

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

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| <b>IN THE MATTER OF THE APPLICATION OF )</b> | <b>ORDER DENYING REQUEST TO</b> |
| <b>LTD BROADBAND LLC FOR DESIGNATION )</b>   | <b>SUSPEND THE DOCKET;</b>      |
| <b>AS AN ELGIBLE TELECOMMUNICATIONS )</b>    | <b>ORDER GRANTING MOTION TO</b> |
| <b>CARRIER FOR PURPOSES OF RECEIVING )</b>   | <b>CLOSE THE DOCKET</b>         |
| <b>FEDERAL UNIVERSAL SERVICE SUPPORT )</b>   |                                 |
| <b>)</b>                                     | <b>TC21-001</b>                 |

On January 7, 2021, the South Dakota Public Utilities Commission (Commission) received an Application for Designation as an Eligible Telecommunications Carrier (ETC) from LTD Broadband LLC (LTD). LTD is requesting designation as an ETC for the purpose of being eligible to receive federal universal service support via the Federal Communications Commission's (FCC) Lifeline program and through the Rural Digital Opportunity Fund (RDOF) for the provision of broadband internet access and broadband-voice bundled offerings. On October 22, 2021, LTD filed an Amended Application. LTD has preliminarily been awarded RDOF funding by the FCC for certain census blocks in South Dakota, see Exhibit A of the Amended Application. LTD also requested a waiver of ARSD 20:10:32:43.02.

On January 14, 2021, the Commission electronically transmitted notice of the filing and the intervention deadline of January 29, 2021, to interested individuals and entities on the Commission's PUC Weekly Filing electronic listserv. On February 22, 2021, the Commission issued an Order Granting Intervention to SDTA. On December 1, 2021, the Evidentiary Hearing was held as scheduled. On March 21, 2022, the Commission issued a Final Decision and Order Denying Application for Designation as an Eligible Telecommunications Carrier in Certain Census Blocks (Final Decision) (Commissioner Hanson, dissenting).

On April 20, 2022, LTD filed a Petition for Reconsideration or Rehearing. On May 9, 2022, SDTA filed an Objection to LTD Broadband LLC's Petition for Reconsideration or Rehearing. On May 10, 2022, Commission staff filed a Response to LTD Broadband LLC's Petition for Reconsideration or Rehearing. At a May 24, 2022, Commission meeting, the parties addressed how to proceed, and the matter was deferred so the parties could brief LTD's oral motion to amend its Request for Rehearing in order to amend its Amended Application to withdraw some census blocks which are already receiving service or being built out. On June 2, 2022, LTD filed an Amended Petition for Reconsideration or Rehearing. On June 17, 2022, SDTA filed its Objection to LTD Broadband LLC's Amended Petition for Reconsideration or Rehearing. On July 22, 2022, the Commission issued an Order Denying Reconsideration; Order Granting Rehearing; Order Granting Request to Amend Amended Application; Order to Submit Proposed Procedural Schedule. On August 24, 2022, LTD filed a letter regarding an FCC update and request to suspend docket. On September 6, 2022, SDTA filed an Objection to Docket Suspension and Motion to Close. On October 4, 2022, LTD filed its Opposition to SDTA's Motion to Close.

The Commission has jurisdiction over this matter pursuant to the following: SDCL Chapters 1-26, 49-1, 49-31, and 15-6. Also applicable is 47 U.S.C. § 214 and 47 U.S.C. § 254(f) and 47 C.F.R. § 54.201. The following South Dakota administrative rules are applicable: ARSD Chapters 20:10:01 and 20:10:32. The Commission may rely upon any or all of these laws or other laws of this state in making its determination.

At its regularly scheduled meeting on October 11, 2022, the Commission considered LTD's request to suspend the docket and SDTA's Motion to Close the docket. Having reviewed the written comments of the parties and having thoroughly reviewed all the filings in the docket and the supporting documents, and after hearing oral argument from the parties and the parties' answers and discussion in response to questions from the Commissioners, the Commission voted unanimously to grant SDTA's Motion to Close the docket. It is therefore

ORDERED, that LTD's request to suspend the docket is hereby denied. It is further

ORDERED, that SDTA's Motion to Close the docket is hereby granted. It is further

ORDERED, that the docket is closed.

Dated at Pierre, South Dakota, this 12<sup>th</sup> day of October 2022.

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| <b>CERTIFICATE OF SERVICE</b>  |
| The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically. |
| By: <u>Adam DeHueck</u>  |
| Date: <u>10/12/22</u>  |
| (OFFICIAL SEAL)  |

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner