

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Carriers Eligible for)	WC Docket No. 09-197
Universal Service Support)	

COMMENTS

The Oceti Sakowin Tribal Utility Authority (“OSTUA”)¹ hereby respectfully submits these Comments on TracFone Wireless, Inc. Second Amendment To Petition To Expand Eligible Telecommunications Carrier Designation To Include Tribal Lands and Motion For Expedited Action (“TracFone’s Tribal ETC Application”).² In its application, TracFone seeks to expand its designation as an eligible telecommunications carrier to Tribal lands in Alabama, Connecticut, New York, North Carolina, and Virginia, which, to date, have not realized the benefits of TracFone’s nationwide Lifeline service offerings. Granting TracFone’s Tribal ETC Application will enable residents of Tribal lands in Alabama, Connecticut, New York, North Carolina, and Virginia to have access to voice and broadband services comparable to those available in urban areas and allow Tribal residents of these states to realize the benefits of Tracfone’s Lifeline services available to residents of Tribal lands in other states.

¹ The OSTUA represents a coalition of Indian Tribes that support the advancement of Tribal sovereignty by protecting the rights of Tribal Nations and its members through inter-government coordination and enforcement of laws and requirements on Tribal Lands. The OSTUA was formed to provide a coordinated and united approach to addressing common utility and economic development issues of importance to Indian Tribes. Recognizing the important role of the OSTUA, on September 5, 2014, the Great Plains Tribal Chairman’s Association passed Resolution No. 1-9-5-14, “Support for Oceti Sakowin Utility Authority to assist tribal governments through a multi-tribal collaborative effort on (i) addressing jurisdiction and sovereignty issues, (ii) establishing tribal utility commissions, and (iii) resolving conflicts, disputes and issues with entities providing service on Tribal lands.”

² FCC Public Notice, *Wireline Competition Bureau Seeks Comment on TracFone Wireless, Inc. Second Amendment To Petition To Expand Eligible Telecommunications Carrier Designation To Include Tribal Lands and Motion For Expedited Action*, WC Docket No. 09-197, DA 19-258, April 4, 2019.

The OSTUA has reviewed the Lifeline service offerings available in many states and have found that TracFone's proposed Tribal Lifeline service offering will greatly benefit residents of Tribal lands in Alabama, Connecticut, New York, North Carolina, and Virginia. TracFone explains its Tribal Lifeline service offering as follows:³

TracFone advises the Commission that it has increased its proposed enhanced Lifeline benefits for residents of Tribal lands to include unlimited airtime voice minutes, unlimited text messaging, and 4 GB of mobile broadband data each month. Although the Commission has not established a minimum amount of data that must be offered to receive Lifeline Tribal lands support, TracFone's offering significantly exceeds the amount of mobile broadband data that it provides to its non-Tribal Lifeline customers (i.e., 1 GB). Moreover, as required by Commission rules, TracFone certifies that it will pass through to Tribal land residents the entire amount of federal Universal Service Fund support it receives for providing Lifeline service to residents of Tribal lands. In the Petition, TracFone stated that Tribal customers would have the option of receiving a free Android smartphone or using their own smartphone. Under TracFone's amended proposed offering, all Tribal customers will receive a free Android smartphone that must be used to access TracFone's service. The smartphone provided by TracFone at no charge will be Wi-Fi capable, as required by the Commission's rules, and will be activated on the network of the underlying carrier that provides the best coverage to the customer based on the customer's residential address. This amended offering will enable TracFone to ensure that each customer residing on Tribal lands receives an optimal service experience.

The OSTUA has been in contact with Tribes across the country, who suffer from lack of access to essential utility services, including telecommunications and broadband services. Many service providers on Tribal lands do not tailor their service offerings to meet the needs of Tribal residents and do not "engage" with Tribes to ensure Tribal requirements are satisfied. TracFone's Tribal-specific Lifeline service offering with 4 GB of mobile broadband data over the underlying carrier that provides the best coverage to the customer based on the customer's

³ TracFone's Tribal Lifeline Application at p. 5. TracFone also explains that its Tribal Lifeline service offering will greatly benefit residents of Tribal lands in these states by providing access to services and features that are not currently available.

residential address is precisely the type of Lifeline service that the Commission should not only approve, but encourage as well. TracFone has also demonstrated in its existing Tribal Lifeline states it will “engage” with Tribes to ensure that all Tribal requirements are satisfied prior to offering service on Tribal lands.

For the reasons explained herein, the OSTUA supports the expeditious grant of the TracFone’s Tribal ETC Application.

Respectfully submitted,

Oceti Sakowin Tribal Utility Authority

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