



# PUBLIC NOTICE

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## WIRELINE COMPETITION BUREAU UPDATES LIST OF CARRIERS MEETING ELIGIBILITY CRITERIA FOR TRIBAL OPEX RELIEF

### WC Docket No. 10-90

In the 2018 *Tribal Opex Relief Order*, the Commission recognized the higher operating expenses facing carriers on Tribal lands and granted relief from certain operating expense (opex) limits it had imposed on rate-of-return carriers in 2016.<sup>1</sup> To target relief to carriers with the greatest need to accelerate broadband deployment, the Commission limited eligibility for relief to carriers that met the following criteria at the time of the *Tribal Opex Relief Order*: (1) carrier has “not deployed broadband service of 10 Mbps download/1 Mbps upload to 90% or more of the housing units on the Tribal lands in its study area;” and (2) “unsubsidized competitors have not deployed broadband service of 10 Mbps download/1 Mbps upload to 85% or more of the housing units on the Tribal lands in its study area.”<sup>2</sup>

The *Tribal Opex Relief Order* identified five carriers that had not exceeded the deployment threshold at the time of the order and were already affected by the prior opex cap.<sup>3</sup> In an Order on Reconsideration,<sup>4</sup> adopted on December 20, 2018, the Commission concluded that, based on additional evidence, Mescalero Apache Telecommunications, Inc., did not meet the 90-percent deployment threshold at the time the *Tribal Opex Relief Order* was adopted, and so was entitled to relief. Several more carriers, identified below, are also eligible for relief under the *Tribal Opex Relief Order*, even though they were not affected by the previous opex cap.

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<sup>1</sup> *Connect America Fund*, Report and Order, FCC 18-37 (Apr. 5, 2018) (*Tribal Opex Relief Order*); *Connect America Fund et al.*, Report and Order, Order and Order on Reconsideration and Further Notice of Proposed Rulemaking, 31 FCC Rcd 3087, 3124-26, paras. 95-104 (2016) (*Rate-of-Return Reform Order and Further Notice*).

<sup>2</sup> *Tribal Opex Relief Order*, FCC 18-37, at 3, para. 7.

<sup>3</sup> *Id.* at Appendix D.

<sup>4</sup> *Connect America Fund*, Order on Reconsideration, FCC 18-187 (Dec. 20, 2018).

StudyArea	Percent of Tribal Housing Units Offered 10/1 Broadband by ILEC	Percent of Tribal Housing Units Offered 10/1 Broadband by Unsubsidized Competitor
ATLAS TEL CO	28.5%	19.9%
BEGGS TEL CO	77.3%	6.0%
BIXBY TEL CO	89.3%	81.6%
CHEROKEE TEL CO	0.0%	66.4%
CHEYENNE RIVER SIOUX	77.8%	3.0%
FORT MOJAVE TEL, INC	72.3%	73.8%
GILA RIVER TELECOM.	42.1%	77.1%
LAVACA TEL CO-OK	84.6%	5.6%
OKLATEL COMMUNICATIONS, INC.	41.0%	3.5%
PINE TELEPHONE CO	33.2%	0.0%
SACRED WIND	76.8%	7.4%
SADDLEBACK COMM CO	0.0%	5.2%
SAN CARLOS APACHE	0.0%	20.0%
SHIDLER TEL CO	0.0%	1.5%
TERRAL TEL CO	71.4%	6.5%
TOHONO O'ODHAM UTIL.	64.7%	7.0%
TOTAH COMMUNICATIONS	19.3%	3.0%
WYANDOTTE TEL CO	0.0%	33.6%

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