



Public Service Commission State of North Dakota

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October 29, 2021

Public Service Commission
Attention: Steve Kahl
600 East Boulevard Avenue, Dept 408
Bismarck, ND 58505-0480

In re: LTD Broadband LLC
Designated Eligible Carrier
Application
Case No. PU-21-168

Dear Mr. Kahl,

On May 7, 2021 LTD Broadband LLC (LTD) filed an application for designation as an eligible telecommunications carrier (ETC) for the purpose of receiving Federal Communications Commission (FCC) Rural Digital Opportunity Fund (RDOF) Phase I funding in FCC specified census blocks in North Dakota. The FCC requires that LTD be designated as an ETC by June 7, 2021. LTD proposes to provide these services using a combination of its own facilities and the facilities of other carriers.

On September 23, 2021, Advocacy Staff (Staff) filed a letter with the commission recommending denial of LTD's application.

On October 1, 2021, LTD filed a response to Staff's letter disagreeing with Staff's recommendation.

On October 20, 2021, the FCC denied LTD's request for a waiver of the deadline for providing documentation of ETC designation. This denial is in reference to the FCC's requirement that successful RDOF funding recipients must be designated as an ETC by each state they were the successful RDOF bidder by June 7, 2021. The late application submission in North Dakota by LTD and concerns raised by Staff and the broadband association of North Dakota as to the question of whether ETC designation of LTD is in the public interest have led to this delay.

36 **PU-21-168** Filed: 10/29/2021 Pages: 2
**Advocacy Staff recommendation regarding
Application**

Public Service Commission Advocacy Staff

Victor Schock

On October 22, 2021, LTD filed a status update indicating that it intends to seek reconsideration from the FCC and has requested that the ETC application process in North Dakota continue.

Staff continues to believe that granting LTD ETC status in North Dakota is not in the public interest. While Staff acknowledges LTD is seeking reconsideration, Staff believes it would not be an efficient use of state resources to continue with a hearing on a case that may be moot. Staff believes it would be appropriate to put the proceeding on hold until the FCC reverses their waiver denial.

Respectfully,

A handwritten signature in blue ink, appearing to read 'V. Schock', with a long horizontal flourish extending to the right.

Victor Schock
NDPSC Advocacy Staff

cc: Casey Furey cfurey@crowleyfleck.com (via email)