

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE APPLICATION OF)
NATIVE AMERICAN TELECOM, LLC FOR A)
CERTIFICATE OF AUTHORITY TO PROVIDE)
INTEREXCHANGE TELECOMMUNICATION)
SERVICES AND LOCAL EXCHANGE SERVICES IN)
SOUTH DAKOTA)**

**AMENDED ORDER FOR AND
NOTICE OF PROCEDURAL
SCHEDULE AND HEARING**

TC11-087

On October 11, 2011, the Public Utilities Commission (Commission) received an application from Native American Telecom, LLC (NAT) for a certificate of authority to provide interexchange long distance service and local exchange services in South Dakota. On October 13, 2011, the Commission electronically transmitted notice of the filing and the intervention deadline of October 28, 2011, to interested individuals and entities. On October 13, 2011, the Commission received a Petition to Intervene by Midstate Communications, Inc. (Midstate). On October 26, 2011, the Commission received a Petition to Intervene by AT&T Communications of the Midwest, Inc. (AT&T). On October 28, 2011, the Commission received a Petition to Intervene from Sprint Communications Company, L.P. (Sprint), Qwest Communications Company LLC dba CenturyLink (CenturyLink) and South Dakota Telecommunications Association (SDTA). On November 1, 2011, CenturyLink re-filed its Petition to Intervene. On November 14, 2011, NAT filed its responses to the petitions for intervention. On November 18, 2011, CenturyLink filed CenturyLink's reply. On November 21, 2011, NAT filed a Notice of Supplemental Authority. On November 22, 2011, the Commission voted unanimously to grant intervention to Midstate, AT&T, Sprint, CenturyLink, and SDTA. On January 12, 2012, NAT filed a Motion Requesting a Protective Order Requiring the Parties and Intervenors to Comply with a Confidentiality Agreement.

On January 27, 2012, NAT filed a revised Application for Certificate of Authority. In its revised application, NAT states that it seeks to provide local exchange and interexchange service within the Crow Creek Sioux Tribe Reservation which is within the study area of Midstate. On January 31, 2012, the Commission granted the Motion Requesting a Protective Order Requiring the Parties and Intervenors to Comply with a Confidentiality Agreement. On February 17, 2012, NAT filed its direct testimony. On February 22, 2012, the Commission issued an Order for and Notice of Procedural Schedule and Hearing. On March 26, 2012, Sprint and CenturyLink filed their direct testimony and NAT filed a Motion for Summary Judgment. On March 27, 2012, a Stipulation by and between NAT, Midstate, and SDTA was filed. On April 2, 2012, Sprint filed a Motion to Compel and CenturyLink filed a Motion to Compel Discovery Responses. On April 3, 2012, NAT filed a Motion to Compel Discovery.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31 and ARSD 20:10:01:15.05.

The parties have agreed to a revised procedural schedule. The revised procedural schedule is as follows:

DATE	PROCEDURAL SCHEDULE
February 7, 2012	NAT Discovery to Intervenors
February 15, 2012	NAT Initial Testimony Due

February 24, 2012	Intervenors/NAT Serve Discovery
March 9, 2012	Discovery Responses Due
March 26, 2012	Intervenors' Testimony Due
April 2, 2012	Motions to Compel Due
April 11, 2012	Intervenors' Responses to NAT's Motion for Summary Judgment Due
April 13, 2012	Responses to Motions to Compel Due
April 16, 2012	NAT's Reply to Intervenors' Responses to Motion for Summary Judgment Due
April 18, 2012	Replies to Responses to Motions to Compel Due NAT Reply Testimony Due
April 24, 2012	Motion for Summary Judgment and Motions to Compel to be argued before the Commission
June 7, 2012	Hearing

Simultaneous post-trial briefs will be filed within ten (10) days of receiving the hearing transcript. Simultaneous post-trial reply briefs will be filed within ten (10) days of receiving post-trial briefs.

PLEASE TAKE NOTICE that a hearing shall be held commencing at 9:00 a.m., with marking of exhibits to begin at 8:30 a.m., on Thursday, June 7, 2012, in Room 414 of the State Capitol, 500 E. Capitol Ave, Pierre, South Dakota. The hearing is open to the public. All persons testifying shall be subject to cross-examination.

The issue at the hearing is whether to grant NAT a certificate of authority to provide local exchange and interexchange service within the Crow Creek Sioux Tribe Reservation.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of this hearing, the Commission shall determine whether to grant NAT a certificate of authority to provide local exchange and interexchange service within the Crow Creek Sioux Tribe Reservation. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that the parties shall follow the procedural schedule as set forth above; and it is further

ORDERED, that the hearing shall commence at 9:00 a.m., with marking of exhibits to begin at 8:30 a.m., on Thursday, June 7, 2012, in Room 414 of the State Capitol, 500 E. Capitol Avenue, Pierre, South Dakota.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 5th day of April, 2012.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.
By: <u>Joy Leung</u>
Date: <u>04-05-12</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner