



*Nez Perce*

**TRIBAL EXECUTIVE COMMITTEE**

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October 4, 2017

Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington DC 20554

Re: Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion; GN Docket No. 17-199

To Whom It May Concern:

The Nez Perce Tribe provides the following comments in response to the "Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion;" GN Docket No. 17-199.

**Fixed Service Benchmarks (Paragraph 14) Wireline broadband:**

The Nez Perce Tribe opposes lowering standards below the 25mbps upload/3mbps upload for fixed service as lower standards would make Tribal lands stand out as being unserved. This could have a negative impact as it could result in tribes receiving subpar service compared to the rest of the country which would make the digital divide worse for Tribal people. Further if removing broadband regulations succeeds this will likely mean the sparse customer base on Tribal Lands will be the last served with the highest cost per household or worse the households on Tribal Lands will receive worse service because the return on investment won't be beneficial to broadband companies.

**Mobile Service Metrics and Benchmarks (Paragraph 19) Wireless broadband:**

The Nez Perce Tribe believes setting a lower speed should only be considered as a short term incentive to build tribal lands where no other options to bridging the gap exist. The 10mbps/1mbps minimum, LTE service or higher, should be the long term goal. As technological advances are made the demand for high speed access is a necessity. Technological advances require more bandwidth and higher speeds and are not reverse engineering to slower access speeds. In order for Tribal Nations to advance it will be a necessity to build at the highest speeds available.



## Deployment of Advanced Telecommunications Capability to All Americans (Paragraphs 30, 31 and 32) Measuring Progress; Census Blocks; Rural Tribal Areas

Measuring progress in any environment (rural or urban) should be done by actual field testing. Using a standard speed test and coverage area maps of actual served areas could prove to benefit all areas. For rural Tribes, using Census Blocks limits the actual covered areas because many companies in the industry will claim census blocks but only be required to serve or cover a limited percentage of the census blocks funded. This means that Tribal lands typically fall into the percentage uncovered. This occurrence eliminates Tribes from actively seeking funds for these census blocks because they are already funded. A better measurement would be to allow Tribes to identify their “communities” as was allowed under the ARRA BTOP and allow Tribes to claim these communities in either a Tribal set aside or a point system for demonstration of unserved populations within the Tribal lands.

## School & Classrooms (Paragraph 39)

E-Rate is difficult and the application process is daunting. Many schools forgo the E-Rate funding process simply because of the application process. Although schools on reservations are in dire needs of services, often times the deadline process does not line up with the school year. Many areas are developing consortiums because they then can share one grant writer who puts together the application, administers the implementation and completes the reporting process.

E-rate is capped and distributed on a first come first serve basis. It would be beneficial to provide a priority to Tribal applications. Establishing a Tribal library designation that doesn't require a state designation would also be beneficial. Often times on Tribal lands, the “library” is also the community center, the learning lab, the adult education center, the language center and can be used for community meetings and events. Rarely are they a brick and mortar building dedicated solely to operate as a library. If Tribes were able to develop a resolution outlining the uses of the facility as a library and resource center, more Tribal facilities could benefit from the E-Rate program. As it stands now, many Tribes refuse a State designation as this would diminish the sovereignty of the Tribe.

## Actions to Accelerate Advanced Telecommunications Deployment (Paragraph 49) Coordination for Broadband Deployment

The Trust responsibility the United States has to the 567 Tribal Nations is a good starting point for this discussion. This trust responsibility requires government to government consultation and respect for Tribal sovereignty. A first step in the consultation process is to have a conversation about Tribal infrastructure development, deployment and obstacles to development or



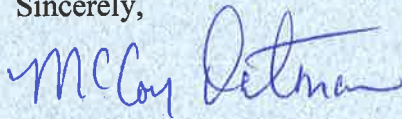
deployment. The most significant is the financial commitment required to actually deploy which is compounded by rights of way, access to reliable and effective engineering and construction.

Where the Tribes need to have consultation with the States is directly tied to rights of way and state highway departments. County consultation could also be required should the County have any infrastructure that is or could be impacted.

Tribes in rural areas are often times the only builders, owners and operators. Providing an opportunity for a priority in funding, a set aside in available funding process or a waiver of credit for auctions would allow Tribes to succeed in the bid process for frequencies serving tribal lands. Further setting build deadlines or time limits to build on owners of frequencies who are winning these auctions would force a sell or bid if that frequency owner declines to actually utilize the frequencies over tribal lands.

Thank you for your consideration of the Nez Perce Tribe's comments on your inquiry. If you have any questions, please contact Danae Wilson at [danaew@nezperce.org](mailto:danaew@nezperce.org) or 208-843-7307.

Sincerely,

A handwritten signature in blue ink, appearing to read "McCoy Detman".

*for* Mary Jane Miles  
Chairman