

NOTICE OF COMMENT PERIOD

Issued: May 11, 2022

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

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

PUC Docket Number(s): P-6995/M-21-133

P-558, P-6995/M-22-221

Comment Period: Initial comment period closes June 1, 2022 at 4:30pm
Reply comment period closes June 8, 2022 at 4:30pm

Comments received after the close of the comment period may or may not be considered by the Commission.

Issue: Should the Commission initiate a proceeding to develop a record to determine whether LTD Broadband’s expanded ETC designation should be revoked?

Topic(s) Open for Comment:

- Should the Commission initiate a proceeding to consider revoking LTD Broadband LLC expanded ETC designation, which was granted in the Commission’s June 3, 2021, Order Approving Petition for ETC Designation in Certain Census Blocks, and address LTD’s certification for Rural Digital Opportunity Fund (RDOF) funding in 2023?
- If the Commission initiates a proceeding:
 - Should the proceeding be conducted as an expedited proceeding under Minn. Stat. §237.61?
 - Should the matter be referred to the Office of Administrative Hearing (OAH) for a contested case proceeding pursuant to Minn. Rule 7829.1000? or
 - Some other procedure?

- If the Commission uses an expedited proceeding, should the Commission designate a lead Commissioner or a sub-committee of Commissioners under Minn. Stat. §216A.03 subd. 8 or 9? And should this proceeding include a cross-examination of parties?
- Should the Commission adopt one of the schedules proposed by the petitioners? Or a schedule proposed by one of the other parties? Or delegate scheduling to the designated lead commissioner, subcommittee of commissioners, or administrative law judge (ALJ)?
- Should the Commission order LTD to submit its FCC RDOF long form application to the Commission?
- Are there other issues or concerns related to this matter?

Background

On June 3, 2021, the Commission issued an Order that expanded LTD Broadband's (LTD) ETC designation to include approximately 102,000 additional locations in Minnesota ("LTD Expansion Order"). LTD sought that designation to qualify for \$311 million in support under the federal Rural Digital Opportunity Fund ("RDOF") to build and operate a fiber-to-the-premise ("FTTP") broadband network in Minnesota.

On May 6, 2022, the Minnesota Telecom Alliance (MTA) and Minnesota Rural Electric Association (MREA) jointly submitted a petition under Minn. Stat. § 216A.05 subd. 5 to initiate a proceeding to revoke the expanded eligible telecommunications carrier (ETC) designation of LTD and deny LTD's certification for 2023. The petitioners believe that newly available facts show that LTD cannot meet the extensive commitments it made to qualify for RDOF funding for approximately 102,000 locations in Minnesota.

Filing Requirements: Utilities, telecommunications carriers, official parties, and state agencies are **required** to efile documents using the Commission's electronic filing system (eFiling). All parties, participants, and interested persons are encouraged to use eFiling at:

<https://www.edockets.state.mn.us/EFiling>

Full Case Record: See all documents filed in this matter on the Commission's website at: mn.gov/puc/edockets, select *Go to eDockets Project Database*, enter the year (21) and the docket number (133), and select *Search*.

Subscribe: To receive email notification when new documents are filed in this matter visit:

<https://www.edockets.state.mn.us/EFiling> and select *Subscribe to Dockets*.

Questions about this docket or Commission process and procedure? Contact Commission staff, Marc Fournier, at Marc.Fournier@state.mn.us or 651-201-2214 or Sally Anne McShane, at Sally.Anne.McShane@state.mn.us or 651-201-2224.

Change your mailing preferences: Email docketing.puc@state.mn.us or call Leesa Norton at 651-201-2246.

To request this document in another format such as large print or audio, call 651-296-0406 (voice). Consumers with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

CERTIFICATE OF SERVICE

I, Chrishna Beard, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

**Minnesota Public Utilities Commission
NOTICE OF COMMENT PERIOD**

Docket Number **P-6995/M-21-133, P-558, P-6995/M-22-221**

Dated this 11th day of May, 2022

/s/ Chrishna Beard

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	Electronic 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	Electronic 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