



September 15, 2021

Mr. Steve Kahl, Executive Secretary
North Dakota Public Service Commission
600 East Boulevard, Suite 408
Bismarck, N.D. 58505

Dear Mr. Kahl,

Attached you will find a request for intervention status of the Broadband Association of North Dakota in Case No. PU-21-168

Please feel free to contact us with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David Crothers", written over a light blue horizontal line.

David Crothers
Executive Director

cc: Casey Furey, Counsel for LTD (via email, cfurey@crowleyfleck.com)
Victor Schock, Public Utility Analyst (via email, vschock@nd.gov)

**BEFORE THE
NORTH DAKOTA PUBLIC SERVICE COMMISSION**

Broadband Association of North Dakota)	
Petition for Intervention)	
)	Case No. PU-21-168
In the Matter of LTD Broadband ETC Application)	
)	

BAND Petition for Intervention

The Broadband Association of North Dakota (“BAND”)¹ respectfully submits this Petition for Intervention in the above captioned proceeding pursuant to ND Administrative Rule 69-02-02-05. In support of our request BAND states as follows:

1. BAND is an incorporated organization representing the interests of numerous rural telecommunications and broadband providers in the State.
2. BAND member companies are “rural telephone companies” under applicable state and federal law. BAND member companies provide communications services, including broadband, to customers within their respective service territories.
3. There are areas, outside of BAND member company rural service territories, that have limited access to broadband service. These unserved and underserved areas are, in most cases, sparsely populated high-cost areas. Absent predictable and sufficient government support, these areas are unlikely to have access to sustainable broadband services.
4. Several government agencies, including the Federal Communications Commission (“FCC”), have established programs to support and promote broadband infrastructure development. One such program, established by the FCC to target underserved or unserved areas is the Rural Digital Opportunity Fund (“RDOF”).
5. Certain areas in North Dakota qualified for inclusion in the RDOF auction due to a lack of sufficient and reliable high speed broadband service. North Dakota subscribers will

¹ The Broadband Association of North Dakota represents the interests of rural telecommunications and broadband providers in the State. Member companies include BEK Communications Cooperative, Consolidated Telcom, Dakota Central Telecom Cooperative, Dickey Rural Networks, Midstate Telephone Company, MLGC, Nemont Telephone Cooperative, North Dakota Telephone Company, Northwest Communications Cooperative, Red River Communications, Reservation Telephone Cooperative, SRT Communications, United Communications and West River Telecommunications Cooperative.

benefit from the RDOF auction only if the selected RDOF service provider is able to successfully provide and sustain the services and technology they committed to provide in their RDOF auction application.

6. LTD Broadband, LLC (“LTD” or “Applicant”) participated in the RDOF Auction. LTD was declared by the FCC to be a provisional RDOF winner in North Dakota in certain auction census blocks. The applicable census blocks are listed in LTD’s ETC application. As a provisional census block winner in North Dakota, LTD must obtain Eligible Telecommunications Carrier (“ETC”) designation in the State of North Dakota in those census blocks. On or about May 7, 2021 LTD filed an application with the NDPSC seeking such designation.
7. ND member companies have a unique interest in this proceeding. As the incumbent providers in the vast majority of the North Dakota geographic area, the BAND members companies are interested in assuring that all North Dakota citizens have access to high quality, sustainable broadband services.
8. BAND seeks intervention in this proceeding based on the individual interests of its affected member companies and their common interests in ensuring that all federal and state requirements pertaining to ETC designation are properly considered and applied by the NDPSC and that the application is in the public interest.
9. Based on the foregoing, BAND alleges it is an interested party in this matter and seeks intervening party status.

Dated this 15th day of September, 2021



David Crothers
Executive Director
Broadband Association of North Dakota