

**BEFORE THE
NORTH DAKOTA PUBLIC SERVICE COMMISSION**

Application of LTD Broadband LLC for)
Designation as an Eligible)
Telecommunications Carrier for the Purpose) Docket No.
of Providing Services Supported by the)
FCC’s Rural Digital Opportunity Fund)
)

**VERIFIED APPLICATION OF LTD BROADBAND LLC FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER**

LTD Broadband LLC (LTD Broadband or the Company), by its counsel, respectfully submits this Application for Designation as an Eligible Telecommunications Carrier (ETC) pursuant to section 214(e)(2) of the Communications Act of 1934, as amended (the Act), section 54.201 *et seq.* of the rules of the Federal Communications Commission (FCC), and applicable provisions of 291 North Dakota Administrative Code, Chapter 5, §009. LTD Broadband requests that the North Dakota Public Service Commission (PSC) grant it designation as an ETC in the proposed service area for purposes of receiving support from the federal Universal Service Fund (USF), including support through the FCC’s high-cost USF program. Specifically, LTD Broadband seeks designation as an ETC on or before June 7, 2021 to receive funding awarded to the Company through the recently completed Rural Digital Opportunity Fund (RDOF) Auction so that it can deploy broadband and voice communications in certain unserved territories in North Dakota.

LTD Broadband was a successful bidder in the recently completed RDOF Auction, where it will be awarded high-cost funding to extend broadband and digital voice services into seventeen (17) census block groups (CBGs) in rural North Dakota for 831 currently unserved locations. See Exhibit 1 for the list of census block groups. Because the RDOF support is

essential to LTD Broadband's ability to extend service in rural North Dakota, the Company respectfully requests that the PSC expeditiously review and approve this Application.

I. Introduction

A. The Company

LTD Broadband is a privately-held limited liability company formed in the State of Nevada in October 2010. The Company's principal place of business is 69 Teahouse Street, Las Vegas NV 89138. Mr. Corey Hauer holds a 100% controlling interest in the Company. LTD Broadband has grown from a single water tower site in Rose Creek, Minnesota in 2011 to a network of over 2150 broadcast sites covering over 50,000 square miles servicing 16,000 customers. Currently LTD Broadband offers service in Iowa, Kansas, Minnesota, North Dakota, South Dakota and Wisconsin. LTD Broadband continues its rapid expansion of its footprint averaging 30 new broadcast sites each month. LTD Broadband is also overbuilding much of its existing fixed wireless footprint with 5G millimeter wave fixed wireless equipment to enable gigabit speeds. LTD Broadband operates an extensive fiber network with geographically dispersed redundant paths to insure maximum reliability and throughput its tower network. LTD Broadband believes it is one of the fastest growing and largest providers (by coverage area) of fixed-wireless broadband in the country. For the RDOF areas, LTD Broadband intends to deploy fiber to the home (FTTH) in the last mile using GPON and XGPON technology to offer speeds up to 10 Gbps. Middle mile connections may utilize multi-gigabit fixed-wireless transmission paths in certain instances.

LTD Broadband is registered to conduct business in North Dakota, and the Company's certificate of good standing from the North Dakota Secretary of State is attached as Exhibit 2. Additionally, LTD Broadband has registered with the PSC as a telecommunications service

provider per §49-03.1-09. The Company affirms that it will not partner with another entity in providing the services as an ETC.

B. Contacts

All correspondence, communications, pleadings, notices, orders, inquiries and decisions relating to this Application should be addressed to:

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C. RDOF Auction

The FCC established the RDOF to continue its efforts to accelerate deployment of high-speed fixed broadband service capable of speeds of at least 25 Mbps download and 3 Mbps upload to unserved and underserved Americans in rural areas.¹ The Phase I auction awarded funds to serve areas that are wholly unserved by fixed broadband service at speeds of 25/3 Mbps.² Phase II will award funds to serve areas that are only partially served and census blocks unawarded in the Phase I auction.³

On December 7, 2020, the FCC issued a Public Notice wherein LTD Broadband was awarded \$1,320,920,718.60 in funding over ten years to serve a total of 528,088 locations in

¹ See *Rural Digital Opportunity Fund; Connect America Fund*, WC Docket Nos. 14-259 and 10-90, Report and Order, FCC 20-5, ¶ 4 (Feb. 7, 2020) (RDOF Order).

² *Id.*, ¶¶ 5, 9.

³ *Id.*

fifteen states.⁴ In North Dakota, the Company was awarded \$857,431.80 over ten years to build out and operate a network for advanced communications serving 831 unserved locations in 17 census block groups.⁵ The FCC requires a company that is awarded support to obtain an ETC designation (encompassing receipt of high-cost support) for the areas covered by its successful bids within 180 days after being announced as a winning bidder (*i.e.*, by June 7, 2021).⁶

II. Federal Communications Act

A state commission may, upon its own motion, or upon request, designate a common carrier to be an ETC for purposes of receiving universal service support in accordance with section 214I(2) of the Act. Designated ETCs must comply with the requirements of section 214I(1), which states:

A common carrier designated as an eligible telecommunications carrier . . . shall be eligible to receive universal service support in accordance with section 254 and shall, throughout the service area for which the designation is received –

(A) offer the services that are supported by the Federal universal service support mechanism under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier’s services (including the service offered by another eligible telecommunications carrier); and

(B) advertise the availability of such services and the charges therefor using media of general distribution.

Section 214(e)(2) of the Act and section 54.201(c) of the FCC’s rules state that the state commission may, in the case of an area served by a rural telephone company – and shall, in the case of all other areas – designate more than one common carrier as an ETC for a service area the state commission designates, provided that each additional requesting carrier satisfies section

⁴ Rural Digital Opportunity Fund Phase I Auction (AUCTION 904) Closes, Winning Bidders Announced, FCC Form 683 Due January 29, 2021, FCC AU Docket No. 20-34, WC Docket No. 10-90 (December 7, 2020).

⁵ *See id.*

⁶ *See* RDOF Order at ¶ 81.

214(e)(1) of the Act and section 54.201(d) of the FCC's rules. Before designating an additional ETC for an area served by a rural telephone company, section 214(e)(2) of the Act says that the state commission shall find that such designation is in the public interest.

III. Description of Service Area

LTD Broadband requests ETC designation for a service area that includes the census blocks in North Dakota where it has been awarded RDOF support. A list of these census blocks is provided in Exhibit 1. In the RDOF Order, the FCC granted forbearance "from the statutory requirement that the ETC service area of [an RDOF] participant conform to the service area of the rural telephone company serving the same area."⁷

IV. LTD Broadband Satisfies the Requirements for ETC Designation

A. LTD Broadband is a Common Carrier

As noted above, LTD Broadband holds FCC wireless licenses, on a common carrier basis, for the provision of fixed wireless services. The Company will utilize these existing (and additional) wireless licenses, as well as owned and leased fiber and other network assets to provide services in North Dakota. Moreover, LTD Broadband will provide supported services on a common carrier basis, as defined in the Act and permitted by the FCC. Consequently, LTD Broadband is a common carrier.

B. LTD Broadband Will Offer the Supported Services Throughout its ETC Designated Service Area

LTD Broadband commits to provide (i) voice grade access to the public switched telephone network (PSTN) or its functional equivalent; (ii) minutes of use for local service provided at no additional charge to end users; (iii) access to emergency services; and (iv) toll

⁷ RDOF Order, ¶ 93.

limitation services to qualifying low-income consumers as provided in accordance with 47 C.F.R. §§ 54.400 *et seq.* throughout the service area for which ETC designation is received.

Voice Grade Access to the Public Switched Telephone Network

LTD Broadband will provide voice-grade access to the PSTN by providing interconnected VoIP service throughout its designated service area. This plan complies fully with the FCC's universal service rules and orders. In the 2011 USF Transformation Order, the FCC established the Connect America Fund (CAF) and found that its authority to promote universal service did not depend on the classification of interconnected VoIP as a telecommunications service or an information service and that "ETCs may use any technology in the provision of voice telephony service." Currently, the Company provides an extensive range of service offerings for residential, business and government customers, including broadband Internet Access and VoIP, available at several price levels and upload/download speeds. At this time, LTD Broadband delivers retail plans with download speeds of up to 50 Mbps. Supported by RDOF funding, the Company expects to build networks that will enable it to develop service plans with download speeds up to 1 Gbps. LTD Broadband expects to offer a similar selection of plans (albeit incorporating improved upper-end download speeds) in North Dakota.

i. Minutes of Use for Local Service

"Local usage" means an amount of minutes of use of exchange services, prescribed by the FCC, provided free of charge to end users." The FCC has not specified a minimum amount of local usage that a wireline ETC must offer. LTD Broadband will meet the local usage requirement by including unlimited local calling in its rate plans. The Company commits to comply with any minimum local usage requirements adopted in future by the FCC or by this Commission.

ii. Access to Emergency Services

LTD Broadband complies fully with the FCC's requirements for 911/E911 service provided in connection with VoIP services. In particular, the Company complies with the requirements of Section 9.5 of the FCC's rules. At the time of service installation, LTD Broadband confirms with each subscriber the correct physical address (or Registered Location) for the service. In addition, the Company notifies each subscriber about the need to promptly update his or her Registered Location in the event the subscriber changes locations, to ensure that future emergency calls are correctly routed. Subscribers are made aware that this update can be easily achieved via a telephone call to customer service or through the LTD Broadband customer portal. Finally, each subscriber is informed that certain circumstances may interfere with emergency calls made using the VoIP service, including, e.g., unreported changes to a subscriber's Registered Location, power outages and broadband network connectivity loss. The Company currently provides its VoIP customers with access to 911/E911 emergency services through an arrangement with Inteliquent, a certified telecommunications carrier in North Dakota. Emergency calls from LTD Broadband customers are connected to Inteliquent's network via high speed Session Interface Protocol (SIP) trunks at LTD Broadband's datacenters. The SIP trunks are configured for High Availability IP to ensure maximum call processing effectiveness. As an ETC, LTD Broadband will continue to provide access to these critical services to customers throughout its service territory.

iii. Toll Limitation for Qualifying Low-Income Consumers

At this time, LTD Broadband does not distinguish between local exchange and long distance calls in its voice offering. Consequently, those LTD Broadband plans that include voice services do not apply any additional charge for interexchange calls. If, in the future, LTD Broadband offers a service plan that does distinguish between toll and non-toll calls – and which

makes additional charges for toll calls possible – the Company will offer toll limitation service to qualifying low-income consumers at no additional charge.

C. LTD Broadband Will Satisfy the “Own Facilities” Requirement for ETC Designation

LTD Broadband commits that, throughout its service area, it will comply with Section 214I(1) of the Act and offer supported services “either using its own facilities or a combination of its own facilities and resale of another carrier’s services.” The Company provides service using a combination of network facilities and technologies. Its last-mile voice and broadband services are provided using fiber and fixed wireless microwave platforms. For its transport backbone, the Company relies upon point-to-point licensed wireless connections, owned fiber, leased dark fiber and Ethernet. In North Dakota, LTD Broadband will deploy similar network arrangements to provide supported voice services and meet broadband requirements for RDOF support.

D. LTD Broadband Will Advertise the Availability of its Services

LTD Broadband will advertise the availability of the supported services throughout its designated service areas using direct mail. LTD Broadband agrees to comply with all form and content requirements for advertising that are adopted by the FCC or this Commission and that are required of all similarly designated ETCs. As discussed in its Application, LTD Broadband commits to direct advertising specifically towards Lifeline-eligible customers in the awarded census locations. This Lifeline services advertising will comply with the content requirements of FCC rule section 54.405I, stating in “easily understood language, that it is a Lifeline service, that Lifeline is a government assistance program, the service is non-transferable, only eligible consumers may enroll in the program, and the program is limited to one discount per household.” These content points will be included in all Lifeline service- related materials issued

by the Company, including print, broadcast and web-posted marketing materials as well as the materials used for customer enrollment and recertification. Provided as Exhibit 3 is a sample draft of the Company's advertising.

E. Consumer Protection and Service Quality Standards

LTD Broadband considers service quality and compliance with consumer protection standards to be integral to its operations. Consequently, throughout its more than eleven-year history of providing communications services, the Company has consistently prioritized customer service and dedicated the necessary resources to ensure customer satisfaction. The Company has not been the subject of any serious consumer complaints or investigations. At this time, LTD Broadband complies with all state and federal consumer protection requirements applicable to its operations. Upon designation as an ETC in North Dakota, LTD Broadband will comply with applicable consumer protection and service quality standards, as set forth by the FCC, this Commission and the State of North Dakota. This will include compliance with all state and federal privacy standards, including the FCC's Customer Proprietary Network Information (CPNI) rules and the network performance disclosure requirements of 47 C.F.R. § 8.

F. Emergency Situation Functionality

The Company's network is designed to remain operational in emergency situations and to ensure uninterrupted service to customers. First, the network was developed, and continues to be expanded, utilizing state-of-the-art industry standard equipment and software. This ensures infrastructure durability to continue operations even under major stress events. Moreover, recognizing that no network is absolutely protected against adverse events, LTD Broadband has designed its network to provide for continued services even if one or more elements within the network temporarily fail. Throughout the layers of the Company's network, connections and transport resources are designed with redundancy to provide immediately available back-ups in

the event of power cuts or other events. LTD Broadband employs a distributed data center model with duplication and load sharing as well as uninterrupted power supply (UPS) and generator backups. All point-of-presence (POP) locations will have failover power ability along with wireless re-route backhaul ability and multiple routing options within each WAN/fiber POP tower location. Within the data center are multiple network-to-network interfaces (NNIs) with Tier 1 Internet Service Providers (ISPs) and public internet exchanges including MICE, SiX, KCIX, QCIX, and DenverIX supporting full border gateway protocol (BGP) routing to each transit carrier to ensure uninterrupted uptime for subscribers. In addition, the Company's subscribers are provided with a UPS that is intended to provide backup power for up to twenty-four (24) hours in the event of outages.

G. LTD Broadband Will Comply With all Applicable North Dakota and FCC Reporting, Remittance, and Other Regulatory Obligations

LTD Broadband will comply with all applicable North Dakota and FCC requirements with respect to fees, charges, and reports. The Company will timely pay all applicable federal, state, and local regulatory fees, including universal service and E911 fees. Furthermore, LTD Broadband will comply with the ongoing reporting requirements for ETCs as set forth, and revised from time to time, by the IURC and the FCC. Additionally, LTD Broadband commits to respond to the IURC's requests for information, including requests regarding the Company's ability to assume responsibility to serve existing customers of another ETC that operates in the Company's designated service area that relinquishes all or part its ETC designation. LTD Broadband also will comply fully with measures adopted by the FCC and the IURC to prevent waste, fraud, and abuse within the USF. Moreover, the Company will notify the IURC in the future if any factors change that would affect its eligibility for an ETC designation. In the event

that LTD Broadband determines to cease operations as an ETC, the Company will comply with the applicable relinquishment protocols of the FCC and the IURC.

V. Designation of LTD Broadband as an ETC is in the Public Interest

Designation of LTD Broadband as an ETC in North Dakota will serve the public interest by facilitating the goal of deploying voice and high-speed broadband networks in unserved and underserved rural, high-cost areas. The Company will deploy advanced communications to unserved and underserved areas in North Dakota in accordance with the goals of the RDOF program. Expedited designation of LTD Broadband will serve the public interest by ensuring that the Company is eligible to receive federal high cost USF support and deploy critical communications facilities as soon as possible. The services to be provided by the Company will provide important connectivity to rural North Dakota consumers, businesses, and community anchor institutions, including rural schools, libraries, and medical facilities.

VI. Conclusion

For the reasons set forth above, LTD Broadband respectfully requests that the PSC (i) expeditiously review and approve this Application on or before June 7, 2021; (ii) issue an Order designating the Company as an ETC in North Dakota for the specific purpose of receiving federal high cost and low-income funding; and (iii) grant such other relief as the IURC deems to be appropriate.

Respectfully submitted,



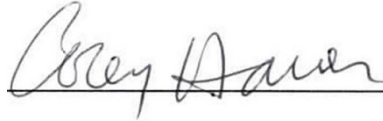
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Counsel for LTD Broadband LLC

May 6, 2021

VERIFICATION

I hereby affirm that the foregoing representations are true and accurate to the best of my knowledge and belief.

A handwritten signature in cursive script, reading "Corey Hauer", written over a horizontal line.

Corey Hauer, Owner
LTD Broadband LLC

May 6, 2021

Exhibit 1

List of RDOF Award Census Blocks in North Dakota

Census Id

380170403003

380170404002

380170404001

380170402002

380170403002

380170404003

380170102012

380170403001

380170102031

380170103051

380079631001

380899640002

380899640001

380379659001

380979701002

380979702002

380859408002

Exhibit 2
Certificate of Good Standing

State of North Dakota

SECRETARY OF STATE



Certificate of Good Standing of LTD Broadband LLC

SOS Control ID#: 0005426686

Certificate #: 020128621

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that, according to the records of this office,

LTD Broadband LLC

a Limited Liability Company - Business - Foreign was formed under the laws of NEVADA and filed with this office effective February 2, 2021. This entity has, as of the date set forth below, complied with all applicable North Dakota laws.

ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing.

DATE: May 6, 2021

A handwritten signature in black ink, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

Exhibit 3
Sample Advertisement



LIFELINE | MAKING PHONE & INTERNET MORE AFFORDABLE

LTD Broadband is a telecommunications provider who provides basic and enhanced services within its service territory, including services supported by Federal Universal Service funds and eligible for Federal Lifeline assistance.

We offer a discounted digital phone service to make calling more affordable to qualified consumers. Lifeline qualified consumers may be eligible to receive a discount on either digital phone or broadband internet service.

To qualify, a household must participate in one of the following:

- Supplemental Nutrition Assistance Program (SNAP, formerly known as Food Stamps)
- Medicaid
- Supplemental Security Income (SSI)
- Veterans and Survivors Pension Benefit
- Federal Public Housing
- Income at or below 135% of the federal poverty level

To learn more about the Lifeline program and discounts you may be eligible to receive visit the FCC's Lifeline Program page at:
<https://www.fcc.gov/consumers/guides/lifeline-support-affordable-communications>

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