

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

IN THE MATTER OF THE APPLICATION)	ORDER FOR AND NOTICE
OF LTD BROADBAND, LLC FOR)	OF EVIDENTIARY HEARING
DESIGNATION AS AN ELIGIBLE)	
TELECOMMUNICATIONS CARRIER FOR)	
PURPOSES OF RECEIVING FEDERAL)	
UNIVERSAL SERVICE SUPPORT)	TC21-001

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, see Exhibit A of the Amended Application which provides the census block groups.

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 13, 2021, LTD Broadband filed a Motion for Prehearing Conference requesting the Commission establish a procedural schedule. On August 26, 2021, the Commission issued an Order Approving Stipulation for Protective Order for Confidentiality. 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 its 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 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. On October 22, 2021, the parties pre-filed their Direct Testimony and Exhibits. On October 25, 2021, SDTA filed additional exhibits. On October 27, 2021, LTD Broadband filed amended exhibits.

The Commission finds it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-1, 49-31, and ARSD 20:10:01 and 20:10:32:42 through 20:10:32:46, inclusive; and 47 U.S.C. § 214. The Commission may rely upon any or all of these or other laws of this state in making its determination.

A hearing will be held by the Commission beginning at 11:00 a.m., CST, Wednesday, December 1, 2021, with the marking of exhibits to begin at 10:30 a.m., CST, on December 1, 2021, in Room 414, State Capitol Building, 500 E. Capitol Ave., Pierre, South Dakota.

At the hearing, each party will be permitted to present an opening statement summarizing the evidence that such party will offer into evidence and to briefly and concisely state the issues involved in the case.

The issue to be determined by the Commission is whether LTD Broadband should be granted designation as an ETC in certain census blocks for the purpose of being eligible to receive federal funding pursuant to the FCC's RDOF program and the Lifeline program.

The hearing will be a quasi-judicial adversarial proceeding conducted pursuant to SDCL Chapter 1-26. All parties will have the opportunity to appear, present evidence, cross-examine the other parties' witnesses, and exercise all other rights afforded by SDCL Chapters 1-26, 49-1, 49-31, and ARSD 20:10:01 and 20:10:32. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights will be forfeited if not exercised at the hearing. All persons testifying will be subject to cross-examination. The Commission's final decision will be based solely on the testimony and evidence offered and received into evidence at the hearing. If a party or its representative fails to appear at the time and place set for the hearing, a decision may be issued by default pursuant to SDCL 1-26-20. As a result of this hearing, the Commission will make a decision, including findings of fact and conclusions of law, on the issue set forth above. The Commission's final decision may be appealed by the parties to the circuit court and the Supreme Court as provided by law. It is therefore

ORDERED, that a hearing will be held by the Commission on the issue as stated above beginning at 11:00 a.m., CST, Wednesday, December 1, 2021, with the marking of exhibits to begin at 10:30 a.m., CST, on December 1, 2021, in Room 414, State Capitol Building, 500 E. Capitol Ave., Pierre, South Dakota.

Pursuant to the Americans with Disabilities Act, this hearing is being held in physically accessible location. Please contact the Public Utilities Commission at (605) 773-3201 or (800) 332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 3rd 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. Cremer</u>
Date:	<u>11/23/21</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner