**MUSCOGEE (CREEK) NATION**

**Comments on the Notice of Proposed Rulemaking for the**

**Rural Digital Opportunity Fund (WC 19-126)**

**6) “seeks comment on its overall approach in establishing a Rural Digital Opportunity Fund (RDOF)... and guided by the following 4 goals… are there any other goals that should guide this initiative?”**

Muscogee (Creek) Nation (MCN or the Nation) agrees with the goals proposed by the Commission believing them to achieve the objectives of the RDOF. One way to measure progress against the proposed goals would be to find and ensure accountability practices that would reflect each of the proposed goals in kind, as part of the reporting requirements during award cycles. One suggestion is that Tribal governments and agencies should be included in all language and instances of naming partner agencies with the Commission: example: “the Fund is a federal-state partnership...” it is also a federal-Tribal partnership as many of the lands sought to be improved by the scope of the RDOF directly correlate with Indian Country (IC). Including this requirement would encourage other state and federal partners to consider Tribal governments. MCN finds that the RDOF can help facilitate this partnership by introducing goods and services into rural communities and governances that have not traditionally had access to services afforded to urban communities.

**7) “seeks comment on the Commissions’ conclusions about the market realities that will seek to guide and inform the process of the RDOF…”**

The Nation supports the framework proposed by the Commission to allow for a flexible approach, based on CAF Phase II auction that will prioritize faster, gigabit speeds and that a new support mechanism is better able to meet the objectives set forth by the Commission rather than the mechanism in function for CAF Phase II.

**8) “seeks comment on proposal to adopt a term of support for 10 years for the RDOF…”**

MCN supports adopting the 10-year term of support for the RDOF given that the adopted piece of framework for CAF Phase II auction has proved to be a valuable asset of that project.

**9) “seeks comment on the proposal of the $20.4 billion budget for RDOF…”**

MCN supports this proposed budget accounting for the estimated 3.9 million locations in rural census blocks that are considered wholly unserved.

**10) “seeks comment on budgeting proposal and suggestions or alternatives for the appropriate sizing of the Phase I budget…”**

The Nation finds the three considerations the Commission outlined for the justification to make $16 billion available for Phase I and the remaining $4.4 billion for Phase II to be agreeable considering the flexibility of the funding and the large objectives of the RDOF at this time, to be reevaluated in entirety after Phase I.

**11) “seeks comment on the methodology the Commission seeks to utilize result in a cost effective methods to achieving coverage sought after by the RDOF… should Commission reassess the total budget and obligation after Phase I?”**

The Nation agrees with the sentiment that at all stages of the RDOF, the Commission should take into account the changing technological landscapes that shape broadband and internet services, and to reassess the adequacy of funding after the Phase I auction.

**12) “seeks comment on proposal to use a substantially similar reverse auction mechanism to distribute support to providers that commit to offer voice and broadband services to fixed locations… specifically a multi-round descending clock auction to identify providers that will be eligible to receive support…”**

MCN agrees with proposal to utilize a substantially similar descending clock auction consisting of bidding rounds according to an announced schedule and to develop specific procedures through the Commission’s standard Public Notice process.

**13) “seeks comment on the proposal for the use and mechanism of bids for different service areas and at specified performance tier and latency weights…”**

The Nation supports the proposal that bids for different areas at specified performance tiers and latency levels will be compared to each other based on those qualities and reserve prices, as well as considering multiple bids from different performance tiers to be considered and evaluated simultaneously.

**14) “seeks comment on whether or not census block groups containing one or more eligible census blocks is an appropriate minimum geographic unit for bidding for the RDOF…”**

MCN believes that the census group blocks containing one or more eligible census blocks is an appropriate minimum and would attract a greater amount of attention to some census blocks that may otherwise have been overlooked.

**15) “seeks comment on whether there are any rule changes that should be considered for the RDOF auction that would lead to greater efficiency or better outcomes for the RDOF and rural consumers…”**

At this time, MCN believes that the proposals put for by the Commission to adequately benefit the RDOF auction, with the main critique to add more inclusive language to Tribal governments.

**16) “seeks comment on the proposed public interest obligations laid out by the Commission and whether it should tie the capacity requirements of all tiers to the average usage of a majority of fixed broadband customers and increase the minimums established here…”**

MCN approves the proposals made by the Commission to adopt technology neutral standards for services supported by the RDOF, permitting bids in the Baseline (25/3 Mbps speeds with 150 gigabytes/month), Above-Baseline (100/20 Mbps with 2 terabytes/month), and Gigibit (1 Gbps/500 Mbps with 2 terabytes/month) performance tiers. MCN also agrees that the Commission should tie the capacity requirements of all tiers to the average usage of a majority fixed broadband customers, should it exceed the minimums established here.

**17) “seeks comment on proposal not to include a minimum performance tier which required 10/1 Mbps broadband in the CAF Phase II auction…”**

The Nation supports the exclusion of a Minimum performance tier, recognizing that broadband service at a minimum of 25/3 Mbps to be important to all citizens regardless of where they live, urban or rural.

**18) “seeks comment on proposal to operate on a 90-point spread system between the best and least performing tiers…”**

MCN supports the proposal to operate on a 90-point spread system defining the best and the least performing tiers with the removal of the Minimum performance tier as mentioned above in #16 and #17.

**19) “seeks comment on proposal to subject recipients of funding to the same framework for measuring speed and latency performance and the accompanying compliance framework as are applicable to all other recipients of high-cost support required to serve fixed locations…”**

The Nation supports the proposal to subject recipients of funding to the same framework for measuring speed/latency performance and the accompanying compliance framework as applicable to all other recipients of high-cost support required to serve fixed locations.

**20) “seeks comment on whether any alternative deployment obligations, performance requirements, weights, or testing methodologies should be adopted for recipients of RDOF support…”**

The Nation is in support of all the current proposals to this point, which will implement the 4 guiding goals laid out in #6, given the flexibility to reassess the budget and goals of the RDOF at the end of Phase I.

**21) “seeks comment on proposal to adopt the same service milestones for the RDOF that it adopted for the CAF Phase II auction…”**

MCN supports the Commission’s proposal to adopt the same milestones for the RDOF that were utilized for the CAF Phase II auction, which were successfully implemented.

**22) “seeks comment on adopting same flexibility in service obligations that Commission extended to CAF Phase II auction support recipients to address unforeseeable challenges to meeting these obligations…”**

MCN also supports the flexibility to support recipients who face unforeseeable challenges in meeting those obligations, using the same framework adopted for the CAF Phase II auction which will require recipients to return funds for locations left unserved, but allows for technical assisting from the Commission and a curing period to address concerns or shortcomings.

**23) “seeks comment on proposal to follow same course and to direct the Bureau to allow recipients of RDOF change scope of work and obligations based on a pro rata basis and should different rules apply to Phase I and II?”**

The Nation approves the proposals made here and believes that different rules might be incurred for Phase I and II based on the evaluation of effectiveness of Phase I after it concludes. There are many barriers “on the ground” that may not have been considered when implementing these measures for MCN, and Indian Country at large, therefore allowing some recipients to change the scope of their support dependent on a pro rata basis if needed seems to be equitable.

**24) “seeks comment on whether there are additional measures it could adopt that would help ensure that RDOF support recipients will meet their third year service milestones and what ways the Commission could help recipients if it appears recipient may not meet some of their service milestones…”**

The Nation believes that allowing for the flexibility highlighted in #22 and #23 would allow the Commission to help any support recipient that may need additional support to meet their service milestones and may not be meeting those due to unforeseen circumstances.

**25) “seeks comment on adopting same reporting requirements for RDOF that the Commission adopted for CAF Phase II auction…”**

MCN supports the adoption of the same reporting requirements for the RDOF that the Commission has utilized for CAF Phase II auction, which requires recipients to annually and continually file data and certifications of meeting service milestones on a rolling basis.

**26) “seeks comment on making RDOF recipients subject to the annual section 54.314 certifications, the same record retention and audit requirements, and the same support reductions for untimely filings as all other high-cost ETCs...”**

MCN supports the proposal to make recipients subject to all of the same annual section 54.312 certifications, record retention and audit requirements and support reductions for untimely filings, mirroring all other high-cost ETCs and many existing federal grant program protocols.

**27) “seeks comment on whether Commission needs to make any changes to its reporting framework to account for proposed changes…”**

See previous comment regarding the reporting framework.

**28) “seeks comment on how Commission can align service milestones, service milestone certifications, and location reporting deadlines for all RDOF support recipients…”**

MCN supports aligning service milestones and reporting deadlines for the RDOF with other high-cost programs to reduce administrative burdens that may incurred. It could be that the Commission does set certain dates for service milestone reporting, but should take into consideration the circumstance of recipients and time of award. Additionally, the Commission could consider relegating awards to specific times to give support recipients proper amounts of time to produce adequate reports and service milestones.

**29) “seeks comment on proposal to apply the same non-compliance measures that are applicable to all high cost ETCs and the provided performance non-compliance tiers…”**

The Nation approves the proposal to apply the same non-compliance measures that applicable to all high-cost ETCs.

**30) “seeks comment on proposal and process of the non-compliance measures listed above…”**

MCN supports the recipient support reduction framework for recipients in non-compliance and refunding of award amounts found to be in non-compliance with service milestones set in place by the Commission.

**31) “seeks comment on proposal for USAC to be authorized to draw on the letter of credit to recover all of the support that has been disbursed in the even that a support recipient does not meet the relevant service milestones, does not come into compliance during the cure period, and does not repay the Commission the support associated with the non-compliance gap within a certain amount of time…”**

The Nation finds these strict proposals for funds recovery by the Commission from non-compliant recipients to be more than adequate. The Nation believes that strong upfront vetting of support applicants for their organizational and financial capacities should alleviate many of these problems, by ensuring the Commission mostly selects capable recipients from Phase I onward.

**32) “seeks comment on any commenter proposals on how to best comply with service milestones set by the Commission and comply and accomplish the rules, oversight responsibilities and protect the integrity of the Fund…”**

Please see the comments above regarding support recipient non-compliance with service milestones.

**33) “seeks comment on whether it should adopt additional performance targets to provide better incentives for the RDOF support recipients…”**

The Nation has no specific suggestions for additional performance targets to better provide incentives for the RDOF support recipients at this time, other than to consider the unique complications of land ownership and leasing issues that may arise when businesses work within Indian Country. Ideally, the performance measures set will be inclusive enough to incentivize recipients to sign up customers in the eligible areas to the desired degree of the RDOF.

**34) “seeks comments on a proposal to also adopt subscribership milestones for RDOF support recipients…”**

The Nation supports the adoption of subscribership milestones for the RDOF support recipients following a system of benchmarks that would begin with a low subscribership rate to increase yearly at a consistent yearly rate for the remainder of the 10-year term.

**35) “seeks comment on proposal to condition a portion of the recipients support on meeting the subscribership milestones which could be structured by providing a monthly minimum guaranteed level of funding and an additional per-subscriber payment…”**

The Nation approves of the proposal to implement a condition that a portion of the recipient’s support is dependent on meeting the subscribership milestones agreed upon award. Also, provided that each recipient would receive full payout of award funds for the first 2 years of initial buildout. This would allow for accountability and tie into the condition that all remaining funds after Phase I be utilized for Phase II in that some recipients will refund or not incur all of their funding due to unforeseen circumstances or non-compliance.

**36) “seeks comment how Commenters’ proposals could be implemented within the RDOF framework to minimize the potential administrative burdens on the Commission, USAC, and service providers…”**

The Nation believes that reporting measures should encourage recipients to be accountable and yet not hinder their ability to carry out the scopes of the RDOF support. MCN also recommends using standard Jane Doe reporting tactics and usage of a suggested number identification system that all recipients might utilize to tract and account for subscribership and meeting service milestones.

**37) “seeks comment on how proposed requirements may hinder the progress of some recipients and how adopting additional performance targets would support recipients and provide incentives to meet obligations…”**

The Nation acknowledges that some proposed requirements may deter some service providers from participating in RDOF, but that those same requirements also deter those providers that do not have the capacity to meet the goals and requirements of the RDOF.

**38) “seeks comment on proposal to target RDOF support to areas that lack access to both fixed voice and 25/3 Mbps broadband services in two stages, Phase I and Phase II…”**

MCN supports the proposals made by the Commission to target wholly unserved census blocks in Phase I and then move to partially served census blocks in Phase II and those census blocks that were not awarded in Phase I. This approach allows direct and pointed efforts to target certain census blocks by the Commission for expanded broadband service, and may help secure any other unmet needs following Phase I.

**39) “seeks comment on proposal to make several areas initially eligible for Phase I of the RDOF auction and the following seven stages…”**

The Nation approves these proposed measures to ensure that at each step of Phase I and II the RDOF the most vulnerable and needy census blocks are being pushed to the fore of the recipient support process.

**40) “seeks comment on whether Commission should include any other areas not specified or covered by the initial list of eligible areas…”**

The Nation finds the prior proposals to address the many potential shortcomings of the RDOF at each stage of implementation of Phase I and II to be sufficient at this time, considering the scope of limitations due to price caps and has confidence in these measures as they have already been tested in the CAF Phase II auction.

**41) “seeks comment on proposal to exclude those census blocks where a terrestrial provider offers voice and 25/3 Mbps broadband service and to use the most recent publicly available FCC Form 477 data to identify these areas…”**

MCN approves the proposal to utilize the most recent FCC Form 477 as a basis document to help define eligible census blocks and exclude blocks that already have the minimum service provision of 25/3 Mbps, as well as those census blocks that are already under the service areas of existing CAF Phase II auction recipients.

**42) “seeks comment on proposal to treat price cap carriers different from other providers in the areas where they have received model-based support because it already has more granular service availability data available from such carriers…”**

The Nation also supports the proposal to treat price cap carriers differently from other providers in the areas where they have received model-based support because it already has more granular service availability data available and to utilize the HUBB portal in conjunction with the FCC Form 477.

**43) “seeks comment on proposal to include both high-cost and extremely high-cost locations in RDOF auction and to mirror the same process and function of the CAF Phase II auction…”**

MCN is in support of this proposal to reduce inefficiencies, as these census blocks have already been considered by the Connect America Cost Model (CAM).

**44) “seeks comment on proposal to include at least some census blocks where the CAM suggests the costs of deployment are below the high-cost threshold but deployment has nonetheless not yet occurred; Commission proposes to include at least 2 subsets of such census blocks in rural areas in the RDOF…”**

MCN is in favor of the proposal to include at least 2 subsets of these defined census blocks that despite CAM finding the cost of deployment to be below the high-cost threshold, deployment has still not occurred, with the RDOF.

**45) “seeks comment on proposal for Commission to implement a Tribal Broadband Factor for the RDOF that seeks to account for the unique challenges of deploying broadband to rural Tribal communities…”**

The Nation approves this proposal to include a Tribal Broadband Factor that will help account for unique challenges that come with build out of services in Indian Country, particularly rural Tribal communities. The Nation is encouraged by this inclusion and acknowledgement of the unique challenges that IC faces as they are often overlooked.

**46) “seeks comment on including other wholly unserved census blocks with estimated costs below the $52.50 benchmark; also seeks comment on how to best ensure that rural census blocks that are wholly unserved by high-speed broadband are included in the RDOF…”**

MCN believes that including all wholly-unserved census blocks with a cost benchmark decided upon by the Commission and below the $52.50 threshold to be the more equitable option to bring broadband service to those without such service in rural America versus the urbanized definition of less than 50,000 in population to be designated as rural. Within MCN, there exist communities that would test the limits of the “urbanization” metric but still be in need of expanded broadband connectivity services.

**47) “seeks comment for proposal to use the CAM to determine the reserve prices and number of locations for each area eligible for support in the auction and proposes to rely on the CAM for the RDOF Phase I auction…”**

MCN is in favor the Commission utilizing the CAM to determine reserve prices and the number of locations for each area eligible for support in the auction, as it has been utilized with good measures of success for both the CAF Phase II model-based support and the CAF Phase II auction.

**48) “seeks comment on establishing reserve prices to reflect the maximum price the Commission is willing to provide in support to the designated area…”**

MCN agrees with the proposed plan of action to establish reserve prices to reflect the maximum price the Commission is willing to provide in support.

**49) “seeks comment on proposal to use CAM to establish the area-specific reserve prices based on the annual cost per location for high-cost and extremely high-cost areas…”**

MCN approves of the proposal to use the CAM to establish the area specific reserve prices based on the annual cost per location, as well as including census blocks that are split between a price cap carrier and a rate of return carrier, to set a per-location per-month cap for reserve prices of census blocks with costs that exceed the extremely high-cost threshold. The Nation also approves of the proposal to have a separate Tribal areas high-cost threshold.

**50) “seeks comment on a methodology for using the CAM to establish reserve prices…”**

The Nation supports the methodology proposed by the Commission to utilize CAM to establish reserve prices.

**51) “seeks comment on adding the same flat per-location amount to the reserve price of all areas with reserve prices above but close to the support threshold of $52.50…”**

MCN does not currently support utilizing the same flat rate per-location and suggests that relying on the information from the CAM as well as potentially engaging those communities in question to determine a fair rate.

**52) “seeks comment on proposals for setting reserve prices and on alternatives…”**

Please see above comments regarding proposals setting reserve prices.

**53) “seeks comment on prioritizing support to certain eligible areas where broadband is significantly lacking, specifically areas that entirely lack 10/1 Mbps or better fixed services, either at the census block or census block group level…”**

MCN supports this proposal with the addendum that Tribal areas should specifically be targeted though they likely will fall under many provisions listed in this proposal concerning the prioritizing areas where broadband is significantly lacking. The Nation also supports targeting areas that entirely lack 4G LTE mobile wireless broadband and utilizing increases to bidders as incentive; MCN suggests having a Tribal percent incentive as well.

**54) “seeks comment on publishing in conjunction with the final eligible areas list the reserve price for each eligible area…”**

MCN approves to publish in conjunction with the final eligible areas list, the reserve price for each eligible area.

**55) “seeks comment on including Tribal bidding credit to incentivize parties in the RDOF auction to bid on and serve Tribal census blocks; is the Tribal bidding credit an appropriate approach for incentivizing parties to serve Tribal lands? Etc…”**

MCN supports the use a Tribal bidding credit to help incentivize parties in the RDOF auction to bid and serve on Tribal census blocks, however asks the Commission, how effective those Tribal bidding credits have been in the past? If they have not been successfully utilized, how can we work to make them effective incentives? The Commission mentions previous use, but does not specify to what end these incentives have previously been used for; the Nation seeks more information here.

**56) “seeks comment on the appropriate credit to incentivize carriers to bid on and serve Tribal areas; Commission adopted a 25% bidding credit for the Rural Broadband Experiments and other credits ranging from 15-35%; what amount would be most appropriate?”**

The Nation believes that offering a range of 25%-35% (maybe even a 15%-30%) credit incentives that are dependent on the characteristics of the Tribal census block in question would be the most effective way to incentivize bidding on Tribal areas.

**57) “seeks comment on other proposals to ensure Tribal areas receive bids for support in the RDOF, especially those rural Tribal areas that are in most need of increased deployment; Commission asks commenters to fully consider and discuss mechanics and implementation of these approaches…”**

Please see above comments.

**58) “seeks comment on the information it proposes to collect from each RDOF auction applicant in its short-form and long-form applications, considering lessons learned from the CAF Phase II auction…”**

The Nation supports the proposal by the Commission to adopt the same 2-step process that it used for the CAF Phase II auction, finding it appropriate and less burdensome.

**59) “seeks comment on the proposed use of a two-stage application process consisting of a short-form and long-form process…”**

MCN approves the proposal concerning the 2-step process as found in practice during the CAF Phase II auction.

**60) “seeks comment on requiring all winning bidders in the auction to provide detailed information showing that they are legally, technically and financially qualified to receive support…”**

The Nation supports the proposal to use the long-form application review process as seen in the CAF Phase II auction.

**61) “seeks comment on proposal that all applicants for RDOF auction provide basic information in their short-form applications that will enable the Commission to review and assess whether the applicant is eligible to participate in the auction before an applicant commits time and resources to participating in the auction…”**

MCN supports the proposal that all applicants must submit all of their relevant information in short-form application, while those who have been identified already by the FCC Form 477 may omit information the Commission already has access to. The Nation likewise approves of the proposal to use the long-form application after a bidder wins an auction to vet the applicant’s legal, technical and financial status as eligible for RDOF.

**62) “seeks comment proposal that existing universal service competitive bidding rules should apply to RDOF auction that applicants will be required to provide information that will establish their identity, including disclosing parties with ownership interests and any agreements the applicants may have relating to the support to be sought through the RDOF auction competitive bidding process…”**

The Nation approves of the proposal to use existing universal service competitive bidding rules that are already in effect for other funds.

**63) “seeks comment proposal that existing universal service competitive bidding rules should apply to RDOF auction that applicants will be required to provide information about ownership and agreements to establish their identity…”**

MCN approves the proposals set forth by the Commission regarding implementing existing universal service competitive bidding, as they appear to promote straightforward bidding and safeguard the integrity of the auction.

**64) “seeks comment on proposal to requiring RDOF applicants to certify that they are technically and financially capable of meeting the applicable public interest obligations using the standards and certification criteria proposed by the following…”**

MCN agrees that applicants should be able to self-certify that they are technically and financially capable of carrying out the public interest obligations of the RDOF.

**65) “seeks comment on proposal that all applicants indicate the performance tier and latency for bids that they plan to make and describe technology(ies) that will be used to provide services for each bid…”**

The Nation agrees that all applicants should indicate their performance tier and latency capability, while allowing different technologies within a state and use hybrid networks to meet the public interest obligations.

**66) “seeks comment on the proposal that the applicant indicate the spectrum band(s) and total amount of uplink and downlink bandwidth (in megahertz) that it has access to for the last mile for each performance tier and latency combination it selected in each state…”**

MCN agrees with the Commission to enforce that recipients of RDOF support indicate the spectrum and bandwidth available, whether it holds licenses or leases spectrum, and if they have the proper authorizations to operate.

**67) “seeks comment on proposal to establish two pathways for an applicant to demonstrate it operational experience and financial qualifications to participate in the RDOF auction…”**

The Nation favors the proposal to establish two pathways for an applicant to demonstrate its operational experience and financial qualifications through the methodologies proposed in this section.

**68) “seeks comment on proposal that applicants that meet the foregoing requirements and that are audited in the ordinary course of business must also submit their (or their parent company’s) financial statements from the prior fiscal year…”**

MCN favors the proposal that applicants meet the foregoing requirements and are audited from the previous fiscal year and to provide such documentation as needed.

**69) “seeks comment on proposal that if applicant does not have at least 2 years of operational experience, consistent with the CAF Phase II auction, requiring such applicants to submit with their short-form applicant their (or their parent company’s) financial statements that have been audited by an independent CPA from the past 3 fiscal years…”**

MCN approves this proposal.

**70) “seeks comment on proposing different or alternative eligibility requirements than those currently listed above this request for comment…”**

MCN approves of this proposal based on the provided concerns, based on the capacity and established history of an applicant being of great importance.

**71) “seeks comment on proposal to require an applicant to certify that it has performed due diligence concerning its potential participation in the RDOF auction so that the applicant understands its obligations in this regard…”**

The Nation supports this proposal as it mirrors many other grant programs and special conditions on awards when obligating federal dollars.

**72) “seeks comment on proposal for certification in previous (#71) request for comment, that acknowledges and accepts responsibility for its bids and any forfeitures imposed in the event of default…”**

The Nation supports this proposal which serves to remind of due caution.

**73) “seeks comment on whether to require less technical and financial information at the short-form stage from applicants that are existing providers…”**

The Nation supports this proposal to require less technical and financial information at the short-form stage from applicants that can demonstrate that they are existing providers for a minimum of two years.

**74) “seeks comment on what the Commission can credibly rely on to evaluate an applicant’s likeliness to perform without defaulting or to meet service milestones or service quality metrics…”**

The Nation suggests placing a higher premium or an additional incentive credit to those applicants that have demonstrated high capacity to meet the service milestones of similar projects and have been in successful operation for more than two years.

**75) “seeks comment on proposal that each winning bidder submit a long-form application, which the Commission will review to determine whether the winning bidder meets the eligibility requirements for receiving RDOF support and has the financial and technical qualifications to meet the obligations associated with such support…”**

MCN approves of this proposal to require each winning bidder to submit a long-form application to be reviewed for eligibility requirements, as well as all other information necessary as found by the CAF Phase II auction. The Nation also supports the adoption of Appendix A of the CAF Phase II auction.

**76) “seeks comment on proposal that if winning bidder is not authorized to receive RDOF support, the winning bidder would then be in default and subject to the same forfeitures as CAF Phase II auction long-form applicants…”**

The Nation supports this proposal, as it would deter those unqualified from pursuing RDOF support.

**77) “seeks comment on proposal to adopt here the same letter of credit rules it adopted for the CAF Phase II auction…”**

The Nation supports this requirement of a letter of credit subject to the reclamation of dispersed funds from the Commission should the service milestones not be met by a recipient, as it will mirror other special conditions of existing funds.

**78) “seeks comment on proposal that a RDOF long-form applicant obtain an irrevocable stand-by letter of credit that must be issued in substantially the same form as set forth in the Commission’s Phase II Auction Order…”**

MCN also favors the implementing of Phase II Auction Order, 81 FR 44414 to require applicants at the long-form stage to obtain and submit an irrevocable stand-by letter of credit and a requirement that applicants modify, renew, or obtain a wholly new letter of credit before receiving the next disbursement of funds.

**79) “seeks comment on proposal to adopt the same phase-down schedule that was used in the CAF Phase II auction, allowing the value of the letter of credit to decrease over time as a support recipient satisfies its minimum coverage and service requirements…”**

MCN approves adopting the same phase down approach the Commission utilized in the CAF Phase II auction, allowing letter of credit to decrease over time as a support recipient satisfies its minimum coverage and service milestones.

**80) “seeks comment on whether it should make changes to streamline the Commission and USAC’s review and administration of letters of credit…”**

MCN favors the use of one letter of credit to reduce the administrative burden and streamline the Commission’s and USAC’s review and administration process for letters of credit. It would appear to be most timely to submit letter during the long-form application given that during the short-form process many applicants without the capacity to enforce the goals of the RDOF will removed or reduced.

**81) “seeks comment on proposal to adopt the same letter of credit waiver opportunity for Tribal Nations or Tribally-owned and controlled winning bidders…”**

MCN approves adopting the same letter of credit waiver opportunity to Tribal Nations or Tribal-owned or controlled long-form applicants used in the CAF Phase II auction.

**82) “seeks comment on whether it should decline to require a letter of credit for the RDOF…”**

The Nation suggests extending and expanding the existing letter of credit waiver to all applicants who may not have the ability or find the letter of credit too large of an administrative burden to otherwise effectively implement the goals of the RDOF support.

**83) “seeks comment on proposal to adopt the same ETC designation procedures for the RDOF that the Commission adopted for the CAF Phase II auction…”**

The Nation approves to adopt the same ETC designation procedures for the RDOF that the Commission adopted for the CAF Phase II auction.

**84) “seeks comment on allowing service providers that are not ETCs to apply to bid in the auction will encourage participation from service providers that may be hesitant to invest in resources in applying for an ETC designation…”**

MCN approves of the use of good faith when including those applicants that may not be an ETC but feel qualified to carry out the scope of work should be they be support recipient.

**85) “seeks comment on the proposal to forbear from the statutory requirement that the ETC service area of a RDOF participant conform to the service area of the rural telephone company serving the same area…”**

The Nation supports this proposal to forebear the statutory requirement listed to maximize the area and impact of the RDOF by limiting it to one provider per geographic area.

**86) “seeks comment on proposals and on whether any changes should be made to the ETC designation procedures for the RDOF…”**

See comments above.

**87) “seeks comment on two transitions that may occur as a result of the RDOF…”**

See comments to follow.

**88) “seeks comment on adopting methodology for disaggregating the frozen support in states where price cap carrier’s declined model-based support…”**

The Nation supports the adoption of the methodology used in the CAF Phase I and II to successfully transition between the 2 phases.

**89) “seeks comment on effects of adopting proposal in #88…”**

MCN supports the conclusions made by past experience with the CAF Phase II auction.

**90) “seeks comment on adopting a similar transition period for the RDOF for incumbent price cap carriers that are receiving disaggregated legacy support…”**

MCN approves of the proposal to adopt the methodology introduced by the CAF Phase II auction to fairly terminate ongoing high-cost support for areas that are determined to be ineligible due to RDOF awarding.

**91) “seeks comment on proposal that the incumbent price cap carrier will cease receiving disaggregated legacy support…’**

The Nation supports the findings of the Commission to continue/discontinue disaggregated support to census blocks if no long-form RDOF is authorized to serve that area.

**92) “seeks comment on proposals and whether any adjustments are needed for the transition from disaggregated legacy support to RDOF support…”**

See comments above.

**93) “seeks comment on adopting a transition period for price cap carriers that accepted CAF Phase II model-based support…”**

See comments to follow.

**94) “seeks comment on whether to revisit the transition period from CAF Phase II model-based support to RDOF support…”**

The Nation believes that all recipients should have the option to apply for 7th year support following strict guidelines for continued support as determined by the Commission.

**95) “seeks comment on view of Commission that it is not necessary to provide any transitional support to price cap carriers beyond the seventh year of support…”**

The Nation supports the views of the Commission that it should not be subject to provide any transitional support to price cap carriers beyond an optional 7th year of support given that it only guarantees support for 6 years with the 7th being conditional and subject to rejection of request.

**96) “seeks comment on how Commission should adjust the offer of an optional seventh year of support…”**

The Nation finds that a full year would be the most appropriate but only following strict application guidelines for the additional year of support if awarded.

**97) “seeks comment on whether there are any other issues that it should address in the context of these proceedings that will facilitate the transition…”**

Please see above.