

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Lifeline and Link Up Reform and Modernization)	WC Docket No. 11-42
)	
Telecommunications Carriers Eligible for Universal Service Support)	WC Docket No. 09-197
)	
Connect America Fund)	WC Docket No. 10-90
To: The Commission		

COMMENTS OF NAVAJO TRIBAL UTILITY AUTHORITY

The Navajo Nation is the nation’s largest organized Native American tribe, with an overall population of approximately 186,500, scattered across portions of Arizona, New Mexico and Utah in an area of 27,000 square miles, roughly the size of West Virginia. That equates to a population density of approximately seven (7) people per square mile. The unemployment rate on the Navajo Nation is 48.5% – more than nine times the national average. Indeed, more than 38% of Navajo families live below the poverty line. Average per capita income on the Navajo Nation is only \$10,695, compared to the US average of \$39,791.

The Navajo Tribal Utility Authority (“NTUA”) is a not-for-profit Navajo Nation enterprise established in 1959 by the Navajo Nation Council and charged with providing various utility services including communications and information services to residents of the 27,000 square-mile Navajo Nation. NTUA is the majority owner of NTUA Wireless, LLC, referred to herein as NTUAW.

Tribal residents in general and Navajo Nation residents in particular, have fewer options to gain access to the internet than do poor people in urban areas. Whereas poor people in urban areas can go to a library or to a wi-fi-offering retail establishment (such as Starbucks), poor

people residing on the Navajo Nation live many miles from the nearest library, and there are no coffee shops or other establishments offering “free wi-fi” to patrons. In urban areas, even if there is no Lifeline service available, there is still wireless service available, including 911 service. In contrast, on the Navajo Nation, but for the existence of Lifeline support, there would often be *no wireless service available at all*, not even 911 service. In sum, the Navajo Nation is a sparsely-populated, poverty-stricken rural area, whose residents have fallen further and further behind the rest of the country, leaving them on the wrong side of an ever-expanding digital divide.

Through NTUAW, NTUA has successfully worked to bridge the digital divide on the Navajo Nation, by bringing advanced wireless communications services to a significant portion of the Navajo Nation. Since 2010 NTUA has constructed, and currently owns and operates a wholesale “middle mile” backhaul network, and NTUAW has deployed and currently operates “last mile” retail 4G broadband data and voice wireless service on the Navajo Nation. In February 2014, the FCC designated NTUAW as an eligible telecommunications carrier (“ETC”) on the Navajo Nation, enabling NTUAW to serve the communications needs of the Navajo Nation. NTUAW provides Lifeline services to thousands of subscribers across the Navajo Nation in Arizona, New Mexico and Utah. NTUAW also provides mobile and fixed wireless broadband services to residents of the Navajo Nation. Since initiating operations in 2012, NTUAW has constructed dozens of cell sites, and serves many thousands of subscribers on the Navajo Nation, a significant number of which are Lifeline subscribers.

The communications service offered by NTUAW provides Lifeline service to Navajo citizens, along with unlimited nationwide voice calling, and 500 MB of included data, because the goal of NTUAW is to eliminate the technological disadvantage the Navajo Nation endures.

Without access to Lifeline support, NTUAW could not provide retail service to Navajo Nation residents. Therefore, the outcome of this proceeding will have a major impact on NTUA and NTUAW's ability to provide and extend its services to the Navajo people.

In support of the comments filed today by NTUAW, NTUA states as follows:

1. Minimum service levels are not in the public interest; more robust service offerings appear when there is some level of competition. If there have to be minimum service levels, then median non-Lifeline usage patterns in urban areas are not a good proxy for where to establish minimum service levels in low-density/low-income Tribal areas.
2. Additional Lifeline support is appropriate to stimulate broadband penetration in Tribal Areas, as a higher support level for bundled voice/broadband service. NTUAW proposes that the Tier 4 Tribal Lifeline support remain at \$25 for voice only service and be increased to \$35 when voice service is bundled with voice service.
3. The Commission should maintain the existing National Lifeline Accountability Database ("NLAD"). NTUAW needs to be able to utilize its mobile retail center in signing up customers in real time. Any change in the NLAD, must avoid requiring new sign-ups to wait several days and then drive long distances for hours just to pick up their handset.
4. The Commission should fix Section 54.413(a)(1) of its Rules to eliminate the disparate treatment of otherwise identical facilities-based wireless ETCs in Tribal areas with respect to the one-time Linkup connection subsidy.
5. While NTUA supports the Commission's streamlining the process for securing ETC status, NTUA continues to support limiting Lifeline support to only ETCs, to ensure

that customers and entities such as NTUAW are protected from cream-skimming or other methods of gaming the application of the Lifeline support.

CONCLUSION

NTUA has successfully worked to bridge the digital divide in the Navajo Nation, by bringing advanced wireless communications services to a significant portion of the Navajo Nation and would like to ensure that the full further development of communications services needs to continue. As a result, the Commission should follow the recommendations identified herein and those supplied by NTUAW in this proceeding.

Respectfully submitted,
NAVAJO TRIBAL UTILITY AUTHORITY

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