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THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE APPLICATION TC11-087  
OF NATIVE AMERICAN TELECOM, LLC FOR A  
CERTIFICATE OF AUTHORITY TO PROVIDE  
INTEREXCHANGE TELECOMMUNICATIONS  
SERVICES AND LOCAL EXCHANGE SERVICES  
IN SOUTH DAKOTA

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Transcript of Proceedings  
May 21, 2013

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BEFORE THE PUBLIC UTILITIES COMMISSION,  
GARY HANSON, CHAIRMAN  
CHRIS NELSON, VICE CHAIRMAN  
KRISTIE FIEGEN, COMMISSIONER

COMMISSION STAFF  
Rolayne Ailts Wiest  
John Smith  
Karen Cremer  
Kristen Edwards  
Greg Rislov  
Brittany Mehlhaff  
Robin Meyerink  
Patrick Steffensen

APPEARANCES  
Scott Swier  
Phil Schenkenberg  
Bill Van Camp  
Meredith Moore  
Rich Coit  
Tom Welk

Reported By Cheri McComsey Wittler, RPR, CRR

1                   TRANSCRIPT OF PROCEEDINGS, held in the  
2 above-entitled matter, at the South Dakota State  
3 Capitol Building, 500 East Capitol Avenue, Pierre,  
4 South Dakota, on the 21st day of May, 2013, commencing  
5 at 1 o'clock p.m.

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1           CHAIRMAN HANSON: TC11-087, In the matter of the  
2 application of Native American Telecom, LLC for a  
3 Certificate of Authority to provide interexchange  
4 telecommunications services and local exchange services  
5 in South Dakota.

6           The question before the Commission is today  
7 shall the Commission grant the motions to suspend the  
8 May 8, 2013 due date for intervene or testimony?

9           And a second question is shall the Commission  
10 grant Sprint's second Motion to Compel and enforce prior  
11 Commission Order against NAT?

12           In regards to -- yes. I thought someone might  
13 be entering to speak already.

14           Sprint, Mr. Schenkenberg.

15           MR. SCHENKENBERG: Thank you, Mr. Chairman.  
16 This is Phil Schenkenberg on behalf of Sprint. Would you  
17 like me to address both motions? The suspension Motion  
18 or the Motion to Compel?

19           CHAIRMAN HANSON: Since there's a number of  
20 items that can be discussed on each of them, let's stick  
21 to the first question, and then we'll move to the second  
22 one.

23           MR. SCHENKENBERG: The first question is the  
24 Motion with respect to the procedural schedule, I  
25 believe.

1           CHAIRMAN HANSON: Correct. Suspending the  
2 May 8, 2013, due date.

3           MR. SCHENKENBERG: Thank you, Mr. Chairman,  
4 members of the Commission. This is a very, we thought,  
5 straightforward request. We did have a procedural  
6 schedule this Commission entered in January. There were  
7 a number of dates. We had discovery. We had dates for  
8 NAT to supplement its testimony given that there's been a  
9 passage of time with the appeal that took place last  
10 year.

11           There wasn't any testimony filed by NAT. And so  
12 we got to the date on which Sprint and other Interveners  
13 would have an obligation to file supplemental rebuttal  
14 testimony, and there really wasn't anything to rebut.  
15 And NAT had advised the parties that it intended to file  
16 a new application or a revised application.

17           So rather than go through the discovery that we  
18 had received from NAT and file supplemental rebuttal  
19 testimony given that NAT appeared to be changing course  
20 and hadn't supplemented its own testimony, we just wanted  
21 to make sure we were not going to be disadvantaged by  
22 letting NAT do whatever it contends to do in this Docket  
23 and then respond.

24           I don't believe Mr. Swier has responded to this  
25 Motion so I don't know whether he has an objection to

1 this. We haven't -- we don't concede that NAT should be  
2 allowed to revise its application. We would reserve the  
3 right to move to dismiss for lack of prosecution if we  
4 decide that's appropriate, but we just don't want to be  
5 disadvantaged by not having met this deadline under the  
6 circumstances and we believe we have the support of other  
7 Interveners.

8 Thank you.

9 CHAIRMAN HANSON: Thank you.

10 Mr. Coit.

11 MR. COIT: Yes. Thank you, Mr. Chairman,  
12 Commissioners, and Staff.

13 SDTA and Midstate also have filed a Motion for  
14 Suspension of the May 8 deadline for Intervenor  
15 testimony. We could have easily just submitted support  
16 for the Sprint Motion but felt we should put in our own  
17 Motion since our situation is a bit different in that NAT  
18 entered into a Stipulation with both Midstate and SDTA a  
19 while back, confining the geographic scope of its  
20 application for certification.

21 So we, as well as Sprint, were concerned about  
22 being disadvantaged as a result of the fact that NAT did  
23 not submit testimony on April 8 in accord with the  
24 procedural schedule.

25 We do not know at this point whether the

1 existing Stipulation that we have is still going to be  
2 respected by NAT, given the fact that we haven't seen any  
3 testimony from them and also based on the statements made  
4 regarding their possible amendment or revision to their  
5 application.

6 With all of that, we just felt that we needed to  
7 protect our interest, and we filed a Motion to Suspend.  
8 And for the same reasons as Sprint, we would ask the  
9 Commission to grant the Motion.

10 CHAIRMAN HANSON: Thank you, Mr. Coit.  
11 Mr. Van Camp.

12 MR. VAN CAMP: Thank you, Mr. Chairman.  
13 Bill Van Camp appearing on behalf of AT&T.

14 I would echo the comments of Sprint, SDTA, and  
15 Midstate. AT&T also does not want to be -- find itself  
16 in a position of being disadvantaged because of the lack  
17 of filing in this case according to the procedural  
18 schedule.

19 We also for the record would join CenturyLink in  
20 its request that either the Commission schedule a hearing  
21 in this matter or NAT needs to withdraw its application  
22 at this point.

23 Thank you.

24 CHAIRMAN HANSON: Thank you, Mr. Van Camp.

25 Ms. Moore.

1 MS. MOORE: Thank you, Mr. Chairman.  
2 Meredith Moore appearing on behalf of Midstate  
3 Communications.

4 I would concur in the comments that Mr. Coit  
5 made earlier on behalf of SDTA and Midstate  
6 Communications, and we would respectfully request that  
7 the Commission grant our request for an extension.

8 Thank you.

9 CHAIRMAN HANSON: Thank you.  
10 Mr. Swier.

11 MR. SWIER: Mr. Chair, we have no objection.  
12 NAT, I have been told, intends to file their amended  
13 application after the Memorial Day weekend. So I've been  
14 told that that application is going to be filed sometime  
15 between May 28 and May 31 of 2013.

16 I would guess that the revised application will  
17 result in an amended procedural schedule, but we  
18 certainly have no objection to suspending the current  
19 schedule as Sprint has requested.

20 CHAIRMAN HANSON: Thank you, Mr. Swier.

21 Are there any questions from -- excuse me? Did  
22 I miss someone?

23 MR. WELK: Yes. You missed CenturyLink,  
24 Mr. Chairman.

25 CHAIRMAN HANSON: I'm going to slap the back of

1 my hand. Please go right ahead.

2 MR. WELK: Yes. This is Tom Welk, Mr. Chairman,  
3 on behalf of CenturyLink. And I hear an echoing. Is  
4 that just me?

5 CHAIRMAN HANSON: I'm not hearing one.

6 MR. WELK: I won't reiterate what other counsel  
7 have said and especially in view of the comments made by  
8 Mr. Swier about the agreement to the Suspension Motion.

9 But the perspective of CenturyLink is this case  
10 has languished long enough, and I think that the  
11 Commission needs to assert in a scheduling order that if  
12 an application, an amended application, is not filed by a  
13 certain date, that it be deemed withdrawn.

14 We need to move on and schedule a hearing on  
15 this and with a revised schedule or either dismiss the  
16 Docket. We've all expended -- all the companies  
17 involved, including AT&T, have expended a lot of time and  
18 money and also the Staff and the Commission, and we  
19 simply want some firm direction by the Commission.

20 Based on the allegations and assertions of  
21 Mr. Swier, it seems to me what the Commission needs to do  
22 if you don't file it by such and such a day, that the  
23 Docket is closed. If it is, we have a new revised  
24 schedule, and we would like a hearing date so this matter  
25 can be concluded.



1 Thank you.

2 CHAIRMAN HANSON: Thank you.

3 I believe we have Staff that's involved with  
4 this.

5 MS. CREMER: Thank you. This is Karen Cremer of  
6 Staff.

7 Staff would recommend the Commission grant the  
8 Motions to Suspend the due date for Intervenor testimony.

9 CHAIRMAN HANSON: Thank you very much.

10 Commission members, do you have any questions?

11 Is there a Motion on the first item?

12 Hearing none --

13 COMMISSIONER NELSON: This is Commissioner  
14 Nelson. I would move that the Commission suspend the  
15 May 8, 2013, due date for Intervenor testimony.

16 CHAIRMAN HANSON: Thank you.

17 Discussion on the Motion?

18 COMMISSIONER NELSON: I would simply say I think  
19 it's evident why we need to do this. So far as setting  
20 an absolute deadline for NAT to file a revised  
21 application, I'm not prepared to do that at this time.  
22 But I will also say if it doesn't happen in the time  
23 frame that Mr. Swier has outlined, that we have meetings  
24 in early June that those kinds of things can happen  
25 quickly.

1           CHAIRMAN HANSON: Thank you. Any further  
2 discussion?

3           COMMISSIONER FIEGEN: Mr. Chairman, will the  
4 advisor's attorney, Rolayne Wiest, be involved in the  
5 procedural schedule so we can kind of get help in moving  
6 this forward?

7           CHAIRMAN HANSON: Ms. Wiest is here, and she'll  
8 answer the question.

9           MS. AILTS WIEST: Yes. I could meet with the  
10 parties and try to set up a new procedural schedule.

11          COMMISSIONER FIEGEN: All right. Thank you.

12          CHAIRMAN HANSON: Thank you. And I think we're  
13 all a bit frustrated with some of the dockets that we're  
14 confronted with and especially ones that seem to require  
15 a lot of what we might consider redundancy or the amount  
16 of time that it takes to get through them. And we're all  
17 very excited to resolve properly the dockets that are  
18 before us.

19          With that, I will ask for a vote on Commissioner  
20 Nelson's Motion.

21          Commissioner Nelson.

22          COMMISSIONER NELSON: Aye.

23          CHAIRMAN HANSON: Commissioner Fiegen.

24          COMMISSIONER FIEGEN: Fiegen votes aye.

25          CHAIRMAN HANSON: Hanson votes aye. The Motion

1 carries.

2 That brings us to the second question in this  
3 Docket, which is shall the Commission grant Sprint's  
4 Second Motion to Compel and enforce prior order against  
5 NAT.

6 I'm sometimes at a loss when I have this many  
7 folks to turn to. I'd like to turn to Staff first.

8 MS. CREMER: Sprint.

9 CHAIRMAN HANSON: Sprint. I get to turn to  
10 Sprint again first.

11 Sprint, Mr. Schenkenberg.

12 MR. SCHENKENBERG: Thank you, Chairman, members  
13 of the Commission. Phil Schenkenberg for Sprint again.

14 Sprint has moved for an order compelling NAT to  
15 respond to two discovery requests. These requests were  
16 served at the beginning of 2011, and the Commission  
17 Ordered NAT to respond to them about a year ago. We were  
18 here in April on our first Motion to Compel, and the  
19 Commission decided the questions were designed to allow  
20 Sprint to test the validity of the application and the  
21 accurateness of the statements that NAT had made and  
22 designed to allow Sprint to obtain evidence that NAT is a  
23 sham entity.

24 There was a stay following -- or during the  
25 appeal. And then in January, as I indicated earlier,

1 there was a new procedural order that would have NAT  
2 responding to all of those requests in January.

3 There were a number of issues that we had with  
4 what NAT provided in January. Those got narrowed down to  
5 two requests, and we had to move to compel in April with  
6 this Docket moving forward.

7 Just before 11 a.m. today I did receive some  
8 supplemental responses from Mr. Swier. And I had an  
9 initial -- a chance to initially look at those and speak  
10 briefly with my client but haven't had a chance to fully  
11 digest those and understand whether they are fully  
12 responsive.

13 Let me just start with Interrogatory No. 9,  
14 which is the second one we addressed in our brief. We  
15 had asked for information regarding the surcharges and  
16 assessments that NAT was collecting and remitting  
17 relative to the provision of service to both Free  
18 Conferencing and to individuals and businesses on the  
19 reservation.

20 That was relevant to help us examine whether NAT  
21 was legitimately providing or trying to provide local  
22 exchange service as it relates to collection of things  
23 like 911 assessments and telephone relay assessments.

24 I think we have received information in response  
25 to No. 9 that does answer the question. And there was an

1 attachment that was a Universal Service Administrative  
2 Company filing, and I just haven't had a chance to go  
3 back and confirm everything is what it appears to be.

4 And so I guess what I'd ask on No. 9 is that the  
5 Commission note that NAT has provided supplementation  
6 that Sprint at this point hasn't identified in the short  
7 period of time any deficiencies with that but that if we  
8 do decide that what was provided at 11 o'clock this  
9 morning isn't responsive, that we be given a chance to  
10 come back and explain why, if we can't work that out with  
11 Mr. Swier.

12 So that's, I guess, the limited request on  
13 No. 9.

14 No. 7 asked for coverage maps to test the  
15 statement in NAT's application that they currently had  
16 the ability to serve throughout the reservation. There  
17 is a requirement in the rules that if you're serving in a  
18 rural area, you have to demonstrate that you can serve or  
19 that you've got a build-out plan that will get you there.  
20 And NAT says they can serve today, and we are very  
21 concerned that this is a sham entity using the provision  
22 of local service as a cover for the true business  
23 operation. And if, in fact, they don't have the ability  
24 to serve throughout and don't intend to, that would tend  
25 to prove our suspicion.

1           We haven't yet received a coverage map. We've  
2 received an address that we're told is where either one  
3 tower is or more than one tower is. I'm not sure. But  
4 we haven't received a coverage map. And coverage maps  
5 are pretty commonly submitted in these kinds of  
6 proceedings to demonstrate ability to serve.

7           Finally, what we had received in January was a  
8 2009 vendor document that appeared to be a proposal their  
9 vendor had made. And so what this would look like once  
10 it was put up and constructed. And that might give us an  
11 indication of intent to serve and ability to serve and  
12 could be real helpful except that what was provided was a  
13 scanned in copy that really wasn't legible and you  
14 couldn't read.

15           And so we just asked for a copy that we could  
16 read, and we didn't even get that. So we think we ought  
17 to get a coverage map. We think we ought to get a  
18 readable version of that prior map that had been  
19 provided, and we ought to get that promptly.

20           Finally, I won't belabor this, but we did make a  
21 request for fees. It's authorized by the statute.  
22 You've ordered them to provide this once. We don't think  
23 we should have had to be here, and we think we ought to  
24 be allowed to make an application for fees and have those  
25 paid for by NAT.

1 Thank you very much.

2 CHAIRMAN HANSON: Thank you. I was debating  
3 whether to have Interveners next or whether to have NAT.  
4 If I have NAT, then I will need to let NAT respond to  
5 Interveners.

6 I'll go to Mr. Swier and then go to Interveners.

7 MR. SWIER: Thank you. First regarding  
8 Interrogatory No. 9, we did inform Sprint that those  
9 particular items were being updated and we were waiting  
10 for a professional audit of those USAC and various tax  
11 and surcharge items so that we could make sure that the  
12 information we provided was audited accurately.

13 I finally got that information from NAT's  
14 provider last night and forwarded these on to  
15 Mr. Schenkenberg and the other counsel earlier this  
16 morning. So hopefully we've complied with that. But I  
17 did inform Sprint that we were waiting for those audited  
18 items, which again I did receive last night.

19 Regarding Interrogatory No. 7, Sprint has  
20 known since the beginning when the application was filed  
21 that the address for NAT and its equipment was in  
22 Fort Thompson. So we think that they have had that  
23 information.

24 Secondly, we are trying to get a coverage map  
25 from the vendor. NAT does not have a coverage map

1 in-house. So we are actually trying to get ahold our  
2 vendor to get that coverage map, and I'm hoping to have  
3 that yet today.

4           Regarding the map that we provided earlier in  
5 the supplemental discovery, that would be NAT's response  
6 to Interrogatory No. 7, that is the copy that we have.  
7 That's the best copy that we have. It's the best copy  
8 that we can provide to Sprint and the Interveners.

9           I guess I don't know what else NAT can possibly  
10 do besides provide the exact document that we've been  
11 provided. And because of that, I don't think attorneys  
12 fees would be proper here.

13           Again, we've been sharing with Sprint some of  
14 the difficulties we've had in trying to get this  
15 information. Hopefully now we have the problem taken  
16 care of.

17           Thank you.

18           CHAIRMAN HANSON: Thank you, Mr. Swier.

19           Are there any Interveners who wish to speak at  
20 this time? Either in presence or on the telephone.

21           If not, I will turn to Staff. Ms. Cremer, do  
22 you have anything?

23           MS. CREMER: Thank you. This is Karen Cremer of  
24 Staff. As to Interrogatory No. 9, I would agree with  
25 Mr. Schenkenberg. He'll have to review it and see if



1 that meets their needs.

2 The coverage map, you know, the other -- last  
3 week Staff suggested at a minimum NAT could get a colored  
4 pencil and fill it in. You know, there seems as though  
5 they could probably get that coverage map. Maybe there  
6 will be one coming today. It would be helpful for  
7 everyone to have that.

8 Thank you.

9 CHAIRMAN HANSON: Thank you. Are there any  
10 questions by the Commission?

11 COMMISSIONER NELSON: Mr. Chairman.

12 CHAIRMAN HANSON: Mr. Nelson. Excuse me.  
13 Commissioner Nelson.

14 COMMISSIONER NELSON: One question for  
15 Mr. Schenkenberg.

16 On Interrogatory No. 7, if they literally do not  
17 have a current map, do you still believe they're required  
18 to provide it to you?

19 MR. SCHENKENBERG: Thank you, Commissioner.  
20 That's the first I've heard of this. I haven't been  
21 told, to my knowledge, by Mr. Swier in the five months  
22 I've been communicating with him on this that that was  
23 the only version they have. So if that's all they have  
24 and that's all that's within their control, then that's  
25 all they can provide to me.

1           If it's a simple matter of asking the vendor to  
2 provide the original of that proposal, I think that's  
3 within their control.

4           COMMISSIONER NELSON: Okay. I believe in their  
5 filing on May 15 they made the contention that they did  
6 not have a current coverage map in their possession.

7           MR. SCHENKENBERG: And I understood that to be  
8 different from -- and maybe I misunderstood your  
9 question. If they have -- I do think it would be  
10 appropriate to order them to provide a current coverage  
11 map, even if they don't have one. That's commonly done.

12           It certainly has been done, I think, in all of  
13 the wireless applications that were done for eligible  
14 telecommunications carrier status where that's a key  
15 question and you serve the area in which you seek to be  
16 designated.

17           COMMISSIONER NELSON: And I don't disagree that  
18 that's the question we're going to have to wrestle with.  
19 But if NAT literally doesn't have the map, then that is  
20 part of the answer to that question.

21           And so based on your response, let me go to  
22 Mr. Swier. Understanding that you literally do not have  
23 a current map, do you believe that you're required to  
24 provide one?

25           MR. SWIER: I don't, under the rules. However,

1 what I'm going to do is I'm going to get ahold of some  
2 type of map to provide. I'm just going to do it. I  
3 don't think I'm required under the rules, but I want to  
4 do it because I don't want this to be an issue that's in  
5 controversy.

6 COMMISSIONER NELSON: And by when can you  
7 provide it?

8 MR. SWIER: I'm hoping to be able to provide it  
9 by tomorrow by noon.

10 COMMISSIONER NELSON: Thank you. No further  
11 questions.

12 CHAIRMAN HANSON: Thank you, Commissioner  
13 Nelson.

14 Any further questions by the Commissioners?

15 COMMISSIONER FIEGEN: Mr. Chairman, just a quick  
16 question of Mr. Swier.

17 CHAIRMAN HANSON: Please, Commissioner Fiegen.

18 COMMISSIONER FIEGEN: The Commission, of course,  
19 was not informed about the 11 a.m. supplemental  
20 information on No. 9, but if we did have that, could you  
21 not submit work papers that you gave your auditors so  
22 that you would have had some information to give the  
23 Interveners and et cetera?

24 MR. SWIER: If I may, Commissioner Fiegen, I  
25 believe my client's position on that was they want to

1 provide the correct and accurate information and that's  
2 why they wanted to wait until they got an actual audited  
3 copy of that material. So I think that was their  
4 position that they took, that they want to provide  
5 everybody with accurate information, and we were waiting  
6 for the vendor to do that for us.

7 COMMISSIONER FIEGEN: Okay. Thank you. I  
8 just -- I thought it said in the testimony that I read  
9 that he just didn't have any information, and so I was  
10 just assuming he would have work papers and so I might  
11 have read that wrong.

12 Thank you.

13 CHAIRMAN HANSON: Mr. Swier, who conducted the  
14 audit?

15 MR. SWIER: It was Technologies Management,  
16 Inc., out of Maitland, Florida.

17 CHAIRMAN HANSON: Thank you.

18 Ms. Wiest, do you have a question?

19 MS. AILTS WIEST: Yes. I had a question for  
20 Mr. Schenkenberg.

21 With respect to Interrogatory No. 9 then, are  
22 you requesting that the Commission take any action on  
23 that? I believe you mentioned that you just wanted the  
24 opportunity to come back and see if anything further  
25 needed to be done after you had more of a chance to

1 review the supplemental responses that were filed this  
2 morning.

3 MR. SCHENKENBERG: Ms. Wiest, whatever makes the  
4 most sense. I don't think I'm asking for any affirmative  
5 action on that. Again, I just wanted to make sure that  
6 if we look at this and we don't have what we thought we  
7 should have been provided, that we have the opportunity  
8 to work that out and then come back.

9 MS. AILTS WIEST: And then going on to  
10 Interrogatory No. 7, to the extent that NAT provides the  
11 coverage map, are you still looking for affirmative  
12 action from the Commission on Interrogatory No. 7?

13 MR. SCHENKENBERG: There were two questions open  
14 on 7. One is the current coverage map, and one is the  
15 better version of the vendor map from -- from 2009. And  
16 I think I confused the two when I was responding to  
17 Commissioner Nelson.

18 If he does provide a current coverage map, that  
19 obviously is the most important. If there is -- if he  
20 does have available to him through a vendor the 2009 map  
21 that he had previously provided in discovery, we do think  
22 we ought to get that in legible form. If that's not  
23 available and isn't in his control, then I don't think  
24 you can order him to provide it.

25 MS. AILTS WIEST: And so based on that, is there

1 anything for the Commission to do with respect to  
2 Interrogatory No. 9?

3 MR. SCHENKENBERG: As I understand the way this  
4 is --

5 MS. AILTS WIEST: I mean, 7.

6 MR. SCHENKENBERG: 7. Correct. This has gone,  
7 I don't think you ought to be -- NAT ought to be ordered  
8 to provide the original, readable 19 -- I'm sorry, 2009  
9 map, if it's in NAT's possession and control. And maybe  
10 it's not. And should be ordered to provide a coverage  
11 map, which it intends to do tomorrow.

12 MS. AILTS WIEST: Okay. Thank you.

13 CHAIRMAN HANSON: Thank you.

14 Any further questions from Commissioners at this  
15 time?

16 If not, is there a Motion?

17 COMMISSIONER NELSON: Mr. Chairman.

18 CHAIRMAN HANSON: Commissioner Nelson.

19 COMMISSIONER NELSON: I would move that the  
20 Commission grant Sprint's Second Motion to Compel as it  
21 relates to Interrogatory No. 7 and understanding we have  
22 two issues here regarding the 2009 information. If, in  
23 fact, NAT has in its possession or can obtain a clear  
24 version of that and provide it, I believe we should  
25 compel that to happen.

1           And, secondly, a current coverage map, if they  
2 have that in their possession, we should compel that to  
3 be provided also.

4           CHAIRMAN HANSON: Thank you.

5           Any discussion on the Motion?

6           Commissioner Nelson.

7           COMMISSIONER NELSON: Aye.

8           CHAIRMAN HANSON: Commissioner Fiegen.

9           COMMISSIONER FIEGEN: Fiegen votes aye.

10          CHAIRMAN HANSON: Hanson votes aye. The Motion  
11 carries.

12          Are there any other questions before the  
13 Commission on this item?

14          MS. AILTS WIEST: I believe the Commission --  
15 and I would recommend that the Commission deny the  
16 request for attorneys fees.

17          CHAIRMAN HANSON: Any questions by the  
18 Commission on that item?

19          COMMISSIONER NELSON: I would make that a Motion  
20 that we deny attorneys fees at this point.

21          CHAIRMAN HANSON: Discussion on the Motion?  
22 Commissioner Nelson.

23          COMMISSIONER NELSON: Aye.

24          CHAIRMAN HANSON: Commissioner Fiegen.

25          COMMISSIONER FIEGEN: Fiegen votes aye.

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CHAIRMAN HANSON: Hanson votes aye. Motion carries.

I believe that concludes all of the items on that Docket at this time.



1 STATE OF SOUTH DAKOTA)

2 :SS

CERTIFICATE

3 COUNTY OF SULLY )

4

5 I, CHERI MCCOMSEY WITTLER, a Registered  
6 Professional Reporter, Certified Realtime Reporter and  
7 Notary Public in and for the State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed  
9 shorthand reporter, I took in shorthand the proceedings  
10 had in the above-entitled matter on the 21st day of May,  
11 2013, and that the attached is a true and correct  
12 transcription of the proceedings so taken.

13 Dated at Onida, South Dakota this 29th day of  
14 May, 2013.

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Cheri McComsey Wittler,  
Notary Public and  
Registered Professional Reporter  
Certified Realtime Reporter

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