

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE PUBLIC UTILITIES COMMISSION

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

**ORDER ON MOTION TO  
INTERVENE BY THE INSTITUTE  
FOR LOCAL SELF-RELIANCE**

In the Matter of a Petition to Initiate a  
Proceeding to Revoke the Expanded Eligible  
Telecommunications Carrier Designation of  
LTD Broadband LLC and Deny LTD's  
Funding Certification for 2023

This matter is pending before Administrative Law Judge James E. LaFave.

Andrew M. Carlson and Peter E. Madsen, Taft Stettinius & Hollister LLP, and  
Stephen E. Coran, Lerman Senter, PLLC, appeared on behalf of LTD Broadband LLC  
(LTD).

Richard J. Johnson, Dan Lipschultz (of counsel), and Katherine J. Marshall,  
Moss & Barnett, A Professional Association, appeared on behalf of the Petitioners  
Minnesota Telecom Alliance (MTA) and Minnesota Rural Electric Association (MREA)  
(collectively Petitioners).

Richard E.B. Dornfeld Assistant Attorney General, appeared on behalf of the  
Minnesota Department of Commerce (Commerce).

Joseph Meyer, Assistant Attorney General, appeared on behalf of the Office of  
the Attorney General–Residential Utilities Division (OAG).

Marc Fournier and Sally Anne McShane appeared on behalf of the staff of the  
Minnesota Public Utilities Commission.

On September 16, 2022, the Institute for Local Self-Reliance (ILSR) filed a  
Motion to Intervene (Motion). LTD filed an objection to the Motion on September 23,  
2022.

Based on all the files and proceedings of the matter, the Administrative Law  
Judge makes the following:

## ORDER

1. The Motion of Institute for Local Self-Reliance is **GRANTED**.
2. The Institute for Local Self-Reliance is admitted to this proceeding as a full party.
3. The Institute for Local Self-Reliance will file a Notice of Appearance at its earliest convenience but in no event later than January 27, 2023.

Dated: January 18, 2023

  
JAMES E. LAFAVE  
Administrative Law Judge

## MEMORANDUM

The ILSR has petitioned to intervene in this case. The standards for intervention are set out in Minn. R. 1400.6200, subp. 1 (2021), which states:

Subp. 1. **Petition.** Any person not named in the notice of hearing who desires to intervene in a contested case as a party shall submit a timely written petition to intervene to the judge and shall serve the petition upon all existing parties and the agency. Timeliness will be determined by the judge in each case based on the circumstances at the time of filing. The petition shall show how the petitioner's legal rights, duties, or privileges may be determined or affected by the outcome or that petitioner's participation is authorized by statute, rule or court decision; and shall set forth the grounds and purposes for which intervention is sought and shall indicate petitioner's statutory or legal right to intervene, if one should exist. The agency may, with consent of the judge, and where good reason appears therefore, specify in the notice of and order for hearing or prehearing the final date upon which a petition for intervention may be submitted to the judge.<sup>1</sup>

The ILSR is a Minnesota-based nonprofit organization that focuses on building an American economy driven by local priorities.<sup>2</sup> The ILSR works with a diverse group of allies, partners, and local communities on policies to improve local internet access.<sup>3</sup>

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<sup>1</sup> Minn. R. 140.0900, subp. 1 (2021).

<sup>2</sup> MOTION TO INTERVENE OF THE INSTITUTE FOR SELF-RELIANCE at 1 (Sept. 19, 2022) (Mot. to Intervene). (eDocket No. 20229-189136-01).

<sup>3</sup> *Id.*

LTD objects to the intervention of the ILSR. LTD argues that ILSR failed to make the required showing under Minn. R. 1400.6200 (2021) and that ILSR failed to demonstrate that its interests will not be adequately represented by other parties — for example Commerce and the OAG.<sup>4</sup>

ILSR is an advocacy non-profit that works with groups and local communities to improve local internet access.<sup>5</sup> It also asserts it can provide insights related to broadband access, funding, and deployment in Minnesota.<sup>6</sup> Rural communities in Minnesota will be affected by the outcome of this contested case proceeding.

ILSR states it “represents interests of communities that are not necessarily represented by any other part[y] to this proceeding.”<sup>7</sup> Admitting this group as a party to this matter will ensure that the specific interests of those local communities are adequately represented in this contested case proceeding. ILSR has established a sufficient basis to meet the requirements of Minn. R. 1400.6200.

**J. E. L.**

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<sup>4</sup> LTD BROADBAND LLC’S OBJECTION TO THE INSTITUTE FOR LOCAL SELF-RELIANCE’S MOTION TO INTERVENE at 1 (Sept. 22, 2022). (eDocket No. 20229-189136-01).

<sup>5</sup> Mot. to Intervene.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

January 18, 2023

See Attached Service List

**Re: *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 Designation of LTD Broadband LLC and Deny LTD's Funding Certification for 2023***

**OAH 60-2500-38516  
MPUC P-6995/M-21-133  
MPUC P-588, P-6995/M-22-221**

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **ORDER ON MOTION TO INTERVENE BY THE INSTITUTE FOR LOCAL SELF-RELIANCE** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7845, [samantha.cosgriff@state.mn.us](mailto:samantha.cosgriff@state.mn.us), or via facsimile at (651) 539-0310.

Sincerely,

  
SAMANTHA COSGRIFF  
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
PO BOX 64620  
600 NORTH ROBERT STREET  
ST. PAUL, MINNESOTA 55164

**CERTIFICATE OF SERVICE**

<p>In the Matter of the Petition of LTD Broadband LLC to Expand Its Designation as an Eligible Telecommunications Carrier</p> <p>In the Matter of a Petition to Initiate a Proceeding to Revoke the Expanded Eligible Telecommunications Carrier Designation of LTD Broadband LLC and Deny LTD's Funding Certification for 2023</p>	<p>OAH Docket No.:  60-2500-38516  MPUC P-6995/M-21-133  MPUC P-588, P-6995/  M-22-221</p>
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On January 18, 2023, a true and correct copy of the **ORDER ON MOTION TO INTERVENE BY THE INSTITUTE FOR LOCAL SELF-RELIANCE** was served by eService, and United States mail, (in the manner indicated below) to the following individuals:

First Name	Last Name	Email	Company Name
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