

November 8, 2018

Marlene H. Dortch, Secretary
445 12th Street S.W.
Washington, D.C. 20554

RE: Modernizing the FCC Form 477 Data Program, WC Docket No. 11-10

Dear Ms. Dortch:

By and through its attorney, Gila River Telecommunications, Inc. (GRTI) submits the attached resolution from the National Congress of American Indians (NCAI). The resolution, which represents the consensus position of all 573 federally recognized Tribes, was adopted in recognition of the Government Accountability Office's (GAO) Report *FCC's Data Overstates Access on Tribal Lands*, GAO 18-630, that found that the FCC's Form 477 data "do not accurately reflect or completely capture broadband access on tribal lands." The GAO also found that the FCC does not collect information on several factors—such as affordability, quality, and denials of service—that can affect the extent to which Americans living on tribal lands have access to broadband. The report further notes that the FCC lacks a formal process to obtain tribal input on the accuracy of the Form 477 data.

To address the inaccuracy and incompleteness of the Form 477 data, the NCAI resolution calls on the FCC to "ensure the data that the FCC collects through the FCC Form 477 process is comprehensively reformed in order to provide that it is sufficiently granular and accurate to provide an precise depiction of broadband access, availability, and affordability on Tribal lands nationwide." Additionally, NCAI calls on the Commission to provide the Form 477 data to tribal governments and organizations and adopt a formal process to obtain tribal nation and organizations input on the accuracy of the reported information.

GRTI respectfully requests that the Commission act consistent with the NCAI resolution as it seeks to modernize the Form 477 data collection.

Sincerely,

Gregory W. Guice
Akin Gump Strauss Hauer & Feld
1333 New Hampshire Ave., N.W.
Washington, D.C. 20554



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #DEN-18-048

TITLE: Calling on the FCC to Comprehensively Improve its Broadband Data to Ensure Tribal Lands are Connected to Broadband

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, on September 7, 2018, the Government Accountability Office (GAO) released a report entitled *Broadband Internet: FCC Data Overstates Access on Tribal Lands*, in which it found that residents of tribal lands have lower levels of broadband Internet access relative to the United States as a whole, but the digital divide may be greater than currently thought; and

WHEREAS, the GAO Report found that while the FCC does collect data on broadband availability from providers, “these data do not accurately or completely capture broadband access on tribal land;” and

WHEREAS, the GAO determined that the basis for the inaccuracy in the data is the FCC’s Form 477 data which reports broadband availability at the census block level and “considers broadband to be ‘available’ for an entire census block if the provider could serve at least one location in the census block.” The GAO Report concludes “this leads to overstatements of service for specific locations like tribal lands;” and

WHEREAS, the Federal Communications Commission (FCC) and other government agencies, including the United States Department of Agriculture, rely on the Form 477 data to make funding decisions and “tribal officials stated that inaccurate data have affected their ability to plan their own broadband networks and obtain funding to address broadband gaps on their lands.”; and

WHEREAS, the GAO states that accurate and complete data would make the FCC “better able to target federal broadband funding to tribal areas that need it the most and to more accurately assess FCC’s progress toward its goal of increasing all Americans’ access to affordable broadband;” and

WHEREAS, the GAO Report further concluded that the “FCC does not have a formal process to obtain tribal input on the accuracy of provider-submitted broadband data” that is part of the FCC Form 477 submission. GAO recommended that implementation of a formal process for tribal input (tribal engagement) “could help improve the accuracy of FCC’s broadband data for tribal lands.”

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) hereby calls on the Congress and the FCC to ensure the data that the FCC collects through the FCC Form 477 process is comprehensively reformed in order to provide that it is sufficiently granular and accurate to provide an precise depiction of broadband access, availability, and affordability on Tribal lands nationwide; and

BE IT FURTHER RESOLVED, that the NCAI calls upon the FCC to provide the raw data in useful formats and accessible to tribal nations, tribal organizations and researchers; and

BE IT FURTHER RESOLVED, that the NCAI in order to address the clear digital divide that exists between tribal lands and the rest of the United States, calls for the FCC to adopt a formal process to obtain tribal nation and tribal organization input on the accuracy of the data as it relates to the lands of each tribal nation; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2018 Annual Session of the National Congress of American Indians, held at the Hyatt Regency in Denver, Colorado October 21-26, 2018, with a quorum present.


Jefferson Keel, President

ATTEST:


Juana Majel Dixon, Recording Secretary