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CHEROKEE NATION®

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Office of the Chief

Chuck Hoskin Jr.
Principal Chief

Bryan Warner
Deputy Principal Chief

June 25, 2020

The Honorable Ajit Pai, Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: Comments on FN Docket No. 20-32, Proposed Rulemaking and Order on Establishing a 5G Fund for Rural America

Dear Chairman Pai:

On behalf of the Cherokee Nation, I write to respectfully to provide comments regarding the Federal Communications Commission's proposed rulemaking for establishing a 5G Fund for Rural America and its consideration for tribal nations. While we find your vision to provide a 5G future for tribal reservations admirable and ambitious, there are still many tribal citizens lacking cellular service and a reliable, affordable broadband connection. The disparity of broadband access throughout Indian Country is vast when compared to non-Native communities.

Cherokee Nation, the largest tribal government in the United States with more than 385,000 citizens, would have greater appreciation for the approach of the 5G Fund if there were more confidence in the data and maps utilized by the Commission. Simply put, there are areas within our reservation where service quality identified by the FCC is different than what the service quality is in reality.

We highly recommend the Commission delay the 5G Fund until it concludes the Digital Opportunity Data Collection and tribes begin to experience the results of the 2.5GHz Rural Tribal Priority Window and the Rural Digital Opportunity Fund. Additionally, we support the proposed separate funding approach to expand 5G on tribal lands. While we know there is still enormous amounts of advancement needed to bridge the digital divide, we know the diversity in our terrain, given our rural and remote region, will remain. Companies often lack interest due to the deployment obstacles and limited population that diminishes return on investment.

As it relates to the 5G Fund set-aside funding for tribal lands, we ask the Commission to increase the allocation to \$1 billion versus the proposed \$680 million for tribal lands. The formula

proposed in the rulemaking allows for bidding simultaneously for non-tribal and tribal lands, and any funds not used for tribal lands will be put back into the unreserved funding that serves non-tribal lands. Cherokee Nation believes this will be a deterrent for providers to pursue tribal land deployments. If providers know in advance this funding will later be available for non-tribal lands, they may choose to allow the auction to play out to fund seemingly more profitable, less rural non-tribal lands. The Commission should reserve the remaining tribal lands set aside and conduct additional auctions as needed to ensure the proposed set-aside funding in the auction meets the Commission's intent of serving tribal lands.

The Commission is also seeking comments on its proposal to make tribal and non-tribal lands, with an overlapping Census block, entirely be considered tribal lands. Additionally, to "identify the portions of census blocks wholly contained within the enhanced Lifeline support areas in Oklahoma that fall outside of any Tribal boundary identified by the Census Bureau with the Cherokee, Iowa, Kickapoo and Pawnee tribes as appropriate based upon the 'former reservations in Oklahoma identified in the Oklahoma Historical Map (1870-1890)."

While we interpret this to mean our former reservation lands, the Cherokee Outlet, will be assigned to the Cherokee Nation, and the other respective tribes 'former reservation' the same, it would be good for the Commission to provide clarity around which particular "former reservation lands" will be assigned to each of the respective four tribes. The Cherokee Nation is the only tribe to have treaty rights to the Cherokee Outlet. The Cherokee Nation has used it as an economic resource in the past, and today, we believe the Nation has more than 4,229 acres in USA Trust that is used for agriculture and grazing leases. The tribe also owns 50 percent of the mineral rights to at least 5,824 acres held in Trust and at least 2,667 mineral acres in fee title. These figures are the best approximation we can presently make, and may be larger, because the Interior Department has not accounted for its management of these resources. There are more than 3,400 Cherokee citizens living within the Cherokee Outlet.

We consulted with the FCC in 2016 and after providing a thorough history of the Cherokee Nation's relationship with its former reservation lands, the Commission amended the maps of tribal lands for the Enhanced Lifeline Support Program to include the Cherokee Nation's former reservation lands in Oklahoma, the Cherokee Outlet. We have included those maps as attachments.

We request that the Commission clarify its rulemaking requirement to identify the census blocks outside of tribal boundaries on the Oklahoma Historical Map (1870-1890) and associate them with the "Cherokee, Iowa, Kickapoo and Pawnee..."

While we know there is still work to be done to bridge the digital divide, the infrastructure is lacking and our people need an affordable option in this digital age. In many of our communities, nearly 20 percent or more of the population falls below the poverty level. As a sovereign nation, our focus has been on building and designing an economy to improve the wellbeing of our families and our communities. We need the Commission to take the lack of disposable income into consideration when designing programs and ensure the telecommunications carriers offer affordable rates within rural, tribal communities.

We also encourage the Commission to consider the January 9, 2020 support letter from four U.S. Senators, including Senator James Lankford from Oklahoma. If you have any questions or

require further information, please contact our Director of Government Relations, Kim Teehee, at Kim-Teehee@cherokee.org or (202) 615-9505.

Sincerely,

A handwritten signature in black ink that reads "Chuck Hoskin Jr." in a cursive, slightly slanted script.

Chuck Hoskin Jr., Cherokee Nation Principal Chief

Attachments:

Oklahoma Historical Map (1870-1890)

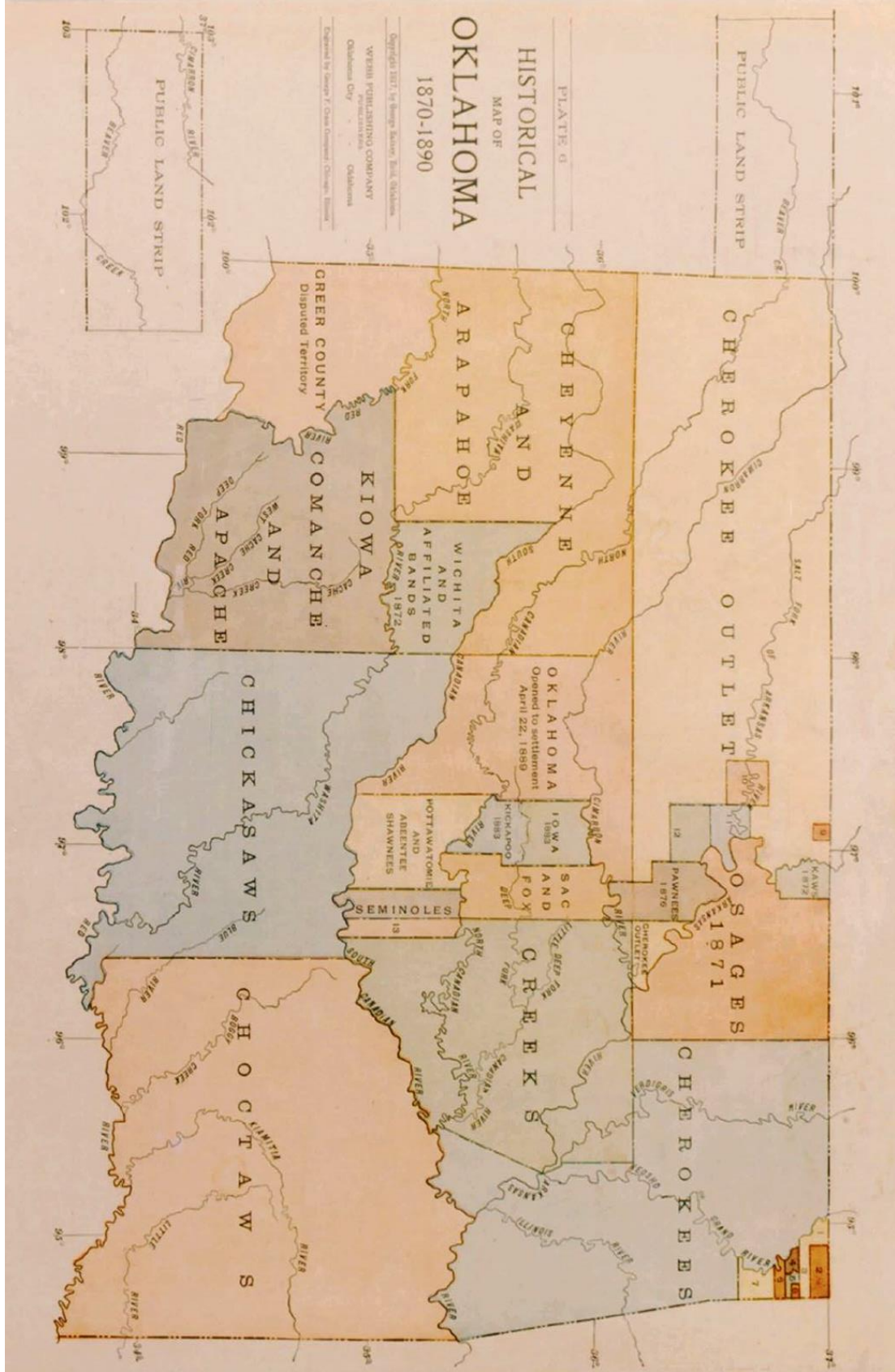
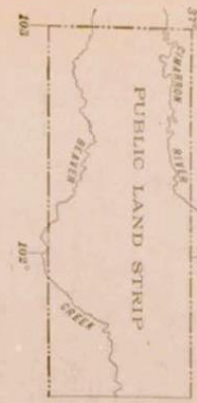
Oklahoma Enhanced Lifeline Support Map – Cherokee Outlet

OKLAHOMA

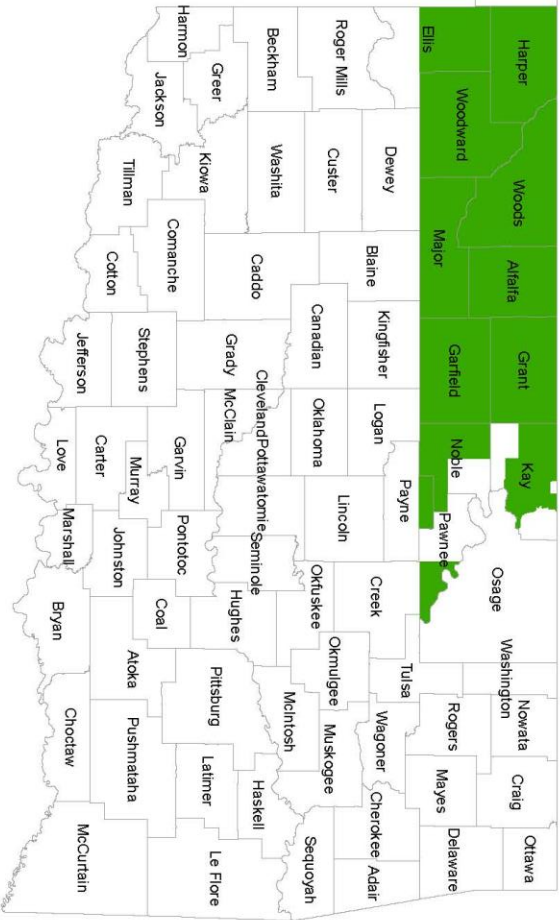
1870-1890

HISTORICAL
MAP OF

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 Oklahoma City Oklahoma



Cimarron	Texas	Beaver
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Legend

county

Cherokee Outlet