

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of

Petition of NTUA Wireless, LLC for)	WC Docket No. 09-197
Designation as an Eligible Telecommunications)	
Carrier Pursuant to Section 214(e)(6) of the)	
Communications Act of 1934 as Amended, for the)	
Purpose of Receiving CAF Phase II Support)	

REPLY COMMENTS OF NTUA WIRELESS, LLC

Pursuant to Public Notice, *Wireline Competition Bureau Seeks Comment on Petitions for Designation as an Eligible Telecommunications Carrier for the Purpose of Becoming Eligible to Receive Connect America Fund Phase II Auction Support*, DA 18-1019 (WCB, released October 3, 2018) (“ETC Filings Notice”), NTUA Wireless, LLC (“NTUA Wireless”) submits these Reply Comments concerning its application for designation as an Eligible Telecommunications Carrier (“ETC”) on the Navajo Nation (“NTUAW ETC Petition”).¹

NTUA Wireless is a Limited Liability Company (“LLC”) that was created through a partnership between the Navajo Tribal Utility Authority (“NTUA”) and Commnet Wireless LLC (“Commnet”). NTUA Wireless is majority-owned by NTUA, a Tribal enterprise of the Navajo Nation.² Commnet is a wholly-owned subsidiary of ATN International, Inc., a publicly traded

¹ Therein, NTUA Wireless specifically seeks ETC designation in the Census Block Groups for which it has been awarded Connect America Fund (“CAF”) Phase II support via Auction 903. NTUA Wireless is required to secure the ETC designation no later than February 25, 2019. Furthermore, NTUA Wireless will not be eligible to receive support until its long form is approved and the long form will be deemed incomplete until the ETC designation is in place. *See* Public Notice, *Connect America Fund Phase II Auction (Auction 903) Closes, Winning Bidders Announced, FCC Form 683 Due October 15, 2018*, AU Docket No. 17-182, WC Docket No. 10-90, DA 18-887 (released August 28, 2018) (“*Auction Closing Public Notice*”), at ¶16.

² As set forth in Title 21, Sections 5 and 7 of the Navajo Code, NTUA’s governing board exercises its authority in the best interests of the Navajo Nation and is “authorized to direct the operations to accomplish the purposes” of promoting telecommunications services. Moreover, NTUA’s governing board is empowered with “the capacity to act ... to accomplish the purposes of 21 N.N.C. § 5” which include promoting telecommunications services to the residents of the Navajo Nation, and the NTUA board is authorized to “act in any state, territory, district, or possession of the United States ... for and on behalf of the tribal enterprise.” *See* 21 N.N.C. § 7(b)(2) and (4). Accordingly, NTUA is a unit of the Navajo Nation government, analogous to the way that the Tennessee Valley Authority is a unit of the United States government and simultaneously a utility operator.

corporation headquartered in Beverly, Massachusetts. Commnet and its subsidiaries are licensed by the FCC as a facilities-based provider of CMRS and provide those services principally in rural areas. NTUA Wireless provides mobile voice and broadband services as well as fixed broadband services over its facilities on both a wholesale and retail basis. NTUA Wireless has previously been designated as an ETC on the Navajo Nation by the Commission for purposes of providing Lifeline service and participating in Tribal Mobility Fund I.³

As discussed in the NTUAW ETC Petition, the Commission has the authority to expand NTUA Wireless' ETC designation under Section 214(e)(6), and NTUA Wireless meets all of the statutory and regulatory requirements for expansion of its designation for CAF Phase II funding eligibility. Designating NTUA Wireless as an ETC for purposes of receiving CAF Phase II universal service funds will serve the public interest by allowing NTUA Wireless to receive support to serve the areas that it is obligated to serve, thereby expanding the number of new locations that will receive coverage for the finite budget available.

In the ETC Filings Notice, the Commission provided notice of the existence of the NTUAW ETC Petition, and afforded members of the public a full opportunity to comment upon the proposal. There was no opposition, either to the Commission's jurisdiction or to the substance of the NTUAW ETC Petition.

The NTUAW ETC Petition fully lays out the qualifications of NTUAW Wireless and how the public interest will be served if the application is granted expeditiously. Because there is no opposition, and the Commission has previously found that NTUAW is able to satisfy the

³ *Second Amendment to Petition of NTUA Wireless, LLC for Designation as an Eligible Telecommunications Carrier for Lifeline Service and for Conditional ETC Status to Participate in Tribal Mobility Fund Phase I (Auction 902) on the Navajo Nation*, 29 FCC Rcd 1669 (2014) (“*NTUA Wireless ETC Order*”).
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obligations of an ETC, the time is ripe for the Commission to complete processing of this application and grant NTUA Wireless its requested ETC designation. In that way, NTUA Wireless will be able to move forward in a timely manner to bring new broadband service to its Auction 903 winning-bid areas.

CONCLUSION

designating NTUA Wireless as an ETC for purposes of receiving CAF Phase II support is consistent with the requirements of Section 214(e)(6) of the Act and is in the public interest. Accordingly, NTUA Wireless respectfully requests that the Commission expeditiously grant its request for an expanded designation as an ETC for purposes of receiving CAF Phase II support in the areas identified in NTUAW ETC Petition.

Respectfully submitted,
NTUA WIRELESS, LLC

/s/

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