

STATE OF IOWA
DEPARTMENT OF COMMERCE
IOWA UTILITIES BOARD

IN RE:

LTD BROADBAND LLC

DOCKET NO. ETA-2019-0001

**REQUEST TO AMEND ELIGIBLE
TELECOMMUNICATIONS CARRIER
DESIGNATION**

LTD Broadband LLC is designated by the Iowa Utilities Board (“Board”) as an eligible telecommunications carrier (“ETC”) to receive universal service support. See “Order Designating Eligible Telecommunications Carrier,” *In re LTD Broadband LLC*, Docket No, ETA-2019-0001 (February 20, 2019). In that Order, the Board designated LTD Broadband for high-cost support and the Lifeline program in census block groups (“CBGs”) that the Federal Communications Commission (“FCC”) awarded through its Connect American Fund Phase II auction. LTD Broadband now requests expansion of its ETC service area pursuant to Board Rule 39.3(3)(i), to five hundred and seventy-five (575) additional CBG’s awarded to LTD Broadband in the FCC Rural Digital Opportunity Fund Auction 904 (“RDOF”). The list of RDOF CBGs is provided in **Exhibit 1**. LTD Broadband was awarded support for network deployment to 12,916 locations and awarded a total of \$2,318,478.63 in federal universal service fund high-cost support. While the Board’s rule establishes no particular requirements other than notice 30 days in advance, and while the Board found LTD Broadband qualified for designation just two years ago, LTD Broadband nonetheless briefly restates the following commitments and information in support of its request.

I. IDENTIFICATION OF APPLICANT

A. The legal name, address and telephone number of the Petitioner and its designated contact person are as follows:

Corey Hauer
69 Teahouse Street
Las Vegas, NV 89138
507 369-2669
coreyhauer@ltdbroadband.com

LTD is represented in connection with this petition by its counsel:

Bret Dublinske
Fredrikson & Byron
111 East Grand Avenue, Suite 301
Des Moines, IA 50309
515 242-8904
bdublinske@fredlaw.com

and

Kristopher Twomey
Law Office of Kristopher E. Twomey, P.C.
1725 I Street, NW, Suite 300
Washington, DC 20006
202 681-1850
kris@lokt.net

B. The name and title of the officer or representative of LTD authorizing this petition is Corey Hauer, Chief Executive Officer.

C. The proposed effective date of designation of eligibility to receive Universal Service Support is immediately upon the Board's issuance of an Order approving this Petition.

D. The service areas for which additional ETC designation is sought (the RDOF CBGs) are attached as **Exhibit 1**.

E. LTD Broadband has all necessary regulatory authority, having been previously designed as an ETC by this Board and having been awarded support under the FCC's RDOF.

II. BOARD CRITERIA FOR DESIGNATION

A. LTD Broadband LLC is the entity requesting the amended designation. LTD Broadband is a fixed wireless and fiber optic broadband service and voice-over internet protocol (“VoIP”) provider with headquarters in Las Vegas, Nevada. The purpose of this request for amendment is to provide broadband internet access and broadband-voice bundled services, including but not limited to voice grade access to the public switched telephone network. *See* Board Rule 39.3(2)(a).

B. As stated above, the purpose for which the amended designation is sought is to effectuate the federal RDOF program, under which LTD Broadband has been awarded support to serve additional census blocks in Iowa. State ETC designation is a requirement of the RDOF program. Designation is sought for high-cost support and Lifeline participation. A timely granting of the amended designation will allow investment and new services to timely be deployed in Iowa. The FCC, in awarding LTD Broadband RDOF grants, and this Board in designating LTD Broadband just two years ago, have determined that LTD Broadband has the financial and technical qualifications to meet the requirements. *See* Board Rule 39.3(2)(b).

C. LTD Broadband certifies that it intends to provide all services designated for support throughout the approved service territory. Specifically, LTD Broadband will provide voice over IP telephony in the Service Area. LTD has the ability and the intention to provide the voice telephony services required by 47 CFR §54.101(a).¹ In its *USF/ICC Transformation Order*, the FCC modified the definition of a supported service to a technologically-neutral approach, allowing companies to provision voice service over any platform, including the PSTN and IP

¹ FCC Rule 54.101, as modified at 47 CFR 54.101 (a) (1) states that “[E]ligible voice telephone services must provide voice grade access to the public switched network or its functional equivalent.”

networks.² Thus, the FCC amended Section 54.101 to specify that the functionalities of eligible voice telephony services include voice grade access to the public switched network or its functional equivalent.³ The FCC further explained that increasingly “consumers are obtaining voice services not through traditional means but instead through interconnected VoIP providers offering service over broadband networks.”⁴ Interconnected VoIP services “allow customers to make real-time voice calls to, and receive calls from, the PSTN, and increasingly appear to be viewed by consumers as substitutes for traditional voice telephone services.”⁵ Thus, the FCC concluded that its authority to promote universal services in this context “does not depend on whether interconnected VoIP services are telecommunications services or information services under the Communications Act.”⁶ LTD Broadband will therefore provide voice-grade access to the PSTN by providing interconnected VoIP service throughout the designated service area. LTD Broadband further states that it will comply with any RDOF program requirements. *See* Board Rule 39.3(2)(c).

D. LTD Broadband will provide broadband and voice over IP services over RDOF funded and installed fiber-optic facilities to customer premises. LTD Broadband is committed to provide service to all customers making a reasonable request for service. LTD Broadband provides high-speed broadband and digital telephone services to residential, commercial and enterprise

² *In the Matter of Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform – Mobility Fund*, 26 FCC Rcd 17663, 17692-93 (2011) (“*USF/ICC Transformation Order*”).

³ *Id.*; *See also* 47 C.F.R. §54.101(a).

⁴ *USF/ICC Transformation Order* at ¶63.

⁵ *Id.*

⁶ *Id.*

customers utilizing a combination of fiber optic and wireless frequencies. LTD Broadband will provide supported services using its network infrastructure, consisting of last mile connection and network equipment and components consistent with the RDOF award criteria. *See* Board Rule 39.3(2)(d).

E. As further described in “D,” above, LTD Broadband certifies that it will offer the supported services using its own facilities or a combination of its own facilities and the services of (an)other carrier(s). *See* Board Rule 39.3(2)(e).

F. LTD Broadband will advertise the availability of the Supported Services throughout its designated service areas using media of general distribution in a manner that is designed to reach those likely to qualify for such services. An example of a postcard to be used in marketing its services after relevant construction has been completed is attached as **Exhibit 2**. LTD Broadband anticipates that it will advertise in the RDOF CBGs in a manner consistent with how it promotes its present services, including, for example, through its web page (see <https://ltdbroadband.com/>). LTD Broadband agrees to comply with all form and content requirements, if any, promulgated by the FCC and this Board in the future and required of all designated ETCs. *See* Board Rule 39.3(2)(f).

G. LTD Broadband is providing with this Request **Exhibit 1**, the list of RDOF CBGs which LTD Broadband seeks to amend its designation to cover, and the corresponding map, provided as **Exhibit 3**. *See* Board Rule 39.3(2)(g).

H. Designation of LTD Broadband as an ETC will serve the public interest by facilitating the FCC’s goal of developing voice and broadband networks in rural, high-cost areas. Under the 1996 Act, “upon request and consistent with the public interest, convenience and necessity” the Commission shall “designate more than one common carrier as an eligible

telecommunications carrier for a service area designated” by the Commission.⁷ Before such a designation, the Commission shall find that the designation is in the public interest.⁸ In its *2005 ETC Order*, the FCC determined that the benefits of increased consumer choice, and the unique advantages of the applicant’s service offering are components of a public interest analysis.⁹

Prompt designation of LTD Broadband will serve the public interest by ensuring that the company is eligible to receive federal USF support, including through the FCC's high-cost programs. LTD Broadband will use this funding to directly advance the FCC's goal of deploying voice and broadband-capable networks in rural, high-cost areas while ensuring that rural consumers and anchor institutions benefit from innovations in communications technology. In particular, LTD Broadband will use federal USF support to expand access to high-speed, high-quality broadband and voice provided through interconnected VoIP and fiber optic broadband for rural residents and businesses. These advanced communications services will provide important connectivity to consumers, businesses, and community anchor institutions, including rural schools, libraries and medical facilities and are a unique alternative to services provided by traditional wireline carriers within the Company’s designated service area.

Designation of LTD Broadband as an ETC is also in the public interest because it will promote increased competitive choice, thereby increasing innovation and incenting other carriers to improve their existing networks in order to remain competitive. This will result in greater access to high-speed broadband and voice services, as well as improved service

⁷ 47 C.F.R. 54.201(c).

⁸ Id.

⁹ *In the Matter of Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, FCC 05-46, 20 *FCC Rcd* 6371, 6389 (rel. Mar. 15, 2005) (“*2005 ETC Order*”).

quality for residents of underserved communities in RDOF-eligible areas of the state. LTD Broadband's services will provide consumers with additional choices in communications service providers, as well as a variety of service offerings at competitive rates. *See* Board Rule 39.3(2)(h).

I. LTD Broadband affirmatively states that it will use the support only for the provision, maintenance, and upgrading of facilities to deploy, improve, and support services to consumers in LTD Broadband's designated service areas. *See* Board Rule 39.3(2)(i).

J. LTD Broadband will provision service with sufficient back-up power to remain functional without an external power source in emergency situations. LTD Broadband is able to re-route traffic around damaged facilities and will be able to manage traffic spikes resulting from emergency situations. Applicant uses battery back-up power in the field and battery backup power at its NOC for internet service. LTD Broadband's VoIP service requires an Internet Protocol (IP) connection to the Company's network or public Internet and 120VAC power to function. In the event of a failure of the IP connection or the local AC power, the service, including the E911 feature, will not function. Upon activation of a customer, LTD Broadband will provide the customer with a notification containing clear instructions on the use of emergency services. *See* Board Rule 39.3(2)(j).

K. LTD Broadband affirmatively states that it will comply with all applicable federal and state service requirements for support under the RDOF program. *See* Board Rule 39.3(2)(k).

L. LTD Broadband affirmatively states that it will comply with all applicable federal and state consumer protection and service quality standards. *See* Board Rule 39.3(2)(l).

M. LTD Broadband certifies that it will contribute to the state dual party relay service fund under Iowa Code 477C.7(1). *See* Board Rule 39.3(2)(m).

N. LTD Broadband states that its RDOF territory includes overlap with Tribal Areas noted in **Exhibit 4**. LTD Broadband has opened dialogue with the impacted tribal authority. Pursuant to Board Rule 39.3(2)(n), LTD Broadband will provide a copy of its application to any applicable tribal authorities to the Board when such application is filed with the tribal authority.

III. CONCLUSION

The Board's rules for an amendment of an ETC's designated territory require that a request for amendment be made at least 30 days before the expansion of service. In this case, and in the spirit of the rule, LTD Broadband files at least 30 days before it is required to have state authority under the terms of its RDOF award; the FCC requires such authority to be obtained (or a waiver of such date requested) 120 days from the date of award, which in this case is **June 7, 2021**.

LTD Broadband has gone above and beyond the requirement for a request for amendment to a designation by providing information on the underlying criteria for designation. LTD Broadband has satisfied the FCC of the merits of its application for support to serve the RDOF CBGs, and the Board just two years ago granted LTD Broadband's full application for designation as an ETC.

Granting LTD Broadband's request for amended designation **before the June 7, 2021 deadline** will serve the public interest, allowing substantial federal support to flow to Iowa, allowing rapid investment and expansion of services to underserved Iowa consumers.

LTD Broadband's commitments herein are supported by the Verification of its CEO, below. Accordingly, LTD Broadband respectfully requests the Board promptly grant this Request for Amended Designation.

VERIFICATION

The undersigned, Corey Hauer, Chief Executive Officer of LTD Broadband LLC, certifies under penalty of perjury that he has reviewed this Petition and the facts stated therein, of which he has personal knowledge, and that the same are true and correct to the best of his present knowledge and belief.

LTD Broadband LLC

By:



Corey Hauer
Chief Executive Officer

Respectfully submitted this 7th day of May, 2021.

By: /s/ Bret A. Dublinske

Bret A. Dublinske, AT0002232
FREDRIKSON & BYRON, P.A.
111 East Grand Avenue, Suite 301
Des Moines, IA 50309
Telephone: 515.242.8900
Facsimile: 515.242.8950
Email: bdublinske@fredlaw.com

**ATTORNEYS FOR
LTD BROADBAND LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 7th day of May, 2021, he had the foregoing document electronically filed with the Iowa Utilities Board using the EFS system which will send notification of such filing (electronically) to the appropriate persons.

/s/ Bret A. Dublinske

Bret A. Dublinske