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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

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FOREIGN AFFAIRS  
WESTERN HEMISPHERE  
TERRORISM, NONPROLIFERATION, AND TRADE  
NATURAL RESOURCES  
RANKING MEMBER  
INDIAN, INSULAR AND ALASKA NATIVE AFFAIRS  
FEDERAL LANDS

July 31, 2017

The Honorable Ajit Pai  
The Honorable Mignon Clyburn  
The Honorable Michael O'Rielly  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20054

**RE: FCC Inaction on WC Docket No. 10-90 Operating Expense Limitation Rule for Carriers Serving Tribal Lands**

Dear Chairman Pai and Commissioners Clyburn and O'Rielly:

We write to you today to urge the Commission to move forward on the draft order that is pending before the Commission that would provide an exemption to carriers primarily serving Tribal lands from the operating expense limitation rule that was adopted in 2016 and took effect at the beginning of this year. Tribal Lands are the most unserved and underserved areas in our Country. The Commission notes that 1.5 million people living on Tribal Lands lack access to broadband. To us, these people are not statistics, but are students applying to college, are entrepreneurs hoping to expand their business, and are thriving rural communities that deserve the same telecommunications services as their urban counterparts.

We are concerned by the Commission's inaction on the draft order. An exemption from the application of the operating expense limitation rule to carriers primarily serving Tribal lands would greatly benefit our constituents, the 1.5 million people who currently lack broadband access on Tribal Lands. The Commission has made clear that their primary goal in this new Administration is to expand broadband to areas where it is lacking. Moving swiftly on this item is clearly in line with that goal.

The delay in voting on this item is jeopardizing the financial viability of a number of carriers that are seeking to serve Tribal lands, which the Commission knows are the least-served in the country. The Chairman recognized that the draft Order would "allow carriers serving Tribal lands a greater ability to recover operating expenses, thus improving the financial viability of operating a broadband network serving Tribal lands".



Many carriers highlighted the higher operating expenses associated with deploying broadband on Tribal lands in their comments on WC 10-90. It is important to note, *not a single commenter filed in opposition* to the proposal put forward by the Commission to exempt carriers serving Tribal lands from this rule. A number of carriers filed in support of not only providing an exemption to the operating expense limitation rule, but in favor of providing all carriers serving Tribal lands additional support, through a Tribal Broadband Factor, to promote deployment to Tribal lands.

We ask you, Chairman Pai, Commissioner Clyburn and Commissioner O' Rielly, to remove the harm that is being caused by the operating expense limitation rule and to explore ways to target additional resources to unserved areas on Tribal lands. We strongly urge the Commission to take action on this item as soon as possible to fulfill the mission of the FCC in connecting all areas, including Tribal areas, to broadband.

Sincerely,



Norma J. Torres  
Member of Congress



Don Young  
Member of Congress



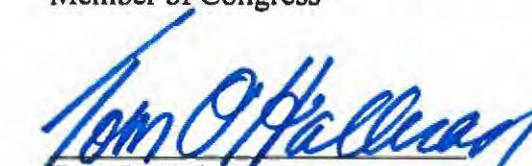
Walter B. Jones  
Member of Congress



Aumua Amata C. Radewagen  
Member of Congress



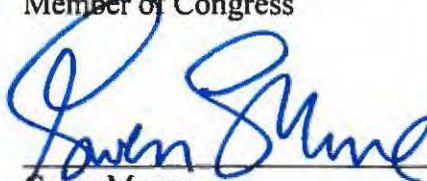
Betty McCollum  
Member of Congress



Tom O'Halleran  
Member of Congress



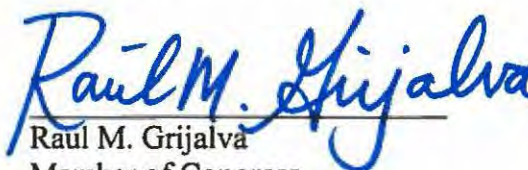
Keith Ellison  
Member of Congress



Gwen Moore  
Member of Congress



Ron Kind  
Member of Congress



Raul M. Grijalva  
Member of Congress

  
Raul Ruiz  
Member of Congress

  
Collin C. Peterson  
Member of Congress

  
Mark Takano  
Member of Congress

  
Nanette Barragán  
Member of Congress

  
Dwight Evans  
Member of Congress

  
Daniel T. Kildee  
Member of Congress





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

October 23, 2017

The Honorable Nanette Barragan  
U.S. House of Representatives  
1320 Longworth House Office Building  
Washington, D.C. 20515

Dear Congresswoman Barragan:

Thank you for your letter regarding the status of a draft order on whether the limitations on operating expenses for which rate-of-return carriers may receive high-cost support should be modified for carriers serving Tribal lands. I share your desire to address the digital divide on Tribal lands, where approximately 40% of the population live in census blocks lacking fixed broadband of 25/3 Mbps. Your views are very important and will be entered into the record of the proceeding and considered as part of the Commission's review.

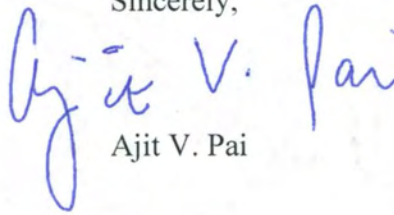
In early February, I circulated to my colleagues an order that would assist rate of return carriers serving Tribal lands in deploying, upgrading, and maintaining modern high-speed networks. As you note, the order recognizes that carriers serving Tribal lands incur costs that other rural carriers do not face, resulting in significantly higher operating expenses to serve very sparsely populated service areas. The proposal I have put before my colleagues would allow carriers serving Tribal lands a greater ability to recover operating expenses, thus improving the financial viability of operating a broadband network serving Tribal lands. I hope that my colleagues will vote in favor of this order and look forward to continue working with them as we move forward on the Commission's efforts to connect those on Tribal lands.

We've also taken a number of actions during my tenure as Chairman to help connect those on Tribal lands. At the Commission's February Open Agenda Meeting, we adopted the Tribal Mobility Fund Phase II, which will direct up to approximately \$340 million to build out 4G LTE coverage on Tribal lands. I have also asked the Commission's Office of Native Affairs and Policy to coordinate with the Wireless Telecommunications Bureau and the Wireline Competition Bureau to help direct that funding to reach Tribal members in remote areas that would otherwise be without access to next generation services. In addition, I directed the Universal Service Administrative Company to give additional time to Tribal families living in the remote reaches of the Navajo Nation to comply with a certification deadline for the Lifeline program. We must work to bring the benefits of the digital age to all Americans, and we will continue to pursue common-sense regulatory reforms to close the digital divide on Tribal lands.

Page 2—The Honorable Nanette Barragan

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

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Ajit V. Pai





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

October 23, 2017

The Honorable Keith Ellison  
U.S. House of Representatives  
2263 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Ellison:

Thank you for your letter regarding the status of a draft order on whether the limitations on operating expenses for which rate-of-return carriers may receive high-cost support should be modified for carriers serving Tribal lands. I share your desire to address the digital divide on Tribal lands, where approximately 40% of the population live in census blocks lacking fixed broadband of 25/3 Mbps. Your views are very important and will be entered into the record of the proceeding and considered as part of the Commission's review.

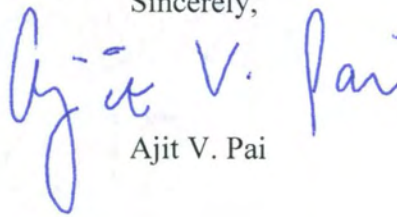
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Ajit V. Pai





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

October 23, 2017

The Honorable Dwight Evans  
U.S. House of Representatives  
1105 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Evans:

Thank you for your letter regarding the status of a draft order on whether the limitations on operating expenses for which rate-of-return carriers may receive high-cost support should be modified for carriers serving Tribal lands. I share your desire to address the digital divide on Tribal lands, where approximately 40% of the population live in census blocks lacking fixed broadband of 25/3 Mbps. Your views are very important and will be entered into the record of the proceeding and considered as part of the Commission's review.

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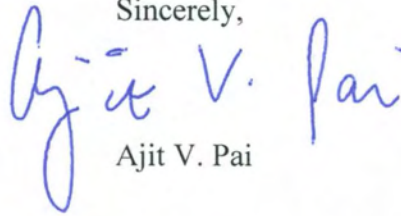
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Page 2—The Honorable Dwight Evans

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Ajit V. Pai



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

October 23, 2017

The Honorable Raúl M. Grijalva  
U.S. House of Representatives  
1511 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Grijalva:

Thank you for your letter regarding the status of a draft order on whether the limitations on operating expenses for which rate-of-return carriers may receive high-cost support should be modified for carriers serving Tribal lands. I share your desire to address the digital divide on Tribal lands, where approximately 40% of the population live in census blocks lacking fixed broadband of 25/3 Mbps. Your views are very important and will be entered into the record of the proceeding and considered as part of the Commission's review.

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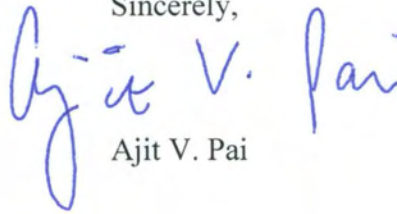
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Page 2—The Honorable Raúl M. Grijalva

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

October 23, 2017

The Honorable Walter B. Jones  
U.S. House of Representatives  
2333 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Jones:

Thank you for your letter regarding the status of a draft order on whether the limitations on operating expenses for which rate-of-return carriers may receive high-cost support should be modified for carriers serving Tribal lands. I share your desire to address the digital divide on Tribal lands, where approximately 40% of the population live in census blocks lacking fixed broadband of 25/3 Mbps. Your views are very important and will be entered into the record of the proceeding and considered as part of the Commission's review.

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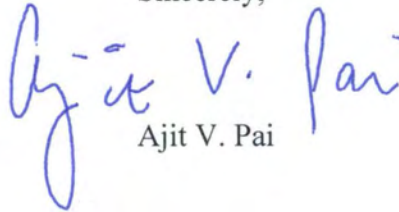
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Page 2—The Honorable Walter B. Jones

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Ajit V. Pai



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

October 23, 2017

The Honorable Dan Kildee  
U.S. House of Representatives  
227 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Kildee:

Thank you for your letter regarding the status of a draft order on whether the limitations on operating expenses for which rate-of-return carriers may receive high-cost support should be modified for carriers serving Tribal lands. I share your desire to address the digital divide on Tribal lands, where approximately 40% of the population live in census blocks lacking fixed broadband of 25/3 Mbps. Your views are very important and will be entered into the record of the proceeding and considered as part of the Commission's review.

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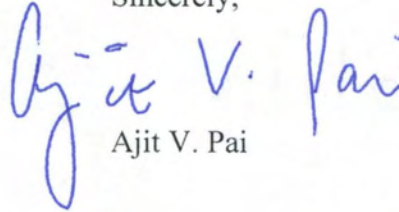
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Page 2—The Honorable Dan Kildee

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Ajit V. Pai



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

October 23, 2017

The Honorable Ron Kind  
U.S. House of Representatives  
1502 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Kind:

Thank you for your letter regarding the status of a draft order on whether the limitations on operating expenses for which rate-of-return carriers may receive high-cost support should be modified for carriers serving Tribal lands. I share your desire to address the digital divide on Tribal lands, where approximately 40% of the population live in census blocks lacking fixed broadband of 25/3 Mbps. Your views are very important and will be entered into the record of the proceeding and considered as part of the Commission's review.

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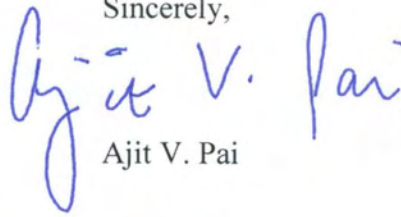
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Page 2—The Honorable Ron Kind

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Ajit V. Pai



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

October 23, 2017

The Honorable Betty McCollum  
U.S. House of Representatives  
2256 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman McCollum:

Thank you for your letter regarding the status of a draft order on whether the limitations on operating expenses for which rate-of-return carriers may receive high-cost support should be modified for carriers serving Tribal lands. I share your desire to address the digital divide on Tribal lands, where approximately 40% of the population live in census blocks lacking fixed broadband of 25/3 Mbps. Your views are very important and will be entered into the record of the proceeding and considered as part of the Commission's review.

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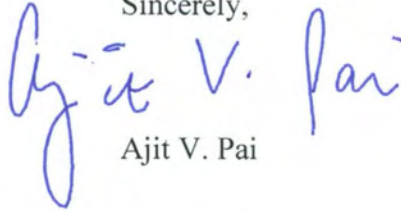
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Page 2—The Honorable Betty McCollum

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Ajit V. Pai



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

October 23, 2017

The Honorable Gwen Moore  
U.S. House of Representatives  
2252 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Moore:

Thank you for your letter regarding the status of a draft order on whether the limitations on operating expenses for which rate-of-return carriers may receive high-cost support should be modified for carriers serving Tribal lands. I share your desire to address the digital divide on Tribal lands, where approximately 40% of the population live in census blocks lacking fixed broadband of 25/3 Mbps. Your views are very important and will be entered into the record of the proceeding and considered as part of the Commission's review.

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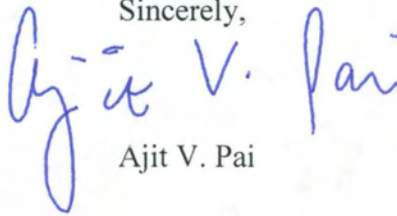
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Page 2—The Honorable Gwen Moore

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Ajit V. Pai



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

October 23, 2017

The Honorable Tom O'Halleran  
U.S. House of Representatives  
126 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman O'Halleran:

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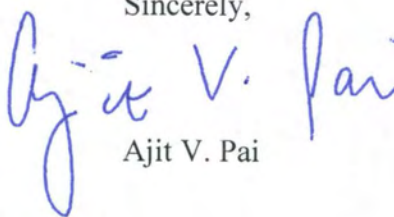
We've also taken a number of actions during my tenure as Chairman to help connect those on Tribal lands. At the Commission's February Open Agenda Meeting, we adopted the Tribal Mobility Fund Phase II, which will direct up to approximately \$340 million to build out 4G LTE coverage on Tribal lands. I have also asked the Commission's Office of Native Affairs and Policy to coordinate with the Wireless Telecommunications Bureau and the Wireline Competition Bureau to help direct that funding to reach Tribal members in remote areas that would otherwise be without access to next generation services. In addition, I directed the Universal Service Administrative Company to give additional time to Tribal families living in the remote reaches of the Navajo Nation to comply with a certification deadline for the Lifeline program. We must work to bring the benefits of the digital age to all Americans, and we will continue to pursue common-sense regulatory reforms to close the digital divide on Tribal lands.



Page 2—The Honorable Tom O'Halleran

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Ajit V. Pai". The signature is fluid and cursive, with the first name "Ajit" being the most prominent part.

Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

October 23, 2017

The Honorable Collin C. Peterson  
U.S. House of Representatives  
2204 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Peterson:

Thank you for your letter regarding the status of a draft order on whether the limitations on operating expenses for which rate-of-return carriers may receive high-cost support should be modified for carriers serving Tribal lands. I share your desire to address the digital divide on Tribal lands, where approximately 40% of the population live in census blocks lacking fixed broadband of 25/3 Mbps. Your views are very important and will be entered into the record of the proceeding and considered as part of the Commission's review.

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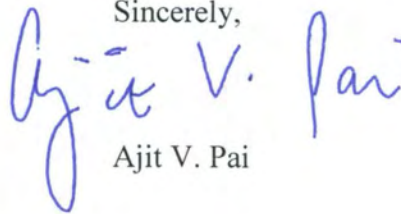
We've also taken a number of actions during my tenure as Chairman to help connect those on Tribal lands. At the Commission's February Open Agenda Meeting, we adopted the Tribal Mobility Fund Phase II, which will direct up to approximately \$340 million to build out 4G LTE coverage on Tribal lands. I have also asked the Commission's Office of Native Affairs and Policy to coordinate with the Wireless Telecommunications Bureau and the Wireline Competition Bureau to help direct that funding to reach Tribal members in remote areas that would otherwise be without access to next generation services. In addition, I directed the Universal Service Administrative Company to give additional time to Tribal families living in the remote reaches of the Navajo Nation to comply with a certification deadline for the Lifeline program. We must work to bring the benefits of the digital age to all Americans, and we will continue to pursue common-sense regulatory reforms to close the digital divide on Tribal lands.



Page 2—The Honorable Collin C. Peterson

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Sincerely,

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

October 23, 2017

The Honorable Aumua Amata Coleman Radewagen  
U.S. House of Representatives  
1339 Longworth House Office Building  
Washington, D.C. 20515

Dear Congresswoman Radewagen:

Thank you for your letter regarding the status of a draft order on whether the limitations on operating expenses for which rate-of-return carriers may receive high-cost support should be modified for carriers serving Tribal lands. I share your desire to address the digital divide on Tribal lands, where approximately 40% of the population live in census blocks lacking fixed broadband of 25/3 Mbps. Your views are very important and will be entered into the record of the proceeding and considered as part of the Commission's review.

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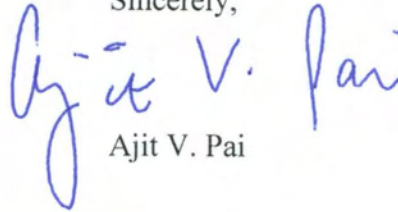
We've also taken a number of actions during my tenure as Chairman to help connect those on Tribal lands. At the Commission's February Open Agenda Meeting, we adopted the Tribal Mobility Fund Phase II, which will direct up to approximately \$340 million to build out 4G LTE coverage on Tribal lands. I have also asked the Commission's Office of Native Affairs and Policy to coordinate with the Wireless Telecommunications Bureau and the Wireline Competition Bureau to help direct that funding to reach Tribal members in remote areas that would otherwise be without access to next generation services. In addition, I directed the Universal Service Administrative Company to give additional time to Tribal families living in the remote reaches of the Navajo Nation to comply with a certification deadline for the Lifeline program. We must work to bring the benefits of the digital age to all Americans, and we will continue to pursue common-sense regulatory reforms to close the digital divide on Tribal lands.



Page 2—The Honorable Aumua Amata Coleman Radewagen

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

October 23, 2017

The Honorable Raul Ruiz  
U.S. House of Representatives  
1319 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Ruiz:

Thank you for your letter regarding the status of a draft order on whether the limitations on operating expenses for which rate-of-return carriers may receive high-cost support should be modified for carriers serving Tribal lands. I share your desire to address the digital divide on Tribal lands, where approximately 40% of the population live in census blocks lacking fixed broadband of 25/3 Mbps. Your views are very important and will be entered into the record of the proceeding and considered as part of the Commission's review.

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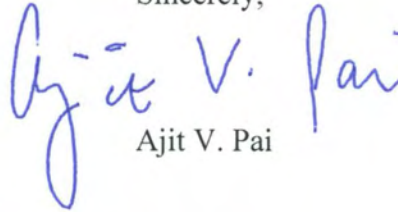
We've also taken a number of actions during my tenure as Chairman to help connect those on Tribal lands. At the Commission's February Open Agenda Meeting, we adopted the Tribal Mobility Fund Phase II, which will direct up to approximately \$340 million to build out 4G LTE coverage on Tribal lands. I have also asked the Commission's Office of Native Affairs and Policy to coordinate with the Wireless Telecommunications Bureau and the Wireline Competition Bureau to help direct that funding to reach Tribal members in remote areas that would otherwise be without access to next generation services. In addition, I directed the Universal Service Administrative Company to give additional time to Tribal families living in the remote reaches of the Navajo Nation to comply with a certification deadline for the Lifeline program. We must work to bring the benefits of the digital age to all Americans, and we will continue to pursue common-sense regulatory reforms to close the digital divide on Tribal lands.



Page 2—The Honorable Raul Ruiz

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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

October 23, 2017

The Honorable Mark Takano  
U.S. House of Representatives  
1507 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Takano:

Thank you for your letter regarding the status of a draft order on whether the limitations on operating expenses for which rate-of-return carriers may receive high-cost support should be modified for carriers serving Tribal lands. I share your desire to address the digital divide on Tribal lands, where approximately 40% of the population live in census blocks lacking fixed broadband of 25/3 Mbps. Your views are very important and will be entered into the record of the proceeding and considered as part of the Commission's review.

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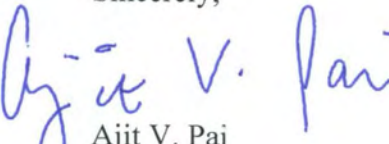
We've also taken a number of actions during my tenure as Chairman to help connect those on Tribal lands. At the Commission's February Open Agenda Meeting, we adopted the Tribal Mobility Fund Phase II, which will direct up to approximately \$340 million to build out 4G LTE coverage on Tribal lands. I have also asked the Commission's Office of Native Affairs and Policy to coordinate with the Wireless Telecommunications Bureau and the Wireline Competition Bureau to help direct that funding to reach Tribal members in remote areas that would otherwise be without access to next generation services. In addition, I directed the Universal Service Administrative Company to give additional time to Tribal families living in the remote reaches of the Navajo Nation to comply with a certification deadline for the Lifeline program. We must work to bring the benefits of the digital age to all Americans, and we will continue to pursue common-sense regulatory reforms to close the digital divide on Tribal lands.



Page 2—The Honorable Mark Takano

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Sincerely,



Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

October 23, 2017

The Honorable Norma J. Torres  
U.S. House of Representatives  
1713 Longworth House Office Building  
Washington, D.C. 20515

Dear Congresswoman Torres:

Thank you for your letter regarding the status of a draft order on whether the limitations on operating expenses for which rate-of-return carriers may receive high-cost support should be modified for carriers serving Tribal lands. I share your desire to address the digital divide on Tribal lands, where approximately 40% of the population live in census blocks lacking fixed broadband of 25/3 Mbps. Your views are very important and will be entered into the record of the proceeding and considered as part of the Commission's review.

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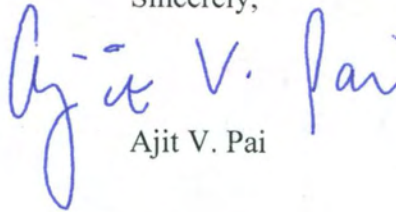
We've also taken a number of actions during my tenure as Chairman to help connect those on Tribal lands. At the Commission's February Open Agenda Meeting, we adopted the Tribal Mobility Fund Phase II, which will direct up to approximately \$340 million to build out 4G LTE coverage on Tribal lands. I have also asked the Commission's Office of Native Affairs and Policy to coordinate with the Wireless Telecommunications Bureau and the Wireline Competition Bureau to help direct that funding to reach Tribal members in remote areas that would otherwise be without access to next generation services. In addition, I directed the Universal Service Administrative Company to give additional time to Tribal families living in the remote reaches of the Navajo Nation to comply with a certification deadline for the Lifeline program. We must work to bring the benefits of the digital age to all Americans, and we will continue to pursue common-sense regulatory reforms to close the digital divide on Tribal lands.



Page 2—The Honorable Norma J. Torres

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OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

October 23, 2017

The Honorable Don Young  
U.S. House of Representatives  
2314 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Young:

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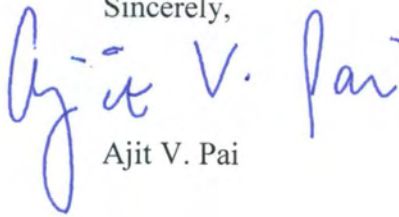
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Page 2—The Honorable Don Young

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