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June 8, 2022

ELECTRONIC FILING

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

Re: In the Matter of the Petition of LTD Broadband, LLC to Expand its Designation as an Eligible Telecommunications Carrier Docket No. P-6995/M-21-133

In the Matter of a Petition to Initiate a Proceeding to Revoke the Expanded Eligible Telecommunications Carrier (“ETC”) Designation of LTD Broadband, LLC (“LTD”) and Deny LTD’s Funding Certification for 2023 Docket No. P-558, P-6995/M-22-221

Dear Mr. Seuffert:

Enclosed and served upon you via electronic filing, please find the Reply Comments of LTD Broadband, LLC.

In addition, could you please add me to the official service lists in the above-referenced dockets.

Will Seuffert
June 8, 2022
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If you have any questions or concerns, please do not hesitate to let me know.
Thank you.

Sincerely,

Taft Stettinius & Hollister LLP

/s/ Andrew M. Carlson

Andrew M. Carlson

AMC:rlh
Enclosure

**STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

Katie J. Sieben
Joseph K. Sullivan
Valerie Means
Matthew Schuerger
John Tuma

Chair
Vice-Chair
Commissioner
Commissioner
Commissioner

In the Matter of the Petition of LTD
Broadband, LLC to Expand its Designation as
an Eligible Telecommunications Carrier

Docket No. P-6995/M-21-133

In the Matter of a Petition to Initiate a
Proceeding to Revoke the Expanded Eligible
Telecommunications Carrier (“ETC”)
Designation of LTD Broadband, LLC
(“LTD”) and Deny LTD’s Funding
Certification for 2023

Docket No. P-558, P-6995/M-22-221

REPLY COMMENTS OF LTD BROADBAND LLC

June 8, 2022

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INTRODUCTION

The Commission should decline commenters’ suggestions that a proceeding should be opened in response to the Petition. It would be unfair, and violate the principle of competitive neutrality, if the expanded ETC designation granted to LTD Broadband LLC (“LTD”) last year is singled out for re-examination or revocation when other Minnesota RDOF ETCs, who made the same commitments as LTD, are not subject to the same scrutiny. If the Commission wishes to create compliance or oversight requirements for ETCs eligible to receive RDOF funding for Minnesota, such requirements should apply to all ETCs and should be addressed in the Commission’s pending Docket No. P-999/CI-21-86 (“Docket 21-86”) on a timeline and in a manner that does not jeopardize LTD’s eligibility for RDOF funding.

Moreover, the concerns and allegations raised by the commenters add nothing new to the discussion. Many were already considered last year, or relate to the overall design of the RDOF program. The vague and speculative concerns expressed by the Institute for Local Self-Reliance (“ILSR”), Balkan Township, Pine County, Le Sueur County, Jackson County, the Minnesota Farmers Union (“MFU”), and the Minnesota Association of Townships (“MAT”) do not become more compelling simply because they are repeated by each commenter.

Last year, the Commission appropriately determined that it would be in the public interest to expand LTD’s ETC designation, because doing so was a condition to the FCC authorizing over \$311 million in federal RDOF funds for Gigabit broadband deployment in rural Minnesota.¹ Investigating or revoking LTD’s expanded ETC designation would undermine the state’s policy goal of bringing high-speed broadband access to all Minnesota homes and businesses.

¹ See *In the Matter of the Petition of LTD Broadband LLC to Expand Its Designation as an Eligible Telecommunications Carrier*, Docket No. P-6995/M-21-133, *In the Matter of a Notice to Rural Digital Opportunity Fund Grant Winners*, Docket No. P-999/CI-21-86, ORDER APPROVING PETITION FOR ETC DESIGNATION IN CERTAIN CENSUS BLOCKS (June 3, 2021) (“*LTD Expansion Order*”), at 8.

SUMMARY OF COMMENTS

The Minnesota Department of Commerce (“Department”) did not take a position on whether a proceeding should be opened, but made several important points.² It noted that the Commission should consider the “interdependent” roles of the Federal Communications Commission (“FCC”) and the Commission, particularly the fact that the “FCC reviews the long-form application....”³ Along the same lines, the Department asked for Petitioners to “further explain...the purpose for a state-level review given that the FCC is examining the technical, managerial, and financial capabilities of LTD.”⁴ The Department also reiterated that “the criteria applied to all ETCs should be consistent,” and noted that the Commission’s ETC designation of Starlink Services, LLC (“Starlink”), using the relatively unproven technology of low earth orbit satellites, was made without review of Starlink’s long-form application.⁵ Finally, the Department reminded the Commission that it already has a pending docket—Docket 21-86—in which it may consider “Minnesota specific requirements for ETCs to receive RDOF awards.”⁶

The Office of the Attorney General—Residential Utilities Division (“OAG”) argued that the Commission should open a proceeding in response to the Petition, and discussed the Commission’s jurisdiction over ETCs, but did not address the Petition’s allegations.⁷ The OAG does properly note that the SDPUC Order at the heart of the Petition “relies on state-specific

² *In the Matter of a Petition to Initiate a Proceeding to Revoke the Expanded Eligible Telecommunications Carrier (“ETC”) Designation of LTD Broadband, LLC (“LTD”) and Deny LTD’s Funding Certification for 2023*, Docket Nos. P-6995/M-21-133 and P-558, P-6995/M22-221, Comments of the Minnesota Department of Commerce (June 1, 2022) (“Department Comments”).

³ *Id.* at 8.

⁴ *Id.*

⁵ *Id.* at 9.

⁶ *Id.* at 10.

⁷ *In the Matter of a Petition to Initiate a Proceeding to Revoke the Expanded Eligible Telecommunications Carrier (“ETC”) Designation of LTD Broadband, LLC (“LTD”) and Deny LTD’s Funding Certification for 2023*, Docket Nos. P-6995/M-21-133 and P-558, P-6995/M22-221, Letter from the Office of the Attorney General—Residential Utilities Division (June 1, 2022) (“OAG Comments”).

rules for ETC applications” and that Minnesota does not have such rules.⁸ ILSR concurs with the allegations in the Petition, claims that LTD has had outages and poor customer service, and speculates that LTD is unlikely to succeed in its build-out.⁹ Balkan Township, Le Sueur County, Pine County, Jackson County, the MFU, and the MAT all filed brief comments that express general skepticism and concern about LTD.¹⁰

In general, the commenters focused on the substance of the allegations, and few provided detailed suggestions about the question presented in the Commission’s May 11, 2022 Notice: whether a proceeding should be opened in response to the Petition, and if so, what procedure should be used for that proceeding? LTD’s position is as follows: (1) The Petition should be dismissed or no action should be taken at all in response to the Petition; (2) if any action is to be taken in response to the Petition, the Petition should be put on the shelf until the Commission acts in Docket 21-86 to establish the scope of its jurisdiction over non-certificated RDOF ETCs; (3) if the Commission declines that approach and decides a proceeding should be opened, LTD suggests that a very quick contested case proceeding before the Office of Administrative Hearings (“OAH”) is preferable to other options, because it would allow the proper development

⁸ *Id.* at 5.

⁹ *In the Matter of a Petition to Initiate a Proceeding to Revoke the Expanded Eligible Telecommunications Carrier (“ETC”) Designation of LTD Broadband, LLC (“LTD”) and Deny LTD’s Funding Certification for 2023*, Docket Nos. P-6995/M-21-133 and P-558, P-6995/M22-221, Comments of the Institute for Local Self-Reliance (May 27, 2022) (“ILSR Comments”).

¹⁰ *In the Matter of a Petition to Initiate a Proceeding to Revoke the Expanded Eligible Telecommunications Carrier (“ETC”) Designation of LTD Broadband, LLC (“LTD”) and Deny LTD’s Funding Certification for 2023*, Docket Nos. P-6995/M-21-133 and P-558, P-6995/M22-221, Comments of Balkan Township (May 25, 2022) (“Balkan Township Comments”); Comments of Le Sueur County (May 18, 2022) (“Le Sueur County Comments”); Letter from Pine County Administrator’s Office (May 16, 2022) (“Pine County Comments”); Letter from Jackson County (June 3, 2022) (“Jackson County Comments”); Letter from Minnesota Farmers Union (June 1, 2022) (“MFU Comments”); Letter from Minnesota Association of Townships (May 31, 2022) (“MAT Comments”).

The Comments of Jackson County, MFU, and MAT were filed after the close of the Initial Comment Period set forth in the Commission’s Notice, and do not include a statement explaining why they are untimely as required by Minn. R. 7829.0040, subp. 2. LTD suggests that as a result, these comments should not be considered, pursuant to Minn. R. 7829.0040, subp. 1.

of the record. Whatever procedural option is chosen, there is no basis for LTD's expanded ETC designation to be revoked or set aside while any Commission action is pending.

ARGUMENT

I. ANY COMMISSION ACTIVITY IN RESPONSE TO THE PETITION SHOULD ADDRESS ALL COMPANIES DESIGNATED AS ETCs FOR PURPOSES OF RDOF

It is unfair, and improper, for LTD to be singled out for regulatory proceedings in response to the unsupported allegations made by the Petitioners. LTD provides, and plans to provide, Gigabit broadband service in areas within Petitioners' service territories—in other words, Petitioners are direct competitors of LTD. A few of Petitioners' members were successful bidders in the RDOF auction. Some of them were unsuccessful RDOF bidders who lost out to LTD because their final bids were too high; that said, in more than half of the Minnesota locations where LTD was the winning bidder, there was no other bidder at all. The Petition must accordingly be seen as an attack on LTD by incumbents seeking to foreclose a potential competitor, and who could have won in the RDOF auction had they provided a lower, or any, bid. It would violate the principle of competitive neutrality if Petitioners' attacks on LTD were used to modify or revoke LTD's ETC designation while other ETCs are given no scrutiny. Instead, any action taken by the Commission in response to Petitioners' allegations should apply to all companies that were designated as ETCs for RDOF purposes, and should await determination of the scope of the Commission's ETC authority over non-certificated ETCs, the issue that is currently pending in Docket 21-86.

A. If Scrutiny of LTD's ETC Designation Is Necessary, The Commission Should First Establish Ground Rules For All RDOF ETCs, In Docket 21-86

A year ago, the Commission considered ETC designation requests from companies that were winning bidders in the RDOF auction to provide voice and broadband service in

Minnesota. These companies vary widely in size, background, and the technology by which they historically have provided service: in addition to LTD, two are electric cooperatives (and members of Petitioner MREA) that also operate as competitive local exchange carriers; twelve are Minnesota-based rural local exchange carriers (and members of Petitioner MTA); two (CenturyLink and Windstream) are very large multi-state local exchange carriers; Starlink provides service using satellites; and Savage Communications, Nextlink, and SparkLight provide internet and other services and are not certificated by the Commission. Although it opened a separate docket for each company's ETC petition, the Commission also opened Docket 21-86 so that the Commission's entire RDOF ETC analysis could proceed in a unified manner.

Throughout last year's process, the Department and OAG strongly urged that any ETC designation or compliance requirements should be applied to all of the RDOF ETCs. The OAG's initial Comments proposed that the Commission adopt a series of obligations "for RDOF Phase I ETCs."¹¹ A large section of the OAG's Reply Comments was devoted to the argument that "The Commission Should Grant LTD's RDOF Phase I ETC Expansion But Adopt the Same ETC Obligations for LTD that the Commission Adopts for All Other RDOF ETCs."¹² The Department provided a detailed list of "Recommendations Applicable to All ETC Petitions."¹³ The Commission granted the ETC designations for the RDOF ETCs, and sought additional

¹¹ *In the Matter of the Petition of LTD Broadband LLC to Expand Its Designation as an Eligible Telecommunications Carrier*, Docket No. P-6995/M-21-133, Comments of the Office of Attorney General (March 26, 2021) ("OAG 2021 Comments") at 22.

¹² *In the Matter of the Petition of LTD Broadband LLC to Expand Its Designation as an Eligible Telecommunications Carrier*, Docket No. P-6995/M-21-133, Reply Comments of the Office of Attorney General (April 12, 2021) ("OAG 2021 Reply Comments") at 5-16.

¹³ *In the Matter of the Petition of LTD Broadband LLC to Expand Its Designation as an Eligible Telecommunications Carrier*, Docket No. P-6995/M-21-133, Comments of the Minnesota Department of Commerce (March 26, 2021) ("Department 2021 Comments") at 22.

comment on whether and how it might regulate them.¹⁴ It eventually issued an additional Notice for Comment Period in Docket 21-86 seeking such comments.¹⁵ Many parties have commented in response to that Notice, but no substantive activity has occurred in Docket 21-86 since last December.

The comments of the OAG and Department, as well as the rest of this chronology, demonstrate that the Commission already has a well-established path—Docket 21-86—to consider ETC compliance issues of the type raised last year as well as those raised in the Petition. If any action need be taken at all in response to the allegations in the Petition, it would be best to await a decision in Docket 21-86, where some of the relevant issues have already been teed up.

Indeed, it would be illogical for the Commission to engage in any fact-finding activity (such as a referral to OAH or an expedited proceeding in which a Commissioner functions as the hearing officer) regarding LTD before the issues that are pending in Docket 21-86 are resolved. The chief objective of the current round of activity in Docket 21-86 is to determine the Department’s “legal authority over ETCs with respect to designation and recertification...”¹⁶ It would make little sense to open a proceeding to investigate, modify, condition or revoke LTD’s ETC designation, as Petitioners ask, before the Commission has fully analyzed and decided on the scope of its authority to do so.

¹⁴ *In the Matter of a Notice to Rural Digital Opportunity Fund Grant Winners*, Docket No. P-999/CI-21-86, *et al*, ORDER APPROVING PETITIONS FOR ETC DESIGNATION IN CERTAIN CENSUS BLOCKS (May 28, 2021) (“*LECs Expansion Order*”) at 12-13; *In the Matter of a Notice to Rural Digital Opportunity Fund Grant Winners*, Docket No. P-999/CI-21-86, *et al*, ORDER APPROVING PETITIONS FOR ETC DESIGNATION IN CERTAIN CENSUS BLOCKS AND REQUIRING ADDITIONAL FILINGS (May 28, 2021) (“*Non-Certificated Expansion Order*”) at 8-9.

¹⁵ *In the Matter of a Notice to Rural Digital Opportunity Fund Grant Winners*, Docket No. P-999/CI-21-86, NOTICE OF COMMENT PERIOD (June 30, 2021) (“June 2021 Notice”).

¹⁶ *Id.* at 1.

The Department and OAG have raised reasonable questions concerning ETC compliance for the Minnesota RDOF ETCs, and the scope of the Commission's jurisdiction over non-certificated RDOF ETCs should be addressed in Docket 21-86. If any of the allegations raised by Petitioners or other commenters deserve attention, they should be addressed in that docket as well, where they can be examined with a view toward developing ETC compliance requirements that will apply to all Minnesota RDOF ETCs.

B. If the Commission Were to Dignify the Petition By Opening a Proceeding, ETCs Will Face a Slippery Slope

Before any decisions are made regarding LTD, the Commission should consider the implications of allowing an ETC designation to be dislodged based on competitors' allegations. It is possible that the complaints made about LTD might also be made about other RDOF ETCs. For example, Petitioners and ILSR make allegations that LTD's service has had outages and customer service problems. If that is a legitimate issue for Commission inquiry (or potential ETC revocation), the Commission should look into whether Paul Bunyan, Arrowhead, and the other MTA and MREA members who were designated as RDOF ETCs have their own issues with outages and complaints. If it is appropriate to take action against LTD based on doubts about whether it can execute on its RDOF build-out obligations, the Commission should also have the opportunity to consider information concerning whether Starlink or other providers appear likely to be able to deliver on their build-out commitments. To be clear, LTD is not arguing that such allegations would be a proper basis for questioning LTD's ETC designation. But it would probably be possible for many parties to find an expert who would opine—just as the SDTA's expert opined—that Paul Bunyan, Starlink, or some other winning bidder suffers from serious problems that cast doubt on its RDOF obligations. Just as ILSR points to

complaints from a few dozen LTD customers, it would not be hard for someone to collect a few dozen customer service complaints made about other Minnesota ETCs.

These examples illustrate why it is unwise for LTD's receipt of RDOF funding to be imperiled based on little more than the repeated and speculative attacks of its competitors, MTA and MREA. The Commission should not allow competitors' allegations to undermine an already-granted ETC designation—if it did so, the Commission would open the door to a chaotic and unpredictable ETC environment in which competitors' allegations could impair the ETC eligibility of many companies, severely impairing the flow of federal universal service support into Minnesota.

C. The Principle of Competitive Neutrality Requires That Any Legitimate ETC Compliance Obligations Be Applied to All Minnesota RDOF ETCs

As the OAG described in its Comments and Reply Comments last year concerning the expansion of LTD's ETC designation, the Commission's authority to oversee non-certificated ETCs such as LTD is derived from delegated federal authority.¹⁷ A critically important concept at the core of the federal universal service regime is “competitive neutrality.” Competitive neutrality means that “universal service support mechanisms and rules neither unfairly advantage nor disadvantage one provider over another, and neither unfairly favor nor disfavor one technology over another.”¹⁸ The FCC has described competitive neutrality as a “guiding principle,” and found that it is “embodied in...section 214(e)'s requirement that any carrier can become an eligible telecommunications carrier if it meets certain statutory criteria.”¹⁹ Moreover,

¹⁷ OAG 2021 Comments at 12; OAG 2021 Reply Comments at 6-16.

¹⁸ *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket 96-45, REPORT AND ORDER, FCC 97-157, ¶ 47 (rel. May 8, 1997) (“*Universal Service Order*”). See also *AT&T, Inc. v. FCC*, 886 F.3d 1236, 1243 (D.C. Cir. 2018) (describing how the principle of competitive neutrality was developed by the FCC pursuant to its authority under 47 U.S.C. § 254(b)(7)).

¹⁹ *Universal Service Order*, ¶ 48.

the principle of competitive neutrality includes “technological neutrality”—the concept that universal service support “should not be biased toward any particular technologies.”²⁰

As noted above, the companies that were winning bidders to receive RDOF support for use in Minnesota use (or propose to use) a variety of technologies to provide service. LTD is the one of the few Minnesota RDOF ETCs that comes from a background of providing fixed wireless service. Petitioners come from a background of providing wireline service. An underlying assumption in the Petition, and in the comments of Balkan Township, Pine County, Le Sueur County, ILSR, Jackson County, MFU, and MAT, is that because of LTD’s background providing fixed wireless service, it does not have the capability to build out and provide fiber-to-the-home as is required in the RDOF program. In other words, Petitioners and commenters assume that only companies that have historically provided service using wireline technologies have the capability to succeed in the RDOF program. There is no basis for such an assumption. Indeed, in designing the RDOF program, the FCC did not establish a requirement that an auction participant must have previously deployed fiber in order to propose fiber for its RDOF deployment. The Commission should not substitute its judgment for that of the FCC’s, in light of the jurisdictional separation of their respective legal responsibilities.

If the Commission were to take action that singled out LTD because of the technology it has historically used to provide service, that would violate the principle of competitive neutrality. This is one of many reasons why any action that the Commission takes to consider ETC compliance requirements for Minnesota RDOF ETCs should apply equally to all ETCs, regardless of the technology they have deployed in the past.

²⁰ *Id.*, ¶ 49.

II. COMMENTERS HAVE PROVIDED NO “NEW FACTS” THAT MERIT ATTENTION

Many of the concerns put forth by commenters merely rehash allegations that were raised, and rejected, last year when the Commission granted LTD’s ETC expansion. Le Sueur County opines, without any foundation, that the cost to build fiber-to-the-home will be much more than LTD anticipates.²¹ Notwithstanding the fact that LTD has provided broadband service for many years, met the FCC’s eligibility criteria, and is today deploying fiber in Minnesota,²² Pine County, Jackson County, and ILSR suggest that LTD’s track record is unproven and it does not understand how difficult it will be to deploy broadband to the RDOF locations.²³ The MAT and MFU similarly speculate about LTD’s ability to provide the required services.²⁴ But the MTA and Paul Bunyan presented extensive argument last year about LTD’s ability to deploy the services, and the Commission found that such argument did not support denying LTD’s expanded ETC designation.²⁵ Similarly, ILSR and Balkan Township cast doubt on LTD’s customer service,²⁶ but that issue was also addressed last year.²⁷

ILSR does call attention to one fact that occurred after the Commission expanded LTD’s ETC designation last year. ILSR’s comments include a map showing a small number of census blocks in Minnesota where LTD is in default.²⁸ But the default in these areas was arranged by the FCC. LTD was one of 197 RDOF auction winners that received a letter from the FCC

²¹ Le Sueur County Comments at 1.

²² In particular, in recent months LTD has been very active in deploying fiber-to-the-home in Freeborn County, Minnesota.

²³ Pine County Comments at 1-2; Jackson County Comments at 1; ILSR Comments at 4-5.

²⁴ MAT Comments at 1; MFU Comments at 1.

²⁵ *LTD Expansion Order* at 8.

²⁶ ILSR Comments at 4-5; Balkan Township Comments at 2.

²⁷ *See* MTA 2021 Comments at 3-4.

²⁸ ILSR Comments at 5-6.

indicating that information had been brought to the FCC’s attention that certain census blocks “are already served by one or more service providers that offer 25/3 Mbps broadband service or otherwise raise significant concerns about wasteful spending, such as parking lots and international airports.”²⁹ The FCC also indicated that “[w]e anticipate looking favorably on requests” showing that “defaulting on these bids will serve the public interest by, for example, targeting scarce Universal Service funds to where they are needed most.”³⁰ On August 16, 2021, LTD responded to the FCC’s invitation and filed for waiver of the default rules.³¹ The Commission should not be misled by ISLR’s inference that LTD’s default on 132 census blocks in Minnesota is any way negative; rather LTD relinquished these census blocks to ensure that RDOF support does not go where the FCC now says it is not needed.

Other concerns raised by commenters are nothing more than “concurrences” with the Petition, and should be rejected for the reasons explained in LTD’s Initial Comments.³² For example, several commenters suggest that the Commission should review LTD’s long-form application.³³ As explained in LTD’s Initial Comments, the FCC is tasked with review of long-form applications, and it would disrupt the federal-state partnership if this Commission inserted itself into that role. Le Sueur County complains that the RDOF program impairs it from obtaining support from other grants or programs, and MAT and MFU argue that revoking LTD’s expanded designation would allow broadband to be more quickly brought to unserved areas in

²⁹ See Letter from Michael Janson, et al., FCC, to Corey Hauer, LTD, dated July 26, 2021, available at <https://us-fcc.app.box.com/s/lq4iqpjt8ukal4wve6hbrkbs5473kpcw/file/838616728020>.

³⁰ *Id.*

³¹ See LTD Broadband LLC Petition for limited waiver, available at https://www.fcc.gov/ecfs/file/download/DOC-5ed400e08dc00000-A.pdf?file_name=LTD%20-%20Petition%20for%20Waiver%20-%20Relinquishment%20of%20Census%20Blocks.pdf.

³² See ILSR Comments at 2-3 (repeating allegations of Petition).

³³ Le Sueur County Comments at 2; OAG Comments at 4; Jackson County Comments at 1; Balkan Township Comments at 2.

some unspecified manner.³⁴ The sentiment expressed by Balkan Township is typical of these arguments: “If LTD had not been provided RDOF funds for broadband deployment in Balkan Township we believe we would already have a viable fiber network....”³⁵ This is simply not correct—there is nothing about RDOF that stops CenturyLink (the incumbent wireline provider in Balkan Township) or other companies from building out infrastructure there at their own cost (as LTD is doing in some areas), and there is no reason to believe that some other broadband funding program would provide a path for deployment on faster path than LTD’s deployment through RDOF. As explained in LTD’s Initial Comments, all such arguments are highly speculative, and revoking LTD’s expanded ETC designation would actually impair the pace of extending broadband to unserved areas.

Finally, some of the issues raised by commenters are complaints about the RDOF program as a whole, and do not merit any action by the Commission. For example, Le Sueur County and Jackson County complain that LTD’s work to build out to locations in those Counties has not yet begun.³⁶ But the FCC has not yet authorized support for LTD in Minnesota, so no milestones have been set for LTD’s build-out with RDOF funds; the Counties’ assumption that work should already have begun is incorrect.³⁷ Pine County and Jackson County express concern that LTD “could have up to 10 years to fulfill its obligation under the FCC auction.”³⁸ But the RDOF timelines were set up by the FCC—there is nothing that this Commission can or should do about the overall RDOF system. ILSR correctly notes that LTD actually has six years

³⁴ Le Sueur County Comments at 1-2; Balkan Township Comments at 1-2; MAT Comments at 1; MFU Comments at 1; *see also* ILSR Comments at 5 (repeating concerns of Le Sueur County, Balkan Township, and Pine County).

³⁵ Balkan Township Comments at 2.

³⁶ Le Sueur County Comments at 1; Jackson County Comments at 1.

³⁷ As noted in LTD’s Initial Comments, LTD has commenced fiber buildout in some RDOF areas in Minnesota. By investing its own capital in this way, even though the FCC has not yet authorized RDOF support, LTD is getting a head start on its deployment commitments.

³⁸ Pine County Comments at 2; Jackson County Comments at 1.

to deploy services once the RDOF funds are authorized, but argues “the program does not even require LTD to begin building in these areas for several years.”³⁹ ILSR is correct about the timing and process, but none of that is LTD’s fault or is a problem that this Commission should trouble itself with. Instead, it is how the FCC designed the RDOF program.

The Commission need spend little time on the comments of parties other than the Department—the municipalities’ and ILSR’s comments provide no additional factual support for the Petition.

III. NONE OF THE COMMENTS ADDRESS THE PROPER STANDARD FOR ETC REVOCATION

As described in LTD’s Initial Comments, it is only appropriate to consider revocation of an ETC designation if the carrier refuses to recognize the Commission’s authority or refuses to comply with any universal service protections that the Commission imposes.⁴⁰ None of the commenters address this standard or provide any information to suggest that LTD has violated this standard. Most importantly, the OAG—which proposed this standard—does not suggest that LTD has violated it. There is no basis for the Commission to open a proceeding in which revoking LTD’s expanded ETC designation would even be a possibility.

CONCLUSION

None of the Comments—from the Department, the OAG, or any other participants—provide any material new facts or any other basis for opening a proceeding in response to the Petition. If the Commission decides that any response to the Petition is necessary, it should first establish the scope of its jurisdiction over Minnesota’s RDOF ETCs in Docket 21-86 and should then apply any new compliance requirements to all ETCs, in a manner that is competitively

³⁹ ILSR Comments at 5-6.

⁴⁰ LTD Initial Comments at 10 (explaining legal standard proposed by the OAG).

neutral. But, for all the reasons set forth in LTD's Initial Comments and herein, LTD respectfully continues to maintain that the Petition should be denied in full. Any other response to the Petition will jeopardize the investment of over \$311 million to bring high-speed broadband to unserved and underserved locations in Minnesota.

TAFT STETTINIUS & HOLLISTER LLP

Dated: June 8, 2022

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CERTIFICATE OF SERVICE

IN THE MATTER OF THE PETITION OF LTD
BROADBAND, LLC TO EXPAND ITS DESIGNATION
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER

MPUC DOCKET No. P-6995/M-21-133

IN THE MATTER OF A PETITION TO INITIATE A
PROCEEDING TO REVOKE THE EXPANDED
ELIGIBLE TELECOMMUNICATIONS CARRIER
("ETC") DESIGNATION OF LTD BROADBAND,
LLC ("LTD") AND DENY LTD'S FUNDING
CERTIFICATION FOR 2023

MPUC DOCKET No. P-558, P-6995/M-22-221

Roshelle L. Herstein certifies that on the 8th day of June, 2022, she filed a true and correct copy of LTD Broadband LLC's **REPLY COMMENTS** by posting the same on www.edockets.state.mn.us. Said document is also served via U.S. Mail or email as designated on the Official Service List on file with the Minnesota Public Utilities Commission in the above-referenced docket.

/s/ Roshelle L. Herstein

Roshelle L. Herstein

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_21-133_Official
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-133_Official
Stephen E	Coran	scoran@lermansenter.com	Lerman Senter	2001 L St NW Ste 400 Washington, DC 20036	Electronic Service	No	OFF_SL_21-133_Official
Corey	Hauer	coreyhauer@ltdbroadband.com	LTD Broadband	PO Box 3064 Blooming Prairie, MN 55917	Electronic Service	No	OFF_SL_21-133_Official
Brett	Heather Freedson	bfreedson@lermansenter.com	Lerman Senter	2001 L St NW Ste 400 Washington, DC 20036	Electronic Service	No	OFF_SL_21-133_Official
Richard	Johnson	Rick.Johnson@lawmoss.com	Moss & Barnett	150 S. 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-133_Official
Dan	Lipschultz	Dan.lipschultz@lawmoss.com	Moss & Barnett	150 South 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-133_Official
Ry	Marcattilio-McCracken	ry@ilsr.org	Institute for Local Self-Reliance	2720 East 22nd Street Minneapolis, Minnesota 55406	Paper Service	No	OFF_SL_21-133_Official
Katherine	Marshall	katie.marshall@lawmoss.com	Moss & Barnett	150 S 5th St Ste 1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-133_Official
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_21-133_Official

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Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-133_Official
Kristopher	Twomey	kris@lokt.net	Law Office of Kristopher E. Twomey, P.C.	1725 I St NW Ste 300 Washington, DC 20006	Electronic Service	No	OFF_SL_21-133_Official
Gregory	Whiteaker	greg@hermanwhiteaker.com	Herman & Whiteaker, LLC	6720B Rockledge Drive Suite 150 Bethesda, MD 20817	Electronic Service	No	OFF_SL_21-133_Official
Cameron	Winton	winton.cam@dorsey.com	Dorsey & Whitney LLP	50 S 6TH ST STE 1500 Minneapolis, MN 55402	Paper Service	No	OFF_SL_21-133_Official
Patrick	Zomer	Pat.Zomer@lawmoss.com	Moss & Barnett PA	150 S 5th St #1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-133_Official

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Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_22-221_M-22-221
Brent	Christensen	brentc@mnta.org	Minnesota Telecom Alliance	1000 Westgate Drive, Ste 252 St. Paul, MN 55117	Electronic Service	No	OFF_SL_22-221_M-22-221
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_22-221_M-22-221
Stephen E	Coran	scoran@lermansenter.com	Lerman Senter	2001 L St NW Ste 400 Washington, DC 20036	Electronic Service	No	OFF_SL_22-221_M-22-221
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_22-221_M-22-221
Corey	Hauer	coreyhauer@ltdbroadband.com	LTD Broadband	PO Box 3064 Blooming Prairie, MN 55917	Electronic Service	No	OFF_SL_22-221_M-22-221
Brett	Heather Freedson	bfreedson@lermansenter.com	Lerman Senter	2001 L St NW Ste 400 Washington, DC 20036	Electronic Service	No	OFF_SL_22-221_M-22-221
Richard	Johnson	Rick.Johnson@lawmoss.com	Moss & Barnett	150 S. 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_22-221_M-22-221
Dan	Lipschultz	Dan.lipschultz@lawmoss.com	Moss & Barnett	150 South 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_22-221_M-22-221
Katherine	Marshall	katie.marshall@lawmoss.com	Moss & Barnett	150 S 5th St Ste 1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_22-221_M-22-221

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Darrick	Moe	darrick@mrea.org	Minnesota Rural Electric Association	11640 73rd Ave N Maple Grove, MN 55369	Electronic Service	No	OFF_SL_22-221_M-22-221
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_22-221_M-22-221
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_22-221_M-22-221
Kristopher	Twomey	kris@lokt.net	Law Office of Kristopher E. Twomey, P.C.	1725 I St NW Ste 300 Washington, DC 20006	Electronic Service	No	OFF_SL_22-221_M-22-221
Gregory	Whiteaker	greg@hermanwhiteaker.com	Herman & Whiteaker, LLC	6720B Rockledge Drive Suite 150 Bethesda, MD 20817	Electronic Service	No	OFF_SL_22-221_M-22-221
Cameron	Winton	winton.cam@dorsey.com	Dorsey & Whitney LLP	50 S 6TH ST STE 1500 Minneapolis, MN 55402	Paper Service	No	OFF_SL_22-221_M-22-221
Patrick	Zomer	Pat.Zomer@lawmoss.com	Moss & Barnett PA	150 S 5th St #1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_22-221_M-22-221