



October 30, 2017

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

Re: Ex parte filing in WC Docket No. 02-06

Dear Ms. Dortch:

Consistent with Sections 1.1206 and 1.1200(a)¹ of the rules of the Federal Communications Commission (FCC or Commission), the Jemez Pueblo Tribal Consortium submits this ex parte notice and related documents in WC Docket No. 02-06.

On Thursday, October 16, 2017, Governor Joseph Toya (Jemez Pueblo), Governor Carl Schildt (Zia Pueblo), Benny Shendo (Tribal Administrator, Jemez Pueblo), Joseph Little (Counsel, Zia Pueblo), and Irene Flannery (AMERIND Critical Infrastructure) met with the following representatives of Commission Offices and Bureaus:

- **Office of Chairman Pai**
 - Jay Schwarz: Wireline Advisor
- **Office of Commissioner Clyburn**
 - Louis Peraertz: Senior Legal Advisor
- **Office of Commissioner O’Rielly**
 - Commissioner Michael O’Rielly
 - Amy Bender: Legal Advisor, Wireline
- **Office of Commissioner Carr**
 - Jamie Susskind: Chief of Staff
- **Office of Commissioner Rosenworcel**
 - Travis Litman: Chief of Staff and Senior Legal Advisor
- **Wireline Competition Bureau**
 - D’wana Terry: Associate Chief, Wireline Competition Bureau (WCB)
 - Arielle Roth: Legal Advisor, WCB
 - Elizabeth Drogula: Deputy Chief, Telecommunications Access Policy Division (TAPD), WCB
 - Bryan Boyle: Attorney-Advisor, TAPD, WCB

¹ 47 C.F.R. §§ 1.1206, 1.1200(a).

Office of the Governor

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The representatives of the Jemez Pueblo Tribal Consortium discussed the petition for waiver of an E-rate filing deadline that the Tribal Consortium filed on July 24, 2017 and that remains pending. Specifically, the petition seeks waiver of the deadline for filing the Funding Year 2016 FCC Form 500 and the associated special construction deadline extension request (SCDER). Representatives of the consortium discussed the special circumstances and public interest benefits supporting a grant of the petition for waiver.

Representatives of the Tribal Consortium also distributed the discussion documents attached to this ex parte notice.

Thank you very much.

Respectfully,



Kevin R. Shendo
Education Director
Pueblo of Jemez

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2016 Jemez-Zia Pueblo E-rate Consortium

Jemez Day School (BIE) • San Diego Riverside (NM Charter) • Walatowa High School (NM Charter)
Jemez Tribal Library • T'siya Day School Elementary School (BIE) • Zia Tribal Library



Jemez-Zia Pueblo Tribal Consortium Petition for Waiver Briefing Sheet

Background

- The Pueblos of Jemez and Zia joined together and formed an E-rate consortium to bring broadband to Tribal schools and libraries located on their lands. Today, these schools and libraries receive broadband speeds as low as 1.5 megabits at costs as high as \$283 per megabit.
- The Jemez-Zia Pueblo Tribal Consortium embarked on an 18-month process of coordination that culminated in the filing of a special fiber construction E-rate application for a hybrid dark fiber and self-provisioned network in funding year 2016 (July 1, 2016 - June 30, 2017).
- The application – in the amount of \$3.9 million – was approved on June 30, 2017, the last day of the 2016 E-rate funding year. USAC approval followed two rounds of Program Integrity Assurance (PIA) review.
- Because USAC granted the application on the last day of the 2016 funding year, construction could not be completed by the end of the funding year, as the E-rate rules require. This required the Tribal Consortium to file a service delivery extension request (FCC Form 500) by June 30th.
- Through a purely administrative error, the form was not filed until July 13, 2017 – less than 14 days after the deadline. We fully acknowledge the error, which was the first and only misstep in the more than yearlong application and review process.
- On July 24, 2017, the Jemez-Zia Pueblo Tribal Consortium filed a Petition for Waiver with the FCC, which is now under review by the Wireline Competition Bureau.

The Benefits and Unique Nature of the Jemez-Zia Pueblo Tribal Consortium Application

- As a network owned by Tribal governments that will benefit Tribal schools, libraries, and communities, the Jemez-Zia Pueblo Tribal Consortium application implicates the FCC's support for the principles of Tribal self-determination and the trust responsibility that our Pueblo Nations share with the FCC.
- The Internet revolution has disproportionately bypassed Indian Country, and the Jemez-Zia Pueblo Tribal Consortium E-rate commitment will begin to reverse that pattern in New Mexico and will be transformative to our Pueblo communities.
- The Jemez-Zia Pueblo Tribal Consortium application is a model for how E-rate can – and, until now, has largely failed to – succeed and make a profound difference in Indian Country.
- The Jemez-Zia Pueblo Tribal Consortium application represents effective and efficient use of finite E-rate dollars by bringing the cost per megabit way down and broadband speeds way up in our Pueblo communities that, but for E-rate, would never see 21st Century connectivity.

The Ask

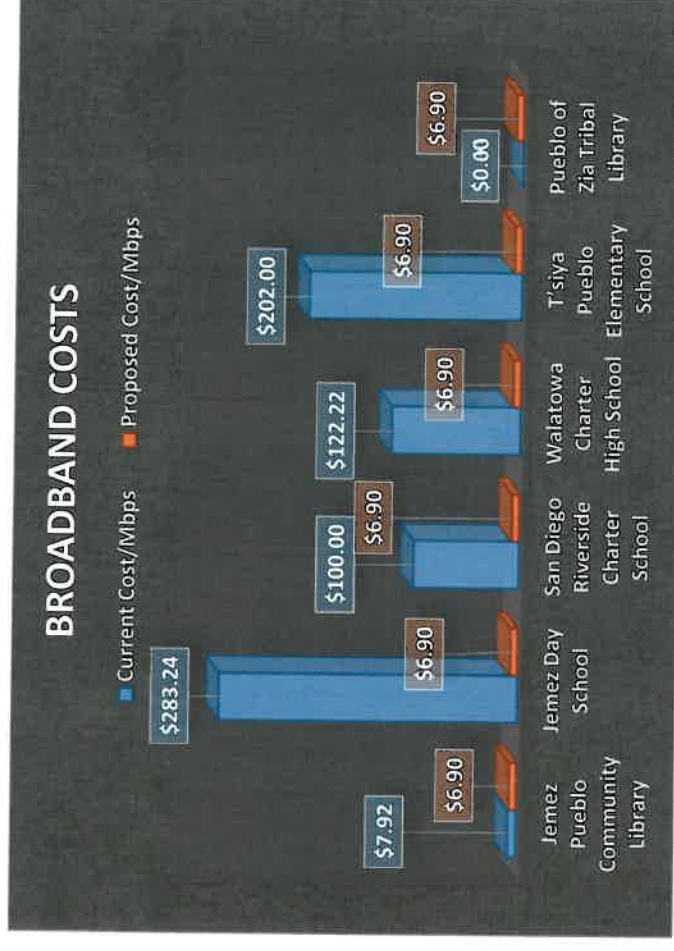
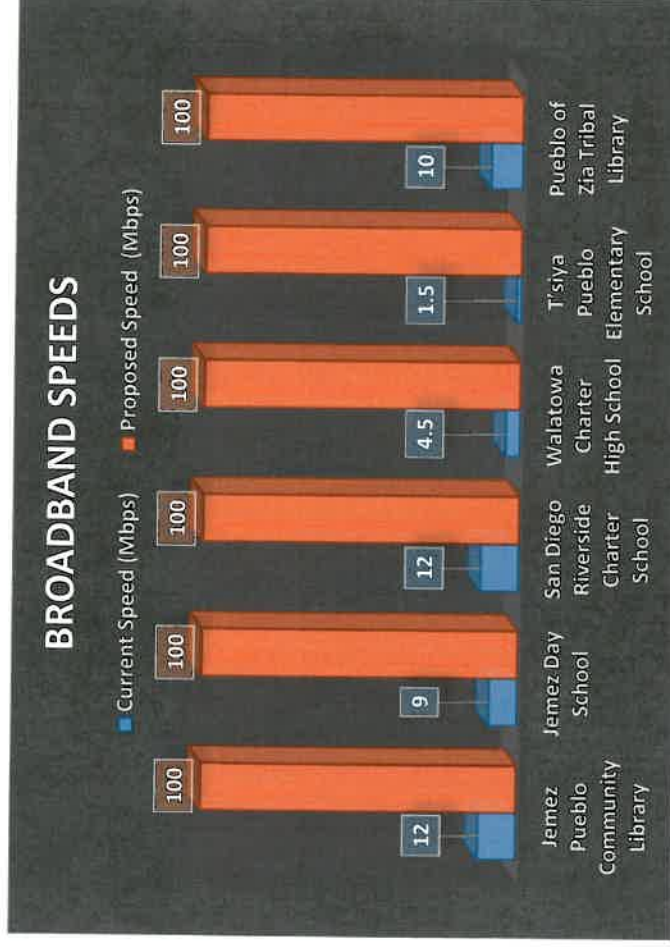
- The sooner we have a resolution, the greater the chance the Tribal Consortium can finally make 21st Century connectivity a reality in our Pueblo communities. We ask, therefore, that our waiver petition be included in the *October USF Appeals Disposition Public Notice*.
- Time is of the essence here – with each passing day, the clock is ticking. If our waiver petition is granted – which we believe it should be – the Tribal Consortium has only until June 30, 2018, to build and light the 30-mile fiber network.
- We believe that one administrative error should not deprive the children and community members of the Jemez and Zia Pueblos from all the benefits that the E-rate commitment will provide both today and far into the future.

Middle Rio Grande Pueblo Tribal Consortium
Jemez Pueblo Tribal Consortium

Network Map



Before / After



JEMEZ / ZIA CONSORTIUM MEMBERS		BEFORE			AFTER		
School/Library Name	Connection Type/Qty	Current Speed (Mbps)	Monthly Recurring Cost (MRC)	Current Cost/Mbps w/E-Rate	Proposed Speed (Mbps)	Monthly Recurring Cost (MRC)	Proposed Cost/Mbps w/E-Rate
Jemez Pueblo Community Library	1x DSL	12	\$95	\$7.92	Fiber	\$690	\$6.90
Jemez Day School	6x T1s	9	\$2,549	\$283.24	Fiber	\$690	\$6.90
San Diego Riverside Charter School	2x DSL	12	\$1,200	\$100.00	Fiber	\$690	\$6.90
Walatowa Charter High School	3x T1s	4.5	\$550	\$122.22	Fiber	\$690	\$6.90
T'siya Pueblo Elementary School	1x T1	1.5	\$303	\$202.00	Fiber	\$690	\$6.90
Pueblo of Zia Tribal Library	Ethernet	10	\$0	\$0.00	Fiber	\$690	\$6.90