

**Matter of Application of LTD Broadband LLC
Docket No. TC21-001**

**Responses of LTD Broadband LLC to
Third Discovery Request of South Dakota Telecommunications Association (SDTA)**

Request 1: In SDTA Discovery Request 2, Item 6, LTD wrote: “While LTD is not required to provide service to *any* customer, it plans to provide reasonable updates to prospective customers about the availability of service, upon request.”

LTD’s responses raises a question whether LTD is committed to provide service throughout its proposed designated service area to all customer making a reasonable request for service. Please clarify what LTD meant by its response to SDTA’s discovery.

Does LTD commit to providing service to all customers throughout the ETC designated areas in South Dakota?

Response: LTD Broadband will endeavor to provide service to all prospective customers within the service areas identified in its Application, upon request. Under the RDOF’s requirements, LTD Broadband must deploy its network in a manner that ensures that a potential customer who requests service can be served within ten (10) days of the date on which the customer’s request is made. To do so, LTD Broadband’s network will be constructed such that a drop may be installed to provide service to a new customer within a ten (10) day time period. However, a service drop to a residence on private property may be placed only if the prospective customer provides LTD Broadband with permission to enter the property and install the drop. If permission is denied, LTD Broadband will likely be unable to serve the customer. LTD Broadband may also use its facilities in combination with facilities provided by third parties to provide service.

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Request 2: Is it necessary for LTD to obtain any National Forest Service permits or easements in SD? If so, specify:

- a) What LTD must receive from the National Forest Service.
- b) Where National Forest service permits or easements are necessary.
- c) Whether LTD has initiated any communication with the National Forest Service and if so, who is LTD's point of contact.
- d) What is the status of the National Forest Service proceeding?

Response: To the extent that LTD Broadband must obtain any permits or easements from the National Forest Service ("NFS"), it will do so. Because LTD Broadband has not yet determined whether it will traverse lands owned by the NFS with aerial or buried cable, a determination has not yet been made as to where, or what types of permits and/or easements will be needed to deploy its network. At this time, LTD Broadband has not initiated contact with the NFS.

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Request 3: Does the RDOF area that LTD intends to serve in western South Dakota include areas within Custer State Park? If so, specify:

- a) What permits or easements the State of South Dakota requires prior to construction?
- b) Whether LTD has initiated any communication with the State of South Dakota regarding construction in Custer State Park, and if so, who is LTD's point of contact.

Response: No. The RDOF area that LTD Broadband plans to serve does not include areas within Custer State Park.

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Request 4: Is it necessary for LTD to conduct any cultural resource or environmental studies in South Dakota prior to construction? If so, specify:

- a) What studies must be done?
- b) What government agency or tribal entity requires a study and provide the point of contact at said agencies?

Response: At this time, it is unknown whether it will be necessary for LTD Broadband to conduct any cultural resource or environmental studies in South Dakota prior construction of its network.

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Request 5: As a result of the planned construction on the Rosebud Sioux Tribe Reservation, has LTD engaged in consultation with the Tribe? If so, describe what has been done and provide LTD's point of contact with the Tribe.

Response: LTD Broadband's tribal liaison has initiated contact with the Rosebud Sioux Tribe Reservation for purposes of consultation. However, LTD Broadband does not yet have a point of contact at the Reservation.

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Request 6: Provide a map demonstrating the location of towers and the fiber backhaul planned for construction in SD.

Response: LTD Broadband objects to SDTA's Request 6 because the information requested by SDTA is not relevant to the Commission's review of LTD Broadband's Application, pursuant to 47 U.S.C. § 214(e) and SD Codified L § 49-31-78. The Communications Act provides that a state commission shall designate an entity as an ETC for a requested service area if, with respect to that service area, the entity (i) is a common carrier; (ii) offers the services that are supported by Federal universal service support mechanisms under 47 U.S.C. § 254; and (iii) advertise the availability of such services. While the Commission may be permitted to impose further requirements where the public interest so demands, no such requirements exist under the Commission's rules. The specific locations of LTD Broadband's towers and fiber backhaul planned for construction in South Dakota does not bear on LTD Broadband's status as a common carrier, nor is such information needed to identify the services LTD Broadband will provide in South Dakota, or the manner in which those services will be advertised. Additionally, the technical capabilities of LTD Broadband's proposed network in South Dakota will be extensively reviewed by the FCC as part of the RDOF application process. Should the Commission determine that such information is relevant to its review of LTD Broadband's request for an ETC designation in this docket, a complete copy of LTD Broadband's long-form RDOF application was submitted to Staff, subject to a request for confidential treatment.

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Request 7: Did tree cover in the Black Hills area impact planned tower placement? If so, describe how.

Response: LTD Broadband objects to SDTA's Request 7 because the information requested by SDTA is not relevant to the Commission's review of LTD Broadband's Application, pursuant to 47 U.S.C. § 214(e) and SD Codified L § 49-31-78. The Communications Act provides that a state commission shall designate an entity as an ETC for a requested service area if, with respect to that service area, the entity (i) is a common carrier; (ii) offers the services that are supported by Federal universal service support mechanisms under 47 U.S.C. § 254; and (iii) advertise the availability of such services. While the Commission may be permitted to impose further requirements where the public interest so demands, no such requirements exist under the Commission's rules. The specific locations of LTD Broadband's towers and fiber backhaul planned for construction in South Dakota does not bear on LTD Broadband's status as a common carrier, nor is such information needed to identify the services LTD Broadband will provide in South Dakota, or the manner in which those services will be advertised. Additionally, the technical capabilities of LTD Broadband's proposed network in South Dakota will be extensively reviewed by the FCC as part of the RDOF application process. Should the Commission determine that such information is relevant to its review of LTD Broadband's request for an ETC designation in this docket, a complete copy of LTD Broadband's long-form RDOF application was submitted to Staff, subject to a request for confidential treatment.

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Request 8: In discovery answers provided to PUC Staff, LTD wrote: “Fiber will be utilized to deliver all last mile connections...”

- a) Based upon this statement, it is true that all South Dakota, LTD consumers in RDOF areas will be served by fiber run directly to the consumer’s premises?

- b) If not, specify what was intended by the answer LTD provided the PUC Staff.

Response: All customers of LTD Broadband within the service area for which LTD Broadband obtains RDOF support will be served by fiber run directly to the customer’s premises.

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Request 9: In discovery answers provided to PUC Staff, LTD wrote: “Fiber will be utilized to deliver over 99% of all long-haul network miles.”

- a) Was the 99% figure intended to describe the LTD infrastructure planed in SD, or was the figure intended to describe LTD’s nationwide infrastructure plan?
- b) How many miles of long-haul fiber network will be constructed in South Dakota?
- c) If LTD plans to use wireless technology for its long-haul network in South Dakota, indicate where and why wireless technology will be used versus fiber.

Response: The above-referenced statement made by LTD Broadband to Commission Staff describes LTD Broadband’s nationwide infrastructure plan. It is unknown, at this time, how many miles of fiber will be constructed by LTD Broadband in South Dakota, or whether, where, and to what extent LTD Broadband will use wireless technology (in lieu of fiber), in its network.

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Request 10: In discovery answers provided to PUC Staff, LTD wrote: “Any and all wireless transport links will be engineered to provide 99.999% reliability.” What does that figure mean to the consumer? Quantify the outages that consumers can expect.

Response: The above-referenced statement made by LTD Broadband to Commission Staff means that a customer of LTD Broadband can expect no more than 5.26 minutes of down time per year, and no more than 864.00 milliseconds of down time per day.

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Request 11: When does LTD intend to staff its McLaughlin, Rapid City and Rosebud locations?

- a) Will the Rosebud location be situated within Indian Country?
- b) How many staff people will work at the listed locations?
- c) Based upon LTD's response to Discovery Request 2, Item 9(e) it appears staffing/employee plans regarding how to serve South Dakota RDOF customers has not been developed and LTD has nothing to produce at this time. Is this correct? If so, when will plans be available?
- d) If LTD has developed staffing plans, demonstrate how LTD will meet the requirements in ARSD 20:10:33:08.

Response: As required by ARSD 20:10:33:08, LTD Broadband will employ prudent management and engineering practices so that sufficient equipment and adequate personnel are available at all times, including busy hours, to respond to network and customer service problems. All information available, to date, with respect LTD Broadband's customer service plans was provided to SDTA in response to SDTA's Second Discovery Requests (No. 9). Because superior customer service can be provided remotely, as effectively as in person, the precise number of individuals staffed at each of LTD Broadband's customer service locations in South Dakota is not relevant to LTD Broadband's readiness or ability to comply with ARSD 20-10:33:08.

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Request 12: Provide the “reasonable provisions” that LTD has in place pursuant to ARSD 29:10:33:17.

Response: LTD will maintain generators and portable solar arrays to extend battery performance in the event of any power service failure or other emergency. Because LTD Broadband plans to construct 3-10x standard capacity usage, sudden and prolonged increases in traffic are not likely to occur.

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Request 13: On page 11 of its ETC application, LTD wrote: “Upon activation of a customer, LTD Broadband will provide the customer with a notification containing clear instructions on the use of emergency services.”

Provide a copy of the “notification containing clear instructions” that LTD will provide to its customers.

Response: To access emergency services, customers of LTD Broadband will be instructed to dial the numbers “9-1-1” on any in-service telephone, and to remain on the line to speak with a dispatcher.

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Request 14: Has LTD relinquished any of its RDOF areas, in any state? If so, specify where and why.

Response: No. LTD Broadband has not relinquished any RDOF service area.

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Request 15: Does LTD plan to relinquish any of its RDOF areas, in any state? If so, please specify where and why.

Response: No. LTD Broadband does not plan to relinquish any RDOF service area.

Dated: June 30, 2021

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

In the Matter of)
)
Application of LTD Broadband LLC for)
Designation as an Eligible) Docket No. TC21-001
Telecommunications Carrier (ETC) for)
Purposes of Receiving Federal Universal)
Service Support.)

CERTIFICATE OF SERVICE

I, Brett Heather Freedson, hereby certify that true and correct copies of LTD Broadband LLC's responses to SDTA's Third Discovery Request were served electronically to the Parties listed below, on this 30th day of June, 2021:

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/s/ Brett Heather Freedson

Brett Heather Freedson