

In the Matter of)
)
Transforming the 2.5 GHz Band) WT Docket No. 18-120

³ See Comments of AT&T, WT Docket No. 18-120 (filed August 8, 2018) (“AT&T Comments”) (proposing a regular auction followed by an incentive auction and opposing local priority filing windows); Comments of Sprint, WT Docket No. 18-120 (filed August 8, 2018) (“Sprint Comments”) (supporting a commercial auction after GSA expansion and opposing local priority filing windows); Comments of Verizon, WT Docket No. 18-120 (filed August 8, 2018) (“Verizon Comments”) (proposing an auction for remaining white space).

spectrum to have a level playing field for acquiring EBS licenses.⁴ The Chickasaw Nation supports the local priority filing windows proposed by the Commission, especially for Tribal Nations who have a strong need for spectrum to close the gaps of broadband coverage that exist across Tribal boundaries. The Chickasaw Nation reiterates its support for EBS licenses to be given to entities with a “local presence” and a “demonstrated interest” in deploying services in rural areas.⁵ In fact, Tribal Nations should be able to apply for a license as long as there is a local presence.⁶ For many wireless carriers, it can be difficult to justify building out into sparsely populated Tribal boundaries and rural areas. Tribal Nations, such as the Chickasaw Nation, have gone to great lengths to try to provide telecommunications and broadband services within their Tribal boundaries and have the innate motivation to serve its own population—a motivation that is not always shared by national wireless carriers. Since many Tribal Nations and local providers have shown capabilities for serving their own citizens, it is best to allow the Tribal Nations and local providers to gain access to that spectrum in order to provide the service necessary to close the digital divide. Therefore, in order to close the service gaps in Tribal boundaries and rural areas, it is necessary to give priority treatment to these Tribal Nations and entities with a local presence through filing windows.

Not surprisingly, many large nationwide carriers submitted comments urging the Commission to auction remaining EBS white space.⁷ The Chickasaw Nation opposes any auction proposal intended to replace the Commission’s proposed filing windows. In fact, an auction for

⁴ Chickasaw Nation Comments at 3-4.

⁵ *Id.* at 6.

⁶ The lack of comments in the record regarding how Tribal lands should be defined indicates that the Commission should refrain from placing any unnecessary restrictions on the definition of “Tribal Lands,” such as excluding “lands that currently are not inhabited by members of the Tribal Nations and/or are held as private property from the definition.” *See* NPRM at ¶ 36. Tribal Nations should be allowed to serve citizens within its boundaries, regardless of whether or not those people live on a federally recognized “reservation” or if inhabited by non-members.

⁷ *See* AT&T Comments at 5-6; Sprint Comments at 10-11; Verizon Comments at 5.

EBS white space not only hurts educational institutions nationwide, but also poses a number of barriers that would put smaller providers and Tribal groups at a significant disadvantage in attempts to acquire critical EBS spectrum.⁸ An EBS auction would provide an even greater advantage to large carriers looking to expand existing spectrum holdings, even in rural areas. However, it remains unclear whether those larger carriers would ever actually expand *coverage* and meaningful service in rural areas. Given large carriers' track record of meaningful rural coverage utilizing the 2.5 GHz band today, such expansion seems unlikely, leading to spectrum warehousing and further chilling of rural competition. By foregoing an auction and focusing on getting that spectrum into the hands of local groups with the drive to serve those Tribal boundaries and rural areas in need, the Commission will be working toward its goal of closing the digital divide.

However, if the Commission ultimately decides to go the route of an auction, it should consider providing heightened deference to Tribal groups for their respective Tribal boundaries or allowing for direct negotiations with Tribal groups for the spectrum covering their Tribal boundaries prior to auctioning any EBS white space. In situations where there is a licensed area covering Tribal boundaries but the licensee is not providing service to the Tribal Nation, the Commission should consider a limited mechanism or rule allowing a licensee to partition the license area or licensed spectrum to allow local Tribal groups to obtain a license to serve its Tribal boundaries. As established, Tribal groups are best-suited to serve their own population and if given the opportunity would immediately deploy wireless services. Therefore, in the interest of the highest and best use of EBS spectrum covering Tribal boundaries, the Commission should give

⁸ For example, as the Nez Perce Tribe pointed out in its Comments, a base criterion of being able to obtain a traditional loan is difficult because Tribal lands cannot be used as collateral. *See* Comments of Nez Perce Tribe, WT Docket No. 18-120 (filed August 8, 2018).

deference to Tribal groups or provide for licensees to negotiate directly with Tribal Nations over Tribal boundaries before turning to an auction.

The Chickasaw Nation supports the proposed Local Priority filing windows and urges the Commission to ensure EBS licenses land in the hands of entities with a “local presence” and a “demonstrated interest” in deploying services in rural areas. Any proposed auction would serve to benefit national carriers and hurt rural operator’s and Tribal Nations’ chances to acquire spectrum and their ability to compete. Whether the Commission chooses to carry out an auction or not, the Commission should allow Tribal Nations the opportunity to access the licenses that cover their boundaries because the needs of Tribal boundaries are unique and require special treatment that Tribal Nations are best equipped to serve.

Respectfully submitted,

THE CHICKASAW NATION



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