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September 29, 2021

Via Electronic Mail & Hand Delivery

ndpsc@nd.gov

Mr. Steve Kahl
Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

**In re: LTD Broadband LLC
Responses in Opposition to BAND Requests
Designated ETC Application
Case No. PU-21-168
Our File No. 061406-000001**

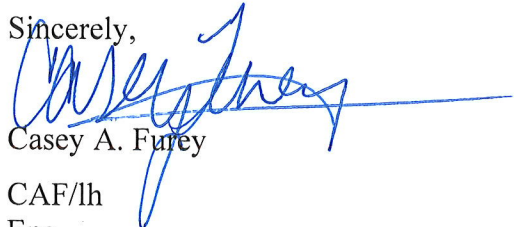
Dear Mr. Kahl:

Enclosed for filing in the above-referenced matter please find electronic and six hard copies of each of the following:

- 1) LTD Broadband LLC's Response in Opposition to BAND's Petition for Intervention (Docket No. 16), and
- 2) LTD Broadband LLC's Response in Opposition to BAND's September 27, 2021 Requests to Review Confidential Information (with Attachment A).

Please feel free to contact me with any questions.

Sincerely,



Casey A. Furey

CAF/lh
Enc.

cc: ALJ Timothy Dawson (via email & U.S. mail); David Crothers (via email & U.S. mail); John M. Schuh (via email); Brian Johnson (via email); Patrick Fahn (via email); Victor Schock (via email)

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

**LTD Broadband LLC
Designated Eligible Telecommunications Carrier
Application**

Case No. PU-21-168

**LTD BROADBAND LLC'S RESPONSE IN OPPOSITION TO
BAND'S PETITION FOR INTERVENTION**

Applicant LTD Broadband LLC ("LTD") submits this Response in Opposition to the Petition to Intervene submitted by Broadband Association of North Dakota's ("BAND"). Docket No. 16 ("BAND Petition"). BAND is an organization representing the interests of various rural telecommunications and broadband providers in the state. *See* BAND Petition, ¶ 1. BAND's intervention request should be denied. BAND has not demonstrated a statutory right or legal interest in this proceeding, or that any such right or interest would be substantially affected by this proceeding. Furthermore, BAND's intervention request fails to meet the basic statutory requirements and the Commission's rules on intervention. This alone warrants denial.

I. BACKGROUND

The Federal Communications Commission ("FCC") established the Rural Digital Opportunity Fund ("RDOF") to fund and promote the deployment of high-speed broadband in rural, high-cost unserved areas. LTD was a provisional winner in the FCC's RDOF auction for certain North Dakota census blocks (listed in Docket Nos. 1 & 13) that the FCC determined do not have high-speed broadband service available. LTD seeks designation from the Commission as an eligible telecommunications carrier ("ETC") for these specific census blocks to deploy 1 Gbps/500 Mbps of voice and broadband services.

In designating qualifying areas for RDOF funding, the FCC excluded census blocks currently served by incumbent rate-of-return local exchange carriers,¹ such as BAND's members. LTD's awarded census blocks are not served by BAND members, a fact that BAND acknowledges:

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. **Certain areas in North Dakota qualified for inclusion in the RDOF auction due to a lack of sufficient and reliable high speed broadband service.**

BAND Petition, Docket No. 16, ¶¶ 3, 5. LTD does not seek ETC designation for census blocks served by BAND members, or any portion of any BAND member's Study Area Code that lies within a census block for which the FCC has made RDOF support available. To the extent BAND's members consist entirely of rate-of-return carriers or otherwise do not offer service in the areas LTD won at the RDOF auction, it is undisputed that LTD seeks ETC designation status to deploy voice and broadband services for specific census blocks within which BAND's members have no interest. Accordingly, Band's petition to intervene should be denied.

II. Legal Standard

The Administrative Practices Act, N.D.C.C. Ch. 28-32, addresses intervention in adjudicative proceedings. Administrative agencies may grant intervention and provides:

An administrative agency may grant intervention in an adjudicative proceeding to promote the interests of justice if intervention will not impair the orderly and prompt conduct of the proceeding and if the petitioning intervenor demonstrates that the petitioner's legal rights, duties, privileges, immunities, or other legal

¹ See *Rural Digital Opportunity Fund; Connect America Fund*, Order, 35 FCC Rcd 686, 691 (2020); see, also Public Notice, Wireline Competition Bureau and Office of Economics and Analytics Release Updated List of Eligible Areas for the Rural digital Opportunity Fund Phase I Auction, 35 FCC Rcd 6499, 6504 (WTB 2020) ("As the Commission made clear in the *Rural Digital Opportunity Fund Order*, eligible areas would include census blocks served by both price cap carriers and rate-of-return carriers to the extent that the census block is in the price cap carrier's territory.³⁶ That is, only the price cap portion of the census block is eligible.").

interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of statute or rule.

N.D.C.C. § 28-32-28. Nowhere in BAND's petition does it identify a legal right or interest that will be substantially affected by this proceeding nor does it identify a right to intervene under statute or rule.

The Commission has also adopted rules relating to intervention, which echo the standards set forth in N.D.C.C. § 28-32-28 by requiring a petitioner demonstrate that it has either "a statutory right to be a party" or "a legal interest which may be substantially affected by the proceeding."

N.D. Admin. Code § 69-02-02-05. The Commission's rule on intervention provide in relevant part:

Any person with a substantial interest in a proceeding may petition to intervene in that proceeding by complying with this section. An intervention may be granted if the petitioner has a statutory right to be a party to the proceeding; or the petitioner has a legal interest which may be substantially affected by the proceeding, and the intervention would not unduly broaden the issues or delay the proceeding.

1. Contents of petition to intervene. A petition to intervene must be in writing and must set forth the grounds for intervention, the position and interest of the petitioner in the proceeding, what the petitioner would contribute to the hearing, and whether the petitioner's position is in support of or in opposition to the relief sought.

N.D. Admin. Code § 69-02-02-05. For the reasons set forth below, BAND has not demonstrated it has a substantial interest in this proceeding, nor has it identified a legal right to intervene. Even if BAND had a substantial interest, it has not demonstrated how any alleged interest would be "substantially affected" by this proceeding. Furthermore, BAND's intervention request fails to specify the necessary information for interventions required above.

III. ARGUMENT

- a. **BAND's Petition does not satisfy the statutory intervention requirements set forth in N.D.C.C. § 28-32-28 and the Commission's rules on intervention under N.D. Admin. Code 69-02-02-05. BAND's Petition should be denied.**

BAND has not demonstrated it has an interest or right that will be substantially affected in the proceeding. BAND's basis for intervention boils down to two claims it asserts in Paragraph 8 of its Petition to Intervene: (a) ensuring that governing "federal and state requirements" are "properly considered and applied" by the Commission, and (b) ensuring "that the application is in the public interest." Docket No. 16, ¶8. Neither of these reasons support intervention. Rather than identifying a right under statute or rule to be a party or pointing to a legal interest that may be substantially affected by the proceeding, BAND claims it has a right to intervene to make sure the Commission does its job.

BAND's desire to "ensure all federal and state requirements are properly considered and applied," is an attempt to opine on legal standards it believes are relevant. But opinion testimony that is couched as a legal conclusion is not helpful to the trier of fact. *See Hogan v. Am. Tel. & Tel. Co.*, 812 F.2d 409, 411 (8th Cir. 1987). Opinion testimony on legal conclusion or standards is regularly excluded as impermissible. *See In re Acceptance Ins. Companies Sec. Litig.*, 423 F.3d 899, 905 (8th Cir. 2005); *Peters v. Woodbury County, Iowa*, 979 F. Supp. 2d 901, 922-23 (N.D. Iowa 2013). This is because "[e]ach Courtroom comes equipped with a 'legal expert,' called a judge, and it is his or her province alone to instruct the [trier of fact] on the relevant legal standards." *Burkhart v. Washington Metro. Area Trans. Auth.*, 112 F.3d 1207, 1213 (D.C. Cir. 1997). The same is true here, where the Commission, and only the Commission, is the arbiter of the law in an application to be designated as an eligible telecommunications carrier.

In the same vein, BAND's desire to ensure "that the application is in the public interest" is another attempt to usurp the Commission's role as finder of fact. This role is exclusively held by the Commission. BAND is not the gate keeper of the "public interest," nor does it speak for the "general public." BAND's membership is comprised of telecommunications companies and broadband providers, and BAND has not identified a substantial interest of its own membership in this proceeding. That BAND's members provide similar types of services as those of LTD does not create a "public interest" basis for intervention. The Commission, and not BAND, has authority under state law to determine whether an applicant has met the applicable standards governing state ETC designation, and whether such designation is in the public interest. Ultimately, BAND has failed to identify a right under statute or rule entitling it to intervention, or a substantial interest in this proceeding justifying its petition. For this reason, BAND's Petition should be denied.

b. Alternatively, even if BAND had some cognizable interest or right to intervene, its application is void of any information as to what it would contribute to the proceeding. Thereby providing yet another basis for denial of its petition.

BAND's Petition has not specified what BAND would contribute to the hearing or its position in the proceeding. N.D. Admin. Code § 62-02-02-05. Nor has the petition specified the relief BAND seeks. *See id.* The Commission's prior precedent dictates that a petition devoid of such information, must be denied. *Dakota Access, LLC Dakota Access Pipeline Pump Station - Emmons Cty. Siting Application*, No. 2019-0280, 2019 WL 5788569, (Oct. 23, 2019), NDPSC Case No. PU-19-204 Docket No. 35 (herein "*Dakota Access Emmons Cty.*"). In *Dakota Access Emmons Cty.*, an intervention request before the Commission was denied where the petitioners had "not presented sufficient information to satisfy the statutory intervention requirements set forth in N.D.C.C. § 28-32-28 and N.D. Admin. Code 69-02-02-05."

Even assuming the Petitioners have a substantial interest in the proceeding, the Petition does not set forth the position and interest of the Petitioners in the

proceeding. . . . The Petition does not set forth what the Petitioner would contribute to the hearing . . . In addition, the Petition does not set forth the Petitioners' position with respect to the relief sought by the applicant. The Petitioner has not presented sufficient information to satisfy the statutory intervention requirements set forth in N.D.C.C. § 28-32-28 and N.D. Admin. Code 69-02-02-05.

Id. at *1-2. BAND's Petition suffers the same fatal flaws as the petitioners in *Dakota Access Emmons Cty.*, because it (1) fails to set forth BAND's position and interest in the proceeding; (2) fails to set forth what BAND would contribute to the hearing; and (3) fails to set forth what position BAND takes with respect to LTD's application to be designated an ETC. To approve BAND's Petition would render the Commission's intervention rules meaningless.

c. Finally, BAND's intervention into this proceeding would unduly harm LTD.

Even if a substantial legal right or interest exists that would be substantially affected by this proceeding, intervention is not warranted if it will "impair the orderly conduct of the proceeding," "unduly delay the proceeding," or "unduly broaden the issues." The Commission issued a notice of opportunity for hearing on June 9, 2021 soliciting comments and requests for hearing in this proceeding which expired July 19, 2021. Docket No. 4. BAND was previously afforded an opportunity to submit comments and/or request a hearing during the notice period. BAND submitted comments but did not request a hearing. BAND filed its intervention request on September 15, 2021, almost two months after the comment period expired. Docket No. 16. Intervention would only prolong this proceeding, preclude timely resolution, and cause unnecessary additional expense.

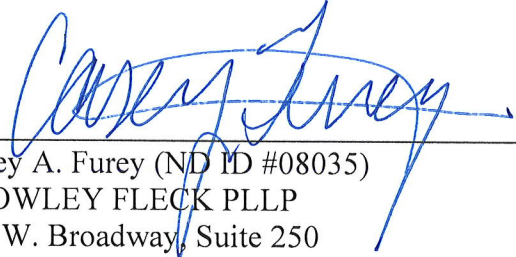
BAND's intervention would impair the orderly and prompt conduct of the proceeding. *See* N.D.C.C. § 28-32-28; N.D. Admin. Code 69-02-02-05. BAND's intervention would unduly broaden the issues in this proceeding and cause delay. By express admission BAND seeks intervention to ensure "requirements" are properly considered. The purpose of BAND's

intervention is, by its own nature, to broaden the issues to be considered in this proceeding. BAND's intervention request is an attempt to steer the proceeding which should not be allowed. Simultaneously with its intervention request, on September 15, 2021 BAND submitted a request to view information submitted by LTD under confidential protection. LTD has submitted a separate response in opposition to this request. BAND seeks review of LTD's confidential information so it can ensure the information's "accuracy and relevance" (the role of the Commission) and to "determine further course it may take in this proceeding." For the reasons further explained in LTD's Response in Opposition to BAND's Request to Review Information, BAND is not entitled to view this information. BAND cannot and should not be permitted to use the intervention process as a vehicle to try and access LTD's confidential information. BAND has not identified a legal right or interest in this proceeding that would otherwise be substantially affected, or complied with the governing intervention requirements.

IV. CONCLUSION

For all of the reasons set forth herein, BAND's Petition to Intervene should be **DENIED**.

Dated this 29th day of September, 2021.



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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

LTD Broadband LLC
Designated Eligible Carrier
Application

Case No. PU-21-168

LTD BROADBAND LLC'S RESPONSE IN OPPOSITION TO
BAND'S REQUEST TO REVIEW CONFIDENTIAL INFORMATION

LTD Broadband LLC ("LTD") submits this Response in Opposition to the Broadband Association of North Dakota's ("BAND") September 15, 2021 Requests to Review Confidential Information (Attachment A hereto). LTD's confidential filings submitted to the Commission are entitled to protection under North Dakota law, Commission rule, the policies of the Federal Communications Commission ("FCC") and the reliance interests of Rural Digital Opportunity Fund ("RDOF") applicants. BAND's request to view confidential information does not adequately set forth sufficient information to meet the Commission's requirements governing requests to review confidential information. BAND has not demonstrated that good cause exists for disclosure of LTD's information. The purpose of the request and the way BAND intends to use the confidential information are unclear. Furthermore, disclosure would prejudice LTD by exposing confidential information to competitors that otherwise have no legal interest or right in this proceeding, or good cause for reviewing LTD's confidential information.

On August 10, 2021, LTD filed certain confidential and trade secret information with the Commission under an Application to Protect Information ("Protection Application") pursuant to N. D. Admin. Code § 69-02-09-01. Docket Nos. 14 & 15. LTD sought confidential protection for certain documents provided in response to requests for information received from Commission

staff. The confidential information subject to LTD's Protection Application includes: (i) LTD's financial statements; (ii) financial information regarding costs of LTD's planned services; and, (iii) information about LTD's estimated infrastructure build out and construction plans associated with planned services to serve the RDOF-awarded census blocks in North Dakota. Subsequently, on September 15, 2021, BAND filed a Petition to Intervene (Docket No. 16). LTD has submitted a Response in Opposition to BAND's Petition to Intervene under separate cover. On September 15, BAND also filed two Requests to Review LTD's Confidential Information, requesting authorization to review LTD's Confidential Information on October 4, 2021 at the Commission's office. See Attachment A. For the reasons set forth herein, LTD's confidential information should not be disclosed and BAND's request should be denied.

I. BAND's request to view the confidential information serves as a vehicle for competitors to gain access to LTD's confidential information and should be denied.

BAND submitted two requests to review LTD's confidential information both executed by David Crothers on behalf of BAND as its Executive Director. The first request to view the confidential information is for "BEK Communications Cooperative employee Derrick Bulawa, representing BAND." Conveniently, Mr. Bulawa is the CEO of BEK Communications Cooperative,¹ a RDOF winner that obtained ETC designation from the Commission in 2021.² The second request to view the confidential information is for "Consortia Consulting employee Carissa Swenson, representing BAND" (Bulawa and Swenson requests collectively, the "BAND's

¹ See Case No. PU-20-458, Docket No. 1, BEK Communications Cooperative Application for ETC, <https://psc.nd.gov/database/documents/20-0458/001-010.pdf>

² See Case No. PU-20-458, Docket No. 11, Order on ETC Application of BEK Communications Cooperative, <https://psc.nd.gov/database/documents/20-0458/011-020.pdf>

Requests”). The requests do not identify BAND’s relationship to either BEK Communications or Consortia Consulting.³ Neither Mr. Bulawa nor Ms. Swenson are identified as holding any official representative capacity on behalf of BAND. Even assuming BEK Communications and Consortia Consulting are members of BAND, the statutes and rules protecting confidential information from disclosure exist to prevent competitors, such as BAND’s members, and other parties from exploiting information to their advantage.

BAND’s Requests to review confidential information under the Commission’s rules should not be approved because the result would effectively allow the administrative process to serve as a vehicle for competitors and other parties to gain access to a private entity’s confidential information – information that LTD protects and does not otherwise make available to the public, which is not accessible to the public through other means. The confidential information consists of internal audits of financial statements, price points for construction costs, and internal estimates on plans on efficient buildouts of the infrastructure. Allowing competitors to view this confidential information would allow those competitors to use the administrative process to gain an unfair advantage because they would now know their competitor’s financial ability to compete. Allowing a competitor to view this information would afford that competitor insight into how they can develop a telecommunication market more effectively and efficiently. Granting competitors access to confidential information does not promote competitive markets or promote timely buildout of broadband services to unserved customers.

³ BAND’s Petition to Intervene identifies BEK as a member (Docket No. 16, n. 1). BAND’s relationship to Consortia Consulting is not stated.

II. BAND's Requests do not meet the Commission's requirements for viewing confidential information.

The Commission's rules govern the viewing of protected information. BAND's Requests do not meet the requirements set forth in rule for requests to view confidential information. North Dakota Administrative Code § 69-02-09-07 governs the viewing of protected information and states:

Others who wish to view protected information, including experts who are not regular full-time employees of the commission, and opposing counsel and experts, may do so only after authorization from the commission. The commission may grant authorization when the person wishing to view the information submits a written request that includes all of the following:

- a. The name and address of the person who will view the information;
- b. Identification, as specifically as possible, of the information requested;
- c. A showing of good cause why the information is needed;
- d. Identification of the purpose of the review;
- e. Identification of the intended use of the information; and
- f. An estimate of the time needed for review.

N.D. Admin. Code § 69-02-09-07(2). BAND's Requests do not adequately demonstrate the required information set forth in 69-02-09-07(2)(c), (d), and (e) above. BAND broadly asserts the "goal" and the "intent" of "the review is to determine the relevance and adequacy of the materials filed as they pertain to [LTD's] ETC application in responding to the NDPSC's questions related to the ETC application" and the "relevance and adequacy of the materials as they relate to the public interest." BAND's Requests, ¶¶3,4. For the reasons set forth in LTD's Response in Opposition to BAND's Petition to Intervene, only the Commission has the authority under state law to make such determinations.

BAND's Requests make general sweeping statements that lack the required substance and specificity. These statements do not identify an actual purpose for reviewing LTD's confidential information, how the information will be used, or the actual purpose of reviewing. Merely restating issues to be considered by the Commission in this proceeding does not establish that BAND has any legal right or actual interest in this proceeding, or a right to review the protected information. In fact, BAND has yet to identify a relevant interest of its own to justify disclosure, yet BAND appears to purport that it is somehow best positioned to opine on legal issues related to the public interest at large. BAND's Requests to view information to determine "relevance and adequacy" related to the "public interest" are ultimate conclusions of law and are not BAND's to make. BAND cannot assume roles held exclusively by the Commission and presiding judicial hearing officer.

BAND has repeatedly failed to demonstrate that it has a substantial interest in this proceeding, or that good cause exists for its requests. This point is further emphasized by the statement in BAND's Requests that LTD's confidential "information will be used to determine BAND's further course of action related to the ETC application." BAND's Requests, ¶7. This statement is telling. BAND should not be permitted to use the Commission's review process as a speculative fishing expedition to access confidential information where it currently has no identifiable right or legal interest. For these reasons, BAND's Requests do not meet the requirements of N.D. Admin. Code § 69-02-09-07(2), and its request to review confidential information should be denied.

III. The FCC treats financial information as confidential, and the Commission's processes should not be used as an end run around federal protections afforded to RDOF long-form applicants.

BAND's Requests are an attempt to gain through the state administrative process that which it cannot obtain through the FCC. The FCC has clearly stated that:

A long-form applicant must certify in its long-form application that it will have available funds for all project costs that exceed the amount of Rural Digital Opportunity Fund support to be received for the first two years of its support term. A long-form applicant must also describe how the required construction will be funded in each state. The description should include the estimated project costs for all facilities that are required to complete the project, including the costs of upgrading, replacing, or otherwise modifying existing facilities to expand coverage or meet performance requirements. The estimated costs must be broken down to indicate the costs associated with each proposed service area at the state level and must specify how Rural Digital Opportunity Fund support and other funds, if applicable, will be used to complete the project. The description must include financial projections demonstrating that the long-form applicant can cover the necessary debt service payments over the life of any loans. *We will treat all the information submitted with this submission as confidential and will withhold it from routine public inspection.*⁴

LTD, like other RDOF long-form applicants including BEK Communications, relied on this policy, which correctly recognizes the sensitive nature of allowing public disclosure of financial information required for the FCC – not the state commissions – to determine the applicant's financial qualifications to be authorized for RDOF support. If BAND is adamant that it should review LTD's financial information, then it should file a request with the FCC pursuant to 47 C.F.R. § 0.461. Of course, given the FCC's pronouncements, that request is unlikely to be successful, which is yet another indicia of BAND's attempt to circumvent the process by seeking to obtain confidential information in the instant proceeding.

IV. An intervening party does not have an automatic right to view confidential information.

⁴ Public Notice, *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020*, 35 FCC Rcd 6077, 6174-75 (WTB 2020) (“*RDOF Procedures Public Notice*”) (footnotes omitted) (emphasis added).

For the reasons set forth in LTD's Response in Opposition to BAND's Petition to Intervene, BAND's Petition for Intervention should be denied because it does not meet the intervention requirements set forth in statute or rule. Even if BAND's Petition to Intervene is granted (which it should not), the regulations are clear, an intervening party is not automatically conferred the right to review an applicant's confidential information. "Others who wish to view protected information . . . may do so only after authorization from the commission." N.D. Admin. Code § 69-02-09-07 (emphasis added). Confidential information shall not be disclosed if "a. [t]he Commission is prohibited by law from disclosure under any circumstance; or b. [t]he originator shows good cause why disclosure should not be granted." *Id.* at § 69-02-09-07(4). Indeed, if an intervening party was allowed to automatically view confidential information, then there would be no need to provide a "showing of good cause why the information is needed." The Commission's express rules require such a showing. N.D. Admin Code § 69-02-09-07(2)(c). LTD has thoroughly explained and demonstrated that the confidential information is subject to protection under North Dakota law and Commission rule.⁵ Furthermore, LTD has explained that the information is treated as presumptively confidential by the FCC and withheld from disclosure.⁶ The record reflects substantial information and discussion demonstrating good cause for confidential protection. Disclosure should not be granted. LTD hereby incorporates the arguments set forth in its Protection Application (Docket No. 14) and its Reply to Staff's Response on Application for Protection (Docket No. 23).

⁵ See Docket No. 23, *LTD's Reply to Staff Response to Application to Protection Information*; see, also Docket No. 14, *LTD's Application for Protection*.

⁶ RDOF Procedures Public Notice at 6174-75.

For the reasons set forth herein, BAND's Requests to View LTD's Confidential Information should be **DENIED**.

Dated this 29th day of September, 2021.



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Attorneys for LTD Broadband LLC

ATTACHMENT A



broadband association of north dakota

P.O. Box 1144 · Mandan, ND 58554
Phone 701-663-1099 · Fax 701-663-0707
www.broadbandnd.com

September 15, 2021

Mr. Steve Kahl, Executive Director
North Dakota Public Service Commission
600 East Boulevard, Suite 408
Bismarck, ND 58505

Dear Mr. Kahl,

As described in the NDPSC Administrative Rule 69-02-09-07 (Viewing Protected Information) the Broadband Association of North Dakota ("BAND") hereby requests authorization from the NDPSC to view the Protected Materials filed by LTD, LLC on August 11, 2021 under protected cover relating to their ETC Application dated May 7, 2021 (Case #21-168).

The details of our request, as required by 69-02-09-07 for viewing the materials are as follows:

1. Consortia Consulting employee Carissa Swenson, representing BAND, will review the LTD Protected Materials. Her address is 1719 Catherine Drive, Bismarck, ND 58501.
2. The materials that are requested for review are the Protected Materials LTD confidentially filed on August 11, 2021 relating to the ETC Application of LTD. As described in LTD's application the information includes LTD's financial statements (RFI No. 1), LTD projected costs to provide the planned services (RFI No. 2), and information about the planned LTD ND services (RFI No. 3).
3. Our goal in the review is to determine the relevance and adequacy of the materials filed by LTD in responding to the NDPSC questions related to the ETC application.
4. The intent of the review is to determine the relevance and adequacy of the materials filed as they pertain to the ETC application being in the public interest.
5. The information will be used to determine BAND's further course of action related to the LTD ETC application.
6. Our review of the Protected Materials is anticipated to take less than two hours.
7. We respectfully request a review date of October 4, 2021 at 10:00am.

Respectfully,

A handwritten signature in black ink, appearing to read "David Crothers", is written over a white rectangular area.

David Crothers
Executive Director
Broadband Association of North Dakota

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



broadband association of north dakota

P.O. Box 1144 · Mandan, ND 58554
Phone 701-663-1099 · Fax 701-663-0707
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September 15, 2021

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600 East Boulevard, Suite 408
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The details of our request, as required by 69-02-09-07 for viewing the materials are as follows:

1. BEK Communications Cooperative employee Derrick Bulawa, representing BAND, will review the LTD Protected Materials. His address is 604 West Boulevard Ave, Bismarck ND 58501.
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Respectfully,

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

David Crothers
Executive Director
Broadband Association of North Dakota

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

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

LTD Broadband LLC
Designated Eligible Telecommunications Carrier
Application

Case No. PU-21-168

CERTIFICATE OF SERVICE

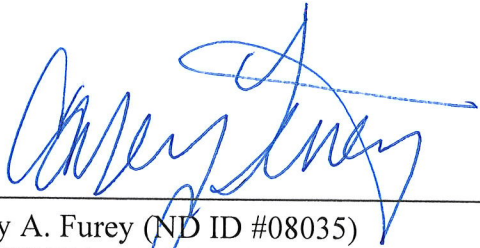
I hereby certify that on the 29th day of September, 2021, the following documents:

1. **LTD Broadband LLC's Response in Opposition to BAND's Request to Review Confidential Information (w/Attachment A); and**
2. **LTD Broadband LLC's Response in Opposition to BAND's Petition for Intervention**

were filed with the North Dakota Public Service Commission via electronic mail and hand delivery, and served via electronic mail and U.S. Mail, postage prepaid, upon the following:

David Crothers
Broadband Association of North Dakota
PO Box 1144
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dcrothers@yahoo.com

Dated this 29th day of September, 2021.



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