

David A. LaFuria

8300 Greensboro Dr.  
Suite 1200  
Tysons, VA 22102

dlafuria@fcclaw.com  
(703) 584-8666  
WWW.FCCLAW.COM



June 24, 2019

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-B204  
Washington, D.C. 20554

Re: WT Docket No. 10-90  
WT Docket No. 10-208  
WC Docket No. 09-197  
WC Docket 11-42  
WC Docket No. 17-287

Dear Ms. Dortch:

On June 20 and 21, undersigned counsel and Kevin Frawley, the chairman of the board of Smith Bagley, Inc. ("SBI"), met with Jamie Susskind in Commissioner Carr's office, Arielle Roth in Commissioner O'Rielly's office, Randolph Clarke and Brylan Droddy in Commissioner Starks' office, Travis Litman in Commissioner Rosenworcel's office, and Nirali Patel in Chairman Pai's office. We also met with Trent Harkrader, Ryan Palmer, Jodie Griffin, and Nathan Eagan in the Wireline Competition Bureau.

SBI discussed its recent investments in its network that have improved coverage and mobile broadband speeds in substantial portions of its service area. SBI noted that as its network has been deployed into sparsely populated areas, an increasing portion of its federal universal service support is needed for operations and maintenance, and that the ability to expand further and upgrade services may be limited in the future. In the meantime, the sparse population, demographics reflecting widespread poverty, and lack of economic development on remote Tribal lands suppress demand and cause the cost of providing one minute of voice or one GB of data to remain high. These high costs limit both the quality and quantity of services that Tribal citizens can receive.

SBI suggested that the Commission could allow facilities-based carriers operating on remote Tribal lands to access additional Lifeline support if such funds were used to either construct facilities or to provide consumers with additional amounts of broadband data service each month. For SBI, the cost of building additional towers in remote areas, or extending fiber to existing towers, is extraordinarily high. If such investments could be made, however, they would bring long-term benefits to areas that are currently unserved, or that only receive 3G broadband due to the necessity of using microwave backhaul links to connect towers that are located far from any fiber connectivity.

SBI believes that an additional \$10.00 per month in per-household Lifeline support could be efficiently targeted to remote areas on Tribal lands in a number of states where the Digital Divide remains widest. The Commission could target additional support to areas where, for example, household telephone or broadband penetration is below a certain threshold, or areas where unemployment rates or poverty levels are above a certain threshold. SBI provided some examples at the meetings last week, which are enclosed herewith. SBI argued that the Commission should consider adding SBI's proposal to any upcoming item where Tribal Lifeline could be addressed.

Finally, we discussed the upcoming launch of the National Verifier in Arizona. SBI currently has approximately 40,000 Lifeline customers in the state, approximately 80% of which have qualified through either the SNAP or Medicaid programs. SBI advocated that the Commission should delay a hard launch in Arizona until there is an automated connection for these two programs. Such Commission action would avoid imposing on these thousands of Lifeline customers the burden of manually reverifying their eligibility for Lifeline support. The hardship of manual reverification on Tribal citizens living in remote areas, as well as strain on SBI's resources, would be extraordinary.

Should you have any questions, please contact undersigned counsel directly.

Sincerely,



David A. LaFuria  
Counsel for Smith Bagley, Inc.

Enclosure

cc: Jamie Susskind  
Arielle Roth  
Randolph Clarke  
Brylan Drodgy  
Travis Litman  
Nirali Patel  
Trent Harkrader  
Ryan Palmer  
Jodie Griffin  
Nathan Eagan  
Kevin Frawley

## Data That Can Assist the FCC in Designating Tribal Areas Eligible for Special Treatment

### A. Selected Tribal Lands – Percentage Without Telephone Service

Tribal Land	Percentage With No Telephone Service	Tribal Land	Percentage With No Telephone Service
Acoma, NM	4.0%	Miami, OK	5.5%
Blackfeet, MT	14.2%	Mississippi Choctaw Reservation, MS	6.2%
Caddo, OK	1.7%	Modoc, OK	3.0%
Celilo Village, OR	12.5%	Otoe-Missouria, OK	2.5%
Chickasaw OK	2.6%	Ottawa, OK	4.0%
Choctaw, OK	4.6%	Paiute, UT	5.4%
Citizen Potawatomi Nation-Absentee Shawnee, OK	1.9%	Pawnee, OK	3.7%
Colville Reservation, WA	2.6%	Peoria, OK	3.2%
Cherokee, OK	2.6%	Pine Ridge, SD-NE	11.0%
Cheyenne, OK	2.0%	Ponca, OK	5.0%
Creek, OK	2.8%	Quapaw, OK	2.6%
Eastern Cherokee, NC	6.1%	Sac and Fox, OK	3.0%
Eastern Shawnee, OK	6.4%	Seminole, OK	3.3%
Fort Peck Indian Reservation, MT	12.2%	Seneca-Cayuga, OK	3.8%
Iowa, OK	4.1%	Standing Rock, ND-SD	4.2%
Karuk, CA,	2.1%	Tonkawa, OK	1.5%
Kaw, OK	4.3%	Wyandotte, OK	2.9%
Kickapoo, OK	3.5%	Yurok, WA	15.5%
Kiowa-Comanche-Apache-Fort Sill Apache, OK	3.0%	Navajo Nation	13.9%

Source: American FactFinder, Selected Housing Characteristics.

2012-2016 American Community Survey 5-Year Estimates

[https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_15\\_5YR\\_DP04&prodType=table](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_15_5YR_DP04&prodType=table)

## B. Population or Household Density

Possible threshold for additional \$10 discount could be Tribal areas located in counties with population density less than 50 people per square mile.

Alternative: less than 100 people per square mile, or use *household* density (less than 50 households per square mile). Illustrative examples below:

County	Pop Den.	HH Den.
<b>AZ</b>		
Apache	6.4	2.9
Coconino	7.2	3.4
Gila	11.3	6.9
Graham	8.1	2.8
Greenlee	4.6	2.4
La Paz	4.6	3.6
Mohave	15.0	8.3
Navajo	10.8	5.7
Yavapai	26.0	13.6
<b>NM</b>		
Cibola	6.0	2.4
McKinley	13.1	4.7
Rio Arriba	6.9	3.4
Sandoval	35.5	14.1
San Juan	23.6	8.9
<b>UT</b>		
Duchesne	5.7	2.9
San Juan	1.9	0.7
Uintah	7.3	2.7
<b>CO</b>		
La Plata	30.3	15.3
Archuleta	8.9	6.5
<b>ID</b>		
Lewis	8.0	3.9
Nez Perce	46.3	20.6
County	Pop Den.	HH Den.
<b>OK</b>		
Comanche	116.1	47.5
Kay	50.6	23.6
Logan	56.3	23.1
Okmulgee	57.5	25.7
Osage	21.1	9.4
Pottawatomie	88.2	37.0
Sequoyah	63.0	27.7
<b>SD</b>		
Buffalo	4.1	1.3
Corson	1.6	0.6
Dewey	2.3	0.9
Hyde	1.7	0.8
Jackson	1.6	0.6
Lyman	2.3	1.0
Shannon	6.5	1.7
Todd	6.9	2.3
Ziebach	1.4	0.5
<b>WA</b>		
Clallam	41.1	20.5
Ferry	3.4	2.0
Grays Hbr.	38.3	18.5

\*Source: U.S. Census Bureau, American FactFinder, Table GCT-PH1 – Population, Housing Units, Area, and Density: 2010 – United States – County by State; and for Puerto Rico.

**C. Percentage of families below poverty level, or unemployment rate**

<b>Tribe</b>	<b>poverty level</b>	<b>unemp. level</b>
<b>AZ</b>		
Ft. Apache	40.5%	36.4%
Gila River	41.2%	22.6%
Hopi	30.0%	7.1%
Jicarilla	23.6%	17.1%
Navajo	35.8%	19.1%
<b>CO</b>		
So. Ute	5.8%	5.0%
<b>ID</b>		
Nez Perce	10.7%	7.3%
<b>NM</b>		
Santa Clara	21.5%	4.4%
<b>NY</b>		
St. Regis Mhk.	4.1%	30.1%
<b>OK</b>		
Osage	11.3%	6.1%
<b>SD</b>		
Chey. River	29.6%	26.4%
Rosebud	52.1%	15.5%
Stnd. Rock	34.4%	24.0%
<b>UT</b>		
Uintah/Ouray	9.8%	7.1%
<b>WA</b>		
Colville	23.6%	13.7%
Quinault	26.0%	20.5%

\*Source: U.S. Census Bureau, American FactFinder, Table DP03 – Selected Economic Characteristics, 2013-2017 American Community Survey 5-Year-Estimates.