

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

<b>IN THE MATTER OF THE APPLICATION OF )</b>	<b>ORDER DENYING LTD</b>
<b>LTD BROADBAND LLC FOR DESIGNATION )</b>	<b>BROADBAND'S MOTION TO</b>
<b>AS AN ELIGIBLE TELECOMMUNICATIONS )</b>	<b>STRIKE EXPERT TESTIMONY</b>
<b>CARRIER FOR PURPOSES OF RECEIVING )</b>	<b>OF LARRY THOMPSON;</b>
<b>FEDERAL UNIVERSAL SERVICE SUPPORT )</b>	<b>ORDER GRANTING MOTION TO</b>
<b>)</b>	<b>ATTEND EVIDENTIARY</b>
<b>)</b>	<b>HEARING VIA TELEPHONE OR</b>
<b>)</b>	<b>VIDEO LINK</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 Broadband). LTD Broadband is requesting designation as an ETC for the purpose of being eligible to receive federal universal service support via the Federal Communications Commission's Lifeline program and through the Rural Digital Opportunity Fund (RDOF) for the provision of broadband internet access and broadband voice bundled offerings. LTD Broadband has preliminarily been awarded RDOF funding for certain census blocks in South Dakota.

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 January 27, 2021, South Dakota Telecommunications Association (SDTA) filed a Petition to Intervene. On February 22, 2021, the Commission issued an Order Granting Intervention to SDTA. On August 12, 2021, SDTA and LTD Broadband filed a Stipulation for Protective Order for Confidentiality. On August 26, 2021, the Commission issued an Order Approving Stipulation for Protective Order for Confidentiality. On August 13, 2021, LTD Broadband filed a Motion for Prehearing Conference requesting the Commission establish a procedural schedule. On August 27, 2021, SDTA filed a Motion to Compel Discovery. On September 3, 2021, SDTA filed to amend its Motion to Compel. On September 7, 2021, LTD Broadband filed a Brief Opposing SDTA's Motion to Compel. On September 9, 2021, SDTA filed a Response to LTD Broadband's Opposition to SDTA's Motion to Compel. On September 10, 2021, SDTA filed a letter regarding Motion to Compel and Procedural Schedule and LTD Broadband filed a letter regarding the September 14, 2021, Commission Meeting Agenda Items. On September 14, 2021, Commission staff filed a letter regarding Procedural Schedule detailing a proposed procedural schedule agreed to by all parties. On September 20, 2021, the Commission issued an Order Denying Motion for Prehearing Conference; Order Adopting Procedural Schedule.

On October 22, 2021, LTD Broadband filed an Amended Application and Pre-filed Direct Testimony of Corey Hauer and Exhibits. On October 22, 2021, SDTA filed Pre-filed Direct Testimony of Larry Thompson and Exhibits. On October 25, 2021, SDTA filed additional exhibits. On October 27, 2021, LTD Broadband filed amended exhibits. On November 3, 2021, the Commission issued an Order for and Notice of Evidentiary Hearing. On November 5, 2021,

the parties filed rebuttal testimony and exhibits. On November 5, 2021, SDTA filed a Motion and Brief in Support regarding Use of Information Marked as Confidential. LTD Broadband filed a Motion to Strike Expert Testimony of Larry Thompson, and a Motion to Attend Evidentiary Hearing Via Telephone or Video Link. On November 12, 2021, LTD Broadband filed Opposition to SDTA's Motion to Use Confidential Information, SDTA filed an Objection and Reply to LTD Broadband LLC's Motion to Strike Expert Testimony of Larry Thompson and Commission staff filed a Response to Applicant's Motion to Strike Expert Testimony of Larry Thompson. On November 17, 2021, SDTA filed a Response to LTD Broadband's Opposition to Use of Confidential Information and LTD Broadband filed a Reply Brief Supporting Motion to Strike Expert Testimony of Larry Thompson.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-31.

At its regularly scheduled meeting on November 23, 2021, the Commission considered the matter. After hearing arguments from LTD Broadband, SDTA, and Commission staff, the Commission voted 2-1 to deny LTD Broadband's Motion to Strike Expert Testimony of Larry Thompson, Commissioner Hanson dissenting. After hearing arguments from LTD Broadband, SDTA, and Commission staff, the Commission voted 2-1, to grant LTD's Motion to Attend Evidentiary Hearing Via Telephone or Video Link, Commissioner Fiegen dissenting. It is therefore

ORDERED, that LTD Broadband's Motion to Strike Expert Testimony of Larry Thompson is hereby denied. It is further

ORDERED, that LTD Broadband's Motion to Attend Evidentiary Hearing Via Telephone or Video Link is hereby granted.

Dated at Pierre, South Dakota, this 24<sup>th</sup> day of November 2021.

CERTIFICATE OF SERVICE	
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 or by mail.	
By:	<u>Karen E. Bremer</u>
Date:	<u>11/24/21</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner  
(Dissenting in part)

Gary Hanson

GARY HANSON, Commissioner  
(Dissenting in part)