

FILED
March 31, 2021
INDIANA UTILITY
REGULATORY COMMISSION

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

APPLICATION OF LTD BROADBAND LLC FOR)
DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER FOR THE) Docket No. 41052 ETC-96
PURPOSE OF PROVIDING SERVICES SUPPORTED)
BY THE FCC'S RURAL DIGITAL OPPORTUNITY)
FUND)

SUBMISSION OF DIRECT TESTIMONY OF JOHN E. GREENE ON BEHALF OF
INDIANA EXCHANGE CARRIER ASSOCIATION, INC.
D/B/A INDIANA RURAL BROADBAND ASSOCIATION

The Indiana Exchange Carrier Association, Inc. d/b/a Indiana Rural Broadband Association, by counsel, hereby submits the direct testimony and attachments of John E. Greene.

Respectfully submitted,

IURC
INTERVENOR'S *INRBA*
EXHIBIT NO. 1
5-3-21 AT
DATE REPORTER

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Submission of Direct Testimony of John E. Greene on behalf of Indiana Exchange Carrier Association, Inc. d/b/a Indiana Rural Broadband Association has been electronically served upon the following on March 31, 2021:

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ON BEHALF OF INDIANA EXCHANGE CARRIER ASSOCIATION, INC.
D/B/A INDIANA RURAL BROADBAND ASSOCIATION

Q1. PLEASE STATE YOUR FULL NAME AND TITLE.

A1. My name is John Greene. I serve on the board of directors of Indiana Exchange Carrier Association, Inc. d/b/a Indiana Rural Broadband Association ("INRBA") and I am a past Chairman of the Board. I am also the CEO and general manager of New Lisbon Telephone Company ("NLTC") founded in 1901 and one of the oldest telephone companies in Indiana, and of New Lisbon Broadband and Communications, LLC ("New Lisbon"). NLTC is a member of INRBA.

Q2. WHAT ARE YOUR RESPONSIBILITIES AS A DIRECTOR FOR INRBA AND AS CEO FOR NEW LISBON?

A2. As a director of INRBA, my duties include setting policy goals for the association, working with local lawmakers on setting broadband- and telecommunications-related legislation, and interfacing with my peers in the state of Indiana on regulatory, operational and technical issues. As CEO and general manager of NLTC and New Lisbon, I make major corporate decisions, oversee the overall operations and resources of the company, and report directly to New Lisbon's sole member, NLTC, and its Board of Directors.

Q3. PLEASE PROVIDE INFORMATION ON YOUR PROFESSIONAL BACKGROUND.

A3. I have more than 40 years combined executive and senior management experience in the Information and Communications Technology (“ICT”) industry and am uniquely qualified in the areas of technology, operations, human resources, finance, regulatory and legal, as it relates to managing an ICT organization. I have served as chief executive officer and general manager of New Lisbon/NLTC since 2014. I have also served as a board member of INRBA since 2015 and as an executive board member of QuEST Forum since 2013. Prior to these roles, I served in executive and managerial roles for Great Plains Communications, Ansco & Associates, Wilson Telephone and Stonehenge Telecom; in engineering and consulting roles for Parsons Telecom, TAD Telecom and Paramount Designs; and in various engineering and management roles for BellSouth/AT&T. I have a Bachelor of Arts degree in general science with a minor in computer science from North Central College in Naperville, Illinois and an information technology certificate (ATI Program) from Carnegie Mellon University, and I received an honorable discharge from the U.S. Naval Academy. I am a frequent speaker on telecom panels at various trade shows and conferences focusing on technology and operations.

Q4. PLEASE PROVIDE BACKGROUND INFORMATION ON INRBA.

A4. INRBA is a not-for-profit corporation organized and existing under the laws of the State of Indiana. Its membership is composed of thirty-three (33) local and small commercial telecom broadband companies that are dedicated to the promotion of state-of-the-art communications facilities and services throughout rural Indiana, which are Bloomingdale Home Telephone Company; Inc.; Citizens Telephone Corporation; Clay County Rural Telephone Coop, Inc. d/b/a Endeavor Communications; Craigville Telephone Company,

Inc.; Daviess-Martin Rural Telephone Corp. d/b/a RTC Communications; Enhanced Telecommunications Corporation; Geetingsville Telephone Company; Hancock Rural Telephone Corporation; Ligonier Telephone Co., Inc.; Monon Telephone Company, Inc.; Mulberry Co-op Telephone Co., Inc.; New Lisbon Telephone Co., Inc.; New Paris Telephone, Inc.; Northwestern Indiana Telephone Company; Perry-Spencer Rural Telephone Coop; Pulaski-White Rural Telephone Cooperative, Inc. d/b/a LightStream; Rochester Telephone Company; SEI Communications, Inc.; Smithville Communications; Swayzee Communications Corp.; Sweetser Telephone Company; TDS Telecom Companies (Camden Telephone Company, Inc., Communications Corporation of Indiana, Communications Corporation of Southern Indiana, Home Telephone Company, Inc., Home Telephone Company of Pittsboro, Inc., Merchants & Farmers Telephone Co., S&W Telephone Co., Inc., Tipton Telephone Company, Inc., Tri-County Telephone Company, Inc., and West Point Telephone Company, Inc.); Washington County Rural Telephone Coop.; and Yeoman Telephone Company, Inc. The purpose of INRBA is to advocate for its member companies on federal and state issues.

Q5. WHY HAS INRBA INTERVENED IN THIS PROCEEDING?

A5. LTD Broadband LLC (“LTD”) has requested designation as an eligible telecommunications carrier (“ETC”) within specified areas to become authorized to receive support from the Rural Digital Opportunity Fund (“RDOF”) Phase I pursuant to Section 214(e)(2) of the Communications Act of 1934 (the “Act”) and Section 54.201 of the FCC’s rules. INRBA, on behalf of its members, including NLTC/New Lisbon, opposes the relief requested by LTD in this proceeding. INRBA and its members do not believe LTD meets the requirements set forth in Section 54.201 necessary for ETC designation, nor is LTD

capable of providing the quality of service for which it has been provisionally awarded RDOF funds.

INRBA's members serve predominantly rural areas in Indiana. Universal Service Funding has been an important source of support in these high cost areas. INRBA's members have a strong interest in ensuring high cost support goes to recipients who will deliver the networks, infrastructure, and service to rural Hoosiers they have promised.

Q6. PLEASE DESCRIBE LTD'S RDOF PHASE I AUCTION 904 WINNING BIDS IN INDIANA.

A6. On December 7, 2020, the FCC announced the winning bidders of Auction 904, including LTD, which was awarded a total of \$54,456,917.90 in RDOF Phase I funding over a period of 10 years to provide gigabit, low-latency service to 31,330 Indiana locations within 5,458 census blocks. Interestingly, LTD's petition and testimony in this Cause state that LTD was awarded a total of only \$5,445,691.79 over a period of 10 years; however, this amount is actually what LTD will receive annually over the 10-year period and is only a tenth of its total award. Additionally, LTD's petition and testimony state that LTD was awarded RDOF funding in 756 census block groups. While this may be the case, LTD has not indicated whether it is seeking ETC designation on a census block level or census block group level and has not anywhere in its materials submitted to the Commission identified the specific census blocks receiving RDOF support. In the event that LTD is seeking ETC designation on a census block group level, and said census block groups contain additional areas that will not receive RDOF support, LTD has not indicated that it will provide the required services, such as Lifeline, in the areas where it seeks designation as an ETC but will not receive RDOF support.

Q7. WHAT IS THE DEADLINE FOR LTD TO DEPLOY FACILITIES AND OFFER GIGABIT, LOW-LATENCY SERVICE TO ALL INDIANA CENSUS BLOCKS FOR WHICH IT RECEIVED RDOF FUNDING?

A7. LTD must deploy facilities and offer gigabit, low-latency service to all Indiana census blocks for which it received RDOF funding within six years of receiving FCC approval for the RDOF funding. Nowhere in LTD's petition or testimony does it indicate that it will comply with this RDOF buildout timeline. In its testimony, LTD mentions providing service "as soon as possible" and, on page 14, it states that "the precise date for commencement of service is uncertain, but we plan on commencing construction within 3 months of the FCC issuing it's [sic] ready to fund notice." This is not sufficient to demonstrate that LTD will meet the RDOF buildout requirements.

Q8. WHY DID LTD WIN SO MANY CENSUS BLOCKS IN THE RDOF PHASE I AUCTION?

A8. In my opinion, based on my 40 years of experience in the industry and my recent experience with fiber build-out, LTD submitted bids for many Indiana census blocks that were not economically sustainable. The RDOF auction was predicated on a reserve price set for what would generally be required to build a FTTH network. While it may be possible to build a FTTH network for less than the FCC's reserve price if there is existing infrastructure nearby, it would be impossible to build a network from scratch for much less than this amount. However, in many of the areas that LTD won the RDOF auction (specifically Wayne and Randolph counties), it did so with less than 30 percent of the reserve support. In other words, LTD committed to build out *gigabyte* service for support that is 30 percent of the estimated cost to build the networks.

Q9. DIDN'T SOME INDIANA ENTITIES ACCEPT FUNDING AT SUBSTANTIALLY LOWER SUPPORT LEVELS THAN 30 PERCENT?

A9. Yes. Some INRBA members, including New Lisbon, bid and won RDOF funding for census blocks at substantially lower funding levels. Speaking on behalf of New Lisbon, this is because New Lisbon is a local company with deep roots in rural Indiana that is committed to serving rural Hoosiers. Other INRBA members are Indiana rural telephone cooperatives that operate on a not-for-profit basis and are committed to serving their members.

Q10. WHY, THEN, DOES THAT STRIKE YOU AS ODD THAT LTD BID IN THIS MANNER?

A10. I cannot think of a legitimate reason why an out-of-state entity with no history of service in Indiana would pursue a bidding strategy that does not yield a return of, much less on, its investment. Based on publicly available information, LTD has no history of service in Indiana, owns no infrastructure in Indiana, employs no staff in Indiana, and was not registered to do business in Indiana until March 1, 2021. Furthermore, LTD does not currently offer residential broadband service that even approaches the RDOF gigabit service tier (1 Gbps downstream/500 Mbps upstream) that LTD bid in the Indiana census blocks. It strikes me as very odd that such an entity would commit to a very large fiber buildout and gigabyte service for 20-30 percent funding level.

Q11. PLEASE DESCRIBE LTD'S OPERATIONS IN INDIANA.

A11. LTD acknowledged in its testimony that it does not currently and has never operated in Indiana. LTD was not registered to do business in Indiana until March 3, 2021. LTD appears to be a wireless ISP (WISP) operating in Wisconsin, Minnesota, Iowa, South Dakota and Nebraska. According to LTD's website, LTD does not currently offer any fiber

services in its service territory, yet LTD holds itself out as through its advertising as a wireless *and fiber* company.

Q12. IS INDIANA THE ONLY STATE IN WHICH LTD HAS BEEN AWARDED RDOF FUNDS?

A12. No. Inexplicably this wireless internet company whose top tier service is "Home Office" (35 Mbps downstream/7 Mbps upstream) has been provisionally awarded \$1.3 billion (\$1,321,920,718.60) in fifteen (15) states across the country to provide gigabyte tier service.

Q13. WHAT TYPE OF SERVICE DOES LTD CURRENTLY OFFER OUTSIDE OF INDIANA?

A13. Based on my review of LTD's website, LTD's current wireless pricing tops out at 35 Mbps download, per its website. It does mention higher speeds are available on its network, but there is no pricing available and it is unclear if those speeds are available to every customer or just a select few as a point-to-point service. LTD states in its testimony "At this time, LTD Broadband delivers retail plans with download speeds of up to 60 Mbps." (Direct Testimony at 7, ln. 12-13.) That is not supported by the information on LTD's website, ltdbroadband.com/plans.

Q14. WHAT IS LTD'S TRACK RECORD IN TERMS OF SERVICE QUALITY AND CUSTOMER SATISFACTION IN THE STATES IN WHICH IT CURRENTLY OPERATES AS A WIRELESS INTERNET SERVICE PROVIDER?

A14. I reviewed information from the Better Business Bureau ("BBB") relating to LTD's operations in Minnesota. BBB gives LTD's Minnesota operations a failing "F" rating and indicates that LTD is "not BBB accredited." BBB states that the reasons for its "F" rating are: (1) failure to respond to 1 complaint filed against business; (2) 14 complaints filed against business; and (3) length of time business has been operating. Although BBB states

that customer ratings are not used in the calculation of BBB ratings, it gives LTD a 1.1-star customer rating on a 5-star scale on the basis of an average of nine (9) customer reviews. Finally, BBB notes that it has received fourteen (14) customer complaints against LTD during the last three years and nine (9) customer complaints against it during the last twelve months.¹

Q15. HAS LTD PROVIDED ANY EVIDENCE IN THIS CAUSE TO DEMONSTRATE THAT IT WILL PROVIDE BETTER SERVICE QUALITY AND BETTER CUSTOMER SERVICE IN INDIANA?

A15. No. LTD's Petition (at 9) offers vague platitudes regarding LTD's philosophy on customer service. However, LTD provides no evidence to demonstrate that it has the technical capability to deliver the gigabyte service tier it bid for nor the managerial capability to provide prompt and thorough customer service.

Q16. WHAT TYPE OF HUMAN CAPITAL DOES LTD HAVE IN PLACE TO MANAGE THE FINANCIAL AND TECHNICAL ASPECTS OF THE LARGE FIBER DEPLOYMENT PROJECT IT HAS UNDERTAKEN AROUND THE COUNTRY AND IN INDIANA?

A16. Based on publicly available information, LTD appears to be a very small company owned by a single individual. LTD's corporate office address appears to be a residential home in a suburban neighborhood in Las Vegas, NV. See Attachment JG-1. The address listed on LTD's website is a P.O. box in Minnesota. As recently as February 25, 2019, LTD requested (and was later granted) a waiver of the CAF Phase II Auction deadline for filing audited financial statements on the grounds that it was a small business with a limited number of employees and administrative resources, that it was not audited in the ordinary course of business, and that its efforts to retain and engage accountants within the required

¹ See www.bbb.org/albert-lea/profile/internet-service/ltd-broadband-0704-1000030372 (visited March 30, 2021).

time frame were unsuccessful.² In this cause, LTD has not provided any evidence to show that it has the human capital to engineer, construct and operate FTTH to serve all of the census blocks for which it has won RDOF funding in Indiana. For example, LTD points to the biographies of its "Key Management" included in its CTA filing in Cause No. 45519. (Direct Testimony at 5, ln. 8-10.) These "biographies" are one sentence each and do not support LTD's claim that it has the staff necessary to complete a major FTTH build in Indiana. See Attachment JG-2.

Q17. WHAT TYPE OF INFRASTRUCTURE DOES LTD OWN IN INDIANA?

A17. Based on my review of publicly available information, LTD owns no infrastructure in Indiana or Illinois, so any networks associated with RDOF in Indiana would be built from scratch.

Q18. WHY DO YOU BELIEVE LTD'S LACK OF INFRASTRUCTURE IN INDIANA PRESENTS A PROBLEM?

A18. In order to provide the level of service throughout all of the census blocks for which LTD has been awarded RDOF funds, LTD will need to deploy substantial infrastructure and quickly. This would be a heavy lift for any company, even one that is well-versed in fiber optic networks. However, LTD does not appear to be well-versed in deploying fiber optic networks. Unanswered questions include:

- Who will provide engineering and construction services? Companies working in Indiana already have a backlog from work with existing fiber providers.
- Where will it source its materials? Fiber materials are not typically sourced from the same companies that handle wireless equipment, meaning new procurement contracts must be set up.
- LTD does not have existing backbone infrastructure, so who will provide the necessary middle mile connections?
- LTD appears to have minimal staff, so who will oversee the fiber network build, handle the customer connections, and handle the ongoing maintenance of the

² *Connect America Fund Phase II Auction*, WC Docket No. 10-90 and AU Docket No. 17-182, 34 FCC Rcd 7060 (released August 9, 2019).

network? This requires skilled labor, which is not readily available due to the number of other local companies ramping up for fiber builds.

- From whom will LTD lease fiber if it will build out a network using leased fiber? What is the status of the fiber lease agreements?

Q19. WHAT INFRASTRUCTURE WILL LTD USE TO PROVIDE THE GIGABYTE FTTH SERVICE IT HAS PROMISED TO RURAL HOOSIERS?

A19. Good question. LTD does not provide any specific information as to how it will deliver service. For example, LTD states it will "deploy similar network arrangements" in Indiana as it uses in other states. (Direct Testimony at 10, ln. 9-11.) However, LTD provides only 35 mbs service on its current network arrangements. It does not appear that its proposed network arrangements will support gigabyte service in Indiana.

LTD did not provide a project plan for its network buildout. LTD did not submit evidence of a feasibility study for the Indiana census blocks that it won. LTD did not provide any evidence other than unsupported promises. Promises are not sufficient when the applicant has never provided service in Indiana and it does not currently offer the service.

Q20. WHY SHOULD THE COMMISSION BE CONCERNED IF LTD DOES NOT HAVE ADEQUATE INFRASTRUCTURE AND STAFFING TO UNDERTAKE THIS LARGE FIBER DEPLOYMENT PROJECT IN INDIANA?

A20. LTD has bid and won support for gigabyte service in rural parts of Indiana that lack service. If an entity were allowed to propose gigabit service, bid support levels down to unreasonably low levels to force out *bona fide* gigabit service providers such as INRBA's members, and then be allowed to avoid the consequences of its bid strategy by providing sub-standard service or switching to a lower speed service or different technology, it would

deprive rural Hoosiers of the high-speed broadband service that they otherwise could have had.

Q21. BASED ON YOUR 40 YEARS OF EXPERIENCE IN THE ITC INDUSTRY, DO YOU BELIEVE LDT CAN MEET ITS OBLIGATIONS TO DEPLOY FACILITIES AND PROVIDE GIGABYTE SERVICE WITHIN THE SIX-YEAR TIMEFRAME?

A21. No. I do not believe LDT can meet its obligations to deploy facilities and provide gigabyte service to all Indiana census blocks within the FCC's required timeframe. I base this on the fact that LTD did not provide any evidence or detail as to how it will deliver gigabyte service other than vague references to FTTH. (Direct Testimony at 9.) I also base this on LTD's history of poor customer service, lack of staffing, lack of infrastructure in Indiana, lack of any ties to Indiana whatsoever, and economically unviable bidding strategy in the RDOF Phase I auction.

Q22. THIS IS A PROCEEDING TO DETERMINE ELIGIBILITY FOR ETC STATUS. WHY SHOULD THE COMMISSION BE CONCERNED WITH LTD'S ABILITY TO MEET ITS RDOF OBLIGATIONS?

A22. The Commission serves as an important gatekeeper to ensure that entities who receive federal high-cost support can deliver on the commitments they have made and to ensure they meet the requirements to be designated as an ETC. One of the requirements to obtain ETC designation is a showing that the applicant is managerially, financially and technically capable of providing the services to be provided using RDOF support. In this case, LTD has not provided sufficient evidence to demonstrate that it satisfies the ETC requirements nor that it is capable of providing the services for which it has won support.

LTD has bid and won support for gigabyte service. The evidence suggests LTD will not be able to deliver on that commitment. If LTD is not able to meet its buildout and service

obligations for the RDOF Phase I support that it has bid upon, more than 30,000 rural Indiana locations will be deprived of urgently needed high-speed broadband access for years.

Q23. HAS LTD EVER DEFAULTED ON FEDERAL HIGH COST SUPPORT OBLIGATIONS?

A23. Yes. After winning support through the CAF Phase II Auction, LTD failed to obtain ETC designation in Nevada and Nebraska, and , LTD defaulted on its CAF II obligations for census blocks in those states.³

Q24. PLEASE SUMMARIZE INRBA'S RECOMMENDATION IN THIS CASE.

A24. The Commission should deny LTD's request for designation as an ETC.

Q25. DOES THIS CONCLUDE YOUR TESTIMONY?

A25. Yes.

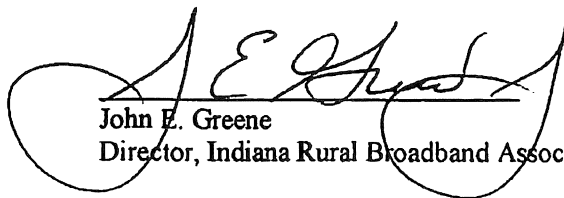
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³ In *LTD Broadband, LLC, Notice of Apparent Liability for Forfeiture*, File No. EB-1HD-19-00029977, DA 19-950, released October 11, 2019, the Enforcement Bureau fined LTD \$3,563 for defaulting on "winning" CAF Phase II Auction bids that it had placed for one Census Block Group in Nebraska and one Census Block Group in Nevada.

VERIFICATION

I affirm under penalties of perjury that the foregoing representations are true to the best of my knowledge, information and belief.

Dated: 3/31/21



John E. Greene
Director, Indiana Rural Broadband Association

"Corporate" Address

10111E Broadband LLC

Legend

- 1. 10111E Broadband LLC
- 2. ASHMEADOWS NATIONAL WILDLIFE REFUGE



10111E Broadband LLC
10111E Broadband LLC

10111E

LTD Broadband

Corey Hauer

CEO
LTD Broadband LLC
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Corey is founder of LTD Broadband. He has over 25 years experience in building companies and systems focused on broadband networks.

LTD Broadband provides fixed-wireless broadband service to thousands of residential, commercial and education sites across rural Iowa, Minnesota, Nebraska and South Dakota. Under Corey's leadership, LTD Broadband has grown to be the second largest provider (by footprint) of fixed-wireless broadband in the US in just 8 years. LTD Broadband has over 2000 towers covering over 50,000 square miles.

Corey has provided IT consulting expertise to rural telecommunications firms, hospitality, wireless ISPs, a regional airline, law firms and manufacturers. He has deep knowledge of telecom and network architecture and has helped these firms deploy new technologies and network architectures.

Prior to founding LTD Broadband Corey founded a wireline ISP/CLEC and had a successful exit for its LLC members.

Education

Purdue University, West Lafayette, Indiana - Computer & Electrical engineering

Dallas Weitzel - Network Engineer

15 years experience working for fixed-wireless ISPs in Minnesota and Nebraska. Deep knowledge in building scalable cookie-cutter network designs.

Rebecca Severtson - Office Manager

20 years experience managing billing, collections and customer care staff. Responsible for developing and documenting process and procedures.

Chad Peterson - Field Service Manager

5 years experience doing installations and repairs. Was elevated to team lead 2 years ago and has been responsible for developing and training field service techs.

Justin Hansen - Tower Tech Manager

8 years experience doing buildout, installations and repairs. Was elevated to team lead 2 years ago and has been responsible for developing and training tower techs.

Haley Tollefson - Marketing Director

7 years experience directing marketing. Skilled in measuring effectiveness of different marketing methods and tuning messaging to maximize ROI on marketing spend.