

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

IN THE MATTER OF THE APPLICATION)	ORDER SETTING POST-HEARING
OF LTD BROADBAND, LLC FOR)	BRIEFING SCHEDULE AND ORAL
DESIGNATION AS AN ELIGIBLE)	ARGUMENT DATE
TELECOMMUNICATIONS CARRIER FOR)	
PURPOSES OF RECEIVING FEDERAL)	
UNIVERSAL 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.

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 an Amended Motion to Compel Discovery. On September 7, 2021, LTD Broadband filed a Brief Opposing SDTA's Motion to Compel Discovery. On September 9, 2021, SDTA filed a Response to LTD Broadband's Opposition to SDTA's Motion to Compel Discovery. On September 10, 2021, SDTA filed a letter regarding its Amended Motion to Compel Discovery 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, 25, and 27, 2021, the parties pre-filed their Direct Testimony and 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. On November 24, 2021, the Commission issued an Order Denying LTD Broadband's Motion to Strike Expert Testimony of Larry Thompson; Order Granting LTD Broadband's Motion to Attend Evidentiary Hearing Via Telephone or Video Link.

On December 1, 2021, the Evidentiary Hearing was held as scheduled. On December 20, 2021, the parties filed a proposed procedural schedule.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-31 and ARSD 20:10:32. The Commission may rely upon any or all of these laws or other laws of this state in making its determination. It is therefore

ORDERED, that LTD Broadband's initial brief shall be filed and served no later than January 11, 2022; that SDTA's brief and Commission staff's brief shall be filed and served no later than January 25, 2022; and that LTD Broadband's reply brief shall be filed and served no later than February 8, 2022. A party may also voluntarily submit proposed findings of fact and conclusions of law with its brief; and it is further

ORDERED, that the Commission shall hear oral arguments on February 18, 2022.

Dated at Pierre, South Dakota, this 23rd day of December 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>Adam deHuelck</u>
Date: <u>12/23/21</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Commissioner

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner