



**Board of Directors**

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December 11, 2017

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Federal Communications Commission  
445 12<sup>th</sup> St SW  
Washington, DC 20554

**RE: The Tulalip Tribes of Washington Opposition to Restoring Internet Freedom Order  
(WC 17-108)**

Dear Members of the Commission

The Tulalip Tribes, successors in interest to the Snohomish, Snoqualmie, and Skykomish tribes and others tribes and bands signatory to the Treaty of Point Elliot of 1855, strongly oppose the Declaratory Ruling, Report and Order and Order titled "Restoring Internet Freedom". The Federal Communications Commission (FCC) has a trust responsibility to Indian tribes and must preserve the Net Neutrality indefinitely. We urge you to vote no on moving this item forward.

The FCC (Commission) has a trust responsibilities to Indian tribes to act in the best interests of those tribes. It is not in the best interests of the Tulalip Tribes to be charged higher premiums for "internet fast lanes" or to access specific content. It is also not in the best interests of the Tulalip Tribes of Washington to have corporate monetary interference in the Government-to-Government Relationship that Tribal Nations share with the United States. We agree with the National Congress of American Indian (NCAI) that this order would create a system where the Government-to-Government relationship could become "pay to play" for Tribal participation at the discretion of Internet Service Providers (ISP).

**Self-Determination**

A free and open internet is necessary for Tribal Self-Determination. The Tulalip Tribes own and operate a strategic and diversified collection of enterprises including a data center and fiber infrastructure encompassing the exterior boundaries of the Tulalip Tribes. The data center manages the fiber infrastructure serving the Tulalip Government, Gaming Operations, Quil Ceda Village (tribal municipality), businesses and residents with internet access, telecom, and cable-tv services.

The Tulalip Tribes internet and telephone initiatives implemented a Tulalip Internet Service Provider (ISP) then a Competitive Local Exchange Carrier (CLEC) to meet Tulalip Tribes business objectives for direct access to the Internet and Public Switched Telephone Network for its emergency responders, educational and healthcare resources for its library, businesses, schools and healthcare facilities within the exterior boundaries of the Tulalip Tribes.

Tulalip Tribes established a Cable-TV company in 1986 and transitioned its copper infrastructure to a fiber/copper hybrid and today provides Cable-TV and Internet Service Packages to its subscribers.

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*The Tulalip Tribes are federally recognized successors in interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.*

The American Cable Association (ACA) advocates to roll back Net Neutrality yet recommends its members to respond to media or consumer requests as follows:

- **Your company doesn't block or throttle** consumer access to lawful Internet content;
- **Your company doesn't use consumer data without consent** for marketing and resell it to third parties;
- **Your company doesn't engage in unlawful or anticompetitive discrimination** against websites, streaming video services, and voice applications that may compete with traditional services you offer and you don't offer pay-for-priority services; and
- **Your company INVESTS in your networks** to give your consumers the internet speed, capacity and services they want most.

Tulalip agrees that our consumers should have unfettered access to content on the internet and their privacy should be protected by ISP's. We are aware of FCC attempts to enforcing net neutrality (2005-2010)<sup>1</sup> and also agrees with FCC Commissioner Mignon Clyburn that the "The FCC Should Not Give Broadband Providers the Keys to Your Internet Freedom".<sup>2</sup>

It is not a consideration of the Tulalip Tribes to establish high cost "fast lanes" or limited content for its subscribers. Tulalip Tribes business cases for internet and telephone are consistent with a free and open concepts providing equitable access to information, preventing unfair and discriminatory pricing practices, protect freedom of speech, and promoting innovation. Tulalip Tribes does not agree with big corporations establishing tight control over how we access information and further recognizes the FCC Net Neutrality as a necessity to further internet access as a utility protecting internet freedom.

#### **Financial Impacts on Tribal Governments and Tribal Members**

Tulalip Tribes is responsive bringing economic development through innovation while maintaining the core values of our Tribe. "Our government is self-sustaining and provides for our people's needs with services like family and senior housing, education, health and dental services, law enforcement, fire protection, infrastructure improvements and economic growth"<sup>3</sup>.

Tulalip enterprises providing broadband services share the Tulalip fiber infrastructure connecting residential subscribers using DSLAM (telephone and/or broadband) or CMTS (Cable-TV and/or Broadband) technologies because everyone wants Broadband and we give the subscriber options for phone line or Cable-TV services. This connection model mix provided a customer acquisition using existing copper infrastructure and investing into DSLAM and CMTS technologies. We are competitive with local providers and we are monitoring our costs and if the FCC repeals Net Neutrality, Tulalip will need to change its business plans and cover any increased costs if Net Neutrality is repealed.

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<sup>1</sup> [https://en.wikipedia.org/wiki/Net\\_neutrality\\_in\\_the\\_United\\_States](https://en.wikipedia.org/wiki/Net_neutrality_in_the_United_States)

<sup>2</sup> <https://www.fcc.gov/news-events/blog/2017/11/29/fcc-should-not-give-broadband-providers-keys-your-internet-freedom>

<sup>3</sup> <https://www.tulaliptribes.com/about/self-governance/>

## Conclusion

Telecommunications is a regulated industry and Tulalip is dependent upon the Federal Communications Commission to capitalize on its competencies and uphold its Trust Responsibilities to Tribal Nations to act in the best interests of those Nations. Tulalip Tribes has implemented technology businesses to provide Cable-TV, Broadband, and Telephone Services and repealing Net Neutrality is a threat to those businesses due to potential increased costs to access online federal resources due to fast lanes or any other cost schemes.

The Tulalip Tribes agrees with NCAI regarding if rates increase or "fast lanes" are created, more Native people will be off the Internet. This is in direct conflict with the mission of the FCC Office of Native Affairs and Policy and with the mission Congress tasked to the FCC. The 1934 Communications Act that created the FCC tasked it with carrying out principles of Universal Service. Universal Service means that all Americans should be able to access telecommunications services. Again, we strongly urge FCC to remember its authorizing language and preserve a free and open Internet for all.

Thank you for your consideration. If you have any questions please call 360-716-4444 or email [mzackuse@tulaliptribes-nsn.gov](mailto:mzackuse@tulaliptribes-nsn.gov), Howard Brown at Tulalip Data Services at [Howardbrown@tulaliptribes-nsn.gov](mailto:Howardbrown@tulaliptribes-nsn.gov), or for legal questions contact Lisa Koop Gunn, Attorney, at [lkoop@tulaliptribes-nsn.gov](mailto:lkoop@tulaliptribes-nsn.gov) or call 206-683-5667.

Sincerely,



Marie Zackuse  
Tulalip Tribes Chairwoman

cc: Tulalip Tribes Board of Directors  
Howard Brown, Tulalip Data Services (TDS)  
Lisa Koop Gunn, Tulalip Tribes Attorney