

July 23, 2020



Marlene H. Dortch
Secretary, Federal Communications Commission
445 12th Street, SW
Washington DC 20554

Re: Extending the Rural Tribal Priority Window, Transforming the 2.5 GHz Band, WT Docket No. 18-120

Dear Secretary Dortch,

Next Century Cities (“NCC”) is a nonprofit nonpartisan 501(c)(3) coalition of over 200 member municipalities that works collaboratively with local leaders to ensure reliable and affordable broadband access for every community. Included in our membership are communities that host large Native American and Tribal communities.

NCC supports the National Congress of American Indian’s Emergency Motion for Stay of the 2.5 GHz Rural Tribal Priority Window.¹ We urge the Federal Communications Commission (“The Commission”) to adopt this motion and extend the application deadline by 182 days, providing American Indian Tribes, Native Hawaiian communities, and Alaskan Native villages across the country with a much-needed opportunity to participate in this proceeding. Challenges presented the Coronavirus (“COVID-19”) pandemic, particularly its stranglehold on some of these communities, warrants additional time.

The Commission has stated that “modern society is an increasingly digital one, and accessing advanced services is essential to ensuring that all Americans can participate and thrive.”² However, the Commission has already found that broadband access and adoption on Tribal lands is significantly lacking.³ To increase connectivity and promote deployment on Tribal lands, the Commission created the Rural Tribal Priority Window, which provides Indigenous communities with an opportunity to apply for spectrum in the 2.5 GHz band and deploy wireless broadband solutions.⁴ This program stands to make a critical difference for Tribal residents. Yet, the current deadline will seriously limit the

¹ Emergency Motion of National Congress of American Indians et al. for Stay of 2.5 GHz Rural Tribal Priority Window, WT Docket No. 18-120 (filed July 20, 2020), <https://www.publicknowledge.org/wp-content/uploads/2020/07/NCAI-Motion-For-Stay-of-2.5-GHz-Tribal-Window-FINAL.pdf>.

² Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, WC Docket No. 18-238, 2019 Broadband Deployment Report, 34 FCC Rcd 3857, 3858 ¶ 1 (2019).

³ Federal Communications Commission, Report on Broadband Deployment in Indian Country, Pursuant to the Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018, submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce (May 2019), at 3.

⁴ In the Matter of Transforming the 2.5 GHz Band, Report and Order, WT Docket No. 18-120 (rel. July 11, 2019) at 18.



number of eligible Tribes that will be able to take advantage of the available spectrum unless the Commission extends the deadline.

The COVID-19 pandemic has had widespread impacts on the nation writ large, and Tribal communities are no exception. As the pandemic worsens, Tribes continue to face significant obstacles in completing applications for access to 2.5 GHz spectrum. Many of the programs that were instituted to support Tribal applications were either canceled or moved online, which is of little help for those who remain unconnected. Additionally, the Commission has been clear: even if an application is received but is deficient or requires significant amendment, it will not allow major amendments after the deadline.⁵ A procedural error could impede a Tribe's ability to access innovative connectivity solutions.

The Commission should extend this deadline as it will ensure that Tribal communities are given a fair opportunity to help close a digital divide that has prevented Indigenous populations from meaningful participation in a digital society. Aside from having good cause, extending the Rural Tribal Priority Window supports the Commission's fundamental goals to connect Tribal residents with access to broadband.

Respectfully submitted,
Next Century Cities

⁵ Public Notice, *Wireless Telecommunications Bureau Announces Procedures for 2.5 GHz Rural Tribal Priority Window*, FCC, WT Docket No. 18-120, ¶ 9 (Jan 6, 2020).

