

3/15/18

Ex Parte Filing

Marlene H. Dortch, Secretary

Federal Communications Commission

445 12th Street, SW

Washington, DC 2055

RE: In the Matter of the Second Report and Order of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment

Dear Ms. Dortch:

After careful discussion, and on behalf of the Cheyenne and Arapaho Tribes, we respectfully object to the FCC’s proposal and request this letter be factored in on the Commissioner’s decisions in the March 22nd meeting.

While we understand the need for advancement, The FCC is removing Tribes from the review process, and by doing so, is preventing our ability to properly protect our cultural resources. Our requested Research Fee is not “needlessly adding millions of dollars to the cost of infrastructure deployments” but rather assisting in funding jobs and providing software and hardware to adequately review these projects. Without our modest review fee, we would not have the staff or the ability to research and provide responses to the numerous projects sent to us daily. Also, we may require funds to consultation with an Advisory Board to assist with a determination on certain projects. Although we have updated our review process in the last year, our research fees have remained the same for over 6 years. Since the development of the Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment document, we have since tried to conciliate consulting parties by waving fees on certain reviews, allowing companies to bundle small cells under one fee, and reviewing the information and responding, generally, the same day we receive all of the required documents. By our records, the delays in infrastructure deployment have been because the industry itself has not produced the required information to properly assess if there is an adverse effect.

In addition, under 36 CFR Part 800 §14(C), (3) and (F), we disagree with the FCC’s claim to have made adequate attempts to consult with our Tribe. Paragraph 22 of the Second Report and Order claims to have consulted with our Tribe during the Broken Bow meeting on July 24th, 2017. A Representative of another tribe requested clarification during the meeting if this was a consultation, to which FCC Representatives claimed this to be a “Meeting” and “Not a consultation”. Also, the FCC representative’s discussion was brief, lacked relevant information, and pertained to Section 106 consultation on small cell infrastructure.

In closing, we respectfully request further consultation and our rights as a Tribal Nation to be respected.

Sincerely yours,

Micah Looper

Research Analyst

Cheyenne & Arapaho Tribes of Oklahoma

cc: Senator Tom Udall

Senator John Hoeven