

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

**SPRINT COMMUNICATIONS
COMPANY L.P.'S RESPONSE TO
NATIVE AMERICAN TELECOM,
LLC'S STATEMENT OF
UNDISPUTED FACTS**

1. On October 11, 2011, NAT filed its Application for Certificate of Authority (“Application”) with the South Dakota Public Utilities Commission (“Commission”).

SPRINT’S RESPONSE: Undisputed.

2. Exhibit A to this Application contains NAT’s “Certificate of Organization – Limited Liability Company” from the South Dakota Secretary of State’s Office. (Application-Exhibit A).

SPRINT’S RESPONSE: Undisputed.

3. Exhibit B to this Application contains a listing of NAT’s key management personnel. (Application-Exhibit B).

SPRINT’S RESPONSE: Sprint does not dispute that Exhibit B to NAT’s Revised Application purports to be a listing of NAT’s key management personnel, but Sprint has put forth facts showing that David Erickson is also one of NAT’s key management personnel. *See* Direct Testimony of Randy Farrar (“Farrar Direct”), pp. 9-19 (NAT is a sham entity being run for the benefit of David Erickson and his companies).

4. Exhibit C to this Application contains NAT’s confidential financial statements. (Application-Exhibit C).

SPRINT’S RESPONSE: Sprint does not dispute that Exhibit C to NAT’s Revised Application contains certain confidential financial information that NAT represents as

being accurate and complete. However, as explained in Sprint's Memorandum in Support of its Motion to Compel, and as described by Mr. Farrar, the information is neither complete nor accurate, and NAT has refused to provide discovery with respect to its representations regarding its financial qualifications. Sprint's Mem. in Supp. of Motion to Compel, pp. 11-17; Farrar Direct, p. 26.

5. On November 30, 2011, Commission Staff served a series of Data Requests on NAT. (Affidavit of Scott R. Swier in Support of NAT's Motion for Summary Judgment, ¶ 2).

SPRINT'S RESPONSE: Undisputed.

6. NAT's Response Data to the Commission Staff's Data Requests was December 21, 2011. (Affidavit of Scott R. Swier in Support of NAT's Motion for Summary Judgment, ¶ 3).

SPRINT'S RESPONSE: Undisputed.

7. NAT provided its Responses to the Commission Staff's Data Requests in a timely manner. (Affidavit of Scott R. Swier in Support of NAT's Motion for Summary Judgment, ¶ 4).

SPRINT'S RESPONSE: Undisputed. Sprint notes that these responses are not part of the record as they were not filed.

8. On January 27, 2012, NAT filed its Revised Application for Certificate of Authority ("Revised Application") with the Commission.

SPRINT'S RESPONSE: Undisputed.

9. NAT's Revised Application incorporates the original Application's Exhibits A-C. (Revised Application).

SPRINT'S RESPONSE: Undisputed.

10. NAT's Revised Application seeks authority to provide local exchange and interexchange service within the Crow Creek Sioux Tribe Reservation ("Reservation") which is within the study area of Midstate Communications, Inc. ("Midstate"). (Revised Application, page 1).

SPRINT'S RESPONSE: Undisputed.

11. NAT's Revised Application provides all information required by ARSD 20:10:32:03. (Revised Application).

SPRINT'S RESPONSE: Sprint does not dispute that NAT's Revised Application was deemed complete by Staff, and the matter sent to hearing, but denies the information contained therein is true, complete or accurate, for the reasons described by Mr. Farrar in his Direct Testimony and in Sprint's Motion to Compel. Farrar Direct, pp. 9-19, 26; Sprint's Mem. in Supp. of Motion to Compel, pp. 7-11, 11-17, 17-23. Sprint also disputes this statement as inconsistent with the rule governing summary judgment, which requires each material fact to be in a separate paragraph. SDCL § 15-6-56(c)(1). NAT's paragraph 11 is the equivalent of dozens of factual representations not identified with particularity. In addition, Sprint disputes this statement because it is not supported by "an appropriate citation to the record." SDCL § 15-6-26(c). None of the facts in the Revised Application were verified, and many were not addressed in testimony. They lack an "appropriate citation to the record," and the record lacks evidence that those statements are true. SDCL § 15-6-56(c)(1).

12. On January 31, 2012, NAT's Revised Application was "deemed complete" by the Commission's Staff. (Affidavit of Scott R. Swier in Support of NAT's Motion for Summary Judgment, ¶ 5).

SPRINT'S RESPONSE: Undisputed.

13. NAT's business address is 253 Ree Circle, Fort Thompson, South Dakota 57339, Telephone: 949-842-4478, Facsimile: 562-432-5250, Web page: NativeAmericanTelecom.com. (Revised Application, page 2; Direct Testimony of Jeff Holoubek on Behalf of NAT, page 3) (hereinafter "Holoubek Testimony, page -").

SPRINT'S RESPONSE: Undisputed.

14. NAT is a tribally-owned telecommunications company organized as a limited liability company under the laws of South Dakota. (Revised Application, pages 2-3; Holoubek Testimony, page 3).

SPRINT'S RESPONSE: Sprint does not dispute that NAT is owned in part by the Crow Creek Sioux Tribe, but claims NAT is a sham entity being operated for the purpose of benefiting Dave Erickson and his companies. *See* Farrar Direct, pp. 9-19.

15. NAT's principal office is located at 253 Ree Circle, Fort Thompson, South Dakota 57339. (Revised Application, page 2; Holoubek Testimony, page 4).

SPRINT'S RESPONSE: Undisputed.

16. NAT's registered agent is Scott R. Swier, 133 N. Main Street, P.O. Box 256, Avon, South Dakota 57315. (Revised Application, page 2; Holoubek Testimony, page 4).

SPRINT'S RESPONSE: Undisputed.

17. NAT has a certificate of authority from the South Dakota Secretary of State to transact business in South Dakota. (Revised Application, page 4 and Exhibit A; Holoubek Testimony, page 4).

SPRINT'S RESPONSE: Undisputed.

18. NAT's Federal Tax Identification Number is 26-3283812. (Revised Application, page 12; Holoubek Testimony, page 12).

SPRINT'S RESPONSE: Undisputed.

19. NAT's South Dakota sales tax number is 1012-1173-ST. (Revised Application, page 12; Holoubek Testimony, page 12).

SPRINT'S RESPONSE: Undisputed.

20. NAT's ownership structure consists of the Crow Creek Sioux Tribe (51%) ("Tribe"), P.O. Box 50, Fort Thompson, South Dakota 57339-0050, Native American Telecom Enterprise, LLC (25%) ("NAT Enterprise"), 747 S. 4th Ave., Sioux Falls, SD 57104, and WideVoice Communications, Inc. (24%) ("WideVoice"), 410 South Rampart, Suite 390, Las Vegas, NV 89145. (Revised Application, pages 3, 6; Holoubek Testimony, pages 4-5).

SPRINT’S RESPONSE: Sprint does not dispute this is the ownership structure set forth in the joint venture agreement, but denies that the Tribe is effectively an “owner” exercising the rights normally held by one with 51% ownership. *See* Farrar Direct, pp. 9-19.

21. The Tribe is a federally-recognized Indian tribe with its tribal headquarters located on the Crow Creek Sioux Tribe Reservation (“Reservation”) in Fort Thompson, South Dakota. (Revised Application, page 3).

SPRINT’S RESPONSE: Undisputed.

22. NAT Enterprise is a telecommunications development company. (Revised Application, page 3).

SPRINT’S RESPONSE: This statement of fact is not verified or otherwise supported by sworn testimony. It therefore lacks “an appropriate citation to the record” and does not establish an undisputed fact for purposes of summary judgment. SDCL § 15-6-56(c)(1).

23. WideVoice is a telecommunications engineering company.

SPRINT’S RESPONSE: This statement of fact is not verified or otherwise supported by sworn testimony. It therefore lacks “an appropriate citation to the record” and does not establish an undisputed fact for purposes of summary judgment. SDCL § 15-6-56(c)(1).

24. NAT seeks to provide facilities-based telephone service to compliment its advanced broadband services. (Revised Application, page 1).

SPRINT’S RESPONSE: Sprint disputes this statement. Sprint has proffered evidence that NAT was established and is being operated as a traffic pumping entity, and does not intend to provide facilities-based telephone service to compliment its advanced

broadband services. *See* Farrar Direct, pp. 9-19; Sprint's Mem. in Supp. of Motion to Compel, pp. 7-11.

25. NAT proposes to offer local exchange and interexchange service within the Reservation, which is within the study area of Midstate. (Revised Application, page 6; Holoubek Testimony, page 13).

SPRINT'S RESPONSE: Undisputed.

26. NAT will provide service through its own facilities. (Revised Application, page 6; Holoubek Testimony, pages 8, 10).

SPRINT'S RESPONSE: Sprint does not dispute that NAT claims it will provide service through its own facilities. However, NAT has refused to provide discovery with respect to these representations. *See* Sprint's Mem. in Supp. of Motion to Compel, pp. 17-23 (Interrogatories 5, 6, 7, 18, 24, 43 and 44). In addition, NAT has failed to identify how it will provide intrastate interexchange service, and has not identified any facilities that would be used to do so. *See* Revised Application, pp. 2-12 (providing information called for by ARSD 20:10:32:03, but not ARSD 20:10:24:02).

27. NAT is currently interconnected with Midstate and other carriers for the exchange of telecommunications traffic. (Revised Application, page 6; Holoubek Testimony, page 8).

SPRINT'S RESPONSE: Sprint does not dispute that NAT is currently interconnected with Midstate. Sprint denies that NAT is currently connected to "other carriers" based on NAT's refusal to identify such other carriers. *See* Sprint's Mem. in Supp. of Motion to Compel, p. 20 (Interrogatory No. 23).

28. NAT is using WiMAX (Worldwide Interoperability for Microwave Access) technology operating in the 3.65 GHZ licensed spectrum providing service to residential, small business, hospitality and public safety. (Revised Application, pages 6-7; Holoubek Testimony, page 8).

SPRINT'S RESPONSE: Sprint disputes this statement based on NAT's refusal to provide discovery. *See* Sprint's Mem. in Support of Motion to Compel, p. 21 (Interrogatory No. 24).

29. The network supports high-speed broadband services, voice service, data and Internet access, and multimedia. (Revised Application, page 7; Holoubek Testimony, page 8).

SPRINT'S RESPONSE: Sprint disputes this statement based on NAT's refusal to provide discovery. *See* Sprint's Mem. in Support of Motion to Compel, pp. 18-19, 22-23 (Interrogatory Nos. 5-7, 43-44).

30. Through the use of advanced antenna and radio technology with OFDM1 OFDMA (Orthogonal Frequency Division Multiplexing), NAT is able to deliver wireless IP (Internet Protocol) voice and data communications. (Revised Application, page 7; Holoubek Testimony, page 9).

SPRINT'S RESPONSE: Sprint disputes this statement based on NAT's refusal to provide discovery. *See* Sprint's Mem. in Support of Motion to Compel, pp. 18-19, 22-23 (Interrogatory Nos. 5-7, 43-44).

31. This 4G technology offers flexible, scalable and economically viable solutions that are key components to deploying in vast rural environments, such as the Reservation. (Revised Application, page 7; Holoubek Testimony, page 9).

SPRINT'S RESPONSE: Sprint disputes this statement based on NAT's refusal to provide discovery. *See* Sprint's Mem. in Support of Motion to Compel, pp. 18-19, 22-23 (Interrogatory Nos. 5-7, 43-44).

32. NAT has established a toll-free number and email address for all customer inquiries and complaints, and has a physical location on the Reservation to handle customer complaints and inquiries within twenty-four (24) hours. (Revised Application, page 8; Holoubek Testimony, pages 9-10).

SPRINT'S RESPONSE: Undisputed.

33. NAT has established connectivity with telecommunications carriers to provide its customers with access to 911, operator services, interexchange services, directory assistance, and telecommunications relay services. (Revised Application, page 8).

SPRINT'S RESPONSE: Sprint disputes this statement because it is not supported by "an appropriate citation to the record." SDCL § 15-6-26(c)(1). The Revised Application was not verified. Sprint also disputes this statement because NAT's response to Staff Request 1-3 (Exhibit A hereto) indicates that NAT cannot provide Enhanced 911 in compliance with all rules and regulations, and cannot currently offer TRS.

34. NAT will target its direct marketing efforts to only those individuals and organizations within the Reservation. (Revised Application, page 9; Holoubek Testimony, page 10).

SPRINT'S RESPONSE: Sprint has no basis to dispute NAT's representation that it will, in the future, target its direct marketing efforts to only those individuals and organizations within the Reservation. However, the entity receiving the most calls through NAT is not an individual or organization within the Reservation, and Sprint expects this will continue.

35. As a newly-formed limited liability company, NAT is not registered or certificated to provide telecommunications services in other states, nor has NAT applied for or ever been denied authority to provide telecommunications services in other states. (Revised Application, page 10; Holoubek Testimony, page 11).

SPRINT'S RESPONSE: Undisputed.

36. NAT will utilize advertising designed to market its services. (Revised Application, page 10; Holoubek Testimony, page 11).

SPRINT'S RESPONSE: Undisputed.

37. NAT will not solicit customers via telemarketing. (Revised Application, page 10; Holoubek Testimony, page 11).

SPRINT'S RESPONSE: Undisputed.

38. NAT will require all personnel to be trained in NAT's policies and procedures to ensure affirmative customer selection of service from NAT. (Revised Application, pages 10-11; Holoubek Testimony, page 11).

SPRINT'S RESPONSE: Undisputed.

39. NAT will require customers to complete an order form and/or a Letter of Authorization ("LOA") selecting NAT as the customer's carrier, if a consumer is switching local service providers. (Revised Application, page 11; Holoubek Testimony, page 11).

SPRINT'S RESPONSE: Undisputed.

40. NAT will comply with all state and federal rules prohibiting the slamming of customers. (Revised Application, page 11; Holoubek Testimony, page 11).

SPRINT'S RESPONSE: Undisputed.

41. NAT has never had a complaint filed against it with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered. (Revised Application, page 11; Holoubek Testimony, page 11).

SPRINT'S RESPONSE: Undisputed.

42. NAT will post the current rates, terms and conditions for its local and interexchange services offered in South Dakota on its website located at www.NativeAmericanTelecom.com. (Revised Application, page 11; Holoubek Testimony, page 12).

SPRINT'S RESPONSE: Sprint has no basis to dispute that NAT intends to post its rates, terms and conditions.

43. NAT will notify customers by mail, email or telephone, depending upon the customer's expressed preference, as to how notification should be made, to apprise them of any changes in rates, terms and conditions of service. (Revised Application, page 11; Holoubek Testimony, page 12).

SPRINT'S RESPONSE: Undisputed.

44. NAT is a tribally-owned telecommunications carrier currently providing service on the Reservation. (Revised Application, page 3; Holoubek Testimony, page 4).

SPRINT'S RESPONSE: Disputed. *See supra* ¶ 14 (regarding NAT's statement that it is a Tribally-owned telecommunications carrier. Sprint does not dispute that NAT is currently providing service on the Reservation.

45. In 1997, the Crow Creek Sioux Tribal Council established the Crow Creek Sioux Tribe Utility Authority ("Tribal Utility Authority") for the purpose of planning and overseeing utility services on the Reservation and to promote the use of these services "to improve the health and welfare of the residents." (Revised Application, page 4; Holoubek Testimony, page 5).

SPRINT'S RESPONSE: Sprint disputes this statement because Jeff Holoubek has failed to establish he has personal knowledge of the statement made and thus there is no "appropriate citations to the record." SDCL § 15-6-56(c)(1). Mr. Holoubek is not a member of the Tribe and was not associated in any way, to Sprint's knowledge, with the Tribe in 1997 or 2008. Nor has NAT produced any documentation to support this assertion.

46. On October 28, 2008, the Tribal Utility Authority entered its *Order Granting Approval to Provide Telecommunications Service* ("Approval Order"). (Revised Application, page 4; Holoubek Testimony, page 5).

SPRINT'S RESPONSE: Sprint disputes this statement on the basis that NAT has refused to provide Sprint discovery with respect to the operations of the Tribal Utility Authority. *See* Sprint's Mem. in Support of Motion to Compel p. 8 (Interrogatory No. 22).

47. Under this Approval Order, NAT was "granted authority to provide telecommunications service on the . . . Reservation subject to the jurisdiction of the laws of the Crow Creek Sioux Tribe." (Revised Application, page 4; Holoubek Testimony, pages 5-6).

SPRINT'S RESPONSE: Sprint does not dispute that the order contains those words, but denies the statement on the basis that NAT has refused to provide Sprint discovery with respect to the operations of the Tribal Utility Authority. *See* Sprint's Mem. in Support of Motion to Compel, p. 8 (Interrogatory No. 22).

48. NAT currently provides service on the Reservation pursuant to this Approval Order. (Revised Application, page 3; Holoubek Testimony, page 4).

SPRINT'S RESPONSE: Sprint does not dispute that NAT currently provides service on the Reservation. Sprint denies that this is pursuant to the Approval Order on the basis that NAT has refused to provide Sprint discovery with respect to the operations of the Tribal Utility Authority. *See* Sprint's Mem. in Support of Motion to Compel, p. 8 (Interrogatory No. 22).

49. NAT currently provides high-speed Internet access, basic telephone, and long-distance services on and within the Reservation. (Revised Application, page 3; Holoubek Testimony, page 5).

SPRINT'S RESPONSE: Undisputed.

50. NAT has physical offices, telecommunications equipment, and telecommunications towers on the Reservation. (Revised Application, page 5; Holoubek Testimony, page 6).

SPRINT'S RESPONSE: Sprint disputes this statement on the basis that NAT has refused to provide Sprint discovery with respect to the identification and location of telecommunications equipment and telecommunications towers. *See* Sprint's Mem. in Support of Motion to Compel, pp. 18-19, 22-23 (Interrogatory Nos. 5-7, 43-44).

51. NAT provides a computer training facility with free Internet and telephone service to tribal members. (Revised Application, page 5; Holoubek Testimony, page 6).

SPRINT'S RESPONSE: Disputed. NAT's representative testified in March 2011 that the training facility (the Learning Center) was not yet opened. *See* Farrar Direct, Ex. 4 p. 159. Sprint asked NAT in discovery when it opened its training facility and NAT refused to answer. NAT's Response to Sprint's Interrogatory no. 32.

52. NAT provides 110 high-speed broadband and telephone installations at residential and business locations on the Reservation. (Revised Application, page 5; Holoubek Testimony, page 7).

SPRINT'S RESPONSE: Sprint denies this statement on the basis that NAT has refused to provide Sprint discovery with respect to these alleged residential and business users. *See* Sprint's Mem. in Support of Motion to Compel, pp. 18-19, 22-23 (Interrogatory Nos. 5-7, 43-44).

53. NAT has established an Internet Library with six (6) work stations that provide computer/Internet opportunities for residents that do not otherwise have access to computers. (Revised Application, page 5; Holoubek Testimony, page 7).

SPRINT'S RESPONSE: Undisputed.

54. NAT has years of managerial and technical experience in providing the telecommunications services proposed in its Revised Application. (Holoubek Testimony, page 13).

SPRINT'S RESPONSE: Undisputed.

55. Patrick Chicas ("Chicas") is the Chief Technical Officer for NAT. (Application-Exhibit B).

SPRINT'S RESPONSE: Sprint does not dispute this statement, but notes that this is not supported by "an appropriate citation to the record." SDCL § 15-6-26(c)(1). The Application was not verified and this statement is not found in any sworn testimony.

56. Chicas' business address is 410 South Rampart, Suite 390, Las Vegas, Nevada 89145.

SPRINT'S RESPONSE: Sprint does not dispute this statement, but notes that this is not supported by "an appropriate citation to the record." SDCL § 15-6-26(c)(1). The Application was not verified and this statement is not found in any sworn testimony.

57. Chicas has overall responsibility for NAT's strategic guidance, network operations, and network planning and engineering. (Application-Exhibit B).

SPRINT'S RESPONSE: Sprint does not dispute this statement, but notes that this is not supported by "an appropriate citation to the record." SDCL § 15-6-26(c)(1). The Application was not verified and this statement is not found in any sworn testimony.

58. Chicas also serves as President and a Managing Director for Wide Voice, LLC. (Application-Exhibit B).

SPRINT'S RESPONSE: Sprint does not dispute this statement, but notes that this is not supported by "an appropriate citation to the record." SDCL § 15-6-26(c)(1). The Application was not verified and this statement is not found in any sworn testimony.

59. From September 2003 to April 2009, Chicas was a co-founder and Chief Technology Officer of Commpartners, Inc., a nationwide CLEC. (Application-Exhibit B).

SPRINT'S RESPONSE: Sprint does not dispute this statement, but notes that this is not supported by "an appropriate citation to the record." SDCL § 15-6-26(c)(1). The Application was not verified and this statement is not found in any sworn testimony.

60. From August 2000 to November 2003, Chicas was the president, co-chairman, and a member of the board at Rubicon Media Group, a sector pioneering Internet publishing concern recently sold to Advanstar Communications, Inc. (Application-Exhibit B).

SPRINT'S RESPONSE: Sprint does not dispute this statement, but notes that this is not supported by "an appropriate citation to the record." SDCL § 15-6-26(c)(1). The Application was not verified and this statement is not found in any sworn testimony.

61. From March 1999 to August 2000, Chicas was the vice president for Data Services at Mpower Communications. (Application-Exhibit B).

SPRINT'S RESPONSE: Sprint does not dispute this statement, but notes that this is not supported by "an appropriate citation to the record." SDCL § 15-6-26(c)(1). The Application was not verified and this statement is not found in any sworn testimony.

62. While at Mpower, Chicas designed the company's entire IP infrastructure and the first production VoIP (Voice Over Internet Protocol) network for small business services. (Application-Exhibit B).

SPRINT'S RESPONSE: Sprint does not dispute this statement, but notes that this is not supported by "an appropriate citation to the record." SDCL § 15-6-26(c)(1). The Application was not verified and this statement is not found in any sworn testimony.

63. From January 1997 to September 1998, Chicas was the first executive hire and vice president of operations at Digital Island, Inc. (Application-Exhibit B).

SPRINT'S RESPONSE: Sprint does not dispute this statement, but notes that this is not supported by "an appropriate citation to the record." SDCL § 15-6-26(c)(1). The Application was not verified and this statement is not found in any sworn testimony.

64. Chicas also has prior telecommunications experience with Pacific Bell (now AT&T), PacTel Cellular (now Verizon), and GTE Mobilnet (now Verizon). (Application-Exhibit B).

SPRINT'S RESPONSE: Sprint does not dispute this statement, but notes that this is not supported by "an appropriate citation to the record." SDCL § 15-6-26(c)(1). The Application was not verified and this statement is not found in any sworn testimony.

65. Jeff Holoubek ("Holoubek") is NAT's acting president. (Application-Exhibit B; Holoubek Testimony, page 2).

SPRINT'S RESPONSE: Undisputed.

66. Holoubek received his law degree from the Boston University School of Law. (Application-Exhibit B; Holoubek Testimony, page 3).

SPRINT'S RESPONSE: Undisputed.

67. Holoubek received his Masters of Business Administration (M.B.A.) from California State University-Fullerton. (Application-Exhibit B; Holoubek Testimony, page 3).

SPRINT'S RESPONSE: Undisputed.

68. Holoubek holds Bachelor of Arts degrees in Accounting, Finance, and Philosophy. (Holoubek Testimony, page 3).

SPRINT'S RESPONSE: Undisputed.

69. NAT is not a publicly-held entity. (Holoubek Testimony, page 14).

SPRINT'S RESPONSE: Undisputed.

70. NAT has provided its "confidential financial documents" for the Commission's analysis and review. (Holoubek Testimony, page 14).

SPRINT'S RESPONSE: Sprint disputes this statement on the basis that NAT has refused to provide Sprint discovery with respect to its finances. *See* Sprint's Mem. in Support of Motion to Compel, pp. 11-17.

71. The "confidential financial documents" provided by NAT to the Commission include (1) NAT's Balance Statements and (2) NAT's Profit & Loss Statements (through December 31, 2011). (Affidavit of Scott R. Swier in Support of NAT's Motion for Summary Judgment, ¶ 6).

SPRINT'S RESPONSE: Sprint disputes this statement on the basis that NAT has refused to provide Sprint discovery with respect to its finances. *See* Sprint's Mem. in Support of Motion to Compel, pp. 11-17.

72. NAT is committed and prepared to allocate the necessary resources to provide high-quality telecommunications services to its customers. (Holoubek Testimony, page 14).

SPRINT'S RESPONSE: Sprint denies this statement on the basis that NAT has refused to provide Sprint discovery with respect to its ability to obtain additional financing. *See* Sprint's Mem. in Support of Motion to Compel, p. 16 (Document Request No. 2).

Dated: April 11, 2012

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