



South Dakota Telecommunications Association

Advocating for South Dakota's Rural Broadband Providers

April 13, 2021

Brett Heather Freedson
VIA email only: BFreedson@lermansenter.com



Re: Docket TC21-001 - 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

Dear Ms. Freedson,

Thank you for corresponding with me regarding two discovery related issues, and one procedural matter in the above referenced PUC docket.

1) SDTA Discovery Request 10, 11, 12, 13.

I am in receipt of LTD Broadband LLC (herein LTD) discovery responses. LTD did not provide substantive responses to SDTA Discovery Request 10, 11, 12, 13. Rather, it objected based upon relevancy. I disagree with LTD's assertion that the requested information is irrelevant and request LTD reconsider its position. The information SDTA requested in items 10 – 13 is necessary to ascertain and form a position on whether granting LTD's application is in the public interest.

Infrastructure investment in rural South Dakota is costly. SDTA companies have a long history of service in rural South Dakota and appreciate the financial commitment it takes to construct, deploy, and then successfully maintain a broadband network. It is in the public interest of rural South Dakota residents that government funds be invested in a way that sustainable telecommunication and broadband services are built. Short-term service goals with short-term plans could cause areas of South Dakota to have long-term broadband service issues. Fact is, some of the areas that LTD won in the RDOF auction process have little probability or possibility of population grown or commercial business growth.

SDTA argues that, in demonstrating that an ETC designation is in the public interest, LTD must show it plans to construct a sustainable broadband product that will serve the RDOF areas it won in the long-term. Profitability, at some point, is necessary for a company invest and reinvest in its product over the long run. It is SDTA's position that to determine the profitability, thus viability of the product or network, LTD should have done the analysis necessary to easily answer SDTA discovery request 10, 11, 12, 13. The data and variables used in the analysis are relevant to determine whether LTD accurately and appropriately considered the challenges and costs of rural South Dakota construction, operation, and maintenance. The requested information is relevant to the subject matter involved: whether it is in the public interest for the

SD PUC to grant LTD's request for designation as an Eligible Telecommunications Company. If the requested materials demonstrate a flawed or incomplete analysis by LTD, a network may be built without any financial possibility of successful operation or maintenance. In that case, South Dakota consumers will be negatively impacted, and it is not in the public interest to proceed as LTD requests in this docket.

2) Discovery material provided confidentially to Commission Staff.

As we discussed, SDTA requests access to the materials LTD confidentially provided the PUC Commission Staff. SDTA appreciates the confidential nature of the materials and understands your client's concern regarding the disclosure of proprietary materials that could be used by competitors to gain an advantage.

I am most interested in an explanation as to how, technically, LTD intends to provide services in SD RDOF areas. I look forward to discussing with you, whether LTD is willing to provide SDTA with any portion, or redacted portions of what LTD provided the PUC Staff.

3) Certificate of Authority.

As you know, it is my position that LTD must have a Certificate of Authority to proceed with service in South Dakota. Thank you for providing me with notice that the company filed an application on 4/12/21. I expect SDTA will intervene in the proceeding.

Finally, attached and intended as service upon LTD, please find SDTA's second discovery requests in TC21-001.

Sincerely,



Kara Semmler
SDTA Executive Director and General Counsel

cc: Amanda Reiss via email - amanda.reiss@state.sd.us