

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE)	Docket No. TC11-087
APPLICATION OF NATIVE)	
AMERICAN TELECOM, LLC FOR A)	NATIVE AMERICAN TELECOM,
CERTIFICATE OF AUTHORITY TO)	LLC'S NOTICE OF TAKING
PROVIDE LOCAL EXCHANGE)	DEPOSITION OF
SERVICE WITHIN THE STUDY AREA)	SPRINT PURSUANT TO SDCL 15-6-
OF MIDSTATE COMMUNICATIONS,)	30(b)(6), 15-6-30(b)(5), 15-6-34
INC.)	

TO: INTERVENOR, SPRINT COMMUNICATIONS COMPANY L.P.:

PLEASE TAKE NOTICE that pursuant to SDCL § 15-6-30(b)(6), Native American Telecom, LLC (“NAT”) will take the deposition, recorded by stenographic means, of Sprint Communications Company, L.P. (“Sprint”) before a Notary Public or other officer duly authorized to administer oaths. The deposition shall take place at the law offices of Foulston Siefkin, LLP, 32 Corporate Woods, Suite 600, 9225 Indian Creek Parkway, Overland Park, KS 66210, commencing on September 17, 2013 at 9:00 a.m. Central Time. The oral examination will continue from day to day until completed, Saturdays, Sundays and holidays excluded.

Pursuant to SDCL § 15-6-30(b)(6), Sprint is required to designate and fully prepare one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, regarding the following designated matters. The persons so designated shall testify as to such information that is known or reasonably available to the organization, regarding the following designated matters:

1. The existence of the documents requested below pursuant to SDCL § 15-6-34;
2. The electronic creation, duplication and/or storage of the documents requested below pursuant to SDCL § 15-6-34;
3. Any and all document retention/destruction policies that would relate to any of the documents requested below pursuant to SDCL § 15-6-34;
4. The location of the documents requested below pursuant to SDCL § 15-6-34;
5. The organization, indexing and/or filing of the documents requested below pursuant to SDCL § 15-6-34;

6. The method of search for the documents requested below pursuant to SDCL § 15-6-34;
7. The completeness of the documents produced pursuant to SDCL § 15-6-34; and
8. The authenticity of the documents produced pursuant to SDCL § 15-6-34.

Pursuant to SDCL §§ 15-6-30(b)(5) and 15-6-34, NAT requests that Sprint produce the following documents in the possession, custody or control of Sprint, its attorneys or other representatives or agents:

1. All documents reflecting or constituting Sprint's wholesale rate decks from January 1, 2009 to the present.
2. All documents reflecting Sprint's wholesale interstate rates to NAT from October 2009 to the present.
3. All documents reflecting Sprint's wholesale intrastate rates to NAT from October 2009 to the present.
4. All documents supporting Randy Farrar's assertion that NAT is a "sham entity, established for the sole purpose of 'traffic pumping.'"
5. All documents supporting Randy Farrar's assertion that "it is not in the public interest to grant [NAT's] Certificate."
6. All documents demonstrating the profits and/or losses realized by Sprint traffic terminated in at the NAT exchange.
7. All documents related to Sprint's provision of telecommunications services on the Crow Creek Reservation, including but not limited to providing local or long distance service to residents of the Reservation, having or using facilities for the origination or termination of telecommunications traffic on the Reservation, and originating or terminating wireless or long distance telecommunications traffic on the Reservation.
8. All documents related to payments made by Sprint of other local exchange carriers' access rates for the termination of conferencing traffic, including:
 - (a) Identifying the local exchange carriers whose access rates for the termination of conferencing traffic is paid by Sprint.
 - (b) Identifying the access rates paid by Sprint to local exchange carriers for the termination of conferencing traffic.

- (c) An explanation of Sprint's rationale for paying non-Indian owned local exchange carriers' access rates for terminating conferencing traffic, but not paying NAT's access rates.
- 9. All documents related to or evidencing contacts that Sprint has had with the Crow Creek Sioux Tribe and its tribal officials, including the date and time of all phone calls, emails, personal conversations, meetings, and any other contacts – concerning due diligence undertaken in order to formulate Sprint’s opinions about NAT and the benefits to the Tribe of a tribally owned telecommunications systems, like the one deployed by NAT.
- 10. All documents related to contacts or discussions that Sprint has had with other Indian tribes or the tribal officials, in order to formulate its opinion regarding how a tribe may or may not benefit from a tribally owned telecommunications systems, like the one deployed by NAT.
- 11. All documents related to Sprint’s compliance with the tribal consultation requirements of 47 C.F.R. Section 54.313(a)(9).
- 12. All documents related to Sprint’s wholesale transport and/or call termination services offered to NAT, including:
 - (a) Sprint's rate to the NAT exchange, as listed in its wholesale rate deck.
 - (b) Sprint receipt of payments by minute of use or any other method from other carriers, including, but not limited to, large and small unassociated telephone companies and middle or transport carriers for delivery of this traffic to the NAT exchange.
 - (c) Sprint’s profits from this traffic to the NAT exchange by employing methods such as non-payment to NAT for the termination of this traffic.
- 13. All documents related to Sprint’s payments to LECs for access stimulation traffic.
- 14. All documents or written statements signed or otherwise adopted or approved by the person making it, pertaining to NAT’s Application (or amended application) for Certificate of Authority to provide Local Exchange Service within the study area of Midstate Communications, Inc.
- 15. All documents comprising Sprint’s document retention and/or destruction policy in effect at any time between 2007 and the present.

Dated this 8th day of August, 2013.

SWIER LAW FIRM, Prof. LLC

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of August, 2013, I sent to:

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by Electronic Filing, generated by the South Dakota Public Utilities Commission, a true and correct copy of the foregoing **Native American Telecom, LLC's Notice of Taking Deposition of Sprint Pursuant To SDCL 15-6-30(b)(6), 15-6-30(b)(5), 15-6-34** relative to the above-entitled matter.

/s/Jay C. Shultz

Jay C. Shultz