

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Connect America Fund) WC Docket No. 10-90
)
)

Comments of Fort Mojave Telecommunications, Inc.

On July 29, 2015 the Federal Communications Commission (“FCC” or “Commission”) released a Public Notice (“PN”) in the above referenced docket¹ seeking comment on its preliminary determination of Rate-Of-Return (“RLEC”) Study Areas 100 Percent Overlapped by Unsubsidized Competitors. The FCC recognizes that its methods and assumptions could cause areas to be mislabeled as either competitive or not and seeks comment from the effected competitors and RLECs to ensure accuracy.² Indeed, as the FCC predicted, the Fort Mojave Telecommunications, Inc. (“FMTI”) Study Area was erroneously identified as potentially entirely served by unsubsidized competitors, Transworld and Suddenlink. However, neither Transworld nor Suddenlink are authorized to provide service in FMTI’s Study Area and therefore cannot be considered competitors of FMTI.

I. FMTI is a Tribally Owned RLEC and a Cornerstone of the Fort Mojave Indian Tribe

¹ Connect America Fund, WC Docket No. 10-90; Public Notice Wireline Competition Bureau Publishes Preliminary Determination of Rate-Of-Return Study Areas 100 Percent Overlapped by Unsubsidized Competitors. (Rel. July 29, 2015) (“PN”).

² *Id.* at para. 19.

FMTI is a tribally chartered RLEC established in 1988 when other providers failed to provide adequate telecommunications services to customers on the Fort Mojave Indian Reservation. The Fort Mojave Indian Reservations is located along the Colorado River between Topock and Riviera, Arizona and includes 32,713 acres in parts of Clark County Nevada, San Bernardino County, California and Mohave County, Arizona. As a whole, the Reservation remains very sparsely populated and FMTI has used federal Universal Service High Cost Program (“USF”) support to enhance its ability to bring high-quality advanced telecommunications service to the Fort Mojave Indian Reservation.

As the FCC has said, “Given the difficulties many Tribal consumers face in gaining access to basic services by living on typically remote and underserved Tribal lands, the Commission recognizes the important role of universal service support in helping to provide telecommunications services to the residents of Tribal lands.”³ FMTI couldn’t agree more with the FCC on the critical nature of USF support in FMTI’s ability to offer advanced telecommunications services to its customers living on the Fort Mojave Indian Reservation. Eliminating this support would be detrimental to FMTI, and more importantly, to all Tribal consumers living on the Reservation.

FMTI is a cornerstone of the Tribe as the sole Eligible Telecommunications Carrier (“ETC”) providing Lifeline benefits to low income members of the tribe. The FCC correctly notes that “For many Tribally-owned ETCs, for example, the names Lifeline and Link Up resonate strongly, given the very high levels of unemployment in Tribal lands, the very high percentage of Tribal families with incomes well under the Federal Poverty Guidelines, and the remote nature of

³ Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42; Telecommunications Carriers Eligible for Universal Service Support, WC Docket No. 09197; Connect America Fund, WC Docket No. 10-90. Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order. (FCC 15-71) (2015) at para. 159.

Tribal Reservations.”⁴ The customers that FMTI serve rely on it to provide its services in an affordable manner and the Enhanced Lifeline and Link up programs available to customers living on tribal lands have made this possible.

FMTI has also taken advantage of loan programs from the USDA Rural Utilities Service (“RUS”) to obtain affordable capital for its build outs to ensure that its customers enjoy the same levels of service available to customers living in urban areas. This commitment to provide advanced services has spurred further economic development on the Fort Mojave Indian Reservation, enhancing the Tribe’s ability to provide the community with a recently built Library, charter High School, Education Resource Center, Health Clinic, Social Service Building and a Boys and Girls Club. These Community Anchor Institutions, all served by FMTI, provide the Tribe with the building blocks necessary for the furtherance of its community.

II. Transworld and Suddenlink Do not Provide Service in FMTI’s Study Area

All entities that choose to do business on the Fort Mojave Indian Reservation must obtain a business license from the Tribal Council and otherwise satisfy applicable Tribal law. No provider of telecommunications or broadband services may offer services to customers on the Reservation without this Tribal license and compliance with Tribal law. FMTI has confirmed with the Tribal Council that neither Suddenlink nor Transworld have obtained this license nor otherwise satisfied Tribal law requirements, and are therefore not authorized to offer services within FMTI’s Study Area.⁵

⁴ Office of Native Affairs and Policy, CG Docket No. 11-41, 2012 Annual Report, at 2, 29-34, 48-51, 53 (Mar. 20, 2012), http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-319767A1.pdf (2012 ONAP Annual Report)

⁵ See infra. at Appendix A – Letter from Timothy Williams, Chairman of the Tribal Council of the Fort Mojave Indian Tribe.

III. The FCC's 100 Percent Overlap Map Does Not Include the Entirety of FMTI's Study Area

Upon review of the FCC's 100 Percent Overlap Map, FMTI has noted a discrepancy between the area the FCC indicates to be FMTI's Study Area boundary and the geographic area it actually serves.⁶ Indeed, the Fort Mojave Indian Reservation covers lands in California, Nevada and Arizona, however, only one of four of FMTI's exchanges (Mesquite Creek) located in Arizona has been included in the FCC's analysis of determining Study Areas 100 percent overlapped by unsubsidized competitors. The FCC indicates that the RLEC Study Area boundaries have been taken from its Study Area Boundary Collection, which began in 2013.⁷ FMTI has complied with the FCC's Study Area Boundary Collection requirements providing accurate shapefiles of its Study Area to the best of its knowledge and belief.⁸ However, as the Study Area Boundary Collection Website is unavailable, FMTI is unable to determine a cause for this discrepancy. Therefore, FMTI has successfully contacted the FCC and has resubmitted its shapefiles to ensure this error is corrected.

IV. Conclusion

FMTI respectfully requests that the FCC remove its Study Area from the 100 percent overlapped list because the identified competitive providers, Suddenlink and Transworld, do not

⁶ See FCC 100 percent Overlap Map: <https://www.fcc.gov/maps/100pct-overlap-map>. Retrieved August 19, 2015.

⁷ PN at paras. 3 and 17.

⁸ *Wireline Competition Bureau Announces Procedures and Deadlines for Submissions of Study Area Boundaries*, Public Notice, (DA 13-456) (rel. March 18, 2013).

offer services on the Fort Mojave Indian Reservation. FMTI also asks the FCC to update its Study Area boundary information to reflect the entire footprint of its Study Area.

Respectfully submitted,

[electronically filed]

Linda Gutierrez
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August 21, 2015

Appendix A

Letter from Timothy Williams, Chairman of the Tribal Council of the Fort Mojave Indian Tribe



Fort Mojave Indian Tribe

TIMOTHY WILLIAMS - Chairman

SHAN LEWIS - Vice Chairman

COLLEEN GARCIA - Secretary

MARTHA McCORD - Council Member • NICHOLE GARCIA - Council Member

NORVIN McCORD SR. - Council Member • JOHNNY HEMMERS - Council Member

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August 20, 2015

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW,
Room TW-A325
Washington, DC 20554

Re: Connect America Fund Docket WC No. 10-90 – Attachment A for Comments of Fort Mojave Telecommunications, Inc.

Dear Ms. Dortch:

My name is Timothy Williams and I am the Chairman of the Tribal Council of the Fort Mojave Indian Tribe (“Tribal Council”), a federally recognized tribe organized under Section 16 of the Indian Reorganization Act of 1934. The Tribal Council is solely responsible for authorizing businesses to provide services on the Fort Mojave Indian Reservation, and no entity is authorized to provide broadband or voice service on the reservation without a business license from the Tribal Council and compliance with applicable Tribal law.

On July 29, 2015 the Industry Analysis & Technology Division of the Wireline Competition Bureau released a Public Notice announcing its Preliminary Determination of Rate-of-Return Study Areas 100 Percent Overlapped by Unsubsidized Competitors (DA 15-868). Among the effected rate of return companies (“RLECs”) listed was the tribally chartered RLEC, Fort Mojave Telecommunications, Inc. (“FMTI”). FMTI serves the Fort Mojave Indian Tribe within the geographic boundaries of the Fort Mojave Indian Reservation. According to the FCC, FMTI’s Study Area is served in combination by two competitors, Suddenlink and Transworld. The Tribe has not issued licenses to allow either Suddenlink or Transworld to provide services on the Fort Mojave Indian Reservation, nor have Suddenlink or Transworld otherwise fulfilled the requirements of Tribal law to provide such services. As previously stated, these entities would be required to obtain Tribal licenses prior to offering services on the Reservation and to otherwise satisfy Tribal law requirements. It is not possible for either Suddenlink or Transworld to serve within the FMTI Study Area.

Sincerely,

A handwritten signature in blue ink, appearing to read "Timothy Williams", is written over a horizontal line.

Timothy Williams, Chairman
Fort Mojave Indian Tribe