Miami Tribe of Oklahoma

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July 5, 2017

Mr. Ajit Pai, Chairman
Federal Communication Commission
445 12th Street, S.W.
Washington, DC 20554

Dear Mr. Pai,

Please accept this communication, initially submitted on April 17, 2017 and resubmitted here per FCC request, as the formal comments of the sovereign Miami Tribe of Oklahoma on the Federal Communications Commission (FCC) Notice of Proposed Rulemaking (NPRM), Notice of Inquiry (NOI), and Request for Comment (RFC) related to the administration of wireline broadband deployment. As you may be aware, the Miami Tribe of Oklahoma has a well-rounded and extremely efficient 106 Department which is responsible for protecting the Tribe's interests in irreplaceable historic tribal locations that are of religious and cultural significance to Miami people.

The Tribe's 106 Department utilizes a state-of-the-art software system to maintain and administer the functions of the Department related to the Federal Communication Commission's Tower Notification System (TCNS). The Miami Tribe has an excellent track record responding to vendor notifications averaging 12 days in submitting its determination back to vendors. In addition, the Tribe's fees related to TCNS are very reasonable with New Build fees at $400 per project, Co-Location fees at $100 per project, and NODE fees at $200 per project. These fees offset the Tribe's cost for staffing and costs associated with data collection, data storage, and software maintenance.

The Tribe fully supports the TCNS as currently operated in requiring vendor submission of detailed information for all TCNS projects. The Tribe strongly believes it has a right to any/all information for TCNS projects where TCNS equipment may be placed on historic lands with a cultural significance to the Tribe. The Miami Tribe maintains all information of TCNS projects and is in the process of mapping these locations along with areas of particular cultural significance to the Tribe.

The Tribe recognizes that technology evolves and there that there may be benefits to modernizing the existing TCNS system to improve the TCNS process. The Tribe has reviewed the FCC's NPRM, NOI, and RFC and has the following specific comments related to this FCC publication:

- Shot Clock. The Tribe approves the concept of a Shot Clock provided that sufficient time is given for the Tribe to consult and respond.

- Project Time Frames. The Tribe recommends a single defined window for all projects as opposed to varied response windows for different types of projects. A single time frame avoids confusion, missing deadlines and missing approval opportunities. The rules should clearly state that the consultation window should not begin until all requested or required information is received by the Tribe.

- Regulating Fees. The Tribe supports a fair fee structure which may be broken down by tower type. The Tribe would entertain a waiver for non-ground disturbing projects but would reserve the right to further comment depending upon the language of the forthcoming proposed regulation.

- Contractor/Consultant Status. The Tribe vehemently opposes being classified as a contractor under any new regulation as this may impose undue obligations currently fulfilled by a vendor. Most Tribes do not have the ability to perform the duties assigned to a vendor by a parent company. The Tribe supports classification as a consultant. The Tribe believes it has standing as a consultant for the purposes of approving projects on its homelands where there will be sensitive locations known only to the Tribe.

- Batching. The Tribe is not opposed to batching projects under one TCNS number provided that there is a specific limit on the number of projects that can be batched (8 –10 maximum), and that the type of projects batched be limited to the DAS/Small Cell and PTC. The Tribe is not opposed to a fee waiver for non-ground disturbing projects.

- Co-Locations. The Tribe is not opposed to fee waivers for co-locations that do not require *any* ground disturbance. The Tribe reserves the right to charge a fee for any ground disturbing activity as this requires more scrutiny by the Tribe.

- Twilight Towers. The Tribe supports the current policy as written because it is comprehensive and addresses the areas of concern for the Tribe. The Tribe is not opposed to fee waivers for co-locations provided there is no new ground disturbing activities.

The Tribe is not opposed to efforts by the government to streamline the TCNS process. As a federally recognized sovereign tribal government the Miami Tribe reserves the right to receive detailed information from vendors and consultants on any ground disturbing activities that occur on our ancestral homelands. Furthermore, the Tribe reserves its right to submit additional comments to proposed regulations that may adversely impact the Tribe.

Respectfully submitted,

Douglas Lankford

Douglas G. Lankford, Chief
Miami Tribe of Oklahoma