

BEFORE THE
INDIANA UTILITY REGULATORY COMMISSION

Application of LTD Broadband, LLC)	
for Designation as an Eligible)	
Telecommunications Carrier for the)	
Purpose of Providing Services)	Cause No. 41052 ETC 96
Supported by the FCC's Rural)	
Digital Opportunity Fund)	

**LTD BROADBAND LLC'S REPLY TO INDIANA RURAL BROADBAND
ASSOCIATION'S RESPONSE TO LTD BROADBAND'S MOTION TO STRIKE
TESTIMONY OF JOHN E. GREENE**

LTD Broadband, LLC ("LTD"), by counsel, replies to the April 5, 2021 Response of the Indiana Rural Broadband Association ("IRBA") to LTD's Motion to Strike Testimony of John E. Greene and in support, states:

1. IRBA's Response would have this Commission ignore the administrative rules governing intervention and this Commission's clear and repeated statement that an entity is not authorized to file testimony in a proceeding unless and until its intervention has been granted. Should the Commission take up IRBA's invitation to disregard Commission rules and precedent, the Commission will establish contradictory policy without justification and cause significant harm to LTD.

2. IRBA fails to mention that the Commission's General Administrative Order 2019-5 encourages ETC petitioners to include in their filings an Agreed Procedural Schedule reflecting a negotiated schedule with the Indiana Office of Utility Consumer Counselor ("OUCC"), which is precisely what LTD did.¹ LTD was unaware that IRBA intended to intervene and the

¹ Page 12 of LTD's Petition includes a typographical error setting forth the date of the Petition's filing as March 16th instead of March 18th. This is not a "misrepresentation" as IRBA alleges.

Commission should reject any suggestion that LTD acted improperly in negotiating the Agreed Procedural Schedule.

3. The Procedural Schedule is reasonable and appropriate given the Federal Communications Commission's request that Rural Digital Opportunity Fund recipients obtain state ETC certifications by June 7, 2021.

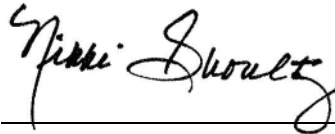
4. IRBA's unfounded assertion that LTD was "dilatory" in filing its Petition and Testimony should be rejected. In fact, LTD's efforts to gather and supply the documents necessary for filing the ETC petition were delayed by a mail delivery failure occasioned by the severe weather events in the days preceding the filing.

5. IRBA bears responsibility for and must accept the case as it finds it as of the date it chose to file its Petition to Intervene. *170 IAC 1-1.1-11(e)*. The proposed procedural schedule was included in LTD's Petition and available to IRBA on March 18, 2021, yet IRBA waited twelve (12) days to file its intervention petition until March 30, 2021.

6. LTD stands by its Objection to IRBA's Petition to Intervene. While IRBA has established that it is disgruntled with the FCC's decision to award RDOF funds to a competitor, it has failed to establish a substantial interest in this proceeding.

WHEREFORE, LTD Broadband, LLC respectfully requests the Commission strike the testimony of John E. Greene and order all other appropriate relief.

Respectfully submitted,



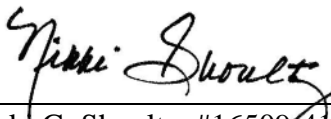
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing has been served upon the following
counsel of record electronically this 6th day of April, 2021:

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