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September 10, 2021

VIA E-MAIL ONLY

Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501

Re: SD PUC Petitions
TC21-001
Our File No.: 15732.000

Dear Ms. Van Gerpen:

This letter relates to South Dakota Telecommunication's Association's ("SDTA") motion to compel in the above referenced docket, which is currently scheduled to be heard by the Public Utilities Commission of the State of South Dakota ("the Commission") on September 14, 2021.

As Applicant LTD Broadband LLC ("LTD") reviewed SDTA's reply brief in support of its motion to compel, it became clear that the Commission does not need to act on this motion. On September 8, 2021, SDTA sent an email to the undersigned indicating that if LTD does not have a document containing the information necessary to respond to Request Nos. 1-12 and 1-13, then LTD should confirm the same, which would make the motion to compel moot. SDTA then confirmed this position in its reply brief submitted to the Commission on September 8, 2021.

Before September 8, 2021, it was unclear to LTD whether the Request Nos. 1-12 and 1-13 were intended as interrogatories or requests for production. That distinction matters because if an interrogatory, then LTD may have been required to provide an answer regardless of the existence of a document analyzing the network maintenance costs. Conversely, if Request Nos. 1-12 and 1-13 are more properly considered a request for production, LTD has no requirement to create a document that otherwise does not exist. SDTA's reply brief and an email from SDTA's counsel confirmed that it never intended LTD to perform an analysis that it had not already performed.

Since September 8, 2021, LTD has confirmed that it has not, at this time, prepared any document estimating network maintenance costs in response to Request Nos. 1-12 and 1-13. That information

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was communicated to SDTA's counsel today. Based on that disclosure, SDTA's counsel stated SDTA would withdraw its motion to compel. We are in receipt of SDTA's letter filed with the Commission today, and concur in SDTA's statements related to Request Nos. 1-12 and 1-13, and its motion to compel. LTD also advised SDTA's counsel that LTD intended to send this letter to the Commission.

In short, the motion to compel can be removed from the Commission's agenda on September 14, 2021. LTD would still request that its Motion for Prehearing Conference remain on the agenda, as SDTA's letter filed with the Commission today indicates that there may be an ongoing disagreement about the procedural schedule in this docket.

Respectfully yours,

BOYCE LAW FIRM, L.L.P.



Jason R. Sutton

JRS/taj

cc: Brett Heather Freedson
Amanda Reiss