

**BEFORE THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

Application of LTD Broadband LLC)
for Certificates of Authority)
to Provide Resold and Facilities-Based)
Local Exchange and Interexchange)
Telecommunications Services in the)
State of South Dakota)

Docket No. _____

Application of LTD Broadband LLC

LTD Broadband (“LTD” or “Applicant”), by its undersigned counsel and pursuant to 20:10:32:03 and 20:10:24:02 of the South Dakota Public Utilities Commission (“Commission”) Administrative Rules (S.D. Admin. Rules), applies for a Certificate of Authority (“Certificate”) to provide facilities-based and resold local exchange and interexchange telecommunications services throughout the State of South Dakota. Applicant does not seek to provide retail voice telecommunications services nor switched access services. Applicant may seek interconnection agreements with incumbent local exchange carriers and wholesale telecommunications contracts to supplement LTD’s services.

The Applicant submits the following information in support of its request:

(1) The applicant’s name, address, telephone number, facsimile number, web page URL, and E-mail address;

LTD Broadband LLC
69 Teahouse Street
Las Vegas, NV 89138
507 369-2669
www.ltdbroadband.com
coreyhauer@ltdbroadband.com

(2) A description of the legal and organizational structure of the applicant's company;

Applicant is a duly authorized limited liability company organized under the laws of Nevada. A copy of Applicant's formation documents is attached as Exhibit A.

(3) The name under which applicant will provide local exchange services if different than in subdivision (1) of this section;

Applicant will provide services under the name LTD Broadband LLC.

(4) The location of the applicant's principal office, if any, in this state and the name and address of its current registered agent, if applicable;

Applicant does not maintain an office or personnel within the State of South Dakota. Responsibility for South Dakota operations will be handled by Applicant's current management team. Applicant's registered agent in South Dakota is:

Incorp Services

400 N Main Avenue

Suite 206

Sioux Falls, SD 57104-5979

(5) A copy of its certificate of authority to transact business in South Dakota from the secretary of state;

Applicant's Certificate of Authority to transact business as a foreign limited liability company in South Dakota is attached as Exhibit B.

(6) A description of the applicant's experience providing any telecommunications services in South Dakota or in other jurisdictions, including the types of services provided, and the dates and nature of state or federal authorization to provide the services;

LTD Broadband has grown from a single water tower fixed wireless broadband site in Rose Creek, Minnesota in 2011 to a network of over 2150 broadcast sites covering over 50,000 square miles servicing 16,000 customers. Currently LTD Broadband offers broadband service in Iowa, Kansas, Minnesota, Nebraska, South Dakota and Wisconsin. LTD continues its rapid expansion of its footprint averaging 30 new broadcast sites each month. LTD Broadband is also overbuilding portions of its existing fixed wireless footprint with 5G millimeter wave fixed wireless equipment to enable gigabit speeds. LTD operates an extensive fiber network with geographically dispersed redundant paths to insure maximum reliability and throughput to its tower network. Along with its fiber network, LTD uses a mix of unlicensed and licensed wireless links to provide its services. LTD is one of the fastest, if not the fastest, growing and largest providers (by coverage area) of fixed-wireless broadband in the country.

(7) Names and addresses of applicant's affiliates, subsidiaries, and parent organizations, if any;

Applicant does not have any affiliates, subsidiaries or parent organizations.

(8) A list and specific description of the types of services the applicant seeks to offer and how the services will be provided including:

(a) Information indicating the classes of customers the applicant intends to serve;

Applicant will primarily serve enterprise and carrier customers. Applicant does not have any current plans to provide switched voice local retail services or switched voice interexchange services to customers in South Dakota.

(b) Information indicating the extent to and time-frame by which applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, or resale;

Applicant may itself provision services to business customers, other carriers, or other third parties. Services may also be provided through a hybrid of Applicant's facilities and other wholesale inputs. Applicant does not currently anticipate providing any service other than private line services (i.e., high-capacity backhaul Ethernet), but may provide other arrangements such as dark fiber, fiber spectrum leases, or other high-capacity services.

Applicant proposes to begin providing telecommunications service in South Dakota shortly after it has obtained the requisite Commission certification.

(c) A description of all facilities that the applicant will utilize to furnish the proposed local exchange services, including any facilities of underlying carriers; and

Please see response to (b) above.

(d) Information identifying the types of services it seeks authority to provide by reference to the general nature of the service;

Applicant seeks authority to provide facilities-based and resold local exchange and interexchange telecommunications services, Applicant will not provide traditional switched local exchange, interexchange, voice or switched access services.¹ Applicant does not currently anticipate providing any service besides private line services (i.e., high-capacity backhaul Ethernet), but may provide other arrangements such as dark fiber, fiber spectrum leases, or other high-capacity services.

(9) A service area map or narrative description indicating with particularity the geographic area proposed to be served by the applicant;

Applicant seeks authority to provide its services throughout the state of South Dakota. Initially, its main focus will be limited to the census blocks for which it will be receiving support through the FCC's Rural Development Opportunity Fund ("RDOF").

(10) Information regarding the technical competence of the applicant to provide its proposed local exchange services including:

(a) A description of the education and experience of the applicant's management personnel who will oversee the proposed local exchange services; and

Applicant has the managerial and technical qualifications necessary to provide the proposed services in South Dakota. Applicant's management team provide extensive telecommunications business, technical, and managerial expertise to Applicant. Biographies of

¹ In the event that Applicant decides to expand its services to include voice services as dictated by marketplace conditions, Applicant will seek such authority at that time.

key management personnel of Applicant, who are responsible for the Applicant's operations, are provided In Exhibit C. These biographies reflect management's substantial communications industry experience and expertise, and demonstrate that the Applicant possesses significant managerial and technical expertise operating a variety of communications services across multiple jurisdictions. Thus, Applicant possesses the managerial and technical qualifications necessary to operate a competitive telecommunications company in South Dakota, consistent with the Commission's requirements.

(b) Information regarding policies, personnel, or arrangements made by the applicant which demonstrates the applicant's ability to respond to customer complaints and inquiries promptly and to perform facility and equipment maintenance necessary to ensure compliance with any commission quality of service requirements;

Customers may call or send a text message to 507 369-6669 for any service issue. LTD has more than a decade of experience providing exceptional customer support. Applicant will perform network and equipment maintenance necessary to ensure compliance with any quality of service requirements. Applicant will comply with all applicable Commission rules, regulations and standards, and will provide safe, reliable and high-quality telecommunications services in South Dakota.

(11) Information explaining how the applicant will provide customers with access to emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services;

Applicant will not be providing traditional switched local exchange services or dial tone services within South Dakota. Therefore, Applicant will not have any interaction with emergency services such as 911 or enhanced 911, operator services, interexchange services, directory assistance, and telecommunications relay services. However, as a voice over internet provider, Applicant will be able to route those customers' emergency calls and provide all other standard voice services.

(12) For the most recent 12 month period, financial statements of the applicant consisting of balance sheets, income statements, and cash flow statements. The applicant shall provide audited financial statements, if available;

Applicant expects its completed audited financial statements to be available shortly. This Application will be amended to include this information as Exhibit D.

(13) Information detailing the following matters associated with interconnection to provide proposed local exchange services:

Applicant's proposed service offerings do not currently require interconnection with incumbent LECs. However, interconnection of networks may be beneficial to both Applicant and incumbent LECs in the future.

(a) The identity of all local exchange carriers with which the applicant plans to interconnect;

Not applicable, see response to question 13 above.

(b) The likely timing of initiation of interconnection service and a statement as to when negotiations for interconnection started or when negotiations are likely to start; and

Not applicable, see response to question 13 above.

(c) A copy of any request for interconnection made by the applicant to any local exchange carrier;

Not applicable, see response to question 13 above.

(14) A description of how the applicant intends to market its local exchange services, its target market, whether the applicant engages in multilevel marketing, and copies of any company brochures that will be used to assist in sale of the services;

Applicant will not be providing traditional switched local exchange services. Applicant intends to solicit customers for its telecommunications services from its existing customer base and through business-to-business marketing. Applicant will not engage in multilevel marketing. Applicant does not have marketing brochures that it will use to assist in the sales of the services.

(15) If the applicant is seeking authority to provide local exchange service in the service area of a rural telephone company, the date by which the applicant expects to meet the service

obligations imposed pursuant to § 20:10:32:15 and applicant's plans for meeting the service obligations;

Not Applicable. Applicant will provide only non-switched services and will not provide traditional switched local exchange service to retail end users. Applicant also does not intend to provide service to residential or business customers in the service area of any rural telephone company. In the future, if Applicant chooses to provide telephone exchange services or switched access services within any area served by a rural telephone company, Applicant will seek permission from the Commission in another proceeding before providing local service in that rural service area pursuant to 47 U.S.C. § 253(f). Applicant does not seek to affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f).

(16) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a detailed explanation of why the applicant is not in good standing in a given state, if applicable;

Applicant has not previously provided any services in South Dakota. Applicant has never been denied registration or certification in any state.

(17) The names, addresses, telephone numbers, E-mail addresses, and facsimile numbers of the applicant's representatives to whom all inquiries must be made regarding customer complaints and other regulatory matters;

Correspondence concerning this Application should be directed to Applicant's attorney:

Kristopher Twomey

Law Office of Kristopher E. Twomey, P.C.

1725 I Street, NW Suite 300

Washington, D.C. 20006

(202) 681-1850

kris@lokt.net

Applicant's primary contact for regulatory matters and customer service is:

Corey Hauer

LTD Broadband LLC

69 Teahouse Street

Las Vegas, NV 89138

507 369-2669

coreyhauer@ltdbroadband.com

(18) Information concerning how the applicant plans to bill and collect charges from customers who subscribe to its proposed local exchange services;

Applicant will not be providing local exchange services, but Customers will be billed directly by Applicant for the proposed telecommunications services, typically on a monthly basis.

(19) Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of local service customers by the applicant, its employees, or agents;

Applicant intends to solicit customers for its telecommunications services from its existing customer base and through business-to-business marketing. Applicant does not intend to provide switched voice services, and therefore, anti-slamming measures are not applicable to Applicant.

(20) The number and nature of complaints filed against the applicant with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered;

Applicant has not been the subject of complaints for the unauthorized switching of a Customer's telecommunications provider nor for charging Customers for services that were not ordered.

(21) Information concerning how the applicant will make available to any person information concerning the applicant's current rates, terms, and conditions for all of its telecommunications services;

Information regarding Applicant's services including terms, conditions, rates and charges are available through the Company's regulatory contact as provided in Response to Question 17. As the pricing for these services will be highly location-dependent, almost all services will be offered on an individual case basis.

(22) Information concerning how the applicant will notify a customer of any materially adverse change to any rate, term, or condition of any telecommunications service being provided to the customer. The notification must be made at least thirty days in advance of the change;

Consistent with South Dakota regulations, Applicant will provide notice to its affected customers of any materially adverse change to any rate, term or condition of any telecommunications service consistent with the terms of their contracts with Applicant and applicable law, at least thirty (30) days prior to the effective date of the change.

(23) A written request for waiver of those rules believed to be inapplicable;

As Applicant will not be providing traditional switched local exchange and voice services to end users, Applicant respectfully requests a waiver of S.D. Admin. Rule 20:10:32:10, which requires that South Dakota local exchange carriers make the following services available to their customers (1) access to the public switched telephone network; (2) access to emergency services such as 911 or enhanced 911; (3) access to a local directory and directory assistance; (4) access to operator services; (5) telecommunications relay service capability or access necessary to comply with state and federal regulations; (6) non-published service upon written request or verbal request of the customer; and (7) access to interexchange services.

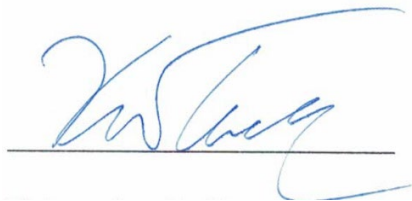
(24) Federal tax identification number and South Dakota sales tax number; and Applicant's FEIN is 45-3770932 and South Dakota Exemption Certificate is .

(25) Other information requested by the commission needed to demonstrate that the applicant has sufficient technical, financial, and managerial capabilities to provide the local exchange services it intends to offer consistent with the requirements of this chapter and other applicable rules and laws.

Granting this Application will promote the public interest by increasing competition in the provision of telecommunications services in South Dakota. Applicant's operations will be overseen by a well-qualified management team with substantial telecommunications experience and technical expertise. Applicant will provide customers high quality, cost effective telecommunications services, with an emphasis on customer service.

For the reasons stated above, Applicant respectfully submits that the public interest, convenience, and necessity would be furthered by a grant of this Application for the authority to provide facilities-based and resold local and interexchange telecommunications services. Accordingly, Applicant requests that the Commission expeditiously grant this Application.

Respectfully submitted,



Kristopher E. Twomey

Counsel to LTD Broadband LLC

April 12, 2021