



The Confederated Tribes of the Colville Reservation

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Secretary
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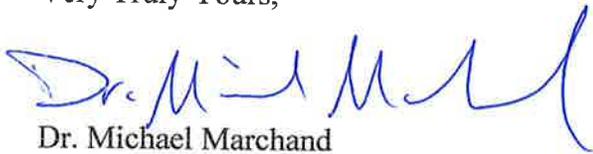
These comments are submitted by the Confederated Tribes of the Colville Reservation to the Federal Communications Commission in the matter of application filed in the transfer of control of Level 3 Communications, Inc. to CenturyLink, Inc., WC Docket No. 16-403, a merger which must be approved by the FCC.

The Colville Tribes applauds CenturyLink's tribal engagement/consultation with some Northwest Tribes regarding Tribes' broadband needs on their historically underserved and unserved reservations. The Colville Tribes urges that CenturyLink continues to engage in discussions/consultation with the Colville Tribes, whose 1.4-million-acre reservation in Central Washington is one of the most poorly served, in terms of internet accessibility. Reservation citizens at Colville are in extremely rural, isolated circumstances and totally lack necessary broadband services for basic public safety needs. The community of Nespelem has fewer than 100 DSL ports for approximately 500 people. The community of Inchelium has about the same number of ports for approximately 1000 people. The Keller community, located in an isolated and remote part of the reservation, has no DSL service at all. This "black hole" in basic and necessary communications services endangers the residents of this area, who have extremely limited means of contacting emergency responders when disaster strikes. This was evident in 2013 when a near-hurricane-force windstorm in and around Keller devastated the community and destroyed dozens of homes. In July and August of 2015 the Colville Reservation experienced the worst wildfires in its known history—approximately 360,000 acres of reservation lands, including timber and range lands, were destroyed. This enormous fire burned not only structures but the utility infrastructure on the reservation; at one point both power and fiber lines were knocked out by the flames. The Omak lookout tower on the reservation burned; this was the Tribes' main communication connection to Okanogan County PUD, the provider for the Tribes' wireless microwave backhaul. Critical communications were disrupted for about a week; during this time even firefighters on the reservation could not communicate with one another except by two-way radios and satellite phones. The public's safety was obviously at risk during this critical time and our communications systems, including CenturyLink's copper infrastructure, were severely damaged. These continue to require significant improvement. It is imperative that CenturyLink continue to engage in meaningful consultation with the Colville Tribes to improve and expand high speed broadband services throughout the reservation and better protect our citizens from harm.

CenturyLink is the "Carrier of Last Resort" under FCC rules, meaning that there are the no other alternative carriers in a particular area; Century Link must work with the Colville Tribes to provide services in areas on the reservation where it is the "Carrier of Last Resort." CenturyLink has received more than \$505 Million from the "Connect America Fund" precisely for the purpose of upgrading communications technology for underserved and unserved populations, such as on the Colville Reservation. Despite this enormous funding for Century Link, it has not agreed to provide service to many reservation areas with CAF money. Public information regarding the use of this funding is unclear; although official FCC maps indicate that CenturyLink has provided approximately \$2.2 million for upgrades in Okanogan County, which includes the Nespelem and Omak Reservation Communities, the Colville Tribes has not been able to determine where these upgrade funds were used. There is nothing in these maps indicating that any funding has been used to upgrade communications systems in Ferry County, where Inchelium and Keller are located. We want to assure that Century Link will use this funding to meet the basic needs of reservation citizens; we propose that the FCC rules, in its response to this proposed merger, that CenturyLink is required to provide a meaningful amount of its CAF funding in a tribal set-aside. This money would be used specifically to upgrade the antiquated switching platforms and build out fiber infrastructure in underserved and unserved reservation areas. We also propose that CenturyLink builds to the standard established by the Wireline Bureau.

We very much appreciate the opportunity to provide these written comments and look forward to the FCC's decision and rulings in this matter.

Very Truly Yours,



Dr. Michael Marchand

Chairman, Confederated Tribes of the Colville Reservation