



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

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August 31, 2015

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

RE: WC Docket 11-42 Lifeline and Link Up Reform and Modernization,
WC Docket 09-197 Telecommunications Carriers Eligible for Universal Service Support, and
WC Docket 10-90 Connect America Fund

The Nez Perce Tribe is located in north central Idaho, and the Nez Perce Reservation lies across 1,200 square miles of our aboriginal homeland. The Nez Perce Tribe is the third largest employer across the five county region of the Nez Perce Reservation. Residents of the Nez Perce Reservation include Nez Perce Tribal members, Nez Perce descendants, enrolled members of other Native American tribes as well as persons that are not Native American. Although the regional economy is diversifying, joblessness, underemployment and poverty continue to be a factor for many residents across our Reservation. It is our intent through this comment filing to provide the Federal communications Commission a response to the June 22, 2015 Second Further Notice of Proposed Rule Making, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, WC Dockets 11-42; 90-197; and 10-90 (FNPRM). The FNPRM's focus on the Lifeline program has both items we support and oppose. We appreciate the opportunity to provide comments to this FNPRM as the lifeline program provides a significant subsidy in supporting connectivity for those households across the Nez Perce Reservation who are living in poverty.

Through the FNPRM, the Federal Communications Commission (Commission) seeks comment on a wide variety of topics related to Lifeline reform. We provide the following comments on the record regarding several issues.

The Commission seeks comments on how to establish minimum service levels for voice and broadband for low income residents living on tribal lands.

We applaud the Commission's recognition that access to broadband is a modernization effort that will offer a step up to Lifeline benefactors. We encourage the Commission to create a minimum standard

equivalent with the nationally recognized standard of 10 Megabits per second download and 1 Megabit per second upload (10/1) as a near term standard. We would expect the minimum standard for broadband access to grow consistently with offerings in more affluent markets to ensure those less fortunate are not left behind in a modernized digital landscape.

We note, that in more rural/remote locations; it may not be possible to deploy in a cost effective manner broadband connectivity meeting the 10/1 standard. We urge the Commission to consider that in extreme rural and high cost areas of Indian Country, the Enhanced Lifeline value of \$ 25.00 per household is an insufficient amount to incentivize broadband infrastructure build out. Therefore, applying the 10/1 standard nationally may result in exclusions of extreme high cost regions as compliant deployment would not likely occur.

In the overall effort to reduce waste-fraud- abuse of the Lifeline system the Commission seeks comments on how to streamline eligibility review processes and whether to initiate third party eligibility certifiers to relieve certification from carriers

To best ensure the most vulnerable consumers of the Lifeline program are served in the most efficient manner, the Nez Perce Tribe requests the Commission not remove the programs utilized the most on tribal lands in qualifying for subsidization support. The longstanding, federally accredited institutions of the Food Distribution Program on Indian Reservations (FDPIR); Tribal Temporary Assistance for Needy Families (TTANF); Bureau of Indian Affairs General Assistance; Supplemental Nutrition Assistance Program (SNAP); and Medicaid are currently used by the Tribe for qualification are functioning in this arena.

The Nez Perce Tribe's Department of Technology Services developed a collaborative relationship with a regional mobile ETC, Inland Cellular LLC, in 2013 to facilitate expanded marketing and sign-up of low-income consumers living on the Nez Perce Reservation. There are many benefits to this collaborative partnership: Department of Technology Services staff live in the local tribal communities and know the community, thereby reducing the potential of waste-fraud-abuse to Lifeline subscribership; the interdepartmental relationships between Tribal programs, in this case Technology Services and the Social Services Departments, enables a streamline flow of information in the eligibility certification process, again reducing waste-fraud-abuse potential. The costs to implement the eligibility certification, phone delivery have to date been absorbed by the Nez Perce Tribe as a service provided to benefit low income tribal and non-tribal consumers living on the Reservation.

The Commission seeks input on third party certification partnerships to relieve carriers of this responsibility and reduce the potential for waste-fraud-abuse. Over the past two years of offering a Lifeline certification program, the Nez Perce Tribe Dept. of Technology Services has calculated an average of 45 minutes per Lifeline consumer coordination between social services and the ETC service provider. To date, this collaborative partnership has resulted in an additional 178 low-income subscribers acquiring a mobile voice/data plan. There are three plan choices for Tribal Lifeline customers:

- An unlimited Home plan, which is unlimited talk and text in our Home Service Area. No data. Cost to customer is \$1, plus taxes and surcharges resulting in a monthly fee of \$5.67;

- A nationwide plan with 500 minutes. No data. Cost to customer is \$1, plus taxes and surcharges resulting in monthly fee of \$5.67; or
- A Fuel Plan (prepaid), which is unlimited talk and text in Home Service Area. No data. Monthly cost to customer is \$1

If the Commission removes the Tribal specific certification tools (FDPIR, TTANF) it will effectively remove the familiar and local entity providing eligibility certification in tribal communities. This would require the most vulnerable consumers to yet again shine a light on their need to a non-familiar entity. We point out that the Lifeline program is a place based effort ensuring all consumers, including the most vulnerable are connected. We urge the Commission to recognize that removing the place based certification programs could result in less low-income consumers benefiting from the intended goal of Lifeline.

The Commission seeks to expand the focus of Lifeline beyond the goals established in FCC 00-208, 12th Report & Order, June 8, 2000

Within the 12th Report & Order, FCC 00-208 the Commission's "...primary goal, ... is to reduce the monthly cost of telecommunications services for qualifying low income individuals on tribal lands, so as to encourage those without service to initiate service and better enable those currently subscribed to maintain service... Our conclusion is to provide up to an additional \$25 for all qualifying low-income individuals living on tribal lands ..." The June 2015 NPFRM suggests that it is inappropriate to serve low income consumers in areas of higher density within tribal lands. Although the Nez Perce Tribe does not have incorporated communities with a population of 10,000, the statement made by Commissioner Pie suggesting the exclusion of areas with a population density of 15 person per square mile could eliminate the few incorporated communities across the Reservation from eligibility. We oppose this line of logic as it is clear to us that the intent of the Enhanced Lifeline program is to subsidize connectivity to all low-income consumers living on tribal lands.

In addition, the exclusion of urban areas within tribal lands is perceived as a carve out of tribal areas that have a unique trust relationship with the federal government. Urban areas within tribal lands provide economic centers and in turn job opportunity, in addition to opportunities for educational attainment and workforce development.

In the Commission's focus on reducing waste-fraud-abuse of the Lifeline subsidy, we urge the Commission to consider the activities of non-facility based providers. The waste-fraud-abuses are prevalent in this industry sector where services are offered without regard to rules, with aggressive and predatory style and on the back of previously deployed infrastructure with no interest or commitment to provide place based infrastructure enhancements. Given the Commission's desire to support the deployment of facilities on tribal lands, the Tribe recommends that the non-facility based providers be removed from offering Lifeline services on tribal lands.

Defining former Reservations in Oklahoma

In the 2000 12th Report & Order, Tribal lands were specifically identified as "... any federally recognized Tribe's Reservation, Pueblo, or Colony, including former reservations of Oklahoma" as well

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as 'near reservation areas'. We consider the Commission's action in excluding recognized tribal lands across Oklahoma a blatant disregard of tribal sovereignty. This action has not been initiated in the spirit of consultation and has us, representatives of tribal communities, in a defensive and reactionary position.

The Nez Perce Tribe is a member of the FCC Native Nations Broadband Task Force and we are committed to proactive, collaborative consultation with the Commission on all matters affecting tribal lands. We reiterate that to attempt to root out waste-fraud and abuse of the Lifeline consumer support program on the backs of the most vulnerable is unacceptable. To best serve the low-income residents of the Nez Perce Reservation, the Tribe reached out proactively to a regional ETC who offers Lifeline to act as a conduit for low-income consumers to access Lifeline from a familiar and trusted source. The Nez Perce Tribe strongly supports the modernization of the Lifeline program that will offer all residents on tribal lands access to broadband with the capacity, resiliency and security to meet fixed data, public health, safety and educational needs.

The Nez Perce Tribe appreciates the opportunity to provide these comments.

Sincerely,



 Anthony Johnson
Chairman