness. (2) Survey boundaries are shown with the appropriate line type and thickness. (3) Survey boundaries are shown with the appropriate line type and thickness. (4) Survey boundaries are shown with the appropriate line type and thickness.



Total Sheet: 12 (Index, 1- Parent 11- End) 0
 BPT TYPE: Boundary Map
 AREA NAME: Crow Creek Reservation BAS
 PROJECT: Crow Creek Reservation
 PROJECT NUMBER: 49900590855
 DATE: 11/20/11
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: 11/20/11
 DATE: 11/20/11

BAS Submittal Checklist March 1, 2011
 [List of items with checkboxes]



North Arrow
 Scale
 Date of Survey: 11/20/11
 Date of Plotting: 11/20/11
 Date of Printing: 11/20/11
 Date of Review: 11/20/11
 Date of Approval: 11/20/11

This map is for informational purposes only. It is not intended to be used as a legal document. The map is subject to change without notice. The map is not a warranty of any kind. The map is not a representation of any kind. The map is not a guarantee of any kind. The map is not a promise of any kind. The map is not a statement of any kind. The map is not a declaration of any kind. The map is not a confession of any kind. The map is not a admission of any kind. The map is not a waiver of any kind. The map is not a release of any kind. The map is not a discharge of any kind. The map is not a satisfaction of any kind. The map is not an acquittance of any kind. The map is not a receipt of any kind. The map is not a certificate of any kind. The map is not a deed of any kind. The map is not a contract of any kind. The map is not an agreement of any kind. The map is not a promise to do or not do any kind of act. The map is not a promise to refrain from doing any kind of act. The map is not a promise to give, sell, or transfer any kind of property. The map is not a promise to make any kind of payment. The map is not a promise to do any kind of business. The map is not a promise to do any kind of work. The map is not a promise to do any kind of service. The map is not a promise to do any kind of labor. The map is not a promise to do any kind of work or service of any kind. The map is not a promise to do any kind of work or service of any kind.