

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
The Rural Digital Opportunity Fund Auction (Auction 904))	AU Docket No. 20-34
)	
Rural Digital Opportunity Fund)	WC Docket No. 19-126

To: Chief, Wireline Competition Bureau

REQUEST FOR WITHDRAWAL OF PETITION FOR PARTIAL RECONSIDERATION

LTD Broadband LLC (“LTD”), by counsel, hereby respectfully seeks withdrawal of its Petition for Partial Reconsideration (“Petition”),¹ filed August 25, 2021 in response to the Bureau’s July 26, 2021 *Order*² denying, in part, LTD’s June 7, 2021 “Petition for Limited Waiver” (“Waiver Request”).³ The Petition sought reconsideration of the *July 26, 2021 Order* only with respect to ETC designation in the State of California, but not for the other two states where waiver was rejected, Kansas and Oklahoma.

While LTD continues to believe that the arguments raised in the Petition have merit, it has become apparent that LTD will not be able to obtain Eligible Telecommunications Carrier (“ETC”) designation for the required census blocks within a reasonable timeframe to allow it to meet its RDOF obligations. On May 6, 2022, the California Public Utilities Commission (“CPUC”) issued an order denying rehearing of its Decision 21-12-028, in which it had rejected

¹ Petition for Partial Reconsideration of LTD Broadband LLC, AU Docket No. 20-34, WC Docket No. 19-126 (filed Aug. 25, 2021).

² *The Rural Digital Opportunity Fund Auction (Auction 904)*, Order, DA 21-908 (WCB, rel. July 26, 2021) (“*July 26, 2021 Order*”). The *July 26, 2021 Order* also included action on a separate, unrelated waiver request filed by another RDOF applicant.

³ See LTD’s Petition for Limited Waiver, AU Docket No. 20-34, WC Docket Nos. 19-126 & 10-90 (filed June 7, 2021).

LTD's Application for a Certificate of Public Convenience and Necessity and request for ETC designation in California. While LTD continues to believe that this decision was premised on errors of both fact and law, after carefully evaluating its options, it has determined that the broad discretion afforded to the CPUC by the California courts makes it unlikely that it could obtain reversal of that decision. It would therefore be an imprudent expenditure of time and money to continue litigating that case. Because the purpose of the Waiver Request was to obtain Commission approval for additional time within which LTD could submit a final grant of ETC designation in the State of California, the end of these legal proceedings in California renders a decision on the Petition moot. Accordingly, LTD is requesting withdrawal of the Petition.

LTD notes that it continues to seek Bureau action on a separate Petition for Reconsideration, filed November 19, 2021, with respect to a different order in this docket relating to waiver of the June 7, 201 ETC designation deadline for the states of Iowa, Nebraska, and North Dakota.⁴ That petition is pending.

Respectfully submitted,

LTD BROADBAND LLC

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⁴ See *The Rural Digital Opportunity Fund Auction (Auction 904)*, Order, DA 21-1311 (WCB, rel. Oct. 20, 2021).