

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

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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

**COMMENTS OF LTD BROADBAND LLC  
OPPOSING THE OPENING OF A PROCEEDING**

**June 1, 2022**

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## INTRODUCTION

LTD Broadband LLC (“LTD”) hereby submits its initial Comments in response to the Notice of Comment Period (“Notice”) that the Minnesota Public Utilities Commission (“Commission”) issued on May 11, 2022 in the above-captioned proceedings. The Notice asks whether the Commission should “initiate a proceeding to develop a record to determine whether LTD Broadband’s expanded ETC designation should be revoked”<sup>1</sup> and, if so, what process and schedule the Commission should adopt.<sup>2</sup> The Notice also requests comment on whether the Commission should decline to certify LTD’s federal Rural Digital Opportunity Fund (“RDOF”) support for 2023.<sup>3</sup> The Notice stems from a Petition of Minnesota Telecom Alliance (“MTA”) and Minnesota Rural Electric Association (“MREA”) (collectively, “Petitioners”) filed with the Commission on May 6, 2022 (“Petition”).

The Commission should not initiate such a proceeding. LTD’s expanded ETC designation was exhaustively analyzed just a year ago, and after being appropriately supported by the Minnesota Department of Commerce (“Department”) and the Office of the Attorney General—Residential Utilities Division (“OAG”), the Commission granted it, with conditions.<sup>4</sup> Since then, LTD has fulfilled the conditions established in the *LTD Expansion Order* and has been fulfilling Minnesota ETC compliance requirements. Although Petitioners assert that they are relying on “newly available facts,” the information on which they rely is not new—it is a rehash of arguments Petitioners made a year ago that the Commission rejected. Petitioners rely

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<sup>1</sup> Notice at 1.

<sup>2</sup> *See id.* at 1-2.

<sup>3</sup> *See id.* at 1.

<sup>4</sup> *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*”).

mostly on a proceeding before the South Dakota Public Utilities Commission (“SDPUC”), but that ongoing proceeding is far from an adequate basis to revisit this Commission’s decision, a year ago, that LTD satisfied the requirements for the Commission to expand its 2019 designation of LTD as an eligible telecommunications carrier (“ETC”).<sup>5</sup>

Moreover, the Petition is on dubious legal ground. Petitioners cite no authority that allows the Commission to revoke an ETC designation under these circumstances. Minnesota Rules 7811.1400 and 7812.1400, on which Petitioners premise their argument, do not apply to non-certificated providers such as LTD. Petitioners argue about the public interest, but ignore a very important public benefit associated with LTD’s expanded ETC designation—Minnesota’s receipt of more than \$311 million in broadband funding. The Petition is best understood as an untimely request for rehearing, and as such should be rejected under Minn. R. 7829.3000.

The Petitioners’ request that the Commission decline to certify LTD’s use of 2023 RDOF funding is equally unfounded and procedurally improper. The Commission already has a robust process in place to analyze annual ETC certifications; there is no need for the Commission to create the separate and novel process that Petitioners propose.

If the Commission determines that it is necessary to open any sort of proceeding at all in response to the Petition, the schedule and process should be far faster and more simplified than Petitioners’ proposal, which appears designed to impair LTD from meeting important deadlines.

At bottom, the Petition is nothing more than an improper and groundless attempt, motivated by competitive animosity, to relitigate a decision that Petitioners already lost. It should be rejected in full.

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<sup>5</sup> *In the Matter of LTD Broadband LLC’s Petition for Eligible Telecommunications Carrier Designation in Minnesota*, Docket No. P-6995/M-18-653, ORDER APPROVING REQUEST FOR ETC STATUS FOR HIGH COST SUPPORT IN CERTAIN CENSUS BLOCKS (Feb. 8, 2019) (“*LTD Initial ETC Order*”).

## **BACKGROUND**

LTD is a privately held broadband voice and Internet access provider and currently serves approximately 18,400 customers in Minnesota, Iowa, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, and Wisconsin.

In 2018, LTD was a winning bidder in the FCC's auction for Phase II of the Connect America Fund ("CAF"). In February 2019, the Commission designated LTD as an ETC for specified census blocks in Minnesota, allowing it to become authorized by the FCC to receive approximately \$1.1 million in CAF Phase II funds over a ten-year period to invest in broadband deployment in rural areas in Minnesota.<sup>6</sup> Since then, LTD has undertaken deployment activities and has built out to approximately 80% of the required CAF locations in Minnesota, well ahead of a schedule that requires LTD to deploy to just 40% of eligible locations by December 31, 2022. LTD has complied with FCC rules governing deployment and reporting for the CAF program, and LTD continues to meet and exceed those CAF obligations.

In 2020, the FCC established RDOF to bring high-speed broadband service to unserved or underserved locations. To select which applicants would be eligible to receive RDOF support, the FCC reviewed "short-form" applications regarding the applicants' technical and financial ability to provide service (if authorized to receive RDOF support), and conducted a reverse auction among qualified applicants. Following the reverse auction, on December 7, 2020, LTD, along with 21 other companies, was announced as a winning bidder of RDOF funding to be used to serve Minnesota locations. LTD was a winning bidder of approximately \$311 million in RDOF support to be used, over a 10-year period, to deploy Gigabit (1 Gbps downstream/50-0 Mbps upstream) fiber-to-the-home service to approximately 102,000 additional unserved

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<sup>6</sup> *LTD Initial ETC Order.*

locations in Minnesota. LTD also was a winning bidder to serve locations in fourteen other states. Winning bidders had to submit “long-form” applications to the FCC with additional information about their qualifications and plans. Absent waiver, they also had to demonstrate, by June 7, 2021, that they had obtained ETC status for all locations where they would receive support.

On February 17, 2021, LTD filed a petition with the Commission seeking to expand its existing ETC designation, granted just two years before in the *LTD Initial ETC Order*, to cover the Minnesota census blocks for which it was a winning bidder of RDOF support. The Department and OAG filed detailed and thoughtful comments explaining (a) the background of the RDOF program and ETC designation; (b) the basis and scope of the Commission’s limited authority over ETCs, such as LTD, that are not certificated by the Commission; and (c) proposed compliance obligations for all Minnesota RDOF recipients.<sup>7</sup> The Department and OAG both recommended that LTD’s expansion petition be granted, subject to various conditions that would apply to all Minnesota ETCs receiving RDOF funds.<sup>8</sup> The Paul Bunyan Rural Telephone Cooperative (“Paul Bunyan”) and the MTA (but not MREA) filed comments opposing LTD’s expansion petition, and the MTA also suggested that the Commission should revoke LTD’s previously-existing ETC designation for its CAF Phase II areas.<sup>9</sup> Notably, in their comments,

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<sup>7</sup> 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, Comments of the Office of Attorney General (March 26, 2021) (“OAG Comments”); Reply Comments of the Office of Attorney General (April 12, 2021) (“OAG Reply Comments”); Comments of the Minnesota Department of Commerce (March 26, 2021) (“Dept. Comments”). Reply Comments of the Minnesota Department of Commerce (April 12, 2021) (“Dept. Reply Comments”).

<sup>8</sup> Dept. Comments at 17; OAG Comments at 22; OAG Reply Comments at 25.

<sup>9</sup> In its comments, the MTA did not mention that it had submitted a procedurally questionable petition—much like its current request to the Commission—to the FCC asking the FCC to deny LTD’s long-form application. See OAG Reply Comments at 23 (describing same). Since then, the MTA has continued to ignore procedural rules by submitting unfounded requests with the FCC. See, e.g., *In the Matter of LTD Broadband, LLC Petition to Deny Long Form Applications (FCC Forms 683) for Rural Digital Opportunity Fund (“RDOF”) Phase I Auction Support in the State of Minnesota and Iowa*, AU Docket No. 20-34, WC Docket No. 19-126, WC Docket No. 10-90, LTD’s Opposition to Supplement to Petition to Deny (filed Oct. 29, 2021) (responding to MTA’s filings).

the MTA and Paul Bunyan did not recommend that LTD's expansion petition be referred to a contested case proceeding in which discovery could be conducted.<sup>10</sup>

On June 3, 2021, the Commission issued the *LTD Expansion Order*, granting LTD's expansion petition. But the Commission imposed conditions: (a) its approval was "subject to this Commission's ongoing jurisdiction to oversee ETC compliance as set forth in [federal statutes, regulations, and FCC auction materials]; (b) LTD had to make a compliance filing, within 10 days, explaining (i) when it was legally obligated to commence advertising and providing voice telephony and Lifeline service, and (ii) a passage in its petition; and (c) LTD had to provide a detailed explanation in its 2021 ETC certification filing explaining when it had to provide voice telephony and Lifeline service as part of its participation in the CAF Phase II program.<sup>11</sup>

In addition to Minnesota, seven other state commissions granted LTD ETC designation for purposes of facilitating RDOF funding.<sup>12</sup> In seven states (California, Iowa, Kansas, Nebraska, North Dakota, Oklahoma, and South Dakota), LTD applied for waiver of the June 7,

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<sup>10</sup> See Minn. R. 7829.1400, subp. 3 (comments on miscellaneous filing should specify procedural recommendation).

<sup>11</sup> *LTD Expansion Order* at 9-10.

<sup>12</sup> *In the Matter of LTD Broadband LLC Application for Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the FCC's Rural Digital Opportunity Fund*, No. 21A-0176T, DECISION GRANTING APPLICATION SUBJECT TO CONDITIONS (Colorado Public Utilities Commission, June 4, 2021); *LTD Broadband LLC Application for Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the FCC's Connect America Fund Phase II*, No. 21-0373, ORDER (Illinois Commerce Commission, May 27, 2021); *Application of LTD Broadband, LLC for Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the FCC's Rural Digital Opportunity Fund*, No. 41052 ETC 96, ORDER OF THE COMMISSION (Indiana Utility Regulatory Commission, June 2, 2021); *In the Matter of the Application of MOLT Broadband, LLC d/b/a LTD Broadband LLC for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving Federal Universal Service Support*, No. DA-2021-0205, ORDER GRANTING DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER (Missouri Public Service Commission, June 2, 2021); *In the Matter of the Application of LTD Broadband, LLC for Designation as a Competitive Eligible Telecommunications Carrier for Purposes of Receiving Federal Universal Service Support*, No. 21-30-TP-UNC, FINDINGS AND ORDER (Public Utilities Commission of Ohio, June 2, 2021); *Application of LTD Broadband, LLC for Designation as an Eligible Telecommunications Carrier*, No. 51693, NOTICE OF APPROVAL, (Public Utility Commission of Texas, June 15, 2021); *Application of LTD Broadband LLC for Designation as an Eligible Telecommunications Carrier*, No. 11127-TI-100, FINAL DECISION (Wisconsin Public Service Commission, June 3, 2021).

2021 deadline for obtaining ETC designation, but FCC staff denied LTD’s request with respect to six of those states.<sup>13</sup> In four states, LTD received adverse state commission rulings, which it has challenged on the basis that those commissions’ decisions were contrary to law, beyond the scope of their authority, and/or treated LTD differently from other ETC applicants. One of those states is South Dakota, where the SDPUC denied LTD’s application for ETC designation for purposes of RDOF support.<sup>14</sup> LTD’s request for reconsideration and rehearing of the SDPUC’s decision is pending.

The FCC has not yet authorized support in the states for which LTD was the winning bidder for RDOF, so no milestones have been set for LTD’s build-out with RDOF funds. Nevertheless, LTD is currently deploying fiber-to-the-home broadband networks in rural areas of Minnesota—in areas where it won, but has not yet received, RDOF support, and in other rural areas of the State. By investing its own private capital in advance of RDOF support authorization, LTD will have a head start on its Minnesota RDOF deployment obligations.

On May 6, 2022, the Petitioners filed their Petition, arguing that a “number of significant facts have come to light since the Commission’s *LTD Expansion Order* nearly a year ago.”<sup>15</sup> The Petitioners rely heavily on the SDPUC’s decision to deny LTD’s ETC application. But as set forth below, the “new facts” on which Petitioners rely are not new, and their arguments are merely retreads of the arguments that did not prevail a year ago.

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<sup>13</sup> *The Rural Digital Opportunity Fund Auction (Auction 904); Rural Digital Opportunity Fund*, ORDER, AU Docket No. 20-34 and WC Docket No. 19-126, DA 21-908 (rel. July 26, 2021) (denying waiver for California, Kansas, and Oklahoma); *The Rural Digital Opportunity Fund Auction (Auction 904); Rural Digital Opportunity Fund*, ORDER, AU Docket No. 20-34 and WC Docket No. 19-126, DA 21-1311 (rel. Oct. 20, 2021) (denying waiver for Iowa, Nebraska, and North Dakota). LTD’s petitions for reconsideration of these two FCC Orders are pending before that agency.

<sup>14</sup> *In the Matter of the Application of LTD Broadband LLC for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving Federal Universal Support*, No. TC21-001, FINAL DECISION AND ORDER DENYING APPLICATION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN CERTAIN CENSUS BLOCKS; NOTICE OF ENTRY OF ORDER (South Dakota Public Utilities Commission, March 21, 2022).

<sup>15</sup> Petition at 4.

## ARGUMENT

The Petition should be denied—the Commission should not initiate any proceeding at all in response to it. The Petition provides no legal or factual basis for the Commission to revoke (or otherwise investigate, modify, or condition) the expanded ETC designation that the Commission granted to LTD last year. The Commission should also not do anything in response to the Petition concerning certification of LTD’s use of support for 2023—not only does the Petition provide no basis to address certification, but any activity relating to certification should take place within the Commission’s already-existing docket and procedures relating to certification. Finally, the Commission should not require LTD to provide its FCC RDOF long-form application (or any other similar proprietary and trade secret information concerning RDOF build-out) to the Commission. The FCC is currently thoroughly reviewing LTD’s long form application; in the dual-layered federal-state universal service system, only the FCC has jurisdiction to act on that application.

### **I. THERE IS NO LEGAL BASIS FOR THE PETITION**

#### **A. The Petition Is, In Essence, a Very Untimely Request for Rehearing**

Petitioners rely on Minn. Stat. § 216A.05, subd. 5 as the basis for their Petition.<sup>16</sup> This statute provides:

**Hearing upon petition.** With respect to those matters within its jurisdiction the commission shall receive, hear, and determine all petitions filed with it in accordance with the rules of practice and procedure promulgated by the commission....

Minn. Stat. § 216A.05, subd. 5. Petitioners cite no caselaw or Commission decisions to support the notion that their Petition is appropriately filed under this statute. However, the Commission’s rules shed light on what is meant by a petition in this context: Minn. R.

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<sup>16</sup> *Id.* at 1.

7829.0100, subp. 16 defines a “Petitioner” as a person “who requests the commission’s permission, authorization, or approval or a person who notifies the commission of a proposed change in a rate, service, or term or condition of service.” Thus, a petition is generally intended to be a request to the Commission concerning one’s own activities, not complaining about some other party’s activities.<sup>17</sup> Here, Petitioners are not requesting “permission, authorization, or approval” of anything. It is questionable, at best, whether the Petition is procedurally proper under Section 216A.05, subd. 5 and Rule 7829.0100.

Curiously, Petitioners do not refer to Minn. R. 7829.3000, which establishes procedures for a “Petition after Commission Decision.” Under Rule 7829.3000, a party aggrieved or directly affected by a Commission decision may file a petition for rehearing within 20 days of service of the decision. The MTA and Paul Bunyan participated in the LTD ETC Expansion docket last year, but they did not make procedural recommendations for a contested case proceeding or otherwise seek discovery, and most importantly, they did not file a petition for rehearing within 20 days of the Commission’s decision in that docket. Having slept on their rights, Petitioners cannot now stretch the Commission’s rules to relitigate already-decided issues; nor should they be allowed to introduce “new facts” as a way to overcome their extreme tardiness.

The Petition substantially relitigates the same points that were argued a year ago by the MTA, and then rejected in the LTD ETC Expansion docket—first in the Department’s and the OAG’s Reply Comments, and then by the Commission. The main point made in the Petition is that LTD “cannot build and operate the Minnesota FTTP broadband network contemplated in its

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<sup>17</sup> The Commission’s rules provide for a different mechanism for an aggrieved party to complain about a company’s activities. *See* Minn. R. 7829.1500 et seq. (concerning informal and formal complaints). It can be presumed that Petitioners did not bring a complaint against LTD because they do not have standing, or a factual basis, to do so.

RDOF bid.”<sup>18</sup> This was also one of the main points made in the MTA’s Comments last spring.<sup>19</sup> The Petition also asserts that LTD’s expanded ETC designation harms the public interest by tying up funding that could be used (presumably by MTA members) to deploy broadband.<sup>20</sup> The MTA made this same argument last spring as well.<sup>21</sup> MREA did not even participate in the ETC expansion proceeding last year.

Because it does little more than reargue issues that were already considered by the Commission, the Petition is best thought of as a petition for rehearing of the *LTD Expansion Order*. Indeed, there does not appear to be any other procedural category within the Commission’s rules within which the Petition more cleanly fits. The Petition was filed about eleven months after the Commission issued the *LTD Expansion Order*—this is far beyond the 20-day period provided for under Rule 7829.0300. The Commission can and should reject the Petition on the basis that it is an untimely petition for rehearing.

**B. Revocation Is Only Appropriate in the Most Extreme Circumstances—There Is No Basis to Consider It Here**

Although Petitioners ask the Commission to initiate a proceeding to revoke LTD’s expanded ETC designation, they misconstrue the legal basis for revocation of an ETC designation. Petitioners cite to Minn. R. 7811.1400, subp. 15 and Minn. R. 7812.1400, subp. 15 as providing express authority to revoke LTD’s expanded ETC designation.<sup>22</sup> These rules are not applicable to LTD—they apply only to local service providers operating under a certificate of

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<sup>18</sup> Petition at 4; *see also id.* at 6-7, 13-20 (arguing same), 21-23 (proposing to present testimony arguing same).

<sup>19</sup> *See In the Matter of a Notice to Rural Digital Opportunity Fund (RDOF) Grant Winners*, Docket No. P999/CI-21-86; *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 Minnesota Telecom Alliance (March 26, 2021) (“MTA 2021 Comments”) at 6-9.

<sup>20</sup> Petition at 2-3, 4, 6-7, 8-9, 23-24.

<sup>21</sup> MTA 2021 Comments at 2, 9.

<sup>22</sup> Petition at 9, 11-12.

authority granted by the Commission.<sup>23</sup> The OAG and Department explicitly rejected MTA’s reliance on these rules a year ago.<sup>24</sup> The Commission, in the *LTD Expansion Order*, acknowledged that its oversight of LTD arises from delegated authority under federal law, not from state law.<sup>25</sup>

Federal statutes and regulations relating to ETC status and compliance contain no provisions explicitly addressing revocation of ETC status, and the FCC’s Orders and other materials provide little guidance about ETC revocation. In its Reply Comments last year, the OAG addressed the legal standard for revocation:

If a company refuses to recognize the Commission’s authority and/or refuses to comply with the federal Universal Service protections the Commission carefully selects to advance federal Universal Service goals, it calls into question whether the company will actually use its federal Universal Service support for its intended purpose. In these situations, and provided there is sufficient evidentiary support, the Commission must be prepared to deny and/or revoke ETC designations for companies that will not recognize its authority or that refuse to comply with its ETC requirements.<sup>26</sup>

This standard articulated by the OAG last year demonstrates how unfounded the Petitioners’ request is. Petitioners have not even asserted that LTD “refuses to recognize the Commission’s authority” or “refuses to comply with” the Commission’s ETC requirements. Petitioners’ alleged “new facts,” irrelevant as they are, say nothing about these topics. As explained above, LTD has not questioned the Commission’s authority to impose ETC

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<sup>23</sup> See Minn. R. 7811.1400, subp. 15 and Minn. R. 7812.1400, subp. 15 (both referring to “local service providers”); Minn. R. 7811.0100, subp. 34 and Minn. R. 7812.0100, subp. 34 (both defining “local service provider” as “a telephone company or telecommunications carrier providing local service in Minnesota pursuant to a certificate of authority granted by the Commission.”); Minn. R. 7811.0050 and Minn. R. 7812.0050 (specifying that Chapters 7811 and 7812 only apply to local exchange carriers and telecommunications services providers under the Commission’s jurisdiction.)

<sup>24</sup> OAG Reply Comments at 10, n. 42; Dept. Reply Comments at 3.

<sup>25</sup> *LTD Expansion Order* at 9 (“LTD and its ETC status remain subject to this Commission’s ongoing authority to oversee compliance pursuant to 47 U.S.C. § 214(e)(2) and 254(f), the FCC’s universal service rules codified at 47 C.F.R. part 54, and applicable FCC Orders and auction materials.”).

<sup>26</sup> OAG Reply Comments at 17.

compliance requirements, has agreed to abide by the ETC compliance requirements developed by the Commission, and continues to comply with all applicable requirements. Petitioners cannot simply ignore the legal standard for revocation articulated by the OAG and invent one that suits their motives but has no basis in law.

Petitioners have also not cited any prior situations where the Commission has revoked an ETC designation. LTD is aware of only one such instance—almost ten years ago, the Commission revoked the conditional ETC designation of a company called Midwestern Telecommunications, Inc (“MTI”).<sup>27</sup> The circumstances in that case were far different from what Petitioners allege. The Commission had conditionally designated MTI as an ETC subject to a long list of ETC compliance requirements, including the submission of an advertising plan and an informational tariff.<sup>28</sup> Within a year of the designation, it became apparent that MTI had complied with none of the requirements, MTI no longer was eligible to be an ETC because it did not have its own facilities, and its CEO told the Department that MTI had never operated in Minnesota and no longer intended to do so.<sup>29</sup> Revocation of an ETC designation under those circumstances was eminently reasonable. But MTI’s circumstances are nothing like LTD’s circumstances.

There is a wide gulf between the allegations and legal analysis presented in the Petition and the circumstances in which there might be a basis for revocation of an ETC designation. Petitioners’ request should be rejected because it is legally unsound. In so doing, the

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<sup>27</sup> *In the Matter of the Revocation of Midwestern Telecommunications, Inc.’s (MTI) Conditional Eligible Telecommunications Carrier (ETC) Status in Minnesota*, No. P-6849/M-10-1174, ORDER (Jan. 10, 2013) (“*MTI Order*”).

<sup>28</sup> *MTI Order*, Dept. Comments at 3-4.

<sup>29</sup> *Id.* at 4-7.

Commission should make clear that there is a high bar for revocation—this will prevent Petitioners from renewing and repeating their empty arguments on an ongoing basis.

**C. The Commission Does Not Have Authority To Evaluate the RDOF Commitments LTD Has Made to the FCC**

Minn. Stat. § 216A.05, subd. 5, the statutory basis cited by Petitioners for their Petition, provides that the Commission may hear petitions “[w]ith respect to those matters within its jurisdiction....” Much of the Petition is devoted to the argument that LTD does not have the ability to meet its RDOF buildout commitments in Minnesota, and in particular to findings made by the SDPUC based on its review LTD’s long-form RDOF application.

But the Commission does not have jurisdiction to review LTD’s buildout commitments (including its long-form RDOF application) and use that review as a basis for investigating, modifying, or revoking LTD’s expanded ETC designation. As described at length in by the OAG last year, the FCC has a “rigorous” process for reviewing LTD’s financial and technical information and capability.<sup>30</sup> The OAG and Department both eloquently described how the Universal Service ecosystem, including the RDOF process, is a partnership between the FCC and states.<sup>31</sup> For purposes of RDOF funding, Congress has delegated the ETC designation process to the states, but the FCC has control over vetting the technical and financial capabilities of the RDOF applicants.<sup>32</sup> The Commission correctly recognized this limitation on its authority: “The FCC’s RDOF application process examines applicants’ ability to meet RDOF obligations, including a review of financial and technical information and other long-form application materials....”<sup>33</sup>

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<sup>30</sup> OAG Reply Comments at 22-23.

<sup>31</sup> OAG Comments at 8-9; Dept. Comments at 4-6.

<sup>32</sup> See Dept. Reply Comments at 1 (“...as part of the partnership between the State and the FCC, the FCC vets the technical and financial portion of the Auction 904 applicants through its short and long form applications.”).

<sup>33</sup> *LTD Expansion Order* at 8.

It would severely disrupt the federal-state partnership if the Commission were to insert itself into the FCC’s role and second-guess the FCC’s determinations of RDOF eligibility. As explained *supra*, the Commission’s authority over non-certificated ETCs such as LTD is delegated from the federal level pursuant to federal statutes, regulations, FCC Orders, and the like. There is nothing in any of those federal authorities that permits this Commission to substitute its judgment for that of the FCC in determining whether LTD has the capability to properly use RDOF funding to expand access to broadband in Minnesota. It would be especially disruptive, and inappropriate, for the Commission to do so now—while the FCC is in an advanced stage of reviewing LTD’s long-form applications.

## **II. PETITIONERS’ “NEW FACTS” CANNOT BE THE BASIS FOR OPENING A PROCEEDING**

### **A. The “New Facts” On Which Petitioners Rely Do Not Support Revocation**

The Petition asks the Commission to open a proceeding in order to revoke LTD’s expanded ETC designation.<sup>34</sup> But, as explained *supra*, the standard to be used when analyzing ETC designation is whether the ETC refuses to recognize the Commission’s authority or refuses to comply with the Commission’s universal service protections.<sup>35</sup> The “new facts” emphasized in the Petition concern decisions of the SDPUC and other state commissions that have denied LTD ETC designation in those states—there is nothing at all in the Petition to suggest that LTD has refused to recognize the authority of this Commission or has failed to comply with any applicable Commission ETC compliance obligations. The Petition should be rejected because its objectives are a mismatch with its “new facts.”

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<sup>34</sup> Petition at 3.

<sup>35</sup> See OAG Reply Comments at 17.

**B. There are No Material “New Facts” That Support the Opening of Any Sort of Proceeding or Investigation**

Assuming *arguendo* that the Commission does not dismiss or deny the Petition for its many procedural deficiencies, the Commission should deny it because the Petitioners fail to introduce any significant or relevant “new facts.” Section III of the Petition, captioned “Recently Learned Facts...”, contains three sections: (a) a discussion about the record before the Commission when it considered the *LTD Expansion Order* and a summary of how Petitioners seek to add to the record;<sup>36</sup> (b) a lengthy recap of the SDPUC’s decision;<sup>37</sup> and (c) another summary of information Petitioners hope to include in the record.<sup>38</sup> In other words, the first and third of these three sections do not themselves present any “new facts”—they merely say that Petitioners hope to do so later.<sup>39</sup> The remainder of the Petition’s “new facts” are determinations made by the SDPUC. But the SDPUC’s determinations do not provide any basis for further Commission proceedings.

First, the determinations made by the SDPUC are not “new” facts—the information on which the SDPUC relied existed at the time that the Commission considered LTD’s ETC expansion application for Minnesota. The SDPUC’s rationale for denying LTD’s ETC designation rests heavily on analysis of deployment plans presented in LTD’s RDOF long form application, which was filed in January of 2021, before LTD filed its expansion application with

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<sup>36</sup> Petition at 14-15.

<sup>37</sup> *Id.* at 15-21.

<sup>38</sup> *Id.* at 21-23.

<sup>39</sup> One of the items that Petitioners propose to address, if a proceeding is opened, is the Notice of Apparent Liability recently issued by the FCC against LTD. *See id.* at 8, 22-23. *In the Matter of LTD Broadband LLC*, File No. EB-IHD-21-00033102, NOTICE OF APPARENT LIABILITY FOR FORFEITURE, DA 22-482 (May 3, 2022) (“*NAL*”). The Commission should take note that the FCC has not found a violation of FCC rules; rather, it has only indicated an “apparent” violation that has not yet been adjudicated. LTD will be filing a response to the *NAL* explaining that the statute of limitations has expired and that the facts do not support the asserted violation. And the alleged violation at issue—communication about bids—is irrelevant to ETC compliance. LTD is confident that the FCC will find no violation.

the Commission. As discussed *infra*, the SDPUC’s determinations were made in the context of South Dakota’s state-specific public interest statute. The SDPUC misapplied this statute, and Minnesota does not have a parallel statute.

Second, the SDPUC’s determinations were based entirely on one person’s testimony—that of Larry Thompson, a consultant hired by the South Dakota Telephone Association (“SDTA”)—which was improperly adopted by the SDPUC. Mr. Thompson’s views on broadband buildout are not “facts”—they are opinions. There is no reason why Mr. Thompson’s opinions, as repackaged by the SDPUC, should be the basis for Commission action of any sort. And many of the issues about which he opined, and that subsequently made their way into the SDPUC order, concern issues specific to South Dakota.

**C. Petitioner’s “New Facts” About the Public Interest Are Nothing More Than Speculation Based on Improper Competitive Motives**

Petitioners make the entirely illogical argument that LTD’s potential receipt of more than \$311 million to deploy voice and Gigabit broadband service would “adversely impact[] over 160,000 rural Minnesota residents and the public interest by constraining access to limited public funding and stifling, or at best substantially delaying, broadband investments that would otherwise be made in Minnesota.”<sup>40</sup> They attempt to support this dubious claim with layers of speculation—that the RDOF support would be “unavailable to *other more reliable providers* who *might be able* to obtain all or some portion of that support;” that “LTD *will likely fail* to deliver on its broadband commitments;” and that “there is a *great risk* no other federal

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<sup>40</sup> Petition at 23.

broadband funding sources will be available...until LTD fails to meet FCC milestones, by which time current federal funding *will be likely* to have expired.”<sup>41</sup>

First, Petitioners’ members and other applicants had ample opportunity to bid for RDOF support in Minnesota, but were mostly unsuccessful. To suggest that there may be “more reliable providers” contravenes the facts on the ground: LTD is already providing reliable service, and exceeding its CAF obligations, in Minnesota. Moreover, the census blocks available in the RDOF auction are areas where no provider—including Petitioners’ members—was providing voice and 25/3 Mbps broadband service, much less “reliable” service, however that term might be defined. If Petitioners were so concerned about service, or reliable service, they should have offered it themselves before the census blocks were put on the auction block or they should have bid more successfully.<sup>42</sup> They did neither.

Second, it strains credulity for Petitioners to speculate on whether LTD will fail on its RDOF commitments. LTD has complied with its CAF Phase II commitments in Minnesota and is well ahead of its milestones here, so there is no basis for Petitioners’ speculative claims that LTD is unlikely to succeed with its RDOF buildout.<sup>43</sup> As explained *supra*, while it awaits RDOF authorization from the FCC, LTD has invested in deployment and operation of fiber broadband services in rural areas of Minnesota, both where it intends to receive RDOF support and in other areas.

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<sup>41</sup> *Id.* (emphases added). *See also id.* (“Given the *high likelihood* that LTD will fail to *effectively deliver* on its RDOF bid commitments...”) (emphases added).

<sup>42</sup> Comments from Le Sueur County and Pine County, filed in Docket 22-221, should be considered in the same light—there is nothing stopping Petitioners’ members from building out in those counties, and the revocation that Petitioners propose would only delay the investment of federal RDOF funds into those counties.

<sup>43</sup> Conspicuously absent from the Petition are any “new facts” about LTD’s compliance with Minnesota ETC requirements. As noted above, when it granted the *LTD Expansion Order*, the Commission required LTD to submit a compliance filing, within ten days, addressing various issues. LTD timely submitted that filing.

Third, Petitioners provide no support for their allegations about the “great risk” that there will be no other federal broadband funding sources available. Such bald conclusions cannot bear on the qualifications of LTD to retain its expanded ETC designation. And Petitioners’ allegations are speculative—it cannot be determined at this time, whether and to what extent funds might be available through other federal, state, or local programs.<sup>44</sup>

At bottom, the Petition should be considered a fishing expedition brought by companies that are frustrated that they were underbid. Their rampant conjecture about LTD’s ability to meet its ETC requirements cannot be the basis to open a new proceeding.

**D. The Most Important Fact Remains Unchanged—Expansion of LTD’s ETC Designation Is in the Public Interest**

Based on a record that included comments from the Department, the OAG, and MTA, the Commission found that expansion of LTD’s ETC designation was in the public interest because it would bring a large amount of federal funding to expand broadband access in Minnesota:

...the Commission finds that the requested ETC designation is in the public interest because it will allow LTD to accept \$311,877,936.40 in federal support to bring high-speed broadband and voice service to 102,005 locations, connecting previously unserved or underserved Minnesotans to fast, reliable service. These developments will advance the state’s policy goals to bring high-speed broadband access to all Minnesota homes and businesses and to support universal service, encourage efficient deployment of infrastructure, and promote customer choice with respect to telecommunications services.<sup>45</sup>

There is nothing in the Petition—no “new facts”—that could, if true, change this public interest analysis. LTD is on track to invest these federal funds in Minnesota and thereby advance the State’s policy goals. Revocation of LTD’s ETC designation, as Petitioners seek, would completely disrupt the public interest objectives on which the Commission’s *LTD Expansion*

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<sup>44</sup> LTD is aware that at least one county, Pine County, will be making available \$250,000 in ARPA funds for broadband deployment. As stated in the letter attached as **Attachment A** hereto, LTD plans to apply for these funds to further accelerate its deployment in Pine County.

<sup>45</sup> *LTD Expansion Order* at 8.

*Order* rested: rural Minnesotans would lose the benefit of a significant federal investment of RDOF funding. Although there are other federal and state broadband investment programs on the table, there is little certainty at this time about how much funding might be available, when it might be available, and where it might be available. Moreover, if the Commission were to allow ETC revocation proceedings to be initiated, upon petition, against any ETC that the Commission has designated, the result would be substantial disruption and uncertainty for all Minnesota ETCs.

The SDPUC's decision, on which Petitioners rely, is based entirely on the public interest standard set forth in South Dakota's ETC rule.<sup>46</sup> The South Dakota rule was adopted in 2006, apparently in response to the FCC's 2005 Order establishing a public interest standard for use when considering whether wireless carriers could be competitive ETCs; back then, the focus was on voice service and the competitive effects of wireless carriers on rural incumbents.<sup>47</sup> South Dakota's outdated public interest standard is not what the Commission has used, or should use, when considering ETC designations in Minnesota for purposes of eligibility for federal broadband funds.<sup>48</sup> Petitioners are correct in their assertion that state commissions must decide whether an applicant is qualified to be an ETC,<sup>49</sup> but it would be wholly inappropriate for LTD's ETC status to be revoked in Minnesota based on application of South Dakota's outdated public interest standard.

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<sup>46</sup> Petition at A-10 (restating ARSD 20:10:32:43.07).

<sup>47</sup> See 32 South Dakota Rules 231 (adopting ARSD 20:10:32:43.07 effective July 10, 2006); *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, REPORT AND ORDER, FCC 05-46 (rel. Mar. 17, 2005), ¶¶ 40-57 (discussing impact on the Universal Service Fund, "creamskimming," and other issues addressed in ARSD 20:10:32:43.07).

<sup>48</sup> To illustrate how out-of-date South Dakota's public interest analysis is, it is worth comparing South Dakota's public interest rule to the FCC's public interest requirements for RDOF applicants. See 47 C.F.R. § 54.805.

<sup>49</sup> Petition at 9-10.

### III. CERTIFICATION FOR LTD'S USE OF SUPPORT SHOULD BE ADDRESSED IN THE COMMISSION'S ALREADY-ROBUST CERTIFICATION PROCESS

By October 1, 2022, the State of Minnesota must submit its annual certification to the FCC and USAC indicating that “all federal high-cost support provided to such [eligible telecommunications] carriers within that State was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.”<sup>50</sup> Petitioners contend that “[t]here is insufficient information in LTD’s track record, experience, or even planning to support such an attestation by the Commission,” and ask the Commission to “decline to certify LTD for 2023 funding.”<sup>51</sup>

The Commission has already established robust requirements and procedures for gathering the information to make its 2022 certifications regarding use of support.<sup>52</sup> Each year, the Department undertakes a rigorous review of each ETC’s adherence to the applicable requirements. There is no basis for the Commission to do anything in Petitioners’ requested docket that would create or consider additional ETC certification requirements for LTD.

For its RDOF locations, LTD has not received high-cost support in 2021, so it is not required to file Form 481 this year. The draft Instructions for Form 481 state clearly that “[e]ligible telecommunications carriers (ETCs) that *receive* federal high-cost universal service

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<sup>50</sup> 47 C.F.R. § 54.314(a).

<sup>51</sup> Petition at 13, 3.

<sup>52</sup> *In the Matter of the Annual Certification Related to Eligible Telecommunications Carriers’ (ETCs) Use of Federal Universal Service Support Required Pursuant to 47 C.F.R. § 54.313*, No. P-999/PR-22-8, NOTICE OF COMPLIANCE FILING PERIOD (rel. May 23, 2022).

support (high-cost support) are required to provide the data identified in 47 C.F.R. § 54.313.”<sup>53</sup> Accordingly, it would seem appropriate for the Department and OAG to advise the Commission as to whether the State should submit the annual certification with respect to LTD’s RDOF locations. If the State is required to submit the annual certification with respect to LTD’s RDOF locations, then the State should make the certification on the basis of the information that LTD (and every other Minnesota ETC) will provide as set forth in Docket 22-8. The opening of a new docket (much less an evidentiary hearing), as Petitioners propose, is not required for that process.

Petitioners seem to suggest that unlike every other ETC in the State, certification of LTD’s use of federal universal service support should be based on LTD’s “track record, experience and planning.”<sup>54</sup> But analysis of such issues is not contemplated by Section 54.314(a), and the Commission should not consider those issues as part of the annual certification process. In fact, this novel standard is so ill-defined that it could be construed to require the State to examine the track record and experience of Petitioners’ members’ non-deployment in the areas where LTD successfully bid for RDOF support and conclude that it cannot make the annual certification with respect to those ETCs. There is no basis for Petitioners’ efforts to create a new standard for the Commission’s certification of use of support.

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<sup>53</sup> See Instructions for Completing 54.313 / 54.422 Data Collection Form (Draft) at 2, *available at* <https://www.usac.org/wp-content/uploads/high-cost/documents/Forms/FCC-Form-481-Instructions.pdf> (emphasis added). See also *id.* at 4 (“Section 54.313 requires all ETCs receiving high-cost support to file annual reports regarding compliance with the Commission’s rules and progress toward its universal service goals.”) LTD is required to submit Form 481 for its CAF support.

<sup>54</sup> LTD submits that its track record, experience, and planning are strong, based on its record as a CAF recipient for which the State has previously provided the annual certification, its success in providing broadband service in Minnesota and its track record and its experience providing Gigabit fiber service.

#### **IV. IF A PROCEEDING IS OPENED, IT SHOULD BE NARROW IN SCOPE AND SHOULD BE EXPEDITED**

For all the reasons set forth above, LTD strongly opposes any proceeding being initiated in response to the Petition. But if a proceeding is opened, it should proceed far faster than the schedule proposed by Petitioners. That schedule appears to be designed intentionally to drag on into December 2022, in a manner that would likely be exploited to cast into doubt state certifications of support due October 1, and perhaps delay the FCC's authorization of RDOF support to LTD. LTD proposes instead that if a proceeding is opened, it should go forward on a highly expedited basis, under Minn. § 237.61, with (a) no discovery; and (b) pre-filed initial testimony/statements of fact due in mid-July and responsive testimony/briefs due in early August, such that the Commission's decision can be issued in September.<sup>55</sup>

If the Commission decides to allow discovery, or concludes that it is necessary for it to review LTD's RDOF long-form application, the Commission must adopt strict confidentiality provisions, including "attorneys eyes only" protections, to ensure that the highly sensitive proprietary information in LTD's long-form application does not end up in the hands of the Petitioners or their members. Petitioners' proposed Protective Order (Attachment B to the Petition) is a tolerable start but is not fully adequate to protect LTD's interests and competitively-sensitive information. If and when necessary, LTD will work directly with concerned parties to develop a more appropriate Protective Order.

#### **CONCLUSION**

It is of the utmost importance that the Commission understand the context of the Petition. LTD won RDOF funding because the amount of federal subsidies it seeks to deploy Gigabit

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<sup>55</sup> In their discussion of a proposed expedited proceeding, Petitioners cite to Minn. R. 7812.1400 and 7811.1400. Petition at 25, n. 76. For the reasons discussed above, these rules are not applicable here.

fiber-to-the-home service in rural areas is lower than incumbents like Petitioners' members asked for. LTD's efficient use of RDOF funding will be a boon for Minnesota's rural residents, who urgently need reliable broadband access, but Petitioners perceive it as a threat to their members' business model. Petitioners seek to prevent LTD from using RDOF funding—which is already well underway toward being implemented—now, in the hope that at some unspecified time in the future they can obtain some unspecified amount of funding from some unspecified source to perform the same buildout at a higher cost. This would be a deeply unwise policy decision for the Commission, because it would thwart a very large federal investment in Minnesota's broadband infrastructure.

The Petition is procedurally improper, legally suspect, factually groundless, and motivated by competitive concerns, rather than by a concern for the public interest. LTD respectfully requests that the Commission wholly reject the Petition—no proceeding at all should be opened.

**TAFT STETTINIUS & HOLLISTER LLP**

Dated: June 1, 2022

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*Attorneys for LTD Broadband LLC*

# Exhibit A



PO Box 3064 | Blooming Prairie, MN 55917

June 1, 2022

Pine County

Attn: Lezlie Sauter [Lezlie.Sauter@co.pine.mn.us](mailto:Lezlie.Sauter@co.pine.mn.us)

635 Northridge Dr NW

Suite 200

Pine County, MN 55063

Dear Ms. Sauter,

We recently were notified of the letter you wrote to the Minnesota Public Utilities Commission regarding broadband funding in Pine County. While we certainly empathize with Pine County and the current state of your broadband capabilities, we would like to provide clarity on how and why LTD Broadband will be an asset to the unserved and underserved locations in Pine County.

In your letter you stated that LTD Broadband is essentially a small wireless broadband provider. That is incorrect. LTD provides both fixed wireless *and* fiber connections in eight states (Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, and Wisconsin) and our coverage area covers well over 50,000 square miles. We have more than 166 employees and 18,415 customers.

You have concerns about our understanding of your topography, current infrastructure, and demographics. We are a Minnesota-based company and have a keen understanding of your topography. Before we ever build a project, we engineer it on site with our crew. We field all of our own data.

LTD Broadband has existed entirely on building very rural networks. Today, we are currently building fiber networks in four different states in areas far more rural than Pine County. In one of our current projects, we are building a 10-mile route with only two houses per mile. We average building one mile of fiber per day per crew. For a project like Pine County, we simply increase the number of crews we have working in the area. Our track record is far from unproven.

As another point of clarification, although the FCC's funding term is 10 years, LTD Broadband, and every other RDOF recipient, has six years (not 10) to complete the buildout. The FCC has a

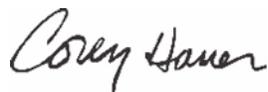
rigid enforcement regime in place to ensure that we meet our milestones and provide the Gigabit download speeds we have committed to provide.

We understand that, earlier this month, the Pine County Board approved allocating \$250,000 in American Rescue Plan Act funds for its first round of broadband grants. As your letter notes, “Ideally, the RDOF funds could flow into Pine County and be used by a broadband provider to bring fiber to the home. ARPA and RDOF funding could work together and along a similar timeframe to bring broadband service to all our residents.” LTD believes that the additional ARPA funding would assist LTD in providing fiber broadband to the residents of Pine County, either as a complement to our RDOF support or as standalone funding, so that residents will not be “locked out.” Rather than suggesting that “providers will not be willing to step into these areas until LTD is no longer in the picture,” we suggest that the County consider our application for that funding and the benefits that additional support would bring to your citizens – accelerated buildout of fiber services to unserved rural locations. We look forward to applying for that funding.

Finally, we note that your proposals are outside the scope of the Minnesota PUC’s authority, and there is no mechanism to extend the ARPA deadlines (only Congress can do that) or redirect RDOF funding to counties.

We would be more than happy to work with you and be an asset to Pine County to mitigate unserved and underserved households. I hope we were able to answer some of the questions and concerns you had about our ability to complete RDOF. In the event you still have lingering doubt I am always happy to meet with you to put those doubts at ease.

Sincerely,

A handwritten signature in cursive script that reads "Corey Hauer".

Corey Hauer  
CEO  
LTD Broadband

## 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 1st day of June, 2022, she filed a true and correct copy of LTD Broadband LLC's **COMMENTS** by posting the same on [www.edockets.state.mn.us](http://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
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
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

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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

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_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