
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

Docket No. TC21-001

**DISCOVERY REQUESTS 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 April 9, 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: Provide a copy to SDTA of all discovery responses and documents LTD provided to Commission Staff in response to Commission Staff's First Data Request or any follow up thereafter.

Request 2: Other than the RDOF auction, has LTD received any federal funds, from any federal grant or finance program for infrastructure construction or to offer services in any state? If so, specify:

- a. The state in which the funds were used.
- b. The program name.
- c. Funds received and whether a grant or loan.

Request 3: Currently, how many residential customers does LTD have in South Dakota?

Request 4: LTD's FCC Form 477 indicates that it provides 250 Mbps per second upload and 250 Mbps download speeds throughout 100% of its current South Dakota service area.

- a. Can all customers, throughout LTD's entire South Dakota service area receive 250/250 Mbps service? If not, what percentage of the service area can receive 250/250 Mbps service?

- b. How many LTD residential customers currently receive 250/250 Mbps service?
- c. How many commercial customers in South Dakota currently receive 250/250 Mbps service?
- d. What is the monthly cost to the customer to receive 250/250 Mbps service?
- e. Why isn't this speed listed on LTD's website as an available package?
- f. Is the customer, who desires 250/250 Mbps service, required to purchase any additional equipment? If so, what is the cost of the equipment.

Request 5: LTD alleges it currently offers symmetrical 1 Gbps service to “most of its service area.” (See response to Staff Data Request 4). Can LTD currently provide this speed of service in in South Dakota? If so:

- a. Does LTD offer 1 Gbps service to South Dakota consumers?
- b. Is this speed available throughout LTD's entire South Dakota service area?
- c. If not, what percentage of LTD's South Dakota service area can receive this speed?
- d. How many South Dakota residential customers currently receive this service?
- e. How many South Dakota commercial customers currently receive this service?
- f. Why didn't LTD reflect its symmetrical 1 Gbps capabilities on its FCC Form 477 filing?
- g. What is the monthly cost to the consumer to receive symmetrical 1 Gbps service?
- h. Is the consumer required to purchase any equipment to receive this service? If so, specify the equipment and cost.

Request 6: Does the consumer's proximity to the LTD tower impact the product LTD can provide the consumer? Explain how.

Request 7: When LTD's network is built pursuant to its RDOF bid, will all customers throughout the entire service area have access to the same service offerings? If not, explain.

Request 8: How many commercial customers does LTD have in South Dakota?

- a. How many LTD commercial customers in South Dakota currently receive 10 Gbps service?
- b. How many LTD commercial customers in any state receive state receive 10 Gbps service?

Request 9: Has LTD filed its letter of credit commitment letter with the FCC? At this time, what is the value of the letter of credit that LTD must obtain for the South Dakota portion of its RDOF bid?

Request 10: What is the expected cost to build the network, in South Dakota, that will perform according to LTD's RDOF bid?

Request 11: What is the expected cost per location to build the network, in South Dakota, that will perform according to LTD's RDOF bid?

Request 12: What is the expected cost to maintain the network, in South Dakota, that will perform according to LTD's RDOF bid?

Request 13: What is the expected cost per location to maintain the network, in South Dakota, that will perform according to LTD's RDOF bid?

Request 14: When the RDOF network is built, what will the monthly cost to the South Dakota consumer be, to receive symmetrical 1 gigabyte service?

- a. What will the initial costs to the consumer be, including equipment purchases?

Request 15: When RDOF services are available to South Dakota customers, will LTD add to the service plans currently advertised on its website? If so, specify the plan speed, monthly consumer cost and installation cost.

DATED this 9 day of March, 2021.



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