



**SANTA FE INDIAN SCHOOL
OFFICE OF THE SUPERINTENDENT**

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September 7, 2018

To:
Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW, Room TW-B204
Washington, D.C. 20554

From: Santa Fe Indian School

Re: Comments regarding FCC Notice of Proposed Rulemaking (18-120)

Dear Secretary Dortch,

The Santa Fe Indian School (SFIS) educates 700 Native American students from the 19 Pueblos of New Mexico and also the Apache, Navajo, and other Tribal Nations. Founded in 1880, as an off-reservation boarding school, the school has been owned and operated by the 19 Pueblos of New Mexico since 1977. SFIS continues to serve as a residential program with two-thirds of the students living in dormitories during the week. The remaining students are bused in from nearby Pueblos daily. In their rural home communities, few homes have computers with reliable Internet connections. Internet choices are limited to satellite, expensive cellular data packages, or oversubscribed DSL. On the SFIS campus, students are prepared with 21st century skills that are on par with urban and suburban schools. However, when SFIS students return home they cross the back over the digital divide chasm and are unable to complete their homework. While on campus at SFIS their ChromeBooks are a facet of daily instruction, back in their homes on the reservation – they are paper weights.

In the past three years, the Pueblos in partnership with SFIS have brought fiber optic connections to the tribal libraries in ten of the nineteen Pueblos. Through the E-Rate program, two consortia built two self-provisioned networks that are 60 miles each that connect the Tribal schools and libraries along the route to a regional collocation facility terminating in the University of New Mexico (UNM) GigaPop. On day one, the libraries and schools increased speeds as much as

3000% while reducing the Internet price by as much as 98%. The fiber optic network is also symmetrical and almost infinitely scalable. Equally profound is the network design connecting Pueblo education institutions to UNM. The UNM GigaPoP peers with all of the higher education institutions in the State of New Mexico and is a member of the Internet 2. Because the tribes built their own regional educational network, they profoundly changed educational opportunity in the schools, libraries, and community. New distance learning connections for career and professional programs are now available for tribal members without transportation or able to afford living in town to attend school. New opportunity for collaboration is provided over the private Pueblo network to create programs to maintain and revitalize native languages. The role that technology plays in the education mission has changed the paradigm in Indian Education in these communities.

With respect to the transformation of the 2.5 GHz spectrum, the Pueblos have demonstrated the ability to build and operate networks. We now seek to utilize cellular service to leverage fiber backbones to better meet the needs of the young and old students. SFIS, in partnership with the Pueblo de Cochiti and a current EBS licensee, UNM, installed and provisioned a LTE network in less than two hours. Unfortunately, there are no unlicensed 2.5 GHz bands on these Tribal lands. The UNM license is has only a limited number and non-contiguous of bands, which caps the speeds that can be delivered to the end user. However, with access to adequate spectrum, SFIS, and other schools, in partnership with the Pueblos, can solve the Homework Gap. The ChromeBooks provided by SFIS would no longer be paper weights in student homes.

In light of our current situation, the SFIS has the following comments regarding the transformation of the 2.5 GHz band:

- Tribes should be granted a first local priority filing window to obtain spectrum before other entities, including current licensees seeking to expand. During this window, Tribes should have the option to acquire all available channels in the 2.5 GHz band on Tribal Land.
- If less than 50% of a Tribal community is served by existing licensees and/or the 2.5 GHz band is not in use, Tribes should have the option to use the 2.5 GHz spectrum to build and maintain their own networks.
- The definition of rural, varies from program to program and should not be used to qualify Tribal lands. Many of the Pueblos are considered “rural” by E-rate but not Healthcare Connect. The varying methodologies employed to define rurality have punitive and erratic outcomes. SFIS shares the concern of the National Congress of American Indians (NCAI) “that limiting access to an undefined “rural area” for purposes of the 2.5 GHz band will reduce flexibility for Tribal nations to use this spectrum; create definitional uncertainty for Tribal nations; and create separate classes of Tribal governments, which is inconsistent with the intent of Congress. SFIS, shares NCAI recommendation that the FCC use the existing definitions at 47 CFR § 73.7000.
- SFIS agrees with the Confederated Tribes of the Colville Reservation that “local presence” be required for any applicants licensing this spectrum, as defined by the FCC definition of “local”, as “those institutions and organizations that are physically located in the community, or metropolitan area where the service is proposed.” SFIS agrees that local presence can be proven through tax records showing that the entity

has at least 10 employees working in the service area. SFIS affirms the Colville Tribes statement that “this will prevent smaller schools with a real presence in the community from being shut out of the licensure process by larger and well-funded universities who presence is minimal or non-existent on the reservation.”

- SFIS agrees with the American Indian Higher Education Consortium (AIHEC) that Tribes wishing to acquire EBS licenses would have precedence over new educational institutions but that new educational institutions and qualifying native organizations, have the second local filing window. Tribal nations could acquire EBS licenses and provide a broadband services solution for all educational institutions within their boundaries, in partnership with education stakeholders.
- We request a 90-day notice before the any priority filing window is introduced and 60-days within which to file for unused spectrum.

On educational use; SFIS recognizes a student’s education should consider the ‘whole student’, including not just academic training but address the emotional, physical, and spiritual. Use of the spectrum to provide broadband connectivity that provides telehealth, improved public safety, telecommuting, or access to online services, are essential to improve the well-being of tribal members- young and old. SFIS defends the protections of EBS for educational use but asserts that the tribes and their educational entities know best how to use spectrum in the interest of the “whole child”.

Respectfully,



Superintendent Roy M. Herrera
Santa Fe Indian School