

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 TC11-087
INTEREXCHANGE TELECOMMUNICATIONS
SERVICES AND LOCAL EXCHANGE SERVICES
IN SOUTH DAKOTA

=====

Transcript of Proceedings
October 9, 2013
1:30 p.m.

=====

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

COMMISSION STAFF
Rolayne Ailts Wiest
John Smith
Kristen Edwards
Greg Rislov
Brian Rounds
Patrick Steffensen
Robin Meyerink
Eric Paulson
Deb Gregg
Sherry Dickerson

APPEARANCES

Scott Swier, Native American Telecom
Phillip Schenkenberg, Sprint
Bill Van Camp, AT&T
Meredith Moore, Midstate
Jason Topp, Centurylink

Reported By Cheri McComsey Wittler, RPR, CRR

1 TRANSCRIPT OF PROCEEDINGS, held in the
2 above-entitled matter, at the South Dakota State Capitol
3 Building, 500 East Capitol Avenue, Pierre, South Dakota,
4 on the 9th day of October 2013, commencing at 1:30 p.m.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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 questions before the Commission are today
7 shall the Commission grant NAT's Motion to Take
8 Deposition of Sprint's Expert, Randy G. Farrar. And,
9 secondly, shall the Commission grant NAT's Motion For
10 Grant of Temporary Authority? Or in the alternative
11 expedited decision?

12 We will take these one question at a time, not
13 in their entirety, to the extent that we can discuss them
14 without going over to the others. But the first question
15 before us is shall the Commission grant NAT's Motion to
16 Take Deposition of Sprint's Expert Randy Farrar.

17 So we'll start with NAT, and then we'll
18 certainly entertain Sprint's concerns.

19 NAT.

20 MR. SWIER: This is Mr. Swier. Mr. Chair,
21 before we start, we may be getting into some confidential
22 business information regarding these two motions. And
23 I'm wondering if it would be appropriate at this time if
24 the Commission would consider taking these two matters up
25 in a confidential session?

1 CHAIRMAN HANSON: We will take them up in
2 confidential to the extent that we discuss confidential
3 items. However, we will not place the entire discussion
4 as confidential.

5 So if any of the parties believe they are going
6 to address confidential items, they will have to inform
7 us before they make any confidential statements. Then we
8 will go off the web, and we will make certain that only
9 parties in the room are a part of the -- only persons in
10 the room are parties to the docket.

11 MR. SWIER: Thank you, Mr. Chair.

12 Mr. Chair regarding the Motion to Take the
13 Deposition of Mr. Farrar, under SDCL 15-6-26(b)(4) this
14 is what the motion is made under. As the Commission is
15 aware, Sprint's in-house expert witness, Randy Farrar,
16 has filed sworn written testimony under oath in this case
17 on two occasions. His first written testimony was filed
18 on March 26 of 2012. His second written testimony was
19 filed on August 13 of 2013.

20 And Mr. Farrar's written testimony in both of
21 those submissions opines on a number of topics regarding
22 NAT's application for a Certificate of Authority.

23 Number one is, of course, that Mr. Farrar has
24 claimed that NAT is some type of sham entity. Mr. Farrar
25 has also opined on NAT's financial stability. He's

1 indicated that he believes NAT has been established for
2 traffic pumping purposes. He's also opined that it's not
3 in the public interest to grant NAT's Certificate of
4 Authority. He's also opined that NAT is not providing
5 any benefit to the Crow Creek Sioux Tribe, and he's also
6 opined regarding NAT's future profitability.

7 We think in this case that a deposition of
8 Sprint's in-house expert is not only -- not only should
9 be granted but is necessary to be granted in this case.
10 I think as Mr. Shultz said the last time we brought this
11 up, in his 30 years of practice he's never had to go
12 through this process before. The attorneys simply agreed
13 to take the depositions of their respective experts. But
14 we have gone through the process now.

15 So we are asking the Commission, again, you have
16 a very broad scope of topics that Mr. Farrar has provided
17 written testimony on.

18 NAT is also, pursuant to the statute, willing to
19 pay Mr. Farrar a reasonable and appropriate fee.
20 However, the Commission should take into consideration
21 who we're deposing here is an in-house expert who's an
22 employee of Sprint. He's an employee of Sprint. It's
23 not the typical expert witness situation where you have
24 an outside expert. This is actually an employee of
25 Sprint.

1 So what we have asked is Mr. Schenkenberg has
2 proposed that we pay Mr. Farrar \$100 an hour for his time
3 at both the deposition and in preparation. And what I've
4 asked Mr. Schenkenberg is how Sprint has come up with
5 \$100 an hour for Mr. Farrar's testimony. I have just
6 found out in the last day or two that apparently Sprint
7 has an internal analysis of what it believes Mr. Farrar's
8 fee should be.

9 I've asked for that information, and it hasn't
10 been provided to me. I don't think either NAT or the
11 Commission can determine what a reasonable fee is for
12 Mr. Farrar without some type of numbers from Sprint.

13 And, again, we've requested it. We're simply
14 asking that we be allowed to pay the same fee for
15 Mr. Farrar that Sprint's paying him as an employee. And
16 neither the Commission nor NAT can determine what's
17 reasonable or appropriate without Sprint providing us
18 with its analysis of the fee request.

19 The other issue with regard to this deposition
20 is the length of the deposition. The parties have been
21 trying to negotiate the length of Mr. Farrar's
22 deposition.

23 Sprint originally said they'll make Farrar
24 available only for three hours. And we, of course, said
25 that that's not acceptable. Under 15-6-30(b)(2)

1 South Dakota Law provides that a deposition is limited to
2 one day of seven hours. And additional time can be
3 allowed for a fair examination if the deponent or his
4 attorney impedes or delays the deposition. So what we're
5 asking for in length of deposition is what the rules
6 provide.

7 We want one day, seven hours of deposition
8 time subject to coming back before the Commission if
9 Sprint attempts to impede or delay during those seven
10 hours.

11 And, finally, the scope of the deposition. Once
12 again, under 15-6-26, that's the standard for deposition
13 discovery. If it's relevant to the subject matter and
14 reasonably calculated to lead to the discovery of
15 admissible evidence.

16 As Sprint has pointed out throughout these
17 proceedings, it's a very broad standard. We have
18 approximately 70 to 80 pages of prefiled testimony
19 provided by Mr. Farrar. Now we're confident that we can
20 get this done in seven hours as long as things go
21 smoothly. So, again, what we're asking is the Commission
22 allow us to take the deposition and the deposition be
23 taken in a way that's consistent with the rules of
24 procedure.

25 Thank you.

1 CHAIRMAN HANSON: Thank you, Mr. Swier.
2 Mr. Schenkenberg.

3 MR. SCHENKENBERG: Thank you, Mr. Chairman,
4 members of the Commission. We appreciate the opportunity
5 to address you on this issue.

6 We believe that CCT or NAT -- I think we used
7 CCT, Crow Creek Telecom, in our Pleadings because
8 Mr. Swier had switched to that acronym. I see that he's
9 now using NAT. I hope if I use those two
10 interchangeably, it won't be too confusing.

11 We do believe that NAT's request to depose
12 Mr. Swier [sic] is not in accordance with the rules. We
13 were here a month ago before you on our Motion to Quash,
14 and you decided that the rules mean what they say and
15 should be followed and that NAT hadn't followed the rules
16 because they hadn't filed a motion for a deposition of a
17 expert witness.

18 And here we are again a month later. And when
19 you look at the rules, the rules say that the default is
20 no expert depositions, unless there's a special reason to
21 do it. And when there's a special reason to do it, that
22 is extraordinary, it is done with appropriate scope
23 limitations and appropriate fee shifting.

24 Commissioner Nelson asked a month ago -- I think
25 he was curious as to whether and why Sprint really

1 opposed this kind of deposition. And there are a few
2 reasons. Practically this is going to create
3 uncompensated costs, even if Mr. Farrar's -- even if the
4 cost of Mr. Farrar's time is compensated for. There is
5 in-house lawyers spending time on this. My travel costs,
6 my fees, will not be paid for by NAT. There's court
7 reporter costs. And it costs the organization to take an
8 employee away from his or her normal duties to be
9 deposed.

10 Beyond that, as you know, Sprint and NAT are in
11 disputes bigger than what we have before you in this
12 docket. And the issue of NAT through its counsel
13 spending time digging into areas that have nothing to do
14 with this case is very much concerning to Sprint.

15 You've already decided that this case is about
16 NAT's qualifications, not on Sprint's qualifications.
17 And allowing a deposition without appropriate scope or a
18 deposition at all is going to assent Mr. Swier or NAT to
19 use this deposition for the purposes other than to
20 getting to the truth about what this case is about.

21 As I said, the default under South Dakota Law,
22 and regardless of what practice might be at times
23 between -- between parties in the past or what someone's
24 experience is, the rules that are in place and have been
25 in place provide that there is no need in a normal case

1 to do depositions of experts.

2 As long as you understand what the opinion is,
3 as long as you've been told what the facts are that the
4 expert relies on, you just go to trial and you
5 cross-examine your witness there.

6 And that's what the law is in South Dakota.
7 It's what it is in Minnesota. We provided a case to you
8 out of Massachusetts in which a judge said you've really
9 got to find special circumstances in order to change the
10 default result. And if a court simply decided that a
11 party's willingness to pay the fee of the expert was
12 enough, you'd be disregarding the rule.

13 There really isn't anything in this case that
14 sets this case apart. Mr. Farrar's testimony has been
15 provided, the facts on which he relies have been
16 provided. NAT has every opportunity to prepare for trial
17 using that information, and can and should do so.

18 This is just a garden variety situation in which
19 an expert is providing opinions and the other side wants
20 to create costs by doing a deposition, and the drafters
21 of the rule says that isn't necessary.

22 With respect to scope, if you do decide there is
23 a need to do the deposition, there are two important
24 scope restrictions that we're asking to issue an order
25 on. And I would remind the Commission that the rules do

1 say with appropriate limitations on scope.

2 And the first is the topic matter. As Mr. Swier
3 indicates, there's testimony that's been filed. The 2012
4 testimony is not relevant. Mr. Farrar has said he's not
5 offering that at trial. He's replaced it with the August
6 2013 testimony. That ought to be the focus of the
7 question.

8 If this deposition is necessary for NAT to
9 prepare for hearing and to understand Mr. Farrar's
10 testimony, then that ought to be the scope of the
11 deposition. And the fact that Mr. Swier does not want to
12 agree to any scope on the deposition tells me that he
13 want to use this as a way to get into many other topics
14 that aren't relevant. And that's not appropriate.

15 It's also inconsistent with the rule. Which
16 again the rule's focused not on the broad discovery
17 standard, but it's focused on the need to depose an
18 expert about the basis for his opinion.

19 With respect to time, it is true that the
20 default under the rules is seven hours, a full day. We
21 think a half day's appropriate. The Commissioners may
22 not have any personal experience in this area, but three
23 hours is a long time to ask questions and certainly if
24 we're obstructing the process, you ought to take us to
25 task. We will not do that.

1 I did depositions in our case of Northern Valley
2 of four conference call company representatives. None of
3 them went a half a day. A half day is plenty of time to
4 depose somebody. A skilled lawyer can get the work done
5 in a half day. And we think that's consistent and
6 appropriate in these circumstances.

7 Finally, on compensation we have been back and
8 forth on compensation. I understood Mr. Swier's position
9 to be that he would pay no compensation. I now
10 understand his position to be something different. I do
11 have an analysis. I was not able to send down that
12 before the hearing, but I do have it here.

13 And I guess what I would suggest -- and it is an
14 analysis that looks at the cost of the company of
15 Mr. Farrar's time based on what his compensation is and
16 benefits, et cetera. This is not an outside expert
17 witness fee, which would certainly be twice or three
18 times plus \$100 an hour.

19 So what I would suggest is this, that the
20 Commission not make a decision on the dollars -- the
21 \$100 per hour request but direct the parties to continue
22 to negotiate on that. I'll provide the analysis to
23 Mr. Swier, and perhaps you can ask Ms. Wiest, if
24 necessary, to mediate any disputes that the parties
25 have just so we don't have to come back to you with

1 this problem. But I suspect we'll be able to get
2 there.

3 That's all I have, members of the Commission.
4 In summary, we don't think it's appropriate to do the
5 deposition. If you decide otherwise, we do ask for
6 appropriate limitations on scope and have addressed the
7 compensation issue with Mr. Swier already.

8 Thank you.

9 CHAIRMAN HANSON: Thank you.

10 Ms. Wiest, did you have any comments on this?

11 Any questions about the Commissioners?

12 I have one of Mr. Schenkenberg. Obviously, you
13 will have Farrar available at hearing; correct?

14 MR. SCHENKENBERG: That's correct. If he does
15 not come to the hearing, his testimony would not be
16 admitted, and it wouldn't be in the record. He will
17 certainly be at the hearing, yes.

18 CHAIRMAN HANSON: And, Mr. Swier, the word
19 extraordinary was used. And I haven't looked at the law
20 on that. Recently, at least.

21 Do you know of nonconfidential reasons that you
22 can tell us what special reason you would have that you
23 would have to go through a deposition process rather than
24 having the witness available at hearing?

25 MR. SWIER: Yes. Mr. Commissioner, that's a

1 misnomer of the law. Nowhere in SDCL 15-6-26(b) does it
2 say anything about that it has to be extraordinary or
3 special circumstances to take an expert deposition. And
4 perhaps the Commission could ask Mr. Schenkenberg where
5 he got that language. But it's clearly not in the
6 statute.

7 So it's not an extraordinary or special
8 circumstances standard here. It says the court may
9 order further discovery. And then we can also talk about
10 fees and expenses that the court may deem appropriate.
11 It says nothing in there about extraordinary or special
12 circumstances.

13 And in a case like this, Mr. Schenkenberg says
14 that everybody's going through a bunch of expense. NAT
15 surely doesn't want to have to go to the expense of this
16 entire proceeding that's gone on for three years now.
17 Sprint decided to intervene. They put themselves out
18 there.

19 All we want is like every other case that's done
20 in South Dakota. We want to be able to take a prehearing
21 deposition of what will be a very important witness. And
22 we shouldn't be forced to just have Farrar appear and
23 wing it on cross-examination.

24 So, again, extraordinary or special
25 circumstances, not required under the rule.

1 CHAIRMAN HANSON: Thank you. I wish to mention
2 I recognize that there are a number of Interveners in
3 this docket besides Sprint. And I -- I guess I am
4 intentionally ignoring you. I'm looking at it from the
5 standpoint of the second question, assuming that you're
6 on the line to participate in that.

7 However, are there any other Interveners, anyone
8 else associated with this docket, who feel compelled to
9 speak to this issue?

10 Sort of a marriage deal. Speak now or forever
11 hold your peace.

12 MR. TOPP: This is Jason Topp. We do not take a
13 position on this issue.

14 CHAIRMAN HANSON: Thank you. If there is
15 anyone, please speak up. Otherwise, I'll look for other
16 questions from Commissioners.

17 Commissioner Nelson.

18 COMMISSIONER NELSON: Just one for
19 Mr. Schenkenberg.

20 You've talked about this analysis of
21 Mr. Farrar's time value. What's the dollar figure?

22 MR. SCHENKENBERG: The dollar figure for the
23 average in his pay grade is just below our \$100 number we
24 proposed. And he's an above average in his pay grade. I
25 think I said that correctly.

1 COMMISSIONER NELSON: Understand. Thank you.

2 CHAIRMAN HANSON: Commissioner Fiegen.

3 COMMISSIONER FIEGEN: Just to comment on
4 analyzing the cost of an employee, just to remember that
5 it's more than the wages. It is also opportunity cost
6 and the people that support them and their office and all
7 of that.

8 So a lot of times when you look at an employee
9 it's more than their wages that it costs a company to
10 have that employee. So when you negotiate, make sure you
11 look at all of those type of things.

12 CHAIRMAN HANSON: Thank you.

13 Any further questions?

14 If not, I'd entertain a motion. And what I
15 would like to do, rather than incorporating the
16 limitations, the three limitations that have been
17 discussed, first decide whether or not we actually want
18 to grant the Motion To Take Deposition.

19 If we do not, then there wouldn't be any need to
20 address the limitations. If we do, then we can take the
21 limitations one at a time.

22 Is that fair?

23 COMMISSIONER NELSON: With that understanding,
24 because I definitely want to address those limitation
25 questions, I would move that we grant NAT's Motion For

1 Leave To Take Sprint's Expert Randy G. Farrar.

2 CHAIRMAN HANSON: Discussion on that motion?

3 Hearing none, Commissioner Fiegen.

4 COMMISSIONER FIEGEN: Fiegen votes aye.

5 CHAIRMAN HANSON: Commissioner Nelson.

6 COMMISSIONER NELSON: Aye.

7 CHAIRMAN HANSON: Hanson votes aye.

8 The motion carries.

9 The next item is the limitation on the request
10 from Sprint of \$100 an hour. And I would mention that
11 I've been involved in a court case where a deposition was
12 just taken -- I think it was a week and a half ago -- and
13 I paid \$175 an hour to an expert witness. So maybe I got
14 bamboozled a little bit.

15 But I recognize that person was a different
16 expert and on a different topic. However, I've paid \$100
17 on a number of occasions for expert witnesses, at least
18 in my experience.

19 Other discussion?

20 Ms. Wiest.

21 MS. AILTS WIEST: I was just going to say for
22 that one I would recommend that the Commission take
23 Mr. Schenkenberg's request and have the parties try to
24 come to some sort of agreement on their own.

25 CHAIRMAN HANSON: And you will take it under the

1 further suggestion of Mr. Schenkenberg that you would be
2 the arbiter in that?

3 MS. AILTS WIEST: Sure.

4 CHAIRMAN HANSON: All right.

5 Commissioner Nelson.

6 COMMISSIONER NELSON: Typically would I take
7 Rolayne's advice, but in this case I would like to settle
8 this today. Because I do not want this little issue
9 hanging out there and one more excuse for a delay in this
10 deposition.

11 CHAIRMAN HANSON: I'm glad to hear you say
12 that.

13 COMMISSIONER NELSON: And with that, I would
14 make a motion that Mr. Farrar's time be compensated for
15 \$100 per hour for the time spent in the deposition
16 only.

17 CHAIRMAN HANSON: Discussion on the motion?

18 COMMISSIONER FIEGEN: So the prep time is not
19 included?

20 COMMISSIONER NELSON: I would not include prep
21 time because that, again, is another nebulous number, and
22 I don't want anybody fighting over nebulous numbers. I
23 think we're past that.

24 And these are all issues that he's adequately
25 prepared for as he put together his testimony. So it

1 should be things that he's very familiar with and, again,
2 I don't want to leave anymore nebulous numbers out there
3 for the two parties to fight over.

4 COMMISSIONER FIEGEN: I value Commissioner
5 Nelson's opinion of trying to move this forward, but I'm
6 going to vote no on this motion because I think the
7 parties should be able to agree. Rolayne should be able
8 to mediate, and they should be able to do it by the end
9 of the week. So it's Wednesday today. By Friday they
10 should be able to do that.

11 CHAIRMAN HANSON: Thank you, Commissioner
12 Fiegen.

13 My only comment would be that as soon as I heard
14 that -- well, they've had an opportunity to discuss this.
15 They've had an opportunity to reach a conclusion on it
16 and have not.

17 And the very first thing I thought of when it
18 was suggested that they get back together again or talk
19 about it is that this docket -- the NAT dockets have
20 taken an extraordinary period of time, and we just need
21 to expedite it and make certain that it gets taken care
22 of.

23 If I thought \$100 was outlandish, then I would
24 say, okay, let's discuss this, or I would come up with a
25 different number. But I really think that \$100 an hour

1 is reasonable for the expert witness, and from my
2 experience, even as -- testifying as an expert witness, I
3 think that \$100 is reasonable. So I'm going to support
4 the motion.

5 Any further discussion?

6 If not, Commissioner Fiegen.

7 COMMISSIONER FIEGEN: Fiegen votes no.

8 CHAIRMAN HANSON: Commissioner Nelson.

9 COMMISSIONER NELSON: Aye.

10 CHAIRMAN HANSON: Hanson votes aye.

11 The motion carries.

12 That brings us to the second proposed
13 limitation, which is to restrict the scope to Farrar's
14 August 30 testimony.

15 And my immediate thought on that is that if
16 you're going to have an expert witness before you, you
17 should be allowed to pursue whatever that expert witness
18 knows and the nook and crannies and whatever questions
19 you need to ask.

20 Further discussion on that item?

21 Hearing none, is there a motion?

22 COMMISSIONER NELSON: I move that there be no
23 restrictions placed on the scope of the deposition.

24 CHAIRMAN HANSON: Discussion on that motion?

25 Commissioner Fiegen.

1 COMMISSIONER FIEGEN: Fiegen votes aye.

2 CHAIRMAN HANSON: Commissioner Nelson.

3 COMMISSIONER NELSON: Aye.

4 CHAIRMAN HANSON: Hanson votes aye.

5 The motion carries.

6 The third item -- the third proposed limitation
7 is to limit it to 3.5 hours. We're looking at a
8 discussion between either limit it to 3.5 or 7 hours
9 so --

10 COMMISSIONER NELSON: I move that there be no
11 additional limitation beyond the seven-hour limitation
12 provided in statute.

13 CHAIRMAN HANSON: Discussion on that motion?

14 COMMISSIONER NELSON: The statute provides for
15 seven hours. You know, I don't know that we sitting here
16 today can adequately determine how long this is actually
17 going to take. And I think if that's the limitation
18 that statute has, that we ought to give that full
19 opportunity.

20 CHAIRMAN HANSON: Further discussion?

21 Commissioner Fiegen.

22 COMMISSIONER FIEGEN: Fiegen votes aye.

23 CHAIRMAN HANSON: Commissioner Nelson.

24 COMMISSIONER NELSON: Aye.

25 CHAIRMAN HANSON: Hanson votes aye.

1 The motion carries.

2 The next question before the Commission on this
3 docket is shall the Commission grant NAT's Motion For
4 Grant Of Temporary Authority Or In The Alternative
5 Expedited Decision.

6 NAT?

7 MR. SWIER: Thank you, Mr. Commissioner. This
8 is Mr. Swier again.

9 To Commissioner and fellow Commissioners, we
10 brought this motion based upon the fact that when this
11 docket was started back in 2011 we never envisioned that
12 we'd still be here in October of 2013.

13 And when I argue in favor of this motion I'd
14 like the Commission to keep this in mind: What is the
15 harm in granting this motion?

16 NAT is providing services that have never been
17 provided before to tribal members on the reservation.
18 NAT's been providing local telecommunications services on
19 the reservation since 2009. They've been operating under
20 the Tribal Utility Authority's approval to provide local
21 telecommunications services within the reservation's
22 boundaries.

23 The benefits that NAT is providing is, number
24 one, affordable local telephone service. That's
25 important because Verizon is no longer an ETC providing

1 affordable lifeline service on the reservation.
2 Therefore, NAT's service is an essential service to
3 tribal members. Verizon's no longer an ETC out there
4 providing affordable lifeline service.

5 NAT is also providing affordable broadband.
6 Again nontribal broadband offerings, not affordable. And
7 they're used by very few, if any, of those tribal
8 members. NAT's broadband services are essential, again,
9 for those tribal members.

10 And, again, the question is what is the harm in
11 granting this temporary authority?

12 NAT has -- I mean, the filings in this case are
13 a mess. It's clear that NAT has the financial and
14 technical capabilities to provide telecommunications
15 services. NAT right now because it's entered into
16 agreements with other IXCs is now operating in the black.
17 Now the specific financials have been provided, and I'm
18 not going to comment on those now because the Commission
19 is aware.

20 Sprint's decision to not pay is based on their
21 national agenda to litigate other than to comply with
22 federal law regarding access stimulation. Sprint's made
23 a big deal out of NAT's financial capability.

24 As of June of 2013 Sprint owes NAT almost
25 \$1.4 million. They just refuse to pay. If Sprint were

1 making the payments it's supposed to make, then NAT would
2 not only be debt free but it would have approximately
3 \$1 million in the bank.

4 So it's an incredibly circular argument for
5 Sprint to say NAT doesn't have the financial wherewithal
6 when they're withholding over a million dollars in
7 payments. That's simply a circular straw man argument.

8 Also NAT's application in this docket is limited
9 to providing intrastate interexchange telephone service.
10 NAT is already providing services within the reservation
11 to tribal members. NAT is also providing interstate
12 services pursuant to a lawful tariff that's been in
13 effect with the FCC for years.

14 NAT's application in this docket only asks the
15 Commission to provide intrastate interexchange service
16 for traffic that either originates or terminates off of
17 the reservation within the State of South Dakota. That's
18 what it's asking for.

19 And right now because we have given the utmost
20 deference to the Commission, we are not providing those
21 intrastate services that terminate off the reservation
22 within South Dakota.

23 So who is being harmed here? It's the tribal
24 members who cannot make these intrastate calls within the
25 State of South Dakota. There's been no harm that's been

1 shown since 2009.

2 We think that in this case we're asking for the
3 temporary authority because we believe that until this
4 case finally comes to a hearing, no one is being hurt
5 here but the tribal members.

6 We are not charging Sprint or AT&T or
7 Centurylink for any of those interstate services. All
8 the information provided by the Interveners in opposition
9 to this was bold information. It also included
10 interstate numbers.

11 So what we're dealing with here is a company
12 that's been operating since 2009 that's trying to avoid
13 tribal members, that's probably operating under an
14 interstate tariff, that is legally operating on the
15 reservation within the reservation boundaries. All we're
16 asking is that at least until this comes to hearing for a
17 temporary period of time we let those subscribers on the
18 reservation go ahead and be able to make calls off of the
19 reservation within South Dakota.

20 Again, I don't know what the harm would be in
21 providing those services. Because it's clear those
22 services have not been provided by anyone else.

23 And with that, I'll ask if the Commission has
24 any questions. But, again, as a very practical matter,
25 what is the harm of providing of the citizens of

1 South Dakota with this little slip of telecommunication
2 service that we're asking for?

3 Thank you.

4 CHAIRMAN HANSON: Thank you. Are there any
5 Interveners who would like to comment on this item?

6 MR. SCHENKENBERG: This is Phil Schenkenberg.
7 May I proceed for Sprint?

8 CHAIRMAN HANSON: Please, go ahead. We have
9 some people in the audience here as well who will be
10 chatting with us.

11 Please, go ahead.

12 MR. SCHENKENBERG: Thank you. Sprint requests
13 that you deny the Motion For Temporary Authority. The
14 right place to start in a question like this is to find
15 out what the standard is and then to apply the standard,
16 and that's where you run into a roadblock.

17 There isn't a standard for the Commission to
18 apply to grant this kind of relief because this kind of
19 relief is not allowed under the rules or the statutes.
20 And the Commission being a creature of statutes needs to
21 follow the rules.

22 There is a process to obtain a certificate,
23 provision of service before that process has been
24 completed. It is not allowed. In fact, it's designated
25 as a misdemeanor, and there isn't a way to bend the rules

1 to allow the request that NAT is asking for.

2 If there were a standard -- in some states you
3 have a standard like this. You have a provisional
4 authority. If there were a standard, it would be like a
5 summary judgment standard or a preliminary injunction
6 standard where NAT would have to demonstrate that it was
7 abundantly clear that they were going to win or it was
8 undisputed that they were going to prove all facts
9 necessary for the relief requested.

10 And you already denied your Summary Judgment
11 Motion once in this case, and you decided that there were
12 issues raised that had to be taken up at hearing and
13 that you should follow the process set forth in the
14 rules.

15 There are disputed facts. We have submitted
16 testimony that questions NAT's fitness, managerial
17 fitness, and qualifications and its financial viability.

18 The statement made by Mr. Swier about Sprint
19 withholding and suggesting that if Sprint didn't withhold
20 that this would be a company that was viable and in the
21 black is dealt with by Mr. Farrar in his testimony. He
22 concludes that that's not the case.

23 Part of the reason for that is the lion's share
24 of that money if it were paid would go straight through
25 to Free Conferencing. It wouldn't go to NAT. And, in

1 fact, NAT can't be financially viable going forward given
2 its current business plan.

3 There are also disputes of facts about whether
4 NAT's statements about its intrastate activities during
5 2013 are true. We've submitted an Affidavit suggesting
6 it's not true. And I think AT&T did as well. NAT
7 doesn't have a certificate to do business in the state
8 now that it's CCT, Crow Creek Telecom. And we pointed
9 that out. That's a requirement of the rules.

10 So you certainly cannot find that there are
11 undisputed facts that show that NAT is going to win this
12 case.

13 In addition, I believe there's great confusion
14 and inconsistency about what NAT is asking for. This
15 started as a request for a local certificate, and then
16 it morphed into something much different earlier this
17 year.

18 NAT in its application said that it wanted the
19 authority to provide intrastate access services, which is
20 a service provided to interexchange carriers. That's not
21 the same thing as Mr. Swier was talking about a few
22 minutes ago.

23 He was talking about, I think, something that
24 came to originating intrastate long distance services
25 provided to the Crow Creek tribal members. And it's just

1 not the same thing as what NAT asked for in its
2 application.

3 And I think we quoted a discovery response in
4 our Brief in which NAT made it very clear it was not
5 seeking any authority to provide service to any tribal
6 members. It believed it already had that.

7 So we need to unscramble and the Commission
8 needs to have NAT's help in unscrambling what it is it's
9 asking for before you can grant the certificate. Because
10 if you don't know what you're granting, there's going to
11 be further lack of clarity as to what NAT's doing and
12 whether what they're doing is appropriate.

13 CHAIRMAN HANSON: Thank you.

14 Any further direction? We have Mr. Van Camp
15 here in chambers.

16 Good afternoon, Bill.

17 MR. VAN CAMP: Good afternoon, Mr. Chairman,
18 Your Honor, as the case may be. Briefly, Bill Van Camp
19 on behalf of AT&T Corp. We did file in opposition in
20 this matter.

21 And I don't want to belabor the points made by
22 Sprint, but at this late stage in the game as Staff has
23 been working with the parties to expedite the process to
24 get us to hearing after summary judgment is rejected, now
25 AT&T comes and asks for a temporary authority that isn't

1 allowed by statute or by rule.

2 And AT&T filed its opposition and just thinks
3 that's plainly not allowed by statute or by rule and for
4 that reason alone it should be denied and this should
5 move forward to hearing.

6 Thank you.

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

8 Further presentation on this item?

9 MR. TOPP: This is Jason Topp from Centurylink.

10 CHAIRMAN HANSON: Please, go ahead.

11 MR. TOPP: Thank you, Mr. Chair.

12 Centurylink, as well, has filed an opposition to
13 this motion. You know, we've got significant concerns
14 associated with the standards. We haven't addressed them
15 as comprehensively as Sprint has, but we have raised some
16 specific issues and raised opposition to this application
17 as a whole.

18 We think that we're entitled to be heard
19 regarding those concerns and find it very surprising
20 that, you know, we would have had a hearing date delayed
21 due to discovery concerns and then shortly thereafter get
22 a request to have the case resolved, at least in the
23 intervening time period for -- while this goes forward.
24 We also don't think it's supported by statute.

25 CHAIRMAN HANSON: Thank you.

1 Is there anyone else wishing to address on this
2 item?

3 MS. MOORE: Yes, Mr. Chairman. This is
4 Meredith Moore on behalf of Midstate.

5 CHAIRMAN HANSON: Please, go ahead, Ms. Moore.

6 MS. MOORE: Thank you. I will provide just a
7 few brief comments on behalf of both Midstate and then
8 also SDTA and then obviously Mr. Coit can fill in if I
9 missed anything.

10 Both SDTA and Midstate acknowledge that the
11 Commission possesses the discretion to determine whether
12 the requirements for issuance of a Certificate of
13 Authority have been met by the party petitioning for that
14 Certificate of Authority. And neither SDTA nor Midstate
15 is going to weigh in on that particular issue at this
16 time. We'd simply defer to the Commission as to whether
17 NAT has met those requirements.

18 What Midstate and SDTA would like to point out
19 at this juncture is the stipulation that was executed
20 by and between NAT, SDTA, and Midstate in March of
21 2012.

22 At that time following representations made by
23 NAT to both Midstate and SDTA, as well as discovery
24 responses filed by NAT, the parties addressed the
25 intended scope of NAT's application for a Certificate of

1 Authority. And in that stipulation NAT confirmed its
2 intention to provide service only within Midstate's
3 Fort Thompson exchange.

4 Based upon that stipulation, both Midstate and
5 SDTA stated their respective intentions not to object to
6 NAT's request for a waiver of Administrative Rule
7 20:10:32:15, which is the rule that requires the
8 petitioning party to provide services throughout the
9 entirety of that study area.

10 Since the parties filed that Stipulation in
11 March of 2012 SDTA and Midstate have confirmed with NAT
12 that it intends to honor that stipulation and it intends
13 to keep the scope of any Certificate of Authority which
14 it ultimately seeks here consistent with what was agreed
15 upon in that particular stipulation.

16 And so, therefore, if NAT did not intend to
17 honor that Stipulation, honestly Midstate and SDTA would
18 have concerns with regard to any grant of temporary
19 authority at this time or any grant of an actual COA
20 without a hearing.

21 So in that respect both Midstate and SDTA would
22 simply ask the Commission to keep in mind the parameters
23 of the Stipulation that the parties previously executed
24 in making a determination as to what to do on NAT's issue
25 today.

1 Thank you.

2 CHAIRMAN HANSON: Thank you, Ms. Moore.

3 And Mr. Coit is in the chambers with us. Do you
4 have anything to address the Commission on?

5 MR. COIT: Mr. Chairman, Commissioners and
6 Staff, Richard Coit on behalf of SDTA.

7 I would just indicate that -- and Ms. Moore
8 stated our position well. We continue to believe that
9 the Stipulation that we entered into, which was filed
10 with the Commission, is valid from our perspective.

11 With regard to any sort of grant of temporary
12 authority or final COA, we believe the terms of that are
13 applicable at this point in time and just wanted to make
14 that point on the record today as you consider the
15 motion.

16 Thank you.

17 CHAIRMAN HANSON: Thank you, Mr. Coit.

18 Is there anyone else on the phone or with us
19 today who wishes to testify on this question?

20 If not, I have one question of Mr. Swier.

21 Mr. Swier, do you know of any statutory
22 authority that would allow the Commission to grant
23 temporary authority?

24 MR. SWIER: Your Honor -- or, Mr. Chair, what I
25 would say is this: Is that this -- this Commission, just

1 like any court, would have the authority to grant
2 temporary authority in a situation like this.

3 The Commission has volumes of information that's
4 been filed that at least for a temporary matter shows
5 that technical, financial, and managerial experience of
6 NAT meets the requirements. It's been operating, except
7 in this proceeding, extremely well since 2009.

8 So when you ask if you have the authority, I
9 think it's very clear you have the inherent authority as
10 the decision-making body, just like a court, to go ahead
11 and issue a temporary certificate to give these folks on
12 the reservation these type of services.

13 And you can place any conditions that you think
14 are reasonable on the certificate. But, yes, you have
15 the inherit authority in this case to do exactly what NAT
16 is requesting.

17 CHAIRMAN HANSON: Further questions from the
18 Commission on this item? On this question?

19 Commissioner Nelson.

20 COMMISSIONER NELSON: Mr. Swier,
21 Mr. Schenkenberg has put in some Affidavits indicating
22 that Sprint believes that you -- or I should say NAT is
23 continuing intrastate services. And you have told us
24 that they ceased those services last spring.

25 Can you help me resolve that difference?

1 MR. SWIER: You bet. The Affidavit filed by
2 Ms. Clouser is the cookie cutter Affidavit that Sprint
3 files in all of these cases. That Affidavit is not based
4 on what has happened since NAT stopped providing those
5 intrastate services.

6 So technically the contents of the Affidavit are
7 correct. But it's a cookie cutter Affidavit that they
8 file, and it doesn't take into consideration what NAT has
9 done from the time it stopped its intrastate activity up
10 until now.

11 So that Affidavit does not take into
12 consideration what's happened since NAT took that step in
13 deference to the Commission.

14 COMMISSIONER NELSON: I'm not sure that answered
15 my question.

16 Mr. Schenkenberg, can you try to help me with
17 this?

18 MR. SCHENKENBERG: I can, Commissioner Nelson.

19 I do not know what Mr. Swier means when he says
20 cookie cutter. That's an Affidavit that, as I understand
21 it, is a one of a kind. This issue has never come up
22 before in my dealings with Sprint that a company has
23 claimed to have ceased providing intrastate services and
24 company data shows otherwise.

25 The information that we provided which was

1 redacted to prevent customer proprietary networking
2 information from being disclosed publicly was taken from
3 the Sprint network. Ms. Clouser pulled it herself. It
4 shows calls in August from 605 numbers located within
5 South Dakota to Free Conferencing 605 numbers.

6 So I do not know what NAT is doing as of
7 October 9, 2013, but certainly, in August they were not
8 doing what they told this Commission they were doing
9 starting back in May.

10 MR. SWIER: Mr. Commissioner, it's Mr. Swier.
11 May I respond to that?

12 COMMISSIONER NELSON: Please. Because I have
13 not gotten an answer to my question yet.

14 MR. SWIER: NAT, as indicated in its Affidavits,
15 is not providing intrastate service that starts on the
16 reservation and ends somewhere in South Dakota.

17 What Sprint is referring to, and they know
18 this -- what they're referring to are the calls that are
19 terminated on the reservation from Free Conferencing
20 Corporation customers. Those are interstate minutes.
21 Those fall under -- those fall under NAT's FCC interstate
22 tariff.

23 So, for instance, if you're calling from -- if
24 you have a Free Conference calling number and it's a 605
25 area code number, that call can come from, let's say,

1 California and it terminates in Crow Creek. That is an
2 interstate telecommunications activity.

3 There is no activity that NAT is doing that
4 involves any intrastate telecom services within the
5 State of South Dakota.

6 So what they've done is they've grouped all
7 the interstate minutes together and said, here, you see
8 they're terminated at Crow Creek. Those are interstate,
9 under which, of course, the FCC has jurisdiction.

10 COMMISSIONER NELSON: I believe his testimony
11 was that those calls originated in 605 area codes,
12 though.

13 MR. SWIER: The 605 area code is given by
14 Free Conferencing to their customers. So the 605 area
15 code can be used, let's say, with a caller in California
16 who calls in to the 605 prefix at Crow Creek. Again
17 that's interstate.

18 If we had a person who from Sioux Falls, let's
19 say, who was calling on the Free Conferencing prefix one
20 and that activity was limited to the State of South
21 Dakota -- for instance, Sioux Falls wants to do a
22 conference call and terminates at Crow Creek. That is
23 intrastate activity of which NAT is not participating.

24 So, again, our Affidavit is very clear. We in
25 deference to this Commission until the Certificate of

1 Authority is ruled upon, we are not providing intrastate
2 services outside the reservation boundaries within
3 South Dakota.

4 COMMISSIONER NELSON: No further questions.

5 CHAIRMAN HANSON: Questions?

6 Is there a motion?

7 MS. AILTS WIEST: I had a question.

8 CHAIRMAN HANSON: Please, Ms. Wiest.

9 MS. AILTS WIEST: Mr. Swier, when you stated in
10 your motion that you're asking for temporary authority to
11 originate and terminate intrastate telecommunications
12 services what type of intrastate telecommunications
13 services are you actually referring to?

14 MR. SWIER: Here's what we'd be looking at.
15 We'd be looking, for instance, if a tribal member on
16 the reservation wanted to call their grandmother in
17 Sioux Falls, that is an intrastate call. We would ask
18 that that temporary authority be granted so that tribal
19 member on the reservation could call their grandmother
20 who lives in Sioux Falls.

21 MS. AILTS WIEST: But I thought with respect to
22 what Sprint stated in their response to your motion that
23 you stated in a discovery request that you're not
24 requesting interexchange long distance service
25 authority?

1 MR. SWIER: Rolayne, could you ask that question
2 again, please.

3 MS. AILTS WIEST: I thought in your amended
4 application you state that you're asking for
5 interexchange access service. And according to Sprint,
6 in a discovery request to Staff you have stated that
7 you're requesting interexchange access service and not
8 interexchange long distance service.

9 So what are you requesting?

10 MR. SWIER: Well, I think that we're requesting
11 temporary authority to originate and terminate intrastate
12 telecommunications traffic.

13 MS. AILTS WIEST: But you're not asking for
14 interexchange authority?

15 MR. SWIER: Intraexchange authority. I believe
16 we are asking for that also. We're asking to simply be
17 able to provide telecommunications services outside of
18 the reservation but within South Dakota, to make it
19 hopefully as clear and as easy as possible.

20 MS. AILTS WIEST: Okay. So what did you mean
21 when you said you are not asking for interexchange long
22 distance service in your response to a Staff data
23 request?

24 MR. SWIER: And, you know, I don't have the data
25 request in front of me. Can you point me to the data

1 request that you're referring to?

2 MS. AILTS WIEST: I'm only speaking to Sprint's
3 Brief. I don't have data requests from Staff.

4 MR. SWIER: Well, I think that we have to look
5 at that data request because I'm not sure that that's
6 actually what the data request answer was.

7 MS. AILTS WIEST: And then when you say you want
8 it within the Crow Creek Reservation, Midstate has stated
9 and there's a Stipulation that you're only asking for
10 authority on the Fort Thompson exchange; is that
11 correct?

12 MR. SWIER: Yeah. The stipulation that we have
13 with Midstate and with SDTA, that is the stipulation that
14 we've entered into, and it's our intention to continue to
15 honor that, as we have.

16 MS. AILTS WIEST: So when you say within the
17 Crow Creek Reservation you're really just talking about
18 the Fort Thompson exchange?

19 MR. SWIER: We're talking about providing it at
20 the Fort Thompson exchange, yes.

21 MS. AILTS WIEST: Okay. That's all I have.

22 CHAIRMAN HANSON: Thank you. Are there any
23 further questions by the Commissioners?

24 If not, in TC11-087 I will move that the
25 Commission deny NAT's Motion For Grant Of Temporary

1 Authority and deny the Request For An Expedited
2 Decision.

3 Is there any discussion on that motion?
4 Commissioner Nelson.

5 COMMISSIONER NELSON: I intend to support your
6 motion, Mr. Chairman, for two reasons. One, I am not
7 convinced that we have the authority to grant what has
8 been requested here.

9 And the other point that I would make, Mr. Swier
10 had made the comment that NAT is offering services that
11 have never been provided for on the reservation. And in
12 this particular case we are simply talking about
13 intrastate services, and there are other companies that
14 offer intrastate services.

15 And so the members of the tribe and the folks
16 in Fort Thompson have access to those services already
17 from other providers. So I intend to support your
18 motion.

19 CHAIRMAN HANSON: Thank you.

20 Any further discussion on the motion?

21 If not, Commissioner Fiegen.

22 COMMISSIONER FIEGEN: Fiegen votes aye.

23 CHAIRMAN HANSON: Commissioner Nelson.

24 COMMISSIONER NELSON: Aye.

25 CHAIRMAN HANSON: Hanson votes aye.

1 The motion carries.

2 Thank you all for your participation.

3 COMMISSIONER FIEGEN: In talking about the
4 hearing is it looking like we're going to be having the
5 hearing in December, or where are the parties going?
6 Because I don't know that Staff has heard back.

7 And, Patrick, you may be part of that. Can you,
8 Patrick, give the Commission kind of information on
9 where we're at and if you're hearing back from the
10 parties and if they're working with you or what's going
11 on?

12 MR. STEFFENSEN: Yep. We're shooting for
13 December 11 and 12 for this docket. We sent an e-mail to
14 all the parties. And I believe it's just NAT that we're
15 waiting on. The 11th and 12th of December.

16 COMMISSIONER FIEGEN: And so NAT, have you
17 gotten back to the Staff, NAT, or are you getting back to
18 them this week or where are we at there?

19 MR. SWIER: Yeah. Actually we e-mailed
20 Mr. Steffensen this morning just to confirm those dates,
21 and we don't object to that December 11 and 12 date as of
22 right now.

23 COMMISSIONER FIEGEN: Great. Thank you. We
24 appreciate that.

25 CHAIRMAN HANSON: Excellent questions. Thank

1 you for bringing that up.

2 (The proceeding is concluded.)

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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 9th day of
11 October, 2013, and that the attached is a true and
12 correct transcription of the proceedings so taken.

13 Dated at Onida, South Dakota this 17th day of
14 October, 2013.

15

16

17

18

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

19

20

21

22

23

24

25

| \$ | 7 | | | B | |
|---|---|---|---|--|--|
| \$100 [1] - 6:2, 6:5, 12:18, 12:21, 15:23, 17:10, 17:16, 18:15, 19:23, 19:25, 20:3 \$175 [1] - 17:13 | 7 [1] - 21:8 70 [1] - 7:18 | affordable [5] - 22:24, 23:1, 23:4, 23:5, 23:6 afternoon [2] - 29:16, 29:17 agenda [1] - 23:21 ago [4] - 8:13, 8:24, 17:12, 28:22 agree [2] - 11:12, 19:7 agreed [2] - 5:12, 32:14 agreement [1] - 17:24 agreements [1] - 23:16 ahead [6] - 25:18, 26:8, 26:11, 30:10, 31:5, 34:10 AILTS [12] - 17:21, 18:3, 38:7, 38:9, 38:21, 39:3, 39:13, 39:20, 40:2, 40:7, 40:16, 40:21 Ailts [1] - 1:14 allow [3] - 7:22, 27:1, 33:22 allowed [7] - 6:14, 7:3, 20:17, 26:19, 26:24, 30:1, 30:3 allowing [1] - 9:17 almost [1] - 23:24 alone [1] - 30:4 alternative [2] - 3:10, 22:4 amended [1] - 39:3 AMERICAN [1] - 1:4 American [2] - 1:21, 3:2 analysis [6] - 6:7, 6:18, 12:11, 12:14, 12:22, 15:20 analyzing [1] - 16:4 AND [1] - 1:6 answer [2] - 36:13, 40:6 answered [1] - 35:14 apart [1] - 10:14 appear [1] - 14:22 APPEARANCES [1] - 1:20 applicable [1] - 33:13 APPLICATION [1] - 1:4 application [9] - 3:2, 4:22, 24:8, 24:14, 28:18, 29:2, 30:16, 31:25, 39:4 apply [2] - 26:15, 26:18 appointed [1] - 44:8 appreciate [2] - 8:4, 42:24 | 42:24 appropriate [14] - 3:23, 5:19, 6:17, 8:22, 8:23, 9:17, 11:1, 11:14, 11:21, 12:6, 13:4, 13:6, 14:10, 29:12 approval [1] - 22:20 arbiter [1] - 18:2 area [6] - 11:22, 32:9, 36:25, 37:11, 37:13, 37:14 areas [1] - 9:13 argue [1] - 22:13 argument [2] - 24:4, 24:7 assent [1] - 9:18 associated [2] - 15:8, 30:14 assuming [1] - 15:5 AT&T [6] - 1:22, 25:6, 28:6, 29:19, 29:25, 30:2 attached [1] - 44:11 attempts [1] - 7:9 attorney [1] - 7:4 attorneys [1] - 5:12 audience [1] - 26:9 August [5] - 4:19, 11:5, 20:14, 36:4, 36:7 authority [27] - 3:10, 22:4, 23:11, 25:3, 26:13, 27:4, 28:19, 29:5, 29:25, 32:19, 33:12, 33:22, 33:23, 34:1, 34:2, 34:8, 34:9, 34:15, 38:10, 38:18, 38:25, 39:11, 39:14, 39:15, 40:10, 41:1, 41:7 AUTHORITY [1] - 1:5 Authority [8] - 3:3, 4:22, 5:4, 31:13, 31:14, 32:1, 32:13, 38:1 authority's [1] - 22:20 available [3] - 6:24, 13:13, 13:24 Avenue [1] - 2:3 average [2] - 15:23, 15:24 avoid [1] - 25:12 aware [2] - 4:15, 23:19 aye [14] - 17:4, 17:6, 17:7, 20:9, 20:10, 21:1, 21:3, 21:4, 21:22, 21:24, 21:25, 41:22, 41:24, 41:25 | 1 bamboozled [1] - 17:14 bank [1] - 24:3 based [5] - 12:15, 22:10, 23:20, 32:4, 35:3 basis [1] - 11:18 BEFORE [1] - 1:11 behalf [4] - 29:19, 31:4, 31:7, 33:6 belabor [1] - 29:21 believes [3] - 5:1, 6:7, 34:22 below [1] - 15:23 bend [1] - 26:25 benefit [1] - 5:5 benefits [2] - 12:16, 22:23 bet [1] - 35:1 between [4] - 9:23, 21:8, 31:20 beyond [2] - 9:10, 21:11 big [1] - 23:23 bigger [1] - 9:11 bill [1] - 29:16 Bill [2] - 1:22, 29:18 bit [1] - 17:14 black [2] - 23:16, 27:21 body [1] - 34:10 bold [1] - 25:9 boundaries [3] - 22:22, 25:15, 38:2 Brian [1] - 1:16 Brief [2] - 29:4, 40:3 brief [1] - 31:7 briefly [1] - 29:18 bringing [1] - 43:1 brings [1] - 20:12 broad [3] - 5:16, 7:17, 11:16 broadband [3] - 23:5, 23:6, 23:8 brought [2] - 5:10, 22:10 Building [1] - 2:3 bunch [1] - 14:14 business [3] - 3:22, 28:2, 28:7 | |
| 1 | 80 [1] - 7:18 | | | | |
| 1 [1] - 24:3 1.4 [1] - 23:25 11 [2] - 42:13, 42:21 11th [1] - 42:15 12 [2] - 42:13, 42:21 12th [1] - 42:15 13 [1] - 4:19 15-6-26 [1] - 7:12 15-6-26(b) [1] - 14:1 15-6-26(b)(4) [1] - 4:13 15-6-30(b)(2) [1] - 6:25 17th [1] - 44:13 1:30 [2] - 1:9, 2:4 | 9 9 [2] - 1:9, 36:7 9th [2] - 2:4, 44:10 | | | | |
| 2 | | A able [9] - 12:11, 13:1, 14:20, 19:7, 19:8, 19:10, 25:18, 39:17 above-entitled [2] - 2:2, 44:10 abundantly [1] - 27:7 acceptable [1] - 6:25 access [5] - 23:22, 28:19, 39:5, 39:7, 41:16 accordance [1] - 8:12 according [1] - 39:5 acknowledge [1] - 31:10 acronym [1] - 8:8 activities [1] - 28:4 activity [5] - 35:9, 37:2, 37:3, 37:20, 37:23 actual [1] - 32:19 addition [1] - 28:13 additional [2] - 7:2, 21:11 address [6] - 4:6, 8:5, 16:20, 16:24, 31:1, 33:4 addressed [3] - 13:6, 30:14, 31:24 adequately [2] - 18:24, 21:16 Administrative [1] - 32:6 admissible [1] - 7:15 admitted [1] - 13:16 advice [1] - 18:7 Affidavit [9] - 28:5, 35:1, 35:2, 35:3, 35:6, 35:7, 35:11, 35:20, 37:24 Affidavits [2] - 34:21, 36:14 | | | |
| 2009 [4] - 22:19, 25:1, 25:12, 34:7 2011 [1] - 22:11 2012 [4] - 4:18, 11:3, 31:21, 32:11 2013 [10] - 1:9, 2:4, 4:19, 11:6, 22:12, 23:24, 28:5, 36:7, 44:11, 44:14 20:10:32:15 [1] - 32:7 26 [1] - 4:18 | | | | | |
| 3 | | | | | |
| 3.5 [2] - 21:7, 21:8 30 [2] - 5:11, 20:14 | | | | | |
| 5 | | | | | |
| 500 [1] - 2:3 | | | | | |
| 6 | | | | | |
| 605 [7] - 36:4, 36:5, 36:24, 37:11, 37:13, 37:14, 37:16 | | | | C calculated [1] - 7:14 California [2] - 37:1, 37:15 | |

| | | | | |
|---|---|--|--|--|
| <p>caller [1] - 37:15 Camp [4] - 1:22, 29:14, 29:18, 30:7 CAMP [1] - 29:17 cannot [2] - 24:24, 28:10 capabilities [1] - 23:14 capability [1] - 23:23 Capitol [2] - 2:2, 2:3 care [1] - 19:21 carriers [1] - 28:20 carries [5] - 17:8, 20:11, 21:5, 22:1, 42:1 case [25] - 4:16, 5:7, 5:9, 9:14, 9:15, 9:20, 9:25, 10:7, 10:13, 10:14, 12:1, 14:13, 14:19, 17:11, 18:7, 23:12, 25:2, 25:4, 27:11, 27:22, 28:12, 29:18, 30:22, 34:15, 41:12 cases [1] - 35:3 CCT [3] - 8:6, 8:7, 28:8 ceased [2] - 34:24, 35:23 Centurylink [4] - 1:23, 25:7, 30:9, 30:12 certain [2] - 4:8, 19:21 certainly [6] - 3:18, 11:23, 12:17, 13:17, 28:10, 36:7 CERTIFICATE [2] - 1:5, 44:2 certificate [6] - 26:22, 28:7, 28:15, 29:9, 34:11, 34:14 Certificate [8] - 3:3, 4:22, 5:3, 31:12, 31:14, 31:25, 32:13, 37:25 Certified [2] - 44:6, 44:19 CERTIFY [1] - 44:8 cetera [1] - 12:16 Chair [5] - 3:20, 4:11, 4:12, 30:11, 33:24 CHAIRMAN [45] - 1:12, 1:12, 3:1, 4:1, 8:1, 13:9, 13:18, 15:1, 15:14, 16:2, 16:12, 17:2, 17:5, 17:7, 17:25, 18:4, 18:11, 18:17, 19:11, 20:8, 20:10, 20:24, 21:2, 21:4, 21:13, 21:20, 21:23, 21:25, 26:4, 26:8, 29:13,</p> | <p>30:7, 30:10, 30:25, 31:5, 33:2, 33:17, 34:17, 38:5, 38:8, 40:22, 41:19, 41:23, 41:25, 42:25 Chairman [5] - 8:3, 29:17, 31:3, 33:5, 41:6 chambers [2] - 29:15, 33:3 change [1] - 10:9 charging [1] - 25:6 chatting [1] - 26:10 CHERI [1] - 44:5 Cheri [2] - 1:24, 44:18 CHRIS [1] - 1:12 circular [2] - 24:4, 24:7 circumstances [6] - 10:9, 12:6, 14:3, 14:8, 14:12, 14:25 citizens [1] - 25:25 claimed [2] - 4:24, 35:23 clarity [1] - 29:11 clear [7] - 23:13, 25:21, 27:7, 29:4, 34:9, 37:24, 39:19 clearly [1] - 14:5 Clouser [2] - 35:2, 36:3 COA [2] - 32:19, 33:12 code [3] - 36:25, 37:13, 37:15 codes [1] - 37:11 Coit [4] - 31:8, 33:3, 33:6, 33:17 COIT [1] - 33:5 coming [1] - 7:8 commencing [1] - 2:4 comment [5] - 16:3, 19:13, 23:18, 26:5, 41:10 comments [2] - 13:10, 31:7 Commission [42] - 3:6, 3:7, 3:9, 3:15, 3:24, 4:14, 5:15, 5:20, 6:11, 6:16, 7:8, 7:21, 8:4, 10:25, 12:20, 13:3, 14:4, 17:22, 22:2, 22:3, 22:14, 23:18, 24:15, 24:20, 25:23, 26:17, 26:20, 29:7, 31:11, 31:16, 32:22, 33:4, 33:10, 33:22, 33:25, 34:3, 34:18, 35:13, 36:8, 37:25, 40:25, 42:8</p> | <p>COMMISSION [3] - 1:1, 1:11, 1:14 Commissioner [23] - 8:24, 13:25, 15:17, 16:2, 17:3, 17:5, 18:5, 19:4, 19:11, 20:6, 20:8, 20:25, 21:2, 21:21, 21:23, 22:7, 22:9, 34:19, 35:18, 36:10, 41:4, 41:21, 41:23 COMMISSIONER [32] - 1:13, 15:18, 16:1, 16:3, 16:23, 17:4, 17:6, 18:6, 18:13, 18:18, 18:20, 19:4, 20:7, 20:9, 20:22, 21:1, 21:3, 21:10, 21:14, 21:22, 21:24, 34:20, 35:14, 36:12, 37:10, 38:4, 41:5, 41:22, 41:24, 42:3, 42:16, 42:23 Commissioners [6] - 11:21, 13:11, 15:16, 22:9, 33:5, 40:23 companies [1] - 41:13 company [7] - 12:2, 12:14, 16:9, 25:11, 27:20, 35:22, 35:24 compelled [1] - 15:8 compensated [2] - 9:4, 18:14 compensation [5] - 12:7, 12:8, 12:9, 12:15, 13:7 completed [1] - 26:24 comply [1] - 23:21 comprehensively [1] - 30:15 concerning [1] - 9:14 concerns [5] - 3:18, 30:13, 30:19, 30:21, 32:18 concluded [1] - 43:2 concludes [1] - 27:22 conclusion [1] - 19:15 conditions [1] - 34:13 conference [3] - 12:2, 36:24, 37:22 Conferencing [5] - 27:25, 36:5, 36:19, 37:14, 37:19 confident [1] - 7:19 confidential [7] - 3:21, 3:25, 4:2, 4:4, 4:6, 4:7 confirm [1] - 42:20 confirmed [2] - 32:1, 32:11</p> | <p>confusing [1] - 8:10 confusion [1] - 28:13 consider [2] - 3:24, 33:14 consideration [3] - 5:20, 35:8, 35:12 consistent [3] - 7:23, 12:5, 32:14 contents [1] - 35:6 continue [3] - 12:21, 33:8, 40:14 continuing [1] - 34:23 convinced [1] - 41:7 cookie [3] - 35:2, 35:7, 35:20 Corp [1] - 29:19 Corporation [1] - 36:20 correct [5] - 13:13, 13:14, 35:7, 40:11, 44:12 correctly [1] - 15:25 cost [4] - 9:4, 12:14, 16:4, 16:5 costs [6] - 9:3, 9:5, 9:7, 10:20, 16:9 counsel [1] - 9:12 COUNTY [1] - 44:3 course [3] - 4:23, 6:24, 37:9 court [7] - 9:6, 10:10, 14:8, 14:10, 17:11, 34:1, 34:10 crannies [1] - 20:18 create [2] - 9:2, 10:20 creature [1] - 26:20 Creek [10] - 5:5, 8:7, 28:8, 28:25, 37:1, 37:8, 37:16, 37:22, 40:8, 40:17 cross [2] - 10:5, 14:23 cross-examination [1] - 14:23 cross-examine [1] - 10:5 Crow [10] - 5:5, 8:7, 28:8, 28:25, 37:1, 37:8, 37:16, 37:22, 40:8, 40:17 CRR [1] - 1:24 curious [1] - 8:25 current [1] - 28:2 customer [1] - 36:1 customers [2] - 36:20, 37:14 cutter [3] - 35:2, 35:7, 35:20</p> | <p style="text-align: center;">D 2</p> <p>DAKOTA [3] - 1:2, 1:6, 44:1 Dakota [20] - 2:2, 2:3, 3:5, 7:1, 9:21, 10:6, 14:20, 24:17, 24:22, 24:25, 25:19, 26:1, 36:5, 36:16, 37:5, 37:21, 38:3, 39:18, 44:7, 44:13 data [7] - 35:24, 39:22, 39:24, 39:25, 40:3, 40:5, 40:6 date [2] - 30:20, 42:21 Dated [1] - 44:13 dates [1] - 42:20 day's [1] - 11:21 deal [2] - 15:10, 23:23 dealing [1] - 25:11 dealings [1] - 35:22 dealt [1] - 27:21 Deb [1] - 1:18 debt [1] - 24:2 December [4] - 42:5, 42:13, 42:15, 42:21 decide [3] - 10:22, 13:5, 16:17 decided [5] - 8:14, 9:15, 10:10, 14:17, 27:11 decision [6] - 3:11, 12:20, 22:5, 23:20, 34:10, 41:2 decision-making [1] - 34:10 deem [1] - 14:10 default [4] - 8:19, 9:21, 10:10, 11:20 defer [1] - 31:16 deference [3] - 24:20, 35:13, 37:25 definitely [1] - 16:24 delay [2] - 7:9, 18:9 delayed [1] - 30:20 delays [1] - 7:4 demonstrate [1] - 27:6 denied [2] - 27:10, 30:4 deny [3] - 26:13, 40:25, 41:1 deponent [1] - 7:3 depose [3] - 8:11, 11:17, 12:4 deposed [1] - 9:9 deposing [1] - 5:21 deposition [35] - 3:8, 3:16, 4:13, 5:7, 6:3, 6:19, 6:20, 6:22, 7:1,</p> |
|---|---|--|--|--|

| | | | | |
|---|---|---|--|--|
| <p>7:4, 7:5, 7:7, 7:11, 7:12, 7:22, 8:16, 9:1, 9:17, 9:18, 9:19, 10:20, 10:23, 11:8, 11:11, 11:12, 13:5, 13:23, 14:3, 14:21, 16:18, 17:11, 18:10, 18:15, 20:23</p> <p>depositions [4] - 5:13, 8:20, 10:1, 12:1</p> <p>designated [1] - 26:24</p> <p>determination [1] - 32:24</p> <p>determine [4] - 6:11, 6:16, 21:16, 31:11</p> <p>Dickerson [1] - 1:19</p> <p>difference [1] - 34:25</p> <p>different [5] - 12:10, 17:15, 17:16, 19:25, 28:16</p> <p>digging [1] - 9:13</p> <p>direct [1] - 12:21</p> <p>direction [1] - 29:14</p> <p>disclosed [1] - 36:2</p> <p>discovery [9] - 7:13, 7:14, 11:16, 14:9, 29:3, 30:21, 31:23, 38:23, 39:6</p> <p>discretion [1] - 31:11</p> <p>discuss [4] - 3:13, 4:2, 19:14, 19:24</p> <p>discussed [1] - 16:17</p> <p>discussion [12] - 4:3, 17:2, 17:19, 18:17, 20:5, 20:20, 20:24, 21:8, 21:13, 21:20, 41:3, 41:20</p> <p>disputed [1] - 27:15</p> <p>disputes [3] - 9:11, 12:24, 28:3</p> <p>disregarding [1] - 10:12</p> <p>distance [4] - 28:24, 38:24, 39:8, 39:22</p> <p>DO [1] - 44:8</p> <p>docket [10] - 4:10, 9:12, 15:3, 15:8, 19:19, 22:3, 22:11, 24:8, 24:14, 42:13</p> <p>dockets [1] - 19:19</p> <p>dollar [2] - 15:21, 15:22</p> <p>dollars [2] - 12:20, 24:6</p> <p>done [6] - 7:20, 8:22, 12:4, 14:19, 35:9, 37:6</p> <p>down [1] - 12:11</p> <p>drafters [1] - 10:20</p> <p>due [1] - 30:21</p> | <p>duly [1] - 44:8</p> <p>duly-appointed [1] - 44:8</p> <p>during [2] - 7:9, 28:4</p> <p>duties [1] - 9:8</p> <p style="text-align: center;">E</p> <p>e-mail [1] - 42:13</p> <p>e-mailed [1] - 42:19</p> <p>East [1] - 2:3</p> <p>easy [1] - 39:19</p> <p>Edwards [1] - 1:15</p> <p>effect [1] - 24:13</p> <p>either [3] - 6:10, 21:8, 24:16</p> <p>employee [8] - 5:22, 5:24, 6:15, 9:8, 16:4, 16:8, 16:10</p> <p>end [1] - 19:8</p> <p>ends [1] - 36:16</p> <p>entered [3] - 23:15, 33:9, 40:14</p> <p>entertain [2] - 3:18, 16:14</p> <p>entire [2] - 4:3, 14:16</p> <p>entirety [2] - 3:13, 32:9</p> <p>entitled [3] - 2:2, 30:18, 44:10</p> <p>entity [1] - 4:24</p> <p>envisioned [1] - 22:11</p> <p>Eric [1] - 1:18</p> <p>essential [2] - 23:2, 23:8</p> <p>established [1] - 5:1</p> <p>et [1] - 12:16</p> <p>ETC [2] - 22:25, 23:3</p> <p>evidence [1] - 7:15</p> <p>exactly [1] - 34:15</p> <p>examination [2] - 7:3, 14:23</p> <p>examine [1] - 10:5</p> <p>excellent [1] - 42:25</p> <p>except [1] - 34:6</p> <p>EXCHANGE [1] - 1:6</p> <p>exchange [5] - 3:4, 32:3, 40:10, 40:18, 40:20</p> <p>excuse [1] - 18:9</p> <p>executed [2] - 31:19, 32:23</p> <p>expedite [2] - 19:21, 29:23</p> <p>expedited [3] - 3:11, 22:5, 41:1</p> <p>expense [2] - 14:14, 14:15</p> <p>expenses [1] - 14:10</p> | <p>experience [5] - 9:24, 11:22, 17:18, 20:2, 34:5</p> <p>expert [23] - 3:8, 3:16, 4:15, 5:8, 5:21, 5:23, 5:24, 8:17, 8:20, 10:4, 10:11, 10:19, 11:18, 12:16, 14:3, 17:1, 17:13, 17:16, 17:17, 20:1, 20:2, 20:16, 20:17</p> <p>experts [2] - 5:13, 10:1</p> <p>extent [2] - 3:13, 4:2</p> <p>extraordinary [7] - 8:22, 13:19, 14:2, 14:7, 14:11, 14:24, 19:20</p> <p>extremely [1] - 34:7</p> <p style="text-align: center;">F</p> <p>fact [4] - 11:11, 22:10, 26:24, 28:1</p> <p>facts [6] - 10:3, 10:15, 27:8, 27:15, 28:3, 28:11</p> <p>fair [2] - 7:3, 16:22</p> <p>fall [2] - 36:21</p> <p>Falls [4] - 37:18, 37:21, 38:17, 38:20</p> <p>familiar [1] - 19:1</p> <p>Farrar [18] - 3:8, 3:16, 4:13, 4:15, 4:23, 4:24, 5:16, 5:19, 6:2, 6:12, 6:15, 6:23, 7:19, 11:4, 13:13, 14:22, 17:1, 27:21</p> <p>Farrar's [12] - 4:20, 6:5, 6:7, 6:21, 9:3, 9:4, 10:14, 11:9, 12:15, 15:21, 18:14, 20:13</p> <p>favor [1] - 22:13</p> <p>FCC [3] - 24:13, 36:21, 37:9</p> <p>federal [1] - 23:22</p> <p>fee [8] - 5:19, 6:8, 6:11, 6:14, 6:18, 8:23, 10:11, 12:17</p> <p>fees [2] - 9:6, 14:10</p> <p>fellow [1] - 22:9</p> <p>few [4] - 9:1, 23:7, 28:21, 31:7</p> <p>Fiegen [12] - 16:2, 17:3, 17:4, 19:12, 20:6, 20:7, 20:25, 21:1, 21:21, 21:22, 41:21, 41:22</p> | <p>FIGEN [12] - 1:13, 16:3, 17:4, 18:18, 19:4, 20:7, 21:1, 21:22, 41:22, 42:3, 42:16, 42:23</p> <p>fight [1] - 19:3</p> <p>fighting [1] - 18:22</p> <p>figure [2] - 15:21, 15:22</p> <p>file [2] - 29:19, 35:8</p> <p>filed [12] - 4:16, 4:17, 4:19, 8:16, 11:3, 30:2, 30:12, 31:24, 32:10, 33:9, 34:4, 35:1</p> <p>files [1] - 35:3</p> <p>filings [1] - 23:12</p> <p>fill [1] - 31:8</p> <p>final [1] - 33:12</p> <p>finally [3] - 7:11, 12:7, 25:4</p> <p>financial [6] - 4:25, 23:13, 23:23, 24:5, 27:17, 34:5</p> <p>financially [1] - 28:1</p> <p>financials [1] - 23:17</p> <p>first [5] - 3:14, 4:17, 11:2, 16:17, 19:17</p> <p>fitness [2] - 27:16, 27:17</p> <p>focus [1] - 11:6</p> <p>focused [2] - 11:16, 11:17</p> <p>folks [2] - 34:11, 41:15</p> <p>follow [2] - 26:21, 27:13</p> <p>followed [2] - 8:15</p> <p>following [1] - 31:22</p> <p>FOR [1] - 1:4</p> <p>forced [1] - 14:22</p> <p>forever [1] - 15:10</p> <p>Fort [5] - 32:3, 40:10, 40:18, 40:20, 41:16</p> <p>forth [2] - 12:8, 27:13</p> <p>forward [4] - 19:5, 28:1, 30:5, 30:23</p> <p>four [1] - 12:2</p> <p>free [2] - 24:2, 36:24</p> <p>Free [5] - 27:25, 36:5, 36:19, 37:14, 37:19</p> <p>Friday [1] - 19:9</p> <p>front [1] - 39:25</p> <p>full [2] - 11:20, 21:18</p> <p>future [1] - 5:6</p> <p style="text-align: center;">G</p> <p>game [1] - 29:22</p> <p>garden [1] - 10:18</p> | <p>GARY [1] - 1:12</p> <p>given [3] - 24:19, 28:1, 37:13</p> <p>glad [1] - 18:11</p> <p>grade [2] - 15:23, 15:24</p> <p>grandmother [2] - 38:16, 38:19</p> <p>grant [18] - 3:7, 3:9, 3:10, 3:15, 5:3, 16:18, 16:25, 22:3, 22:4, 26:18, 29:9, 32:18, 32:19, 33:11, 33:22, 34:1, 40:25, 41:7</p> <p>granted [3] - 5:9, 38:18</p> <p>granting [3] - 22:15, 23:11, 29:10</p> <p>great [2] - 28:13, 42:23</p> <p>Greg [1] - 1:16</p> <p>Gregg [1] - 1:18</p> <p>grouped [1] - 37:6</p> <p>guess [2] - 12:13, 15:3</p> <p style="text-align: center;">H</p> <p>half [5] - 11:21, 12:3, 12:5, 17:12</p> <p>hanging [1] - 18:9</p> <p>Hanson [5] - 17:7, 20:10, 21:4, 21:25, 41:25</p> <p>HANSON [44] - 1:12, 3:1, 4:1, 8:1, 13:9, 13:18, 15:1, 15:14, 16:2, 16:12, 17:2, 17:5, 17:7, 17:25, 18:4, 18:11, 18:17, 19:11, 20:8, 20:10, 20:24, 21:2, 21:4, 21:13, 21:20, 21:23, 21:25, 26:4, 26:8, 29:13, 30:7, 30:10, 30:25, 31:5, 33:2, 33:17, 34:17, 38:5, 38:8, 40:22, 41:19, 41:23, 41:25, 42:25</p> <p>harm [5] - 22:15, 23:10, 24:25, 25:20, 25:25</p> <p>harmed [1] - 24:23</p> <p>hear [1] - 18:11</p> <p>heard [3] - 19:13, 30:18, 42:6</p> <p>hearing [18] - 11:9, 12:12, 13:13, 13:15, 13:17, 13:24, 17:3,</p> |
|---|---|---|--|--|

| | | | | |
|---|---|--|--|---|
| <p>20:21, 25:4, 25:16, 27:12, 29:24, 30:5, 30:20, 32:20, 42:4, 42:5, 42:9 held [1] - 2:1 help [3] - 29:8, 34:25, 35:16 HEREBY [1] - 44:8 herself [1] - 36:3 hold [1] - 15:11 honestly [1] - 32:17 Honor [2] - 29:18, 33:24 honor [3] - 32:12, 32:17, 40:15 hope [1] - 8:9 hopefully [1] - 39:19 hour [9] - 6:2, 6:5, 12:18, 12:21, 17:10, 17:13, 18:15, 19:25, 21:11 hours [10] - 6:24, 7:2, 7:7, 7:10, 7:20, 11:20, 11:23, 21:7, 21:8, 21:15 house [4] - 4:15, 5:8, 5:21, 9:5 hurt [1] - 25:4</p> | <p>36:2, 42:8 inherent [1] - 34:9 inherit [1] - 34:15 injunction [1] - 27:5 instance [3] - 36:23, 37:21, 38:15 intend [3] - 32:16, 41:5, 41:17 intended [1] - 31:25 intends [2] - 32:12 intention [2] - 32:2, 40:14 intentionally [1] - 15:4 intentions [1] - 32:5 interchangeably [1] - 8:10 interest [1] - 5:3 interexchange [10] - 3:3, 24:9, 24:15, 28:20, 38:24, 39:5, 39:7, 39:8, 39:14, 39:21 INTEREXCHANGE [1] - 1:5 internal [1] - 6:7 interstate [10] - 24:11, 25:7, 25:10, 25:14, 36:20, 36:21, 37:2, 37:7, 37:8, 37:17 intervene [1] - 14:17 Interveners [4] - 15:2, 15:7, 25:8, 26:5 intervening [1] - 30:23 intraexchange [1] - 39:15 intrastate [21] - 24:9, 24:15, 24:21, 24:24, 28:4, 28:19, 28:24, 34:23, 35:5, 35:9, 35:23, 36:15, 37:4, 37:23, 38:1, 38:11, 38:12, 38:17, 39:11, 41:13, 41:14 involved [1] - 17:11 involves [1] - 37:4 issuance [1] - 31:12 issue [12] - 6:19, 8:5, 9:12, 10:24, 13:7, 15:9, 15:13, 18:8, 31:15, 32:24, 34:11, 35:21 issues [3] - 18:24, 27:12, 30:16 item [7] - 17:9, 20:20, 21:6, 26:5, 30:8, 31:2, 34:18 items [2] - 4:3, 4:6 IXCs [1] - 23:16</p> | <p style="text-align: center;">J</p> <p>Jason [3] - 1:23, 15:12, 30:9 John [1] - 1:15 judge [1] - 10:8 judgment [2] - 27:5, 29:24 Judgment [1] - 27:10 juncture [1] - 31:19 June [1] - 23:24 jurisdiction [1] - 37:9</p> | <p>lives [1] - 38:20 LLC [2] - 1:4, 3:2 local [5] - 3:4, 22:18, 22:20, 22:24, 28:15 LOCAL [1] - 1:6 located [1] - 36:4 look [5] - 8:19, 15:15, 16:8, 16:11, 40:4 looked [1] - 13:19 looking [5] - 15:4, 21:7, 38:14, 38:15, 42:4 looks [1] - 12:14</p> | <p>40:13 Midstate's [1] - 32:2 might [1] - 9:22 million [3] - 23:25, 24:3, 24:6 mind [2] - 22:14, 32:22 Minnesota [1] - 10:7 minutes [3] - 28:22, 36:20, 37:7 misdeemeanor [1] - 26:25 misnomer [1] - 14:1 missed [1] - 31:9 money [1] - 27:24 month [3] - 8:13, 8:18, 8:24 MOORE [2] - 31:3, 31:6 Moore [5] - 1:22, 31:4, 31:5, 33:2, 33:7 morning [1] - 42:20 morphed [1] - 28:16 Motion [2] - 8:13, 27:11 motion [37] - 3:7, 3:9, 3:15, 4:12, 4:14, 8:16, 16:14, 16:18, 16:25, 17:2, 17:8, 18:14, 18:17, 19:6, 20:4, 20:11, 20:21, 20:24, 21:5, 21:13, 22:1, 22:3, 22:10, 22:13, 22:15, 26:13, 30:13, 33:15, 38:6, 38:10, 38:22, 40:25, 41:3, 41:6, 41:18, 41:20, 42:1 motions [1] - 3:22 move [6] - 16:25, 19:5, 20:22, 21:10, 30:5, 40:24 MR [30] - 3:20, 4:11, 8:3, 13:14, 13:25, 15:12, 15:22, 22:7, 26:6, 26:12, 29:17, 30:9, 30:11, 33:5, 33:24, 35:1, 35:18, 36:10, 36:14, 37:13, 38:14, 39:1, 39:10, 39:15, 39:24, 40:4, 40:12, 40:19, 42:12, 42:19 MS [14] - 17:21, 18:3, 31:3, 31:6, 38:7, 38:9, 38:21, 39:3, 39:13, 39:20, 40:2, 40:7, 40:16, 40:21</p> |
| <p style="text-align: center;">I</p> <p>ignoring [1] - 15:4 immediate [1] - 20:15 impede [1] - 7:9 impedes [1] - 7:4 important [3] - 10:23, 14:21, 22:25 IN [2] - 1:4, 1:6 in-house [4] - 4:15, 5:8, 5:21, 9:5 include [1] - 18:20 included [2] - 18:19, 25:9 inconsistency [1] - 28:14 inconsistent [1] - 11:15 incorporating [1] - 16:15 incredibly [1] - 24:4 indicate [1] - 33:7 indicated [2] - 5:1, 36:14 indicates [1] - 11:3 indicating [1] - 34:21 inform [1] - 4:6 information [9] - 3:22, 6:9, 10:17, 25:8, 25:9, 34:3, 35:25,</p> | <p style="text-align: center;">K</p> <p>keep [3] - 22:14, 32:13, 32:22 kind [5] - 9:1, 26:18, 35:21, 42:8 knows [1] - 20:18 Kristen [1] - 1:15 KRISTIE [1] - 1:13</p> | <p style="text-align: center;">L</p> <p>lack [1] - 29:11 language [1] - 14:5 last [3] - 5:10, 6:6, 34:24 late [1] - 29:22 Law [2] - 7:1, 9:21 law [4] - 10:6, 13:19, 14:1, 23:22 lawful [1] - 24:12 lawyer [1] - 12:4 lawyers [1] - 9:5 lead [1] - 7:14 least [5] - 13:20, 17:17, 25:16, 30:22, 34:4 leave [2] - 17:1, 19:2 legally [1] - 25:14 length [3] - 6:20, 6:21, 7:5 lifeline [2] - 23:1, 23:4 limit [2] - 21:7, 21:8 limitation [7] - 16:24, 17:9, 20:13, 21:6, 21:11, 21:17 limitations [7] - 8:23, 11:1, 13:6, 16:16, 16:20, 16:21 limited [3] - 7:1, 24:8, 37:20 line [1] - 15:6 lion's [1] - 27:23 litigate [1] - 23:21</p> | <p style="text-align: center;">M</p> <p>mail [1] - 42:13 mailed [1] - 42:19 man [1] - 24:7 managerial [2] - 27:16, 34:5 March [3] - 4:18, 31:20, 32:11 marriage [1] - 15:10 Massachusetts [1] - 10:8 MATTER [1] - 1:4 matter [8] - 2:2, 3:1, 7:13, 11:2, 25:24, 29:20, 34:4, 44:10 matters [1] - 3:24 MCCOMSEY [1] - 44:5 McComsey [2] - 1:24, 44:18 mean [3] - 8:14, 23:12, 39:20 means [1] - 35:19 mediate [2] - 12:24, 19:8 meets [1] - 34:6 member [2] - 38:15, 38:19 members [13] - 8:4, 13:3, 22:17, 23:3, 23:8, 23:9, 24:11, 24:24, 25:5, 25:13, 28:25, 29:6, 41:15 mention [2] - 15:1, 17:10 Meredith [2] - 1:22, 31:4 mess [1] - 23:13 met [2] - 31:13, 31:17 Meyerink [1] - 1:17 Midstate [14] - 1:22, 31:4, 31:7, 31:10, 31:14, 31:18, 31:20, 31:23, 32:4, 32:11, 32:17, 32:21, 40:8,</p> | |

| | | | | |
|----------|--|--|--|---|
| N | <p>network [1] - 36:3 networking [1] - 36:1 never [5] - 5:11, 22:11, 22:16, 35:21, 41:11 next [2] - 17:9, 22:2 nonconfidential [1] - 13:21 none [3] - 12:2, 17:3, 20:21 nontribal [1] - 23:6 nook [1] - 20:18 normal [2] - 9:8, 9:25 Northern [1] - 12:1 Notary [2] - 44:7, 44:18 nothing [2] - 9:13, 14:11 nowhere [1] - 14:1 number [10] - 4:21, 4:23, 15:2, 15:23, 17:17, 18:21, 19:25, 22:23, 36:24, 36:25 numbers [6] - 6:12, 18:22, 19:2, 25:10, 36:4, 36:5</p> | <p>opined [4] - 4:25, 5:2, 5:4, 5:6 opines [1] - 4:21 opinion [3] - 10:2, 11:18, 19:5 opinions [1] - 10:19 opportunity [6] - 8:4, 10:16, 16:5, 19:14, 19:15, 21:19 opposed [1] - 9:1 opposition [5] - 25:8, 29:19, 30:2, 30:12, 30:16 order [3] - 10:9, 10:24, 14:9 organization [1] - 9:7 originally [1] - 6:23 originate [2] - 38:11, 39:11 originated [1] - 37:11 originates [1] - 24:16 originating [1] - 28:24 otherwise [3] - 13:5, 15:15, 35:24 ought [4] - 11:6, 11:10, 11:24, 21:18 outlandish [1] - 19:23 outside [4] - 5:24, 12:16, 38:2, 39:17 owes [1] - 23:24 own [1] - 17:24</p> | <p>Paulson [1] - 1:18 pay [9] - 5:19, 6:2, 6:14, 10:11, 12:9, 15:23, 15:24, 23:20, 23:25 paying [1] - 6:15 payments [2] - 24:1, 24:7 peace [1] - 15:11 people [2] - 16:6, 26:9 per [2] - 12:21, 18:15 perhaps [2] - 12:23, 14:4 period [3] - 19:20, 25:17, 30:23 person [2] - 17:15, 37:18 personal [1] - 11:22 persons [1] - 4:9 perspective [1] - 33:10 petitioning [2] - 31:13, 32:8 Phil [1] - 26:6 Phillip [1] - 1:21 phone [1] - 33:18 Pierre [1] - 2:3 place [5] - 4:3, 9:24, 9:25, 26:14, 34:13 placed [1] - 20:23 plainly [1] - 30:3 plan [1] - 28:2 Pleadings [1] - 8:7 plenty [1] - 12:3 plus [1] - 12:18 point [5] - 31:18, 33:13, 33:14, 39:25, 41:9 pointed [2] - 7:16, 28:8 points [1] - 29:21 position [4] - 12:8, 12:10, 15:13, 33:8 possesses [1] - 31:11 possible [1] - 39:19 practical [1] - 25:24 practically [1] - 9:2 practice [2] - 5:11, 9:22 prefiled [1] - 7:18 prefix [2] - 37:16, 37:19 prehearing [1] - 14:20 preliminary [1] - 27:5 prep [2] - 18:18, 18:20 preparation [1] - 6:3 prepare [2] - 10:16, 11:9 prepared [1] - 18:25</p> | <p>presentation [1] - 30:8 prevent [1] - 36:1 previously [1] - 32:23 problem [1] - 13:1 procedere [1] - 7:24 proceed [1] - 26:7 proceeding [3] - 14:16, 34:7, 43:2 Proceedings [1] - 1:8 proceedings [3] - 7:17, 44:9, 44:12 PROCEEDINGS [1] - 2:1 process [8] - 5:12, 5:14, 11:24, 13:23, 26:22, 26:23, 27:13, 29:23 Professional [2] - 44:6, 44:19 profitability [1] - 5:6 proposed [4] - 6:2, 15:24, 20:12, 21:6 proprietary [1] - 36:1 prove [1] - 27:8 PROVIDE [1] - 1:5 provide [13] - 3:3, 7:6, 9:25, 12:22, 22:20, 23:14, 24:15, 28:19, 29:5, 31:6, 32:2, 32:8, 39:17 provided [15] - 5:16, 6:10, 7:19, 10:7, 10:15, 10:16, 21:12, 22:17, 23:17, 25:8, 25:22, 28:20, 28:25, 35:25, 41:11 providers [1] - 41:17 provides [2] - 7:1, 21:14 providing [20] - 5:4, 6:17, 10:19, 22:16, 22:18, 22:23, 22:25, 23:4, 23:5, 24:9, 24:10, 24:11, 24:20, 25:21, 25:25, 35:4, 35:23, 36:15, 38:1, 40:19 provision [1] - 26:23 provisional [1] - 27:3 Public [2] - 44:7, 44:18 public [1] - 5:3 PUBLIC [2] - 1:1, 1:11 publicly [1] - 36:2 pulled [1] - 36:3 pumping [1] - 5:2 purposes [2] - 5:2, 9:19 pursuant [2] - 5:18,</p> |
| O | <p>oath [1] - 4:16 object [2] - 32:5, 42:21 obstructing [1] - 11:24 obtain [1] - 26:22 obviously [2] - 13:12, 31:8 occasions [2] - 4:17, 17:17 October [6] - 1:9, 2:4, 22:12, 36:7, 44:11, 44:14 OF [8] - 1:2, 1:4, 1:5, 2:1, 44:1, 44:3 offer [1] - 41:14 offering [2] - 11:5, 41:10 offerings [1] - 23:6 office [1] - 16:6 once [2] - 7:11, 27:11 one [15] - 3:12, 4:23, 7:2, 7:7, 13:12, 15:18, 16:21, 17:22, 18:9, 22:24, 25:4, 33:20, 35:21, 37:19, 41:6 Onida [1] - 44:13 operating [6] - 22:19, 23:16, 25:12, 25:13, 25:14, 34:6</p> | P | | |
| | | <p>p.m [2] - 1:9, 2:4 pages [1] - 7:18 paid [4] - 9:6, 17:13, 17:16, 27:24 parameters [1] - 32:22 part [3] - 4:9, 27:23, 42:7 participate [1] - 15:6 participating [1] - 37:23 participation [1] - 42:2 particular [3] - 31:15, 32:15, 41:12 parties [17] - 4:5, 4:9, 4:10, 6:20, 9:23, 12:21, 12:24, 17:23, 19:3, 19:7, 29:23, 31:24, 32:10, 32:23, 42:5, 42:10, 42:14 party [2] - 31:13, 32:8 party's [1] - 10:11 past [2] - 9:23, 18:23 Patrick [3] - 1:17, 42:7, 42:8</p> | | |

| | | | | |
|---|---|---|--|---|
| <p>24:12 pursue [1] - 20:17 put [3] - 14:17, 18:25, 34:21</p> | <p>rejected [1] - 29:24 relevant [3] - 7:13, 11:4, 11:14 relief [3] - 26:18, 26:19, 27:9</p> | <p>result [1] - 10:10 Richard [1] - 33:6 Rislov [1] - 1:16 roadblock [1] - 26:16 Robin [1] - 1:17</p> | <p>24:9, 24:15, 26:2, 26:23, 28:20, 29:5, 32:2, 36:15, 38:24, 39:5, 39:7, 39:8, 39:22</p> | <p>44:1 South [20] - 2:2, 2:3, 3:5, 7:1, 9:21, 10:6, 14:20, 24:17, 24:22, 24:25, 25:19, 26:1, 36:5, 36:16, 37:5, 37:20, 38:3, 39:18, 44:7, 44:13</p> |
| Q | | | | |
| <p>qualifications [3] - 9:16, 27:17 Quash [1] - 8:13 questions [14] - 3:6, 11:23, 13:11, 15:16, 16:13, 16:25, 20:18, 25:24, 27:16, 34:17, 38:4, 38:5, 40:23, 42:25 quoted [1] - 29:3</p> | <p>relies [2] - 10:4, 10:15 remember [1] - 16:4 remind [1] - 10:25 replaced [1] - 11:5 Reported [1] - 1:24 reporter [2] - 9:7, 44:9 Reporter [4] - 44:6, 44:19, 44:19 representations [1] - 31:22 representatives [1] - 12:2 request [17] - 6:18, 8:11, 12:21, 17:9, 17:23, 27:1, 28:15, 30:22, 32:6, 38:23, 39:6, 39:23, 39:25, 40:1, 40:5, 40:6, 41:1 requested [3] - 6:13, 27:9, 41:8 requesting [5] - 34:16, 38:24, 39:7, 39:9, 39:10 requests [2] - 26:12, 40:3 required [1] - 14:25 requirement [1] - 28:9 requirements [3] - 31:12, 31:17, 34:6 requires [1] - 32:7 Reservation [2] - 40:8, 40:17 reservation [18] - 22:17, 22:19, 23:1, 24:10, 24:17, 24:21, 25:15, 25:18, 25:19, 34:12, 36:16, 36:19, 38:2, 38:16, 38:19, 39:18, 41:11 reservation's [1] - 22:21 resolve [1] - 34:25 resolved [1] - 30:22 respect [4] - 10:22, 11:19, 32:21, 38:21, 32:5 respond [1] - 36:11 response [3] - 29:3, 38:22, 39:22 responses [1] - 31:24 restrict [1] - 20:13 restrictions [2] - 10:24, 20:23</p> | <p>Rolayne [3] - 1:14, 19:7, 39:1 Rolayne's [1] - 18:7 room [2] - 4:9, 4:10 Rounds [1] - 1:16 RPR [1] - 1:24 rule [7] - 10:12, 10:21, 11:15, 14:25, 30:1, 30:3, 32:7 Rule [1] - 32:6 rule's [1] - 11:16 rules [1] - 38:1 rules [15] - 7:5, 7:23, 8:12, 8:14, 8:15, 8:19, 9:24, 10:25, 11:20, 26:19, 26:21, 26:25, 27:14, 28:9 run [1] - 26:16</p> | <p>services [30] - 3:4, 22:16, 22:18, 22:21, 23:8, 23:15, 24:10, 24:12, 24:21, 25:7, 25:21, 25:22, 28:19, 28:24, 32:8, 34:12, 34:23, 34:24, 35:5, 35:23, 37:4, 38:2, 38:12, 38:13, 39:17, 41:10, 41:13, 41:14, 41:16 SERVICES [2] - 1:6 session [1] - 3:25 set [1] - 27:13 sets [1] - 10:14 settle [1] - 18:7 seven [7] - 7:2, 7:7, 7:9, 7:20, 11:20, 21:11, 21:15 seven-hour [1] - 21:11 shall [4] - 3:7, 3:9, 3:15, 22:3 sham [1] - 4:24 share [1] - 27:23 Sherry [1] - 1:19 shifting [1] - 8:23 shooting [1] - 42:12 shorthand [2] - 44:9 shortly [1] - 30:21 show [1] - 28:11 shown [1] - 25:1 shows [3] - 34:4, 35:24, 36:4 Shultz [1] - 5:10 sic [1] - 8:12 side [1] - 10:19 significant [1] - 30:13 simply [8] - 5:12, 6:13, 10:10, 24:7, 31:16, 32:22, 39:16, 41:12 Sioux [5] - 5:5, 37:18, 37:21, 38:17, 38:20 sitting [1] - 21:15 situation [3] - 5:23, 10:18, 34:2 skilled [1] - 12:4 slip [1] - 26:1 Smith [1] - 1:15 smoothly [1] - 7:21 somewhere [1] - 36:16 soon [1] - 19:13 sort [3] - 15:10, 17:24, 33:11 SOUTH [3] - 1:2, 1:6,</p> | <p>speaking [1] - 40:2 special [8] - 8:20, 8:21, 10:9, 13:22, 14:3, 14:7, 14:11, 14:24 specific [2] - 23:17, 30:16 spending [2] - 9:5, 9:13 spent [1] - 18:15 spring [1] - 34:24 Sprint [34] - 1:21, 5:22, 5:25, 6:4, 6:6, 6:12, 6:17, 6:23, 7:9, 7:16, 8:25, 9:10, 9:14, 14:17, 15:3, 17:10, 23:24, 23:25, 24:5, 25:6, 26:7, 26:12, 27:18, 27:19, 29:22, 30:15, 34:22, 35:2, 35:22, 36:3, 36:17, 38:22, 39:5 Sprint's [11] - 3:8, 3:16, 3:18, 4:15, 5:8, 6:15, 9:16, 17:1, 23:20, 23:22, 40:2 SS [1] - 44:2 stability [1] - 4:25 Staff [7] - 29:22, 33:6, 39:6, 39:22, 40:3, 42:6, 42:17 STAFF [1] - 1:14 stage [1] - 29:22 standard [12] - 7:12, 7:17, 11:17, 14:8, 26:15, 26:17, 27:2, 27:3, 27:4, 27:5, 27:6 standards [1] - 30:14 standpoint [1] - 15:5 start [3] - 3:17, 3:21, 26:14 started [2] - 22:11, 28:15 starting [1] - 36:9 starts [1] - 36:15 state [2] - 28:7, 39:4 STATE [2] - 1:2, 44:1 State [6] - 2:2, 24:17, 24:25, 37:5, 37:20, 44:7 statement [1] - 27:18</p> |
| R | | | | |
| <p>raised [3] - 27:12, 30:15, 30:16 Randy [4] - 3:8, 3:16, 4:15, 17:1 rather [2] - 13:23, 16:15 reach [1] - 19:15 really [5] - 8:25, 10:8, 10:13, 19:25, 40:17 Realtime [2] - 44:6, 44:19 reason [5] - 8:20, 8:21, 13:22, 27:23, 30:4 reasonable [6] - 5:19, 6:11, 6:17, 20:1, 20:3, 34:14 reasonably [1] - 7:14 reasons [3] - 9:2, 13:21, 41:6 recently [1] - 13:20 recognize [2] - 15:2, 17:15 recommend [1] - 17:22 record [2] - 13:16, 33:14 redacted [1] - 36:1 referring [4] - 36:17, 36:18, 38:13, 40:1 refuse [1] - 23:25 regard [3] - 6:19, 32:18, 33:11 regarding [6] - 3:22, 4:12, 4:21, 5:6, 23:22, 30:19 regardless [1] - 9:22 Registered [2] - 44:5, 44:19</p> | <p>rejected [1] - 29:24 relevant [3] - 7:13, 11:4, 11:14 relief [3] - 26:18, 26:19, 27:9 relies [2] - 10:4, 10:15 remember [1] - 16:4 remind [1] - 10:25 replaced [1] - 11:5 Reported [1] - 1:24 reporter [2] - 9:7, 44:9 Reporter [4] - 44:6, 44:19, 44:19 representations [1] - 31:22 representatives [1] - 12:2 request [17] - 6:18, 8:11, 12:21, 17:9, 17:23, 27:1, 28:15, 30:22, 32:6, 38:23, 39:6, 39:23, 39:25, 40:1, 40:5, 40:6, 41:1 requested [3] - 6:13, 27:9, 41:8 requesting [5] - 34:16, 38:24, 39:7, 39:9, 39:10 requests [2] - 26:12, 40:3 required [1] - 14:25 requirement [1] - 28:9 requirements [3] - 31:12, 31:17, 34:6 requires [1] - 32:7 Reservation [2] - 40:8, 40:17 reservation [18] - 22:17, 22:19, 23:1, 24:10, 24:17, 24:21, 25:15, 25:18, 25:19, 34:12, 36:16, 36:19, 38:2, 38:16, 38:19, 39:18, 41:11 reservation's [1] - 22:21 resolve [1] - 34:25 resolved [1] - 30:22 respect [4] - 10:22, 11:19, 32:21, 38:21, 32:5 respond [1] - 36:11 response [3] - 29:3, 38:22, 39:22 responses [1] - 31:24 restrict [1] - 20:13 restrictions [2] - 10:24, 20:23</p> | <p>result [1] - 10:10 Richard [1] - 33:6 Rislov [1] - 1:16 roadblock [1] - 26:16 Robin [1] - 1:17 Rolayne [3] - 1:14, 19:7, 39:1 Rolayne's [1] - 18:7 room [2] - 4:9, 4:10 Rounds [1] - 1:16 RPR [1] - 1:24 rule [7] - 10:12, 10:21, 11:15, 14:25, 30:1, 30:3, 32:7 Rule [1] - 32:6 rule's [1] - 11:16 rules [1] - 38:1 rules [15] - 7:5, 7:23, 8:12, 8:14, 8:15, 8:19, 9:24, 10:25, 11:20, 26:19, 26:21, 26:25, 27:14, 28:9 run [1] - 26:16</p> | <p>services [30] - 3:4, 22:16, 22:18, 22:21, 23:8, 23:15, 24:10, 24:12, 24:21, 25:7, 25:21, 25:22, 28:19, 28:24, 32:8, 34:12, 34:23, 34:24, 35:5, 35:23, 37:4, 38:2, 38:12, 38:13, 39:17, 41:10, 41:13, 41:14, 41:16 SERVICES [2] - 1:6 session [1] - 3:25 set [1] - 27:13 sets [1] - 10:14 settle [1] - 18:7 seven [7] - 7:2, 7:7, 7:9, 7:20, 11:20, 21:11, 21:15 seven-hour [1] - 21:11 shall [4] - 3:7, 3:9, 3:15, 22:3 sham [1] - 4:24 share [1] - 27:23 Sherry [1] - 1:19 shifting [1] - 8:23 shooting [1] - 42:12 shorthand [2] - 44:9 shortly [1] - 30:21 show [1] - 28:11 shown [1] - 25:1 shows [3] - 34:4, 35:24, 36:4 Shultz [1] - 5:10 sic [1] - 8:12 side [1] - 10:19 significant [1] - 30:13 simply [8] - 5:12, 6:13, 10:10, 24:7, 31:16, 32:22, 39:16, 41:12 Sioux [5] - 5:5, 37:18, 37:21, 38:17, 38:20 sitting [1] - 21:15 situation [3] - 5:23, 10:18, 34:2 skilled [1] - 12:4 slip [1] - 26:1 Smith [1] - 1:15 smoothly [1] - 7:21 somewhere [1] - 36:16 soon [1] - 19:13 sort [3] - 15:10, 17:24, 33:11 SOUTH [3] - 1:2, 1:6,</p> | <p>speaking [1] - 40:2 special [8] - 8:20, 8:21, 10:9, 13:22, 14:3, 14:7, 14:11, 14:24 specific [2] - 23:17, 30:16 spending [2] - 9:5, 9:13 spent [1] - 18:15 spring [1] - 34:24 Sprint [34] - 1:21, 5:22, 5:25, 6:4, 6:6, 6:12, 6:17, 6:23, 7:9, 7:16, 8:25, 9:10, 9:14, 14:17, 15:3, 17:10, 23:24, 23:25, 24:5, 25:6, 26:7, 26:12, 27:18, 27:19, 29:22, 30:15, 34:22, 35:2, 35:22, 36:3, 36:17, 38:22, 39:5 Sprint's [11] - 3:8, 3:16, 3:18, 4:15, 5:8, 6:15, 9:16, 17:1, 23:20, 23:22, 40:2 SS [1] - 44:2 stability [1] - 4:25 Staff [7] - 29:22, 33:6, 39:6, 39:22, 40:3, 42:6, 42:17 STAFF [1] - 1:14 stage [1] - 29:22 standard [12] - 7:12, 7:17, 11:17, 14:8, 26:15, 26:17, 27:2, 27:3, 27:4, 27:5, 27:6 standards [1] - 30:14 standpoint [1] - 15:5 start [3] - 3:17, 3:21, 26:14 started [2] - 22:11, 28:15 starting [1] - 36:9 starts [1] - 36:15 state [2] - 28:7, 39:4 STATE [2] - 1:2, 44:1 State [6] - 2:2, 24:17, 24:25, 37:5, 37:20, 44:7 statement [1] - 27:18</p> |
| S | | | | |

| | | | | |
|---|--|---|--|---|
| <p>statements [2] - 4:7, 28:4 states [1] - 27:2 statute [8] - 5:18, 14:6, 21:12, 21:14, 21:18, 30:1, 30:3, 30:24 statutes [2] - 26:19, 26:20 statutory [1] - 33:21 STEFFENSEN [1] - 42:12 Steffensen [2] - 1:17, 42:20 step [1] - 35:12 still [1] - 22:12 stimulation [1] - 23:22 stipulation [12] - 31:19, 32:1, 32:4, 32:10, 32:12, 32:15, 32:17, 32:23, 33:9, 40:9, 40:12, 40:13 stopped [2] - 35:4, 35:9 straight [1] - 27:24 straw [1] - 24:7 study [1] - 32:9 subject [2] - 7:8, 7:13 submissions [1] - 4:21 submitted [2] - 27:15, 28:5 subscribers [1] - 25:17 suggest [2] - 12:13, 12:19 suggested [1] - 19:18 suggesting [2] - 27:19, 28:5 suggestion [1] - 18:1 SULLY [1] - 44:3 Summary [1] - 27:10 summary [3] - 13:4, 27:5, 29:24 support [4] - 16:6, 20:3, 41:5, 41:17 supported [1] - 30:24 supposed [1] - 24:1 surely [1] - 14:15 surprising [1] - 30:19 suspect [1] - 13:1 Swier [21] - 1:21, 3:20, 8:1, 8:8, 8:12, 9:18, 11:2, 11:11, 12:23, 13:7, 13:18, 22:8, 27:18, 28:21, 33:20, 33:21, 34:20, 35:19, 36:10, 38:9, 41:9 SWIER [18] - 3:20, 4:11, 13:25, 22:7,</p> | <p>33:24, 35:1, 36:10, 36:14, 37:13, 38:14, 39:1, 39:10, 39:15, 39:24, 40:4, 40:12, 40:19, 42:19 Swier's [1] - 12:8 switched [1] - 8:8 sworn [1] - 4:16</p> <p style="text-align: center;">T</p> <p>tariff [3] - 24:12, 25:14, 36:22 task [1] - 11:25 TC11-087 [3] - 1:5, 3:1, 40:24 technical [2] - 23:14, 34:5 technically [1] - 35:6 telecom [1] - 37:4 Telecom [4] - 1:21, 3:2, 8:7, 28:8 TELECOM [1] - 1:4 telecommunication [1] - 26:1 telecommunications [9] - 3:4, 22:18, 22:21, 23:14, 37:2, 38:11, 38:12, 39:12, 39:17 TELECOMMUNICATI ONS [1] - 1:5 telephone [2] - 22:24, 24:9 temporary [17] - 3:10, 22:4, 23:11, 25:3, 25:17, 26:13, 29:25, 32:18, 33:11, 33:23, 34:2, 34:4, 34:11, 38:10, 38:18, 39:11, 40:25 terminate [3] - 24:21, 38:11, 39:11 terminated [2] - 36:19, 37:8 terminates [3] - 24:16, 37:1, 37:22 terms [1] - 33:12 testify [1] - 33:19 testifying [1] - 20:2 testimony [18] - 4:16, 4:17, 4:18, 4:20, 5:17, 6:5, 7:18, 10:14, 11:3, 11:4, 11:6, 11:10, 13:15, 18:25, 20:14, 27:16, 27:21, 37:10 THE [5] - 1:1, 1:2, 1:4, 1:11</p> | <p>themselves [1] - 14:17 thereafter [1] - 30:21 therefore [2] - 23:2, 32:16 they've [5] - 19:14, 19:15, 22:19, 37:6 thinks [1] - 30:2 third [2] - 21:6 Thompson [5] - 32:3, 40:10, 40:18, 40:20, 41:16 three [5] - 6:24, 11:22, 12:17, 14:16, 16:16 throughout [2] - 7:16, 32:8 TO [1] - 1:5 today [7] - 3:6, 18:8, 19:9, 21:16, 32:25, 33:14, 33:19 together [3] - 18:25, 19:18, 37:7 took [2] - 35:12, 44:9 topic [2] - 11:2, 17:16 topics [3] - 4:21, 5:16, 11:13 TOPP [3] - 15:12, 30:9, 30:11 Topp [3] - 1:23, 15:12, 30:9 traffic [3] - 5:2, 24:16, 39:12 TRANSCRIPT [1] - 2:1 Transcript [1] - 1:8 transcription [1] - 44:12 travel [1] - 9:5 trial [3] - 10:4, 10:16, 11:5 tribal [13] - 22:17, 22:20, 23:3, 23:7, 23:9, 24:11, 24:23, 25:5, 25:13, 28:25, 29:5, 38:15, 38:18 Tribe [1] - 5:5 tribe [1] - 41:15 true [4] - 11:19, 28:5, 28:6, 44:11 truth [1] - 9:20 try [2] - 17:23, 35:16 trying [3] - 6:21, 19:5, 25:12 twice [1] - 12:17 two [8] - 3:22, 3:24, 4:17, 6:6, 8:9, 10:23, 19:3, 41:6 type [5] - 4:24, 6:12, 16:11, 34:12, 38:12 typical [1] - 5:23 typically [1] - 18:6</p> | <p style="text-align: center;">U</p> <p>ultimately [1] - 32:14 uncompensated [1] - 9:3 under [15] - 4:13, 4:14, 4:16, 6:25, 7:12, 9:21, 11:20, 14:25, 17:25, 22:19, 25:13, 26:19, 36:21, 37:9 understood [1] - 12:8 undisputed [2] - 27:8, 28:11 unless [1] - 8:20 unscramble [1] - 29:7 unscrambling [1] - 29:8 up [10] - 3:24, 4:1, 5:11, 6:4, 15:15, 19:24, 27:12, 35:9, 35:21, 43:1 UTILITIES [2] - 1:1, 1:11 utility [1] - 22:20 utmost [1] - 24:19</p> <p style="text-align: center;">V</p> <p>valid [1] - 33:10 Valley [1] - 12:1 value [2] - 15:21, 19:4 Van [4] - 1:22, 29:14, 29:18, 30:7 VAN [1] - 29:17 variety [1] - 10:18 Verizon [1] - 22:25 Verizon's [1] - 23:3 viability [1] - 27:17 viable [2] - 27:20, 28:1 VICE [1] - 1:12 volumes [1] - 34:3 vote [1] - 19:6 votes [10] - 17:4, 17:7, 20:7, 20:10, 21:1, 21:4, 21:22, 21:25, 41:22, 41:25</p> <p style="text-align: center;">W</p> <p>wages [2] - 16:5, 16:9 waiting [1] - 42:15 waiver [1] - 32:6 wants [2] - 10:19, 37:21 web [1] - 4:8 Wednesday [1] - 19:9 week [3] - 17:12, 19:9, 42:18</p> | <p style="text-align: right;">7</p> <p>weigh [1] - 31:15 wherewithal [1] - 24:5 whole [1] - 30:17 Wiest [5] - 1:14, 12:23, 13:10, 17:20, 38:8 WIEST [12] - 17:21, 18:3, 38:7, 38:9, 38:21, 39:3, 39:13, 39:20, 40:2, 40:7, 40:16, 40:21 willing [1] - 5:18 willingness [1] - 10:11 win [2] - 27:7, 28:11 wing [1] - 14:23 wish [1] - 15:1 wishes [1] - 33:19 wishing [1] - 31:1 withhold [1] - 27:19 withholding [2] - 24:6, 27:19 witness [12] - 4:15, 5:23, 8:17, 10:5, 12:17, 13:24, 14:21, 17:13, 20:1, 20:2, 20:16, 20:17 witnesses [1] - 17:17 Wittler [2] - 1:24, 44:18 WITTLER [1] - 44:5 wondering [1] - 3:23 word [1] - 13:18 written [5] - 4:16, 4:17, 4:18, 4:20, 5:17</p> <p style="text-align: center;">Y</p> <p>year [1] - 28:17 years [3] - 5:11, 14:16, 24:13</p> |
|---|--|---|--|---|