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Office of the Chief

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November 8, 2017

The Honorable Marlene H. Dortch, Secretary
Federal Communication Commission
445 12 St SW, Room TW-A325
Washington, DC 20554

RE: Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry – WC Docket Numbers 17-287, 11-42, and 09-197

Dear Secretary Dortch and Members of the Commission:

Osiyo. On behalf of Cherokee Nation, we strongly oppose the draft Report and Order that would limit Lifeline subsidies on tribal lands. Cherokee Nation is the largest federally recognized Indian tribe in the United States with almost 360,000 citizens and a tribal jurisdiction that spans 7,000 square miles in northeast Oklahoma. Cherokee Nation is committed to the social and economic success of our citizens and provides services such as health care, housing, childcare, career placement and a variety of other key programs to support our most vulnerable populations.

The Lifeline and Link Up programs provide connectivity to low-income families in our region who would otherwise lack the means to purchase these vital services. In our technology-based society, telecommunications service provides families with access to emergency responders, social services, programs for job placement and contact with family members. This is crucial to the economic success and overall wellbeing of our tribal families. In recognition of the disparate levels of telecommunications service and the economic disparities on tribal lands, the Federal Communications Commission created an enhanced Tribal Lifeline subsidy for low-income residents on tribal lands. Cherokee Nation and tribes across the country have strongly supported this program and continue to advocate for its stated goals, which include affordability as well as access.

Limiting access to the enhanced Tribal Lifeline subsidy based on population density ignores the uniqueness of each tribal nation and expressly ignores one of the goals of the program. Cherokee Nation spans across 14 unique counties that have both extremely rural areas, as well as urban centers. Although accessibility issues may vary, affordability is a constant struggle for our tribal citizens. One of the areas targeted for elimination under this proposed rule would include Tulsa, Oklahoma, which is home to more than 37,000 Cherokee Nation citizens. Living in an area with a population over 25,000 people does not determine one's ability to afford phone services.

Perhaps most concerning about this draft Report and Order is the lack of tribal consultation. The FCC has acknowledged the trust relationship with tribes in its *2000 Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes*. The Commission has committed that it “will consult with Tribal governments prior to implementing any regulatory action or policy that will significantly or uniquely affect Tribal governments, their land and resources.” The Commission has conducted a number of tribal consultations on other pending issues, but not regarding this Report and Order. The Cherokee Nation respectfully urges the FCC to ensure that timely and meaningful government-to-government consultation is executed prior to the adoption of any changes regarding the Tribal Lifeline subsidy program. Until then, Cherokee Nation strongly opposes this Report and Order.

If you have any questions or require further information, please contact our Director of Government Relations, Kimberly Teehee at Kim-Teehee@cherokee.org or (202) 615-9505.

Sincerely,

A handwritten signature in black ink that reads "Bill John Baker". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Bill John Baker,
Cherokee Nation Principal Chief