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**BEFORE THE PUBLIC UTILITIES COMMISSION**

**OF THE STATE OF SOUTH DAKOTA**

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IN THE MATTER OF THE APPLICATION  
OF LTD BROADBAND LLC FOR  
DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER FOR  
PURPOSES OF RECEIVING FEDERAL  
UNIVERSAL SERVICE SUPPORT

**Discovery Request #3**

**Docket No. TC21-001**

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**DISCOVERY REQUEST #3 OF SOUTH DAKOTA TELECOMMUNICATIONS ASSOCIATION  
(SDTA) TO LTD BROADBAND, LLC**

The South Dakota Telecommunications Association (“SDTA”) hereby serves its Discovery Requests on LTD Broadband, LLC. Unless otherwise noted in a specific request, the Discovery Requests are directed to LTD Broadband, LLC specifically, and its responses should be provided, as appropriate.

You are requested and required to answer fully and under oath, pursuant to S.D. Admin. R. 20:10:01:22.01, each of the following Discovery Requests and serve a copy of your answers and responses thereto upon Kara Semmler, General Counsel for SDTA, on or before July 2, 2021. Please be advised that your answers must include all information available not only to you, but to your agents, officers, representatives, employees, attorneys, insurers, or others who have information available to you upon inquiry to them.

**DEFINITIONS**

As used herein, the following terms have the meaning as set forth below:

1. The term “you” refers to “LTD Broadband, LLC” or “LTD” (as the company may be referenced in abbreviated fashion).
2. The term “the Act” shall refer to the Communications Act of 1934, as amended by the Telecommunications Act of 1996, codified at 47 U.S.C. §§ 151 *et seq.*
3. The terms “document” or “documents” as used herein shall include, without limitation, any writings and documentary material of any kind whatsoever, both originals and copies (regardless of origin and whether or not including additional writing thereon or attached thereto), and any and all drafts, preliminary versions, alterations, modifications, revisions, changes and

written comments of and concerning such material, including but not limited to: correspondence, letters, memoranda, notes, reports, directions, studies, investigations, questionnaires and surveys, inspections, permits, citizen complaints, papers, files, books, manuals, instructions, records, pamphlets, forms, contracts, contract amendments or supplements, contract offers, tenders, acceptances, counteroffers or negotiating agreements, notices, confirmations, telegrams, communications sent or received, print-outs, diary entries, calendars, tables, compilations, tabulations, charts, graphs, maps, recommendations, ledgers, accounts, worksheets, photographs, tape recordings, movie pictures, videotapes, transcripts, logs, workpapers, minutes, summaries, notations and records of any sort (printed, recorded or otherwise) of any oral communication whether sent or received, and other written or electronic records or recordings, in whatever form, stored or contained in or on whatever medium including computerized or digital memory or magnetic media that: (a) are now or were formerly in your possession, custody or control; or (b) are known or believed to be responsive to these interrogatories, regardless of who has or formerly had custody, possession or control.

4. The term “including” means “including, but not limited to.”
5. “Affiliate” means a person or entity that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this definition, “own” means to own an equity interest (or the equivalent thereof) of more than five (5) percent.

### **INSTRUCTIONS**

1. If you maintain that any document or record that would be responsive to any of the data requests has been destroyed, set forth the content of said document, the location of any copies of said document, the date and circumstances of said destruction, and the name of the person who ordered or authorized such destruction.
2. In answering these data requests, furnish all responsive documents in your possession or in the possession of any of your directors, officers, employees, agents, representatives, or attorneys.
3. If you cannot answer a data request in full after exercising due diligence to secure all the information requested, or does not have precise information with regard to any part of a data request, so state in the response, describing in full the efforts to obtain the information requested, and then proceed to respond to the fullest extent possible. If an objection is made to any part of a data request, answer all parts of the data request to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

4. If a responsive document is considered to contain confidential, proprietary, or otherwise protected information, please furnish this document subject to a protective agreement.
5. If any information is withheld under a claim of privilege, please describe the information without revealing the asserted privileged information, and provide a statement of the basis upon which the claim of privilege is based.
6. If any of the information requested by a data request varies over time, state the response for each period of time as to which the response differs, and identify the time periods.
7. These interrogatories and requests are considered continuing and should be supplemented as additional information becomes available.

### **INTERROGATORIES AND REQUESTS FOR PRODUCTION**

Request 1: In SDTA Discovery Request 2, Item 6, LTD wrote: “While LTD is not required to provide service to *any* customer, it plans to provide reasonable updates to prospective customers about the availability of service, upon request.”

LTD’s responses raises a question whether LTD is committed to provide service throughout its proposed designated service area to all customer making a reasonable request for service. Please clarify what LTD meant by its response to SDTA’s discovery.

Does LTD commit to providing service to all customers throughout the ETC designated areas in South Dakota?

Request 2: Is it necessary for LTD to obtain any National Forest Service permits or easements in SD? If so, specify:

- a. What LTD must receive from the National Forest Service
- b. Where National Forest service permits or easements are necessary
- c. Whether LTD has initiated any communication with the National Forest Service and if so, who is LTD’s point of contact.
- d. What is the status of the National Forest Service proceeding

Request 3: Does the RDOF area that LTD intends to serve in western South Dakota include areas within Custer State Park? If so, specify:

- a. What permits or easements the State of South Dakota requires prior to construction?

- b. Whether LTD has initiated any communication with the State of South Dakota regarding construction in Custer State Park, and if so, who is LTD's point of contact.

Request 4: Is it necessary for LTD to conduct any cultural resource or environmental studies in South Dakota prior to construction? If so, specify:

- a. What studies must be done?
- b. What government agency or tribal entity requires a study and provide the point of contact at said agencies?

Request 5: As a result of the planned construction on the Rosebud Sioux Tribe Reservation, has LTD engaged in consultation with the Tribe? If so, describe what has been done and provide LTD's point of contact with the Tribe.

Request 6: Provide a map demonstrating the location of towers and the fiber backhaul planned for construction in SD.

Request 7: Did tree cover in the Black Hills area impacted planned tower placement. If so, describe how.

Request 8: In discovery answers provided to PUC Staff, LTD wrote: "Fiber will be utilized to deliver all last mile connections..."

- a. Based upon this statement, it is true that all South Dakota, LTD consumers in RDOF areas will be served by fiber run directly to the consumer's premises?
- b. If not, specify what was intended by the answer LTD provided the PUC Staff.

Request 9: In discovery answers provided to PUC Staff, LTD wrote: "Fiber will be utilized to deliver.... over 99% of all long-haul network miles."

- a. Was the 99% figure intended to describe the LTD infrastructure planed in SD, or was the figure intended to describe LTD's nationwide infrastructure plan?
- b. How many miles of long-haul fiber network will be constructed in South Dakota?
- c. If LTD plans to use wireless technology for its long-haul network in South Dakota, indicate where and why wireless technology will be used versus fiber.

Request 10: In discovery answers provided to PUC Staff, LTD wrote: "Any and all wireless transport links will be engineered to provide 99.999% reliability." What does that figure mean to the consumer? Quantify the outages that consumers can expect.

Request 11: When does LTD intend to staff its McLaughlin, Rapid City and Rosebud locations?

- a. Will the Rosebud location be situated within Indian Country?
- b. How many staff people will work at the listed locations?
- c. Based upon LTD's response to Discovery Request 2, Item 9(e) it appears staffing/employee plans regarding how to serve South Dakota RDOF customers

has not been developed and LTD has nothing to produce at this time. Is this correct? If so, when will plans be available?

- d. If LTD has developed staffing plans, demonstrate how LTD will meet the requirements in ARSD 20:10:33:08.

Request 12: Provide the “reasonable provisions” that LTD has in place pursuant to ARSD 29:10:33:17.

Request 13: On page 11 of its ETC application, LTD wrote: “Upon activation of a customer, LTD Broadband will provide the customer with a notification containing clear instructions on the use of emergency services.”

Provide a copy of the “notification containing clear instructions” that LTD will provide to its customers.

Request 14: Has LTD relinquished any of its RDOF areas, in any state? If so, specify where and why.

Request 15: Does LTD plan to relinquish any of its RDOF areas, in any state? If so, please specify where and why.

DATED this 2 day of June, 2021.



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