
BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

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 #4

Docket No. TC21-001

**DISCOVERY REQUEST #4 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: When it is available, provide a copy of LTD's response to the July 26, 2021, letter from the FCC directing LTD's review of identified census blocks that may already be served by one or more service providers or otherwise raise concerns about wasteful spending.

Request 2: Identify (i) the number of census blocks and (ii) total RDOF funds LTD lost because of the FCC's denial of LTD's request to waive the state ETC designation deadline in California, Kansas and Oklahoma.

Request 3: Does the loss of California, Kansas, Oklahoma and any additional blocks that result from FCC's July 26 correspondence impact LTD's financial ability to build and maintain a network across very high-cost areas in South Dakota? If so, explain how. If not, explain why not.

Request 4: In Docket, TC21-014, Staff Data Request 1.4 LTD indicated it does not intend to provide any Fiber-to-the-Home or Fiber-to-the-Premises to retail customers in South Dakota, except to the extent that such retail customers constitute "locations" as defined and determined by the FCC. What is meant by, "*except to the extent that such retail customers constitute locations as defined and determined by the FCC?*"

DATED this 29 day of July, 2021.

A handwritten signature in cursive script that reads "Kara Semmler". The signature is written in black ink and is positioned above a horizontal line.

Kara Semmler
General Counsel
South Dakota Telecommunications Assn.
320 East Capitol Ave.
P.O. Box 57
Pierre, SD 57501