

September 25, 2019

ExParte Notice
VIA ECFS

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

Re: Rural Digital Opportunity Fund, WC Docket No. 19-126; Connect America Fund, WC Docket No. 10-90; Transforming the 2.5 GHz Band, WT Docket No. 18-120.

Dear Ms. Dortch:

On Wednesday, September 25, 2019, Mariel Triggs, CEO of MuralNet, and attorney Edyael Casaperalta met with several staff members of the Federal Communications Commission (“FCC” or “Commission”) Michael Janson, Director of the Rural Broadband Auctions Task Force; Susan Mort, Attorney Advisor, Office of Native Affairs and Policy; Barbara Esbin, Deputy Bureau Chief, Consumer and Governmental Affairs Bureau; Valerie Barrish, Attorney Advisor, Auctions Division, OEA; and Sayuri Rajapakse, Deputy Chief, Office of Native Affairs and Policy.

In these meetings, MuralNet discussed the potential tribal bidding credit component of the Rural Digital Opportunity Fund and how previous tribal bidding credit processes were inefficient and ineffective because of a lack of relationship and understanding between providers and tribal leaders. Given the limited universal service funds, the existing process to award tribal bidding credits to entities that have not demonstrated an established relationship with tribes or tribal entities, could result in an inefficient use of funds and lack of service.

These credits were available for absentee-providers that often do not know the terrain, the people, the needs and aspirations, or the political, social, and economic conditions of the tribal community. It might seem that awarding credits to any entity that purports to serve tribal lands is helpful. But awarding these credits to entities without previous communication with community members or the consent of leadership can lead to conflict and block efforts by the tribal government to connect themselves. Since the tribal bidding credit goes to only one entity, the result could be that residents of tribal lands are still underserved, and there is no guarantee that the entity that received the tribal bidding credit will offer affordable, reliable connectivity to the tribe or its members.

MuralNet supports processes that ensure that Tribal areas are able to benefit from this funding opportunity. The tribal bidding credit is a good place to start, though additional provisions are necessary to ensure that Tribal, locally-owned providers are prioritized for funding. The Commission's efforts to truly serve tribal lands and unserved areas will be more effective if they center a tribe's involvement in planning before deploying a network. It is critical to consult with indigenous communities and stakeholders to develop meaningful, relevant, and culturally appropriate connectivity solutions.

When working in Tribal communities, it is particularly important that the non-tribal applicants and awardees consult Tribal councils. Without consultation, it is likely that community members' concerns about where and how service is deployed, or their desire to have it installed in the first place, may fall on deaf ears. This can cause challenges for both the community and the awardees attempting to deploy service in previously unconnected areas. If the community does not understand or trust the outside entity building on its land, it might not be supportive of, or adopt, that service. As a result, bidders may face difficulty upholding their obligations under the Fund.

MuralNet believes that tribes and tribally-owned entities should be the first to be allowed to claim any available tribal bidding credits under the RDOF. Further, where a non-tribal entity wishes to apply for a tribal bidding credit, the FCC should require the entity to prove an established partnership with the tribe and related tribal entities over the land that they seek to serve before being able to receive that credit. Among other ways, this can be done by requiring non-tribal entities to show a letter of support from the tribal council of the tribal land they seek to serve, at the long form stage of auction participation where the credit is typically requested. Finally, we understand that the FCC has in place a process that could be used to waive the ETC requirement for tribes, on a case-by-case basis. While this is helpful, it still leaves tribes which are not currently ETCs without the opportunity to take advantage of the tribal bidding credit. In the RDOF, the FCC can create a "conditional ETC" designation to make participation easier for tribes that are not currently ETCs.

Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS.

Sincerely,

/s/ Mariel Triggs
CEO
MuralNet

Cc: Michael Janson
Susan Mort
Barbara Esbin
Valerie Barrish
Sayuri Rajapakse