

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)

**INDIANA EXCHANGE CARRIER ASSOCIATION, INC. D/B/A INDIANA
RURAL BROADBAND ASSOCIATION’S MOTION TO COMPEL
DISCOVERY AND MOTION TO CONTINUE EVIDENTIARY HEARING**

The Indiana Exchange Carrier Association, Inc. d/b/a Indiana Rural Broadband Association (“INRBA”), by counsel, pursuant to 170 IAC 1-1.1-16 and Indiana Rules of Trial Procedure 26 through 37, respectfully requests the Indiana Utility Regulatory Commission (the “Commission”) to order LTD Broadband LLC (“LTD”) to fully respond to certain discovery requests by INRBA to LTD in this Cause. INRBA further requests the Commission to continue the evidentiary hearing in this Cause that is scheduled for 9:30 a.m. on May 3, 2021 to a date that is no earlier than five (5) calendar days following INRBA’s receipt of complete and sufficient discovery responses as requested in this motion. In support of this motion, INRBA states as follows:

1. On April 12, 2021, INRBA served LTD with INRBA’s First Set of Requests for Production of Documents and Other Discovery and its Second Set of Requests for Production of Documents and Other Discovery (collectively, the “Discovery Requests”). Pursuant to the Commission’s March 26, 2021 Docket Entry establishing the procedural schedule for this Cause, LTD was to provide responses to the Discovery Requests by no later than April 22, 2021.

2. On April 22, 2021, LTD served INRBA with its responses to the Discovery Requests, copies of which are attached hereto as **Exhibit A**; however, LTD's responses were incomplete and objected to the provision of information that was both relevant and discoverable.

3. Specifically, LTD failed to provide any response to Request Nos. 1.3, 1.27, 2.1 and 2.3 of the Discovery Requests. In addition, LTD provided deficient and incomplete responses to Request Nos. 1.18, 1.24 and 2.6 of the Discovery Requests. Each of these requests was clearly tied to whether LTD: (i) has the ability to actually offer the services supported by the Rural Digital Opportunity Fund ("RDOF") funding awarded to LTD using LTD's own facilities or a combination of its own facilities and resale of another carrier's services; (ii) will actually advertise the availability of the services supported by the RDOF funding awarded to LTD; (iii) has created a five-year plan that describes with specificity the proposed improvements or upgrades to LTD's network throughout its proposed eligible telecommunications carrier ("ETC") service area; (iv) has the ability to remain functional in emergency situations; and (v) has the ability to satisfy consumer protection and service quality standards. All of these are requirements that LTD must satisfy in order to be designated as an ETC.¹ Each of these requests is also relevant to whether LTD's designation as an ETC is in the public interest.²

4. The outstanding Discovery Requests for which LTD failed to provide a complete and sufficient responses directly relate to the evaluation of whether LTD meets the requirements set forth above. In addition to whether LTD's designation as an ETC is within the public interest, the outstanding Discovery Requests, as they relate to these requirements, include:

¹ See 47 CFR § 54.201(d); 54.202(a).

² See 47 CFR § 54.202(b).

(a) Request No. 1.3 – Seeks identification of real property leased by LTD, which speaks to LTD’s ability to offer the RDOF-supported services and remain functional in emergency situations.

(b) Request No. 1.18 – Seeks identification of costs to build LTD’s proposed Indiana network, which speaks to LTD’s ability to offer the RDOF-supported services, creation of a five-year plan, and ability to satisfy service quality standards.

(c) Request No. 1.24 – Seeks identification of costs to build LTD’s proposed networks in other states, which speaks to LTD’s ability to offer the supported services, creation of a five-year plan, and ability to satisfy service quality standards.

(d) Request No. 1.27 – Seeks audited and unaudited financial statements of LTD, which speaks to LTD’s ability to offer the supported services, advertise the availability of the services, remain functional in emergency situations and satisfy service quality standards.

(e) Request No. 2.1 – Seeks identification of financial obligations of LTD with respect to the RDOF-funded project, which speaks to LTD’s ability to offer the supported services, advertise the availability of the services, remain functional in emergency situations and satisfy service quality standards.

(f) Request No. 2.3 – Seeks identification of the cost per location of constructing and installing LTD’s Indiana RDOF-supported network, which speaks to LTD’s ability to offer the supported services, advertise the availability of the services, remain functional in emergency situations and satisfy service quality standards.

(g) Request No. 2.6 – Seeks partnership arrangements that LTD will use to provide its RDOF-supported services, which speaks to LTD’s ability to offer the supported services, advertise

the availability of the services, remain functional in emergency situations and satisfy service quality standards.

5. On April 23, 2021, counsel for INRBA sent a discovery deficiency letter to LTD's counsel, setting forth in detail the requests for which LTD had either failed to provide any response or failed to provide a complete and sufficient response. A copy of INRBA's April 23, 2021 correspondence is attached hereto as **Exhibit B**.

6. In its April 23, 2021 letter, INRBA's counsel stated that if LTD did not provide complete responses to the Discovery Requests by close of business on April 27, 2021, INRBA would file a motion to compel discovery with the Commission. The parties' respective counsel held a telephone conference on April 28, 2021 to discuss the outstanding responses to the Discovery Requests, and INRBA agreed to limit its requests to those that are described in paragraphs 3 and 4 of this motion.³

7. Counsel for LTD indicated during said telephone conference that LTD did not intend to provide responses to the Discovery Requests described in paragraphs 3 and 4 of this motion, and LTD has not provided responses to said Discovery Requests to date.

8. 170 IAC 1-1.1-16(a) states that a party shall be entitled to all the discovery provisions of Rules 26 through 37 of the Indiana Rules of Trial Procedure as from time to time amended by the Indiana Supreme Court or General Assembly. Indiana Rule of Trial Procedure 26(F) states that before any party files any motion or request to compel discovery, that party shall: (1) make reasonable effort to reach agreement with the opposing party concerning the matter which is the subject of the motion or request; and (2) include in that motion or request a statement

³ As of the time of filing this motion, counsel for the respective parties are still in discussions over whether LTD will respond to Discovery Request 2.6; however, in the interest of time and due to the imminent evidentiary hearing scheduled in this Cause, INRBA is including Discovery Request 2.6 in this motion to compel.

showing that the attorney making the motion or request has made a reasonable effort to reach agreement with the opposing attorneys concerning the matter set forth in the motion or request. Indiana Trial Rule 37(a) states that a party, upon reasonable notice to the other parties and all persons affected thereby, may apply for an order compelling discovery. As described herein, INRBA has made efforts to reach an agreement with LTD regarding the provision of responses to the Discovery Requests and now files its motion to compel.

9. Further, the discovery rules are designed to allow a liberal discovery process, the purpose of which is to provide parties with information essential to litigation of issues, to eliminate surprise and to promote settlement. *Rivers v. Methodist Hospitals, Inc.*, 654 N.E.2d 811, 813 (Ind. Ct. App. 1995). Parties may generally obtain discovery regarding any matter relevant to the subject matter involved in the pending action or which appears reasonably calculated to lead to discovery of admissible evidence. *Jacob v. Chaplin*, 639 N.E.2d 1010, 1012 (Ind. 1994).

10. All of the outstanding Discovery Requests relate directly to the statutory and regulatory requirements that LTD must fulfill in order to be designated by the Commission as an ETC and are reasonably calculated to lead to the discovery of admissible evidence. LTD has failed to provide the requested information and should now be compelled to provide complete and sufficient responses to INRBA's outstanding Discovery Requests.

11. The parties have contemplated a non-disclosure agreement with respect to any information to be provided by LTD in response to the Discovery Requests that is considered confidential, proprietary or trade secret. To date, only INRBA has executed said non-disclosure agreement and awaits a fully executed agreement from LTD.

12. The procedural schedule set forth by the Commission in this Cause scheduled the evidentiary hearing in this Cause for May 3, 2021. To date, however, INRBA has been unable to

obtain from LTD sufficient responses to its Discovery Requests to allow INRBA to effectively prepare for and participate in the evidentiary hearing, including any cross examination of LTD's witness. As such, INRBA requests that the Commission continue the May 3, 2021 scheduled hearing to a date that is no earlier than five (5) calendar days following INRBA's receipt of complete and sufficient discovery responses as requested in this motion.

13. Pursuant to Indiana Trial Rule 37, INRBA respectfully requests the Commission to order LTD to provide the requested information and to pay INRBA's attorney fees incurred in the preparation of this motion. INRBA further requests the continuance of the evidentiary hearing in this Cause to a date that is no earlier than five (5) calendar days following INRBA's receipt of complete and sufficient discovery responses as requested in this motion.

WHEREFORE, INRBA requests the Commission to issue an order:

- (a) compelling LTD to produce the requested information in response to the Discovery Requests;
- (b) imposing sanctions on LTD for its failure to comply with discovery, including attorney fees;
- (c) continuing the evidentiary hearing scheduled in this Cause for May 3, 2021 to a date that is no earlier than five (5) calendar days following INRBA's receipt of complete and sufficient discovery responses as requested in this motion; and
- (d) granting all other just and proper relief.

Respectfully submitted,

By: /s/ Jeremy L. Fetty

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been electronically served upon the following on April 28, 2021:

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Exhibit A

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

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

LTD BROADBAND LLC'S RESPONSES TO INDIANA EXCHANGE CARRIER ASSOCIATION, INC. D/B/A INDIANA RURAL BROADBAND ASSOCIATION'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND OTHER DISCOVERY

LTD Broadband LLC ("LTD"), by counsel, responds to and objects to the First Set of Requests for Production of Documents and Other Discovery propounded by the Indiana Exchange Carrier Association, Inc. d/b/a Indiana Rural Broadband Association ("INRBA") as set forth below.

GENERAL OBJECTIONS:

1. LTD objects to INRBA's First Set of Request for Production of Documents and Other Discovery insofar as INRBA attempts to impose upon LTD obligations different from, or in excess of, those imposed by the Indiana Rules of Trial Procedure, the Indiana Administrative Code or by the administrative law judge.

2. LTD objects to the Requests to the extent they seek disclosure of private and confidential research, business plans, analysis, strategies, data, customer records and other sensitive commercial information protected from unwarranted disclosure or discovery by applicable law. LTD will not disclose such information until such time as an appropriate confidentiality order has been entered by the Commission and executed by the parties.

3. LTD objects to the Requests to the extent they seek information protected by the attorney-client privilege, the work-product doctrine, or other applicable privileges and protections. LTD hereby claims all applicable privileges and protections to the fullest extent implicated by the Requests and excludes privileged information and materials from its responses. Any disclosure of such information or materials as a result of LTD's responses or otherwise is inadvertent and is not intended to waive any applicable privileges or protections.

4. LTD reserves all objections as to relevance and materiality. LTD submits these responses and is producing materials in response to the Requests without conceding the relevancy or materiality of the information or materials sought or produced, or their subject matter, and without prejudice to LTD's right to object to further discovery, or to object to the admissibility of proof on the subject matter of any response, or to the admissibility of any document or category of documents, at a future time. Any disclosure of information not responsive to the Requests is inadvertent and is not intended to waive LTD's right not to produce similar or related information or documents.

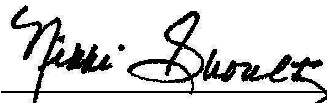
5. LTD objects to the Requests to the extent they call for identification of, or information contained in or derived from: (a) news articles, trade press reports, published industry services or reference materials, or similar publicly-available sources that are available for purchase or otherwise to INRBA; (b) materials that are part of the public record in any legislative, judicial or administrative proceeding and reasonably available to INRBA; (c) materials generated by INRBA and thus presumably in INRBA's own possession, custody or control; (d) materials otherwise available to INRBA where response to the Request would impose unnecessary or unjust burdens or expense on LTD under the circumstances; and/or (e) previously submitted or available

to INRBA in prefiled testimony, pre-hearing data submissions and other documents already filed with the Commission in the pending proceeding.

Subject to and without waiving the foregoing General Objections, each of which are incorporated by reference into the responses below as if fully restated therein, LTD provides the following responses to INRBA's Requests. LTD's responses are based on the best information presently available; LTD reserves the right to amend, supplement, correct or clarify answers if other or additional information is obtained, and to interpose additional objections if deemed necessary.

Dated this 22nd day of April, 2021.

Respectfully submitted,



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Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.1: Please provide the confidential financial statement or balance sheet that supports your Application for Designation as an Eligible Telecommunications Carrier in Cause No. 41052-ETC-96.

OBJECTION: LTD objects to Request 1.1 on the grounds that Data Request 1.1 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the extent to which an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant") has the financial ability to deploy the facilities and services to be supported by RDOF funding. The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination of whether the Applicant has the financial ability to deploy the facilities and services for which the carrier will receive RDOF support. In *Tex. Office of Pub. Util. Counsel v. FCC*, the Court interpreted 47 U.S.C. § 214(e)(2), the statute setting forth the parameters for ETC designation, as follows:

[w]ith limited exceptions for rural areas, *a state commission has no discretion when assessing a carrier's eligibility for federal support*. If a carrier satisfies the terms of § 214(e)(1), a state commission must designate it as eligible. Thus, the FCC ruled that a state commission may not impose additional eligibility requirements on a carrier seeking universal service support in non-rural service areas. The agency does permit the states to impose service quality obligations on local carriers if those

obligations are unrelated to a carrier's eligibility to receive federal universal service support.¹

Once ETC status is obtained, the carrier must continue to comply with the requirements of Section 214(e) to maintain eligibility to receive support.² ETC designation is not a guarantee of continued universal service support and is incentive for carriers to provide the required services and comply with state and federal laws and rules.³

LTD further objects to Request 1.1 on the grounds that it seeks disclosure of private and highly confidential financial information protected from unwarranted disclosure or discovery. LTD will not disclose such information until such time as an appropriate Non-Disclosure Agreement has been executed by the parties.

RESPONSE: Subject to and without waiver of the foregoing Objection, upon INRBA's execution of a mutually agreeable Non-Disclosure Agreement, LTD will provide **Attachment DR-1.1** which shall be treated as Highly Confidential Information.

¹ See *Tex. Office of Pub. Util. Counsel v. FCC*, 183 F.3d 393, 417 (5th Cir. 1999) (emphasis added).

² See *In re GCC License Corp.*, 623 N.W.2d 474, 481 (2001).

³ *Id.* at 481.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.2: Provide a list of all real property you own and identify any structural improvements located on each such parcel. For purposes of this request, “structural improvements” shall include, without limitation, buildings, structures and communications facilities and/or equipment, including, without limitation, towers, poles, huts, aerial or underground fiber or other lines or conduit and electronic equipment associated with the same.

OBJECTION: LTD objects to Request 1.2 on the grounds that Data Request 1.2 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the extent to which an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's (“FCC's”) Rural Digital Opportunity Fund (“RDOF”)* (an “Applicant”) has the financial ability to deploy the facilities and services to be supported by RDOF funding. The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination of whether the Applicant owns real estate or any structural improvements. LTD further objects to Request 1.2 on the grounds that it seeks disclosure of private and highly confidential information protected from unwarranted disclosure or discovery. LTD will not disclose such information until such time as an appropriate Non-Disclosure Agreement has been executed by the parties.

RESPONSE: See Objection.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.3: List and provide the physical address for all real property, office space, warehouse space, or operations space that you lease or rent and identify any structural improvements thereon that you own or operate. For purposes of this request, “structural improvements” has the same meaning as in Request 1.2.

OBJECTION: LTD objects to Request 1.3 on the grounds that Data Request 1.3 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the extent to which an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's (“FCC's”) Rural Digital Opportunity Fund (“RDOF”) (an “Applicant”)* owns real property, office space, warehouse space, or operations space or any structural improvements thereon. The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination related to the physical address of Applicant's property or structural improvements. LTD further objects to Request 1.3 on the grounds that it seeks disclosure of private and highly confidential information protected from unwarranted disclosure or discovery. LTD will not disclose such information until such time as an appropriate Non-Disclosure Agreement has been executed by the parties.

RESPONSE: See Objection.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.4: What is the physical address of your largest operations or office location and what operations are conducted at said location?

OBJECTION: LTD objects to Request 1.4 on the grounds that Data Request 1.4 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the physical address, operations or office location of an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination related to the physical address of an Applicant's operations or office location.

RESPONSE: Subject to and without waiver of the foregoing objection, the physical address of LTD's largest operations location is 310 W. 7th Street, Albert Lea, MN 56007 and the building is used as a dispatch facility and for equipment storage.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.5: In each state in which you currently operate, please specifically identify what communications services you provide, either at retail or wholesale, listed by state and the number of customers receiving each service in each state.

OBJECTION: LTD objects to Request 1.5 on the grounds that Data Request 1.5 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the other states in which an applicant operates or the services provided by an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination of whether the Applicant provides certain services in other states.

RESPONSE: Subject to and without waiver of the foregoing Objection, LTD states it currently provides retail communications services in six states (Minnesota, Iowa, Nebraska, South Dakota, Kansas and Wisconsin) serving an aggregate of over 16,000 customers.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.6: How many full-time employees do you employ?

OBJECTION: LTD objects to Request 1.6 on the grounds that Data Request 1.6 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the number of employees of an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination of whether the Applicant employs a certain number of employees.

RESPONSE: Subject to and without waiver of the foregoing Objection, LTD presently has 147 full-time employees.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.7: How many part-time employees do you employ?

OBJECTION: LTD objects to Request 1.7 on the grounds that Data Request 1.7 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the number of employees of an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination of whether the Applicant employs a certain number of employees.

RESPONSE: Subject to and without waiver of the foregoing Objection, LTD presently has zero part-time employees.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.8: Please provide all engineering, design or other studies prepared by you or on your behalf that identified or designed network options to provide interconnected VoIP service, dedicated transport telecommunications services and/or facilities-based telecommunications service, internet access service and/or broadband service (the "Services") in Indiana.

OBJECTION: LTD objects to Request 1.8 on the grounds that Data Request 1.8 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate engineering or other studies supporting planned service offerings of an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination of whether the Applicant has produced satisfactory engineering or design studies to support its planned service offerings. LTD further objects to Request 1.8 on the grounds that it seeks disclosure of trade secret and highly confidential information protected from unwarranted disclosure or discovery.

RESPONSE: See Objections.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.9: Please provide all feasibility, business case or other studies prepared by you or on your behalf that evaluated the projected costs and revenues of any network options you considered for providing the Services in Indiana.

OBJECTION: LTD objects to Request 1.9 on the grounds that Data Request 1.9 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate feasibility or business case studies supporting network options considered by an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination of whether the Applicant used satisfactory feasibility or business case studies to analyze its network options. LTD further objects to Request 1.9 on the grounds that it seeks disclosure of trade secret and highly confidential information protected from unwarranted disclosure or discovery.

RESPONSE: See Objections.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.10: Please provide a map or geographic description of all installed fiber owned by you (in any state).

OBJECTION: LTD objects to Request 1.10 on the grounds that Data Request 1.10 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the location of installed fiber owned in any state by an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination of the existence or extent to which the Applicant owns installed fiber in any state. LTD further objects to Request 1.10 on the grounds that it seeks disclosure of trade secret and highly confidential information protected from unwarranted disclosure or discovery.

RESPONSE: Subject to and without waiver of the foregoing Objections, LTD states that it owns or leases fiber across dozens of paths across a 6-state region.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.11: Please provide a map or geographic description of all installed fiber leased by you (in any state) and the term (or expiration date) of the lease agreements under which such fiber is leased.

OBJECTION: LTD objects to Request 1.11 on the grounds that Data Request 1.11 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the location of and terms for installed fiber leased in any state by an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination of the existence or terms under which the Applicant leases installed fiber in any state. LTD further objects to Request 1.11 on the grounds that it seeks disclosure of trade secret and highly confidential information protected from unwarranted disclosure or discovery.

RESPONSE: Subject to and without waiver of the foregoing Objections, LTD either owns or has existing relationships with fiber providers that will allow LTD to provision service in Indiana over the coming 10 years.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.12: Do you have any subsidiaries or affiliates that will be involved in or assist you in constructing or installing any facilities in Indiana or in providing any of the Services in Indiana? If yes, for each subsidiary or affiliate that will be involved or assist you, please provide:

- a. Address of its corporate office;
- b. Address or physical location of its primary office or operations center;
- c. Number of full-time employees;
- d. Number of part-time employees;
- e. Whether the subsidiary or affiliate owns any real property;
- f. Whether the subsidiary or affiliate leases any real property, office space, warehouse space or operations space, and if so, the physical address of such property or space;
- g. Whether the subsidiary or affiliate owns or leases any communications facilities or equipment; and
- h. Whether the subsidiary or affiliate provides any Services in Indiana or any other state.

OBJECTION: LTD objects to Request 1.12 on the grounds that Data Request 1.12 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the existence of or involvement by affiliates or subsidiaries of an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility

criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination of the existence of or involvement by affiliates or subsidiaries of the Applicant.

RESPONSE: Subject to and without waiver of the foregoing objection, LTD has no affiliates or subsidiaries.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.13: For each location in Indiana that you plan to serve, please provide:

- a. How you have defined "location" (e.g., county, township, census block group, census block);
- b. What physical assets you will construct and install to provide the Services;
- c. What physical assets you will lease to provide the Services;
- d. What services you will resell to provide the Services;
- e. Whether you will construct and install any fiber to provide the Services to subscribers within the location; and
- f. Whether 5G millimeter wave technology will be used to provide the Services to the location.

OBJECTION: LTD objects to Request 1.13 on the grounds that sections (b) through (f) of Data Request 1.13 are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the physical assets, services to be resold, fiber to be constructed and specific technology to be used (the "Technical Data") by an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include an evaluation of the Applicant's Technical Data. It is the FCC's obligation

to review RDOF awardee long-form applications and make the determination that the applicant is “reasonably capable” of meeting its performance obligations.

RESPONSE: Subject to and notwithstanding the foregoing Objection, LTD states that the locations LTD will serve in Indiana will be determined by the Federal Communications Commission and not LTD.

- a. The locations have been determined by the FCC. The FCC has provided guidance on what is an eligible location and what is not in the Public Notice found here: <https://docs.fcc.gov/public/attachments/DA-16-1363A1.pdf>
- b. LTD will construct and install fiber and optical network terminals at each location to provide the Services.
- c. LTD may lease fiber if LTD does not own the fiber needed to provision service at a particular location.
- d. LTD will not resell services.
- e. LTD will construct and install fiber to provide the Services to subscribers within certain locations;
- f. 5G millimeter wave technology will not be used to provide the Services to a location.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.14: Please provide a detailed project timeline for serving locations in Indiana that you plan to serve.

OBJECTION: LTD objects to Request 1.14 on the grounds that Data Request 1.14 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the specific proposed timeline for serving locations of an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination of an Applicant's timeline beyond the Applicant's intent to comply with applicable FCC milestones. LTD further objects to Request 1.14 on the grounds that it seeks disclosure of trade secret and highly confidential information protected from unwarranted disclosure or discovery.

RESPONSE: Subject to and without waiver of the foregoing Objections, LTD's project timeline is dependent upon the FCC. LTD will comply with buildout milestones as required by the FCC.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.15: Please provide a Gantt chart or other project management tools that you have developed to manage your rollout of service to locations in Indiana.

OBJECTION: LTD objects to Request 1.15 on the grounds that Data Request 1.15 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate any charts or planning tools used to manage rollout of service by an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination related to the existence or quality of any charts or planning tools used to manage service deployment.. LTD further objects to Request 1.15 on the grounds that it seeks disclosure of trade secret and highly confidential information protected from unwarranted disclosure or discovery.

RESPONSE: Subject to and without waiver of the foregoing Objections, see Response to Request 1.14.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.16: Please specifically identify any financial obligations, including, without limitation, loans, notes, letters of credit or state/federal grant or loan program obligations, of LTD related to providing services in Indiana.

OBJECTION: LTD objects to Request 1.16 on the grounds that Data Request 1.16 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the financial obligations related to the services to be supported by RDOF funding of an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination of the existence or nature of an Applicant's financial obligations related to the RDOF supported services. It is the FCC's obligation to review RDOF awardee long-form applications and make the determination that the applicant is "reasonably capable" of meeting its performance obligations. LTD further objects to Request 1.16 on the grounds that it seeks disclosure of private and highly confidential information protected from unwarranted disclosure or discovery. LTD will not disclose such information until such time as an appropriate Non-Disclosure Agreement has been executed by the parties.

RESPONSE: Subject to and without waiver of the foregoing Objections, LTD states that it has no current financial obligations related to providing services in Indiana.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.17: What is the value of the letter of credit that LTD must obtain for the Indiana portion of its RDOF bid?

OBJECTION: LTD objects to Request 1.17 on the grounds that Data Request 1.17 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the value of any letter of credit obtained by an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination of the existence or nature of an Applicant's financial obligations related to the RDOF supported services. It is the FCC's obligation to review RDOF awardee long-form applications and make the determination that the applicant is "reasonably capable" of meeting its performance obligations. LTD further objects to Request 1.17 on the grounds that it seeks disclosure of private and highly confidential information protected from unwarranted disclosure or discovery.

RESPONSE: Subject to and without waiver of the foregoing Objection, LTD states that the value of the letter of credit LTD must obtain for the first year of the Indiana portion of its RDOF bid is \$5,445,691.79 (i.e., one year of support). The amounts for years 2-6 will differ based on whether LTD meets certain optional and mandatory milestones as established by the FCC.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.18: What is the expected cost to build the network in Indiana that will provide the Services committed to by LTD in its Indiana RDOF bid?

OBJECTION: LTD objects to Request 1.18 on the grounds that Data Request 1.18 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the expected cost to build a network to provide services to be supported by an RDOF award by an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination relating to the Applicant's cost to build the network supporting its planned services. It is the FCC's obligation to review RDOF awardee long-form applications and make the determination that the applicant is "reasonably capable" of meeting its performance obligations. LTD further objects to Request 1.18 on the grounds that it seeks disclosure of trade secret and highly confidential information protected from unwarranted disclosure or discovery.

RESPONSE: Subject to and without waiver of the foregoing Objections, the expected cost to build the network in Indiana to meet its commitments is greater than the subsidy LTD will receive from the RDOF award.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.19: What is the expected annual cost to the maintain the network in Indiana that will provide the Services committed to by LTD in its Indiana RDOF bid?

OBJECTION: LTD objects to Request 1.19 on the grounds that Data Request 1.19 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the expected annual network maintenance costs of an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination related to the Applicant's expected network maintenance costs. It is the FCC's obligation to review RDOF awardee long-form applications and make the determination that the applicant is "reasonably capable" of meeting its performance obligations. LTD further objects to Request 1.19 on the grounds that it seeks disclosure of trade secret and highly confidential information protected from unwarranted disclosure or discovery.

RESPONSE: Subject to and without waiver of the foregoing Objections, LTD relied on its engineering partners to develop maintenance budgets based on LTD's industry experience. The actual annual maintenance cost will be dictated by the need for maintenance and will vary based upon how much of the network is deployed at a given time.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.20: Admit or deny: LTD defaulted in the Connect America Fund Phase II (“CAF II”) auction relating to bids in Nebraska and Nevada. If your answer is anything other than a full admission, please explain.

OBJECTION: LTD objects to Request 1.20 on the grounds that Data Request 1.20 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the prior default history of an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's (“FCC's”) Rural Digital Opportunity Fund (“RDOF”) (an “Applicant”)*. The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination informed by an Applicant's default history.

RESPONSE: Subject to and without waiver of the foregoing Objection, LTD admits Request 1.20 and states that following the CAF Phase II Auction, LTD made the prudent business decision not to accept an award for one single, small census block in each of Nebraska and Nevada where LTD decided that the compliance costs would be largely disproportionate to the small area to be served. Rather than accepting the award and defaulting later, LTD chose to pay the FCC a total of \$3,563 rather than spend tens of thousands of dollars on compliance and construction servicing two small areas. Many other CAF Phase II applicants chose to do the same for very small areas. The table below lists the CAF defaults from decisions the FCC released in October 2019.

A number of other bidders, including at least one RLEC, made the same choice as LTD to voluntarily default on bids they believed were not viable. Unlike some winning bidders, LTD accepted its CAF obligations in other states and is meeting its deployment obligations.

CAF II Winner	Proposed Forfeiture	Default Reason
Hanson Communications	\$6,000	Due to misunderstanding of post-auction requirements, was not able to timely obtain and submit all documentation required by long form
Total Highspeed, LLC	\$30,000	Did not file long form after winning bids; decided it did not plan to proceed with CAF II
NE Colorado Cellular, Inc.	\$4,383	Inability to build out because it could not timely obtain ETC designation in Kansas
Crocker Communications	\$6,000	Voluntary withdrew because project no longer economically feasible.
MGW Networks, LLC	\$6,000	Voluntarily withdrew because not in best economic interest to move forward
Fidelity Communications Company	\$3,641	Voluntarily withdrew because could not find unserved locations in the CBG and did not make economic sense to proceed
LTD Broadband, LLC	\$3,563	Did not obtain ETC Designation for two CBGs
Workable Programs & Systems, Inc.	\$16,200	Unable to obtain the Letter of Credit Commitment Letter
Pine Cellular Phones, Inc.	\$16,750	Voluntarily withdrew for "economic reasons"
Farmers Mutual Telephone Company	\$3,000	Voluntarily withdrew because 95 of 98 winning areas were already in ILEC service territory and default was most cost-effective resolution
Townes Wireless, Inc.	\$9,504	Financial difficulties supporting the winning areas
Johnson Telephone Company	\$3,000	No explanation given
Syncwave, LLC	\$1,242	Did not file its long form

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.21: Admit or deny: LTD had to request a waiver of the FCC's requirement to provide audited financials for the CAF Phase II auction because it was a small business with limited administrative resources and its efforts to engage accountants within the required timeframe were unsuccessful. If your answer is anything other than a full admission, please explain.

OBJECTION: LTD objects to Request 1.21 on the grounds that Data Request 1.21 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the prior waivers requested by an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination informed by an Applicant's prior request for a waiver.

RESPONSE: Subject to and without waiver of the foregoing Objection, LTD denies Request 1.20 and states that LTD did not request a waiver of the FCC's audited financial requirement because LTD "was a small business with limited administrative resources." LTD requested a short delay to accommodate the time required by LTD's auditing firm to complete the audited financial statements for the relevant time period. The FCC granted LTD's waiver request and LTD completed the audit within the revised timeframe.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.22: Admit or deny: LTD has been denied eligible telecommunications carrier (“ETC”) designation in Nevada and Nebraska. If your answer is anything other than a full admission, please explain.

OBJECTION: LTD objects to Request 1.22 on the grounds that Data Request 1.22 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate whether another state has denied ETC status to an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's (“FCC's”) Rural Digital Opportunity Fund (“RDOF”) (an “Applicant”)*. The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination informed by the ETC designation decisions of other states.

RESPONSE: Subject to and without waiver of the foregoing Objection, LTD denies the allegation in Request 1.22. LTD did not apply for ETC designations in Nevada or Nebraska.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.23: Admit or deny: The Better Business Bureau gives LTD's operations in Minnesota a failing "F" rating. If you answer is anything other than a full admission, please explain.

OBJECTION: LTD objects to Request 1.23 on the grounds that Data Request 1.23 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate Better Business Bureau ("BBB") ratings from another state for an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination informed by BBB ratings from another state.

RESPONSE: Subject to and without waiver of the foregoing Objection, LTD admits Request 1.23 and states that the BBB rating is the result of 14 unverified and unspecified customer complaints in Minnesota. LTD has been the subject of approximately 81 customer reviews on Google, where LTD has a 4.44-star rating. Notably, on Google, New Lisbon Telephone Company has a 3.4-star rating based on 23 reviews with multiple 1-star reviews highlighting New Lisbon's dismal service and exorbitant prices. See **Attachment DR-1.23**. LTD takes its customer service obligations seriously. If actual, verified concerns arise based on evidence in Indiana, this Commission has authority to investigate and remedy them – but it should not deny LTD's ETC

application on the speculation that LTD will not render satisfactory service quality and customer service.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.24: What are the estimated construction costs of the networks required to be built in all 15 of the states in which LTD was awarded RDOF support?

OBJECTION: LTD objects to Request 1.24 on the grounds that Data Request 1.24 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the estimated construction costs of networks in all states of an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination informed by estimated construction costs of networks across all states in which an applicant was awarded RDOF support. It is the FCC's obligation to review RDOF awardee long-from applications and make the determination that the applicant is "reasonably capable" of meeting its performance obligations. LTD further objects to Request 1.24 on the grounds that it seeks disclosure of trade secret and highly confidential information protected from unwarranted disclosure or discovery.

RESPONSE: Subject to and without waiver of the foregoing Objections, the estimated construction cost of the networks required to be built in all 15 of the states in which LTD was awarded RDOF support exceeds the amount of the aggregate RDOF funding awarded to LTD. LTD will not use RDOF support from Indiana to fund building in other states. The FCC will

measure annual compliance and the spending level at the state level. Additionally, the state commission will certify to the FCC the amount of capital spending in the prior year and indicate whether resources are sufficient to meet building needs for the coming year.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.25: Please explain how LTD will allocate the total amount of RDOF support awarded in all 15 states, including whether the amounts awarded for each of the 15 states will be used to build the network and provide the required Services only in that state.

OBJECTION: LTD objects to Request 1.25 on the grounds that Data Request 1.25 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the allocation of RDOF support among multiple states by an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination of the Applicant's plans for allocating RDOF support. LTD further objects to Request 1.25 on the grounds that it seeks disclosure of trade secret and highly confidential information protected from unwarranted disclosure or discovery.

RESPONSE: See Objections. Subject to and without waiver of the foregoing Objections, LTD will allocate RDOF support as required by the FCC. The FCC will measure annual compliance and spending at the state level. Additionally, the state commission will certify to the FCC the amount of capital spending in the prior year and indicate whether resources are sufficient for the coming year. LTD will not use RDOF support from Indiana to fund building in other states.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.26: Please provide all financial and technical proposals related to LTD's RDOF bids.

OBJECTION: LTD objects to Request 1.26 on the grounds that Data Request 1.26 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate all financial and technical proposals related to RDOF bids of an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination relating to the financial or technical aspects of an Applicant's RDOF bids. It is the FCC's obligation to review RDOF awardee long-form applications and make the determination that the applicant is "reasonably capable" of meeting its performance obligations. LTD further objects to Request 1.26 on the grounds that it seeks disclosure of trade secret and highly confidential information protected from unwarranted disclosure or discovery.

RESPONSE: See Objections.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.27: Please provide all of LTD's audited and unaudited financial statements for the past two years.

OBJECTION: LTD objects to Request 1.27 on the grounds that Data Request 1.27 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the extent to which an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant") has the financial ability to deploy the services to be supported by RDOF funding. The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination of whether the Applicant has the financial ability to deploy the services for which the carrier will receive RDOF support. It is the FCC's obligation to review RDOF awardee long-form applications and make the determination that the applicant is "reasonably capable" of meeting its performance obligations. LTD further objects to Request 1.27 on the grounds that it seeks disclosure of private and highly confidential financial information protected from unwarranted disclosure or discovery. LTD will not disclose such information until such time as an appropriate Non-Disclosure Agreement has been executed by the parties.

RESPONSE: See Objections.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
First Set of Requests for Production of Document and Other Discovery

Request 1.28: Please provide the jurisdiction and docket or cause number of any current proceedings or proceeding in the past three years in which LTD's financial, managerial or technical ability to provide communications services has been challenged.

OBJECTION: LTD objects to Request 1.28 on the grounds that Data Request 1.28 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the existence of other state proceedings involving an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination informed by proceedings in other states. LTD further objects to Data Request 1.28 on the grounds that the information requested is in the public domain and is equally accessible to New Lisbon as it is to LTD.

RESPONSE: Subject to and without waiver of the foregoing objection, other losing bidders and their state trade associations have filed proceedings at the FCC, pending as AU Docket No. 20-34, WC Docket No. 19-126 and WC Docket No. 10-90; and at the Minnesota Public Utilities Commission in Docket No. P999/CI-21-86 and P6995/M-21-133. The proceedings were initiated by disappointed RLEC bidders seeking denial of LTD's ETC designation and/or rescission of LTD's RDOF awards and LTD is vigorously opposing the baseless challenges.


CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *LTD Broadband LLC's Responses to INRBA's First Set of Request for Production of Documents and Other Discovery* has been electronically served upon the following on April 22, 2021:

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Respectfully submitted,



Nikki G. Shoultz, #16509-41



LTD Broadband

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-  "We've waited a long time and now excited to have internet in our home."

-  "Good experience switching to LTD Broadband."


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- 'Really great company, very fast internet and exceptional customer service.'
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Delmar Coden

6 reviews

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Crazy how high their prices are, the install the forced equipment rental and the month to month cost is outrageous, go anywhere else to get a better deal. ... [More](#)

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Jason Malcome

13 reviews

 6 months ago

Gggeeezzzz what crazy prices for such low quality internet options dial up would be better haha

 1



Brittany Watkins

1 review

 7 months ago

Absolutely have had the WORST TIME the almost year i have had this company as internet provider. The internet only works half the time if not less than that. And then i have two children online learning and on A FRIDAY WITH NO CALL, WRITTEN ... [More](#)

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James I

Local Guide · 58 reviews

 5 months ago

theyve deleted my post three times now. Their prices are terrible. so many better choices out there ... [More](#)

 1



jim martin

Local Guide · 61 reviews · 18 photos

 a year ago



Tammy D

8 reviews



★★★★★ 11 months ago

WiFi is fast and reliable. Excellent service and friendly employees.

Like



Kelly Rummel

4 reviews



★★★★☆ 6 months ago

The price for the product is a joke... A completely crazy price. Try anywhere else

Like



Bikes and fire 2020

1 review



★★★★☆ a year ago

Terrible service the internet always slow and the haven't tried fixing anything



Jennifer Moistner

2 reviews



★★★★★ a year ago

great service for our area!

Like



Chelsi H

Local Guide · 34 reviews · 10 photos



★★★★★ 5 years ago

Very friendly staff. Whenever you call you can expect to get the best and friendliest service around. Reliable service and if you ever have a problem they address it as soon as possible! Great people!

Like



K Jackson


2 reviews



★★★★★ 4 years ago



I'm a new customer to New Lisbon Telephone Company I have never had service like New Lisbon's It is dependable, friendly and the rates are more than reasonable I have searched for years to have internet service like New Lisbon has provided ... [More](#)



1

 **Bill Hatcher**
4 reviews · 1 photo ⋮
★★★★★ 2 years ago
Very good company
 Like

 **Melissa Hair**
5 reviews ⋮
★★★★☆ a year ago
outrageous prices, what a theft
 Like

 **Brandon Kirkendall**
3 reviews ⋮
★★★★☆ a year ago
the worst
 1

 **Tammy Teague**
Local Guide · 78 reviews · 4 photos ⋮
★★★★★ 4 years ago
Nice
 Like

 **DaEnemy Soul**
Local Guide · 20 reviews · 21 photos ⋮
★★★★★ 4 years ago
Great place
 Like

 **Witty Heathen**
★★★★★ 2 years ago ⋮

 **Wade Pate** ⋮
★★★★☆ 2 years ago

 **Stephen Landon** ⋮
★★★★☆ 3 years ago

 **tony harris** ⋮
Local Guide · 8 reviews · 22 photos
★★★★★ a year ago

 **William Crabtree** ⋮
36 reviews · 1 photo
★★★★★ 6 months ago

 **Jessica Yaeger** ⋮
29 reviews
★★★★★ 5 years ago

 **Debbie Bell** ⋮
2 reviews
★★★★★ 3 years ago

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)

LTD BROADBAND LLC'S RESPONSES TO INDIANA EXCHANGE CARRIER ASSOCIATION, INC. D/B/A INDIANA RURAL BROADBAND ASSOCIATION'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND OTHER DISCOVERY

LTD Broadband LLC ("LTD"), by counsel, responds to and objects to the Second Set of Requests for Production of Documents and Other Discovery propounded by the Indiana Exchange Carrier Association, Inc. d/b/a Indiana Rural Broadband Association ("INRBA") as set forth below.

GENERAL OBJECTIONS:

1. LTD objects to INRBA's Second Set of Request for Production of Documents and Other Discovery insofar as INRBA attempts to impose upon LTD obligations different from, or in excess of, those imposed by the Indiana Rules of Trial Procedure, the Indiana Administrative Code or by the administrative law judge.

2. LTD objects to the Requests to the extent they seek disclosure of private and confidential research, business plans, analysis, strategies, data, customer records and other sensitive commercial information protected from unwarranted disclosure or discovery by applicable law. LTD will not disclose such information until such time as an appropriate confidentiality order has been entered by the Commission and executed by the parties.

3. LTD objects to the Requests to the extent they seek information protected by the attorney-client privilege, the work-product doctrine, or other applicable privileges and protections. LTD hereby claims all applicable privileges and protections to the fullest extent implicated by the Requests and excludes privileged information and materials from its responses. Any disclosure of such information or materials as a result of LTD's responses or otherwise is inadvertent and is not intended to waive any applicable privileges or protections.

4. LTD reserves all objections as to relevance and materiality. LTD submits these responses and is producing materials in response to the Requests without conceding the relevancy or materiality of the information or materials sought or produced, or their subject matter, and without prejudice to LTD's right to object to further discovery, or to object to the admissibility of proof on the subject matter of any response, or to the admissibility of any document or category of documents, at a future time. Any disclosure of information not responsive to the Requests is inadvertent and is not intended to waive LTD's right not to produce similar or related information or documents.

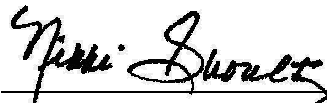
5. LTD objects to the Requests to the extent they call for identification of, or information contained in or derived from: (a) news articles, trade press reports, published industry services or reference materials, or similar publicly-available sources that are available for purchase or otherwise to INRBA; (b) materials that are part of the public record in any legislative, judicial or administrative proceeding and reasonably available to INRBA; (c) materials generated by INRBA and thus presumably in INRBA's own possession, custody or control; (d) materials otherwise available to INRBA where response to the Request would impose unnecessary or unjust burdens or expense on LTD under the circumstances; and/or (e) previously submitted or available

to INRBA in prefiled testimony, pre-hearing data submissions and other documents already filed with the Commission in the pending proceeding.

Subject to and without waiving the foregoing General Objections, each of which are incorporated by reference into the responses below as if fully restated therein, LTD provides the following responses to INRBA's Requests. LTD's responses are based on the best information presently available; LTD reserves the right to amend, supplement, correct or clarify answers if other or additional information is obtained, and to interpose additional objections if deemed necessary.

Dated this 22nd day of April, 2021.

Respectfully submitted,



Nikki G. Shoultz, #16509-41
Bose McKinney & Evans LLP
111 Monument Circle, Suite 2700
Indianapolis, Indiana 46204
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(317) 223-0242 (facsimile)
nshoultz@boselaw.com

Attorney for Petitioner,
LTD Broadband LLC

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
Second Set of Requests for Production of Document and Other Discovery

Request 2.1: Please describe any and all financial obligations, including, without limitation, loans, notes, letters of credit and grants, incurred or intended to be incurred by LTD with respect to the project to be constructed using its provisional award of Rural Digital Opportunity Fund (“RDOF”) support. For each type financial obligation, please state:

- a. The amount of the financial obligation;
- b. The repayment terms and conditions related to the financial obligation; and
- c. Whether LTD has successfully qualified to receive the funds related to the financial obligation or has already received said funds.

OBJECTION: LTD objects to Request 2.1 on the grounds that Data Request 2.1 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the financial obligations, repayment terms and conditions, or the status of receipt of funds connected to RDOF projects by an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's (“FCC's”) Rural Digital Opportunity Fund (“RDOF”) (an “Applicant”)*. The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination of the Applicant's financial obligations or its financial ability to deploy the services for which the carrier will receive RDOF support. LTD further objects to Request 2.1 on the

grounds that it seeks disclosure of private and highly confidential financial information protected from unwarranted disclosure or discovery. LTD will not disclose such information until such time as an appropriate Non-Disclosure Agreement has been executed by the parties.

Response: See Objections.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
Second Set of Requests for Production of Document and Other Discovery

Request 2.2: Please state the amount of RDOF support that LTD has been provisionally awarded by the Federal Communications Commission for census blocks in Indiana: (1) annually, and (2) total over the 10-year support period.

OBJECTION: LTD objects to Data Request 2.2 on the grounds that the information requested is in the public domain and is equally accessible to Intervenors as it is to LTD.

Response: Subject to and without waiver of the foregoing objection, please see LTD's Verified Application and the Verified Prefiled Direct and Rebuttal testimonies of Corey Hauer filed in this proceeding.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
Second Set of Requests for Production of Document and Other Discovery

Request 2.3: Please describe the cost per location of constructing and installing LTD's RDOF-supported network planned in Indiana.

OBJECTION: LTD objects to Request 2.3 on the grounds that Data Request 2.3 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the cost per location of constructing and installing an RDOF supported network planned by an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination of the Applicant's costs for or its financial ability to deploy the services for which the carrier will receive RDOF support. LTD further objects to Request 2.3 on the grounds that it seeks disclosure of private and highly confidential financial information protected from unwarranted disclosure or discovery. LTD will not disclose such information until such time as an appropriate Non-Disclosure Agreement has been executed by the parties.

Response: See Objections.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
Second Set of Requests for Production of Document and Other Discovery

Request 2.4: Please describe the buildout timeline and deployment milestones planned for the construction and installation of LTD's RDOF-supported network in Indiana, including, without limitation, the following:

- a. Whether the buildout timeline and deployment milestones will meet the buildout timeline and deployment milestones required by the FCC in the RDOF auction;
- b. The percentage of locations within the Indiana census blocks awarded to LTD in the RDOF auction for which the RDOF-required services will be available each year for the six-year period following the receipt of RDOF support; and
- c. Whether the locations will be served using a wired fiber optic network, a wireless network, or other technology.

OBJECTION: LTD objects to Request 2.4 on the grounds that Data Request 2.4 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the specific proposed timeline for serving locations of an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination of an Applicant's timeline beyond the Applicant's intent to comply with applicable FCC milestones. LTD further objects to Request 2.4 on the grounds that it seeks disclosure of trade secret and highly confidential information protected from unwarranted

disclosure or discovery.

Response: Subject to and without waiver of the foregoing Objections, LTD's project timeline is dependent upon the FCC. LTD will comply with buildout milestones as required by the FCC. See also page 5 of the Verified Prefiled Rebuttal Testimony of Corey Hauer filed in this proceeding.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
Second Set of Requests for Production of Document and Other Discovery

Request 2.5: Please state all of the reasons why LTD did not file its petition seeking designation as an eligible telecommunications carrier (“ETC”) in Indiana until more than two months after the FCC’s “safe harbor” deadline of January 6, 2021.

OBJECTION: LTD objects to Request 2.5 on the grounds that Data Request 2.5 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the timing surrounding the filing of an Application for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's (“FCC's”) Rural Digital Opportunity Fund (“RDOF”) (an “Applicant”)*. The Commission’s inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, and the timing of an Applicant’s filing of a state ETC petition does not yield any information proving or disproving whether an Applicant meets the ETC designation criteria.

Response: Subject to and without waiver of the foregoing Objection, LTD was delayed in engaging Indiana legal counsel that did not have a conflict of interest in representing LTD.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
Second Set of Requests for Production of Document and Other Discovery

Request 2.6: Please describe any partnership arrangements that LTD has or will have in place to provide any of the services it has committed to providing in the RDOF auction, including high-speed broadband and voice telephony services. For purposes of this request, “partnership arrangement” shall mean any contractual arrangement for any part of a service to be provided by an entity other than LTD.

OBJECTION: LTD objects to Request 2.6 on the grounds that Data Request 2.6 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the partnership arrangements for providing service by an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an “Applicant”). The Commission’s inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination regarding the suitability of an Applicant’s partnership arrangements. LTD further objects to Request 2.6 on the grounds that it seeks disclosure of trade secret and highly confidential information protected from unwarranted disclosure or discovery.

Response: Subject to and without waiver of the foregoing Objections, please see page 12 of Mr. Hauer’s Verified Prefiled Rebuttal Testimony in this proceeding indicating that LTD has no affiliates and will partner with appropriate engineering, construction and fiber companies to construct the network necessary to satisfy its RDOF obligations in Indiana.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
Second Set of Requests for Production of Document and Other Discovery

Request 2.7: Please identify the download and upload broadband speeds to be offered by LTD within its RDOF-supported census blocks in Indiana. Does LTD currently offer services in any state comparable to the identified speeds to be offered in Indiana?

OBJECTION: LTD objects to Request 2.7 on the grounds that Data Request 2.7 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate whether comparable services are currently offered in other states by an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination regarding the provision of comparable services by an Applicant in other states.

Response: Subject to and without waiver of the foregoing Objection, LTD must offer 1 Gbps/500 Mbps within its RDOF-supported census blocks. LTD will offer other plans based on consumer demand. See also page 13 of Mr. Hauer's Verified Prefiled Rebuttal Testimony in this proceeding.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
Second Set of Requests for Production of Document and Other Discovery

Request 2.8: Please describe any resources, including, without limitation, infrastructure, human capital, contractual arrangements and real estate holdings, that LTD currently has in Indiana that would assist in the construction and installation of RDOF-supported network in Indiana or the provision of broadband or voice services in Indiana.

OBJECTION: LTD objects to Request 2.8 on the grounds that Data Request 2.8 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the infrastructure, human capital, contractual arrangements and real estate holdings of an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination regarding the existence or suitability of an Applicant's infrastructure, human capital, contractual arrangements and real estate holdings. LTD further objects to Request 2.8 on the grounds that it seeks disclosure of trade secret and highly confidential information protected from unwarranted disclosure or discovery.

Response: Subject to and without waiver of the foregoing objections, see page 10 of Mr. Hauer's Verified Pfiled Rebuttal Testimony in this proceeding.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
Second Set of Requests for Production of Document and Other Discovery

Request 2.9: Please explain whether LTD has been designated as an ETC in any state or by the FCC and, if so, whether it remains in compliance with all ETC requirements, including, without limitation, the offering and advertising of Lifeline service, in said state or as set forth by the FCC, as applicable.

Response: See pages 3 and 4 of Mr. Hauer's Verified Prefiled Direct Testimony in this proceeding. LTD remains in compliance with all ETC requirements in those states.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
Second Set of Requests for Production of Document and Other Discovery

Request 2.10: To what extent does LTD intend to utilize licensed wireless backhaul to provide RDOF-supported services in Indiana? Please provide any and all engineering documentation and network infrastructure plans demonstrating that any planned use of wireless backhaul will provide sufficient service to the awarded locations in Indiana.

OBJECTION: LTD objects to Request 2.10 on the grounds that Data Request 2.10 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate the engineering documentation and network infrastructure plans of an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination regarding the sufficiency of an Applicant's planned network infrastructure to provide sufficient service to the RDOF awarded locations. LTD further objects to Request 2.10 on the grounds that it seeks disclosure of trade secret and highly confidential information protected from unwarranted disclosure or discovery.

Response: See Objections.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
Second Set of Requests for Production of Document and Other Discovery

Request 2.11: When LTD's network is built pursuant to its RDOF bid, will all customers throughout the entire service area have access to the same service offerings? If not, explain.

Response: All customers in assigned census blocks will have access to 1000/500 fiber as required by LTD's RDOF obligations. Other plans may vary by market demand.

Cause No. 41052 ETC-96
LTD Broadband LLC's Responses to
Indiana Exchange Carrier Association, Inc.
d/b/a Indiana Rural Broadband Association's
Second Set of Requests for Production of Document and Other Discovery

Request 2.12: Has LTD asked or does LTD intend to ask the FCC to change the RDOF rules retroactively to allow it to receive support for broadband speeds less than the Gigabit services it bid upon. If so, explain and provide any filings or communications related to such request.

OBJECTION: LTD objects to Request 2.12 on the grounds that Data Request 2.12 is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In particular, Indiana law does not require, nor does the Commission as a matter of course evaluate communications between the FCC and an applicant for *Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the Federal Communications Commission's ("FCC's") Rural Digital Opportunity Fund ("RDOF")* (an "Applicant"). The Commission's inquiry is limited to whether LTD meets the eligibility criteria for ETC designation as contained in Section 214(e)(1) of the Act and related FCC Rules, which do not include a determination regarding the substance of any communications between the Applicant and the FCC.

Response: Subject to and without waiver of the foregoing Objection, LTD has made no such requests and has no plans to make such request.

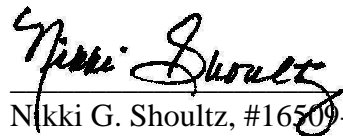
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *LTD Broadband LLC's Responses to INRBA's Second Set of Request for Production of Documents and Other Discovery* has been electronically served upon the following on April 22, 2021:

Indiana Office of Utility Consumer Counselor
115 W. Washington Street, Suite 1500 South
Indianapolis, Indiana 46204
infomgt@oucc.in.gov

Jeremy L. Fetty
Erin C. Borissov
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Respectfully submitted,



Nikki G. Shoultz, #16509-41

Exhibit B



INDIANAPOLIS
CAPITAL CENTER NORTH
251 N. ILLINOIS STREET, SUITE 1800
INDIANAPOLIS, IN 46204
PHONE: 317.269.2500
FAX: 317.269.2514

JEREMY L. FETTY
jfetty@parrlaw.com

April 23, 2021

Via Email: NShoultz@boselaw.com

Nikki G. Shoultz
Bose McKinney & Evans
111 Monument Circle - Suite 2700
Indianapolis, IN 46204

Re: LTD Broadband's Application for ETC Designation
Discovery Deficiency Letter
Cause No.: 41052-ETC-96

Dear Ms. Shoultz

This letter is being sent pursuant to Indiana Trial Rule 26(F) to resolve a discovery dispute. It is our hope to reach a resolution on this discovery dispute and to establish a prompt plan for your client to produce relevant and discoverable information without the need for our client, Indiana Exchange Carrier Association, Inc. d/b/a Indiana Rural Broadband Association ("INRBA") to seek the Indiana Utility Regulatory Commission's ("Commission") intervention via a Motion to Compel.

Based on review of your client's responses to INRBA's First Set of Requests for Production of Documents and Other Discovery and INRBA's Second Set of Requests for Production of Documents and Other Discovery, it is clear that your client has failed to produce all relevant and discoverable information requested. LTD failed to provide any response to Requests 1.3, 1.27, 2.1, 2.3, and 2.10. LTD has provided deficient and incomplete responses to Requests 1.18, 1.24, 2.2, 2.6.

Each of these requests is clearly tied to whether LTD: (i) has the ability to actually offer the services supported by RDOF funding awarded to LTD using LTD's own facilities or a combination of its own facilities and resale of another carrier's services); (ii) will actually advertise the availability of the services supported by RDOF funding awarded to LTD; (iii) has created a five year plan that describes with specificity proposed improvements or upgrades to LTD's network throughout LTD's proposed service area; (iv) has the ability to remain functional in emergency situations; and (v) has the ability to satisfy consumer protection and service quality standards, which are all requirements LTD must satisfy in order to be designated as an eligible

Nikki Shoultz, Esq.

April 23, 2021

Page 2

telecommunications carrier (“ETC”). *See* 47 C.F.R. 54.201 (d) and 47 C.F.R. 54.202(a). Each of these requests is also relevant to whether LTD’s designation as an ETC is in the public interest. *See* 47 C.F.R. 54.202(b). As a result, each request is reasonably calculated to lead to the discovery of admissible evidence.

With respect to all objections based on confidential or trade secret information, we have enclosed herewith an NDA in substantially the same format as LTD has executed in other proceedings for your execution. This should alleviate LTD’s concerns with respect to confidential and trade secret information.

Please let me know when you can be available for a call to discuss these matters. With the compressed time frame, we need updated responses by close of business April 27, 2021 or we will be forced to file a Motion to Compel with the Commission.

Sincerely,

PARR RICHEY FRANSEN PATTERSON KRUSE LLP

By:



Jeremy L. Fetty

JLF/ch

1643037