

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

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

**REPLY COMMENTS OF THE
AFFILIATED TRIBES OF NORTHWEST INDIANS**

September 30, 2015

INTRODUCTION

The Affiliated Tribes of Northwest Indians (ATNI) submits these Reply Comments in response to the Second Further Notice of Proposed Rulemaking in which the Federal Communications Commission (“FCC” or “Commission”) seeks comment on proposals to reform and modernize the Lifeline and Link Up programs.

ATNI was formed in 1953 by a farsighted group of tribal leaders in the Northwest dedicated to promoting tribal sovereignty and self-determination. Today, ATNI is a nonprofit organization comprised of American Indians/Alaska Natives representing 57 northwest tribal governments from Oregon, Idaho, Washington, southeast Alaska, northern California, and western Montana. ATNI is an organization whose foundation is the people it is meant to serve – the Indian people of northwest America. ATNI is focused on preserving for its people and their descendants the rights secured under Indian Treaties, Executive Orders, and the benefits to which they are entitled under the laws and the constitution of the United States.

ATNI files these Reply Comments in support of continuation of the enhanced Lifeline and Link-Up program and in support of an expansion of those programs to include support for broadband service. ATNI generally supports the filed Comments and positions advanced by the National Tribal Telecommunications Association (NTTA) and Gila River Telecommunications, Inc. (GRTI). Coupled with the ongoing economic challenges faced by many American Indians living on reservations, ATNI urges retention of the tribal-specific components to the Commissions Lifeline program.

I. PREFACE: THE FUNDAMENTAL CHALLENGE TO BROADBAND PENETRATION AND ADOPTION

ATNI appreciates this opportunity to provide comments to the Commission regarding the enhanced Lifeline and Link-up program. Most tribal lands are home to a high percentage of poverty level income households. This is true for the ATNI tribes as well, and the issue of poverty level income should not get lost in this rulemaking.

However, in considering the lack of penetration and adoption levels on ATNI Tribal lands, the FCC should recognize the fundamental cause underlying these results. This poor performance

stems from the lack of broadband infrastructure deployment on ATNI Tribal land. Bringing broadband to Indian country and pricing it at extremely discounted rates are both necessary, if penetration and adoption levels on Tribal lands are to see reasonable movement toward nationwide averages. Certainly ATNI believes there is much more to be done by the FCC in promoting broadband deployment on ATNI Tribal lands.

A. ATNI TRIBES ARE UNDERSERVED BY LARGE PRICE CAP CARRIERS

The ATNI tribal members generally reside on reservations that are remote, sparsely populated, and high-cost to serve. The support funds provided to large price cap carriers that serve much of Indian country have not been used to bring fiber networks and robust broadband to Tribal lands. Tribal lands are underserved. And, as yet, the penalties levied by the FCC for underservice are not stiff enough to cause many of these carriers to walk away from Tribal service areas, which leave the Tribes without access to federal universal service funds (USF).

The FCC National Broadband Plan released in 2010 acknowledged that Tribal lands were underserved and more support funds would be needed to deploy needed broadband infrastructure. Fast forward 5 years and another report, the FCC 2015 Broadband Report confirms that nothing has changed to improve access to broadband services on Tribal lands. More support funds have not been directed to these areas. In fact, rather than address this recognized need more specifically within FCC rules and regulations, Tribal lands continue to be subject to the same regulatory policies and programs that apply to all of rural America. The result is that we now have a “non-tribal –tribal” divide that is getting wider in rural America between non-native and Native people.

Providing additional funds to large price cap carriers will not solve this problem. These large carriers are focused on maintaining or increasing market share in competitive urban markets and new markets, because these markets represent a long-term financial incentive. Managerial resources are committed to these lucrative markets that have the potential to generate significant earnings for shareholders. The modern-day reality is that our national policy to enhance competition in a communications marketplace of converged technology has ensured that Tribal lands will forever remain underserved by large price cap carriers.

B. INCENTIVIZE NEW PROVIDERS OR THE TRIBES TO TAKE UP THE CHALLENGE OF PROVIDING BROADBAND SERVICE

To improve the quality of broadband, service providers must have an interest and be truly engaged with the ATNI tribes to identify and meet the specific communications needs of ATNI native communities and peoples. The FCC should adopt new programs to incentivize small rural local exchange carriers, other new entrants, or the tribes themselves to take up the challenge of providing reasonably comparable broadband service on Tribal lands. Reformed USF programs should provide a specific fund, a “Tribal Broadband Fund,” to be used exclusively for the build-out of Tribal lands. Only 9 of approximately 365 tribes with land holdings have a tribally-owned communications provider focused on the needs of the tribe consistent with FCC Tribal Engagement Guidelines.

The FCC should consider adoption of new rules through a proposed rulemaking that establishes an expedited process for the removal of an incumbent eligible telecommunications carrier (ETC) that has not demonstrated a willingness to adequately serve an ATNI member. Streamlined rules should be established by the FCC that allow the tribe, or another ETC designated by the tribe, to replace the incumbent ETC and embark on a mission to improve broadband service for the tribe. Putting in a new service provider would allow the tribe to gain access to universal service funds that will finally be used for the intended purpose of bringing the benefits of broadband to the members of ATNI.

II. THE ENHANCED LIFELINE AND LINK-UP PROGRAM MUST BE RETAINED

Native American communities are historically the most unserved/underserved communities in the Nation. High costs associated with constructing and maintaining communications networks for ATNI members complicate deployment of communications infrastructure.

Economic circumstances are a substantial barrier to adoption of voice services for many ATNI members. It should be noted that as the Commission reaffirmed in its *2012 Lifeline Order*, “the prices consumers face in the marketplace are what determine affordability and adoption decisions, not the network costs of the incumbent LEC.” ATNI believes that continuation of the enhanced Lifeline and Link-Up programs are critical to achieve the “primary goal” that the

Commission set in 2000, which is to reduce the monthly cost of telecommunications services for qualifying low-income Native Americans. This will encourage those without service to initiate service and better enable those currently subscribed to maintain service. Low income families that live on tight budgets do not have the ability to pay recurring voice service rates without the monthly “Lifeline” discount.

The importance of the program should not be understated. If it goes away, so does the landline connection for public safety communications. Low-income ATNI members need the ability to make 911 calls during a life threatening medical crisis or law enforcement situation. All the States in the ATNI footprint: Washington, Oregon, Idaho and Montana have suffered several unfortunate natural disasters in the past two years. Here are a few examples:

- The Confederated Tribes of the Colville Indian Reservation in Okanogan County was the site of the largest fires in Washington State history two years in a row that resulted in huge losses.
- The Oso mudslide impacted the Sauk-Suiattle Tribe in the North Cascades and knocked out all communications for an extended period of time. And the Tribe still does not have resources for full access to broadband.
- The coastal tribes on the Olympic Peninsula are all located in the Tsunami zone and are currently working on village relocation to higher ground due to the potential threats.
- A windstorm in Western Washington on August 29, 2015 knocked out power during the Makah Tribal annual celebration that left 5,000 visitors without access to communications, warm food, safe shelter, and safe transportation out of the village due to its remote location.

The bottom line is that when public and personal safety is threatened, all Tribal communities require immediate access to telecommunications services to reach “first responders.” The ATNI member Tribes are actively advocating and participating in the proposed “FirstNet” effort that has been directed by Congress to develop a communications network for all of the Nation’s first responders. We cannot forget the life-saving details that “Lifeline” affordability provides to our people.

III. ENHANCED LIFELINE AND LINK-UP SHOULD INCLUDE BROADBAND

ATNI also urges the Commission to expand the Lifeline and Link Up programs to support broadband services. Low-income families must be given the opportunity to access broadband, which is an essential tool for success in our modern society. Expanding Lifeline to include broadband and providing a level of support sufficient to make it affordable will help low-income families that are the ultimate recipients of this program gain access and enjoy the benefits of this transformative technology.

Beyond looking at this as a matter of legal authority, the importance of access to broadband must be recognized, as stated by the Commission, that broadband is an integral component of “basic communications in the 21st century.” Broadband is the key to getting a job, doing homework, staying informed, and engaging as a citizen. And with economic challenges and opportunities to address, ATNI members must have not only access, but affordable access.

Increased access to affordable broadband will offer ATNI members countless economic, cultural, and social benefits. Price of service is a major impediment for low income ATNI member families. The Commission should take this opportunity to make certain its key tool for ensuring affordability is updated to provide access to this vitally important service, as well.

IV. LIFELINE AND HIGH-COST ARE PART OF A HOLISTIC APPROACH TO PROMOTING INFRASTRUCTURE DEPLOYMENT ON TRIBAL LANDS.

Recognizing that enhanced Lifeline is a part of a holistic approach to address affordability and deployment, ATNI agrees with the Commission’s proposal to limit enhanced Lifeline support to those providers that deploy, build, and maintain infrastructure on tribal lands (emphasis added). By adopting this change, the Commission may be able to further the goal of promoting deployment of facilities to tribal lands.

ATNI believes, consistent with comments previously filed by Gila River Telecommunications, that given the uniquely high cost of providing communications service on tribal lands, a tribal-specific Lifeline mechanism remains vital. The consumer price that results from these high costs would make it very difficult, if not impossible, for tribal residents with

limited means to pay for service. For that reason reductions or elimination of tribal Lifeline support levels at this time is not wise.

ATNI supports the Commission's proposal to require that providers offer data-only broadband to Lifeline customers, but only if the Commission takes the steps necessary in the high-cost program to ensure that a carrier can continue to receive support for a data-only broadband connection from that program.

In the rate-of-return proceeding, the National Tribal Telecommunications Association (NTTA) has urged the Commission to adopt a data-only broadband support mechanism for rate-of-return carriers that includes a Tribal Broadband Factor.¹ The Commission should, concurrent with an expansion of Lifeline to support data-only broadband, adopt reforms to the high-cost program to support data-only broadband. Absent that change, carriers will not be able to offer such service to low-income ATNI member families.

V. PROPOSALS ON POPULATION DENSITY AND PROOF OF RESIDENCY

Beyond the tribal-specific support questions addressed above, the Commission seeks comment on other proposals aimed at exploring ways to more efficiently administer the program. These include tying support to population density and increased proof of residency requirements.

Regarding population density, economic circumstances should be the sole criteria the Commission uses in justifying and maintaining the enhanced Lifeline and Link-Up programs, not population density. The additional support from Lifeline helps ensure that service is affordable, which since 2000 has been the Commission's primary goal.

ATNI urges the Commission to continue with self-certification as a balanced policy that achieves the goal of providing access to the program in an administratively less burdensome manner for ATNI members. Appendix A provides a real world example of a self-certification process used effectively by the Nez Perce tribe and Inland Cellular. A Lifeline application is certified by a Tribal program representative that has access to an income verification process for the applicant. A recertification process is accomplished annually using a standard recertification form provided by Inland Cellular to all their Lifeline customers. Nez Perce modifies the form by

¹ Letter from Godfrey Enjady, President of National Tribal Telecommunications Association, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90, NTTA Proposal for a Tribal Broadband Factor.

identifying the section to be completed by the Nez Perce applicant. The applicant's completed form is certified again by a Tribal representative and forwarded to complete the process. By taking ownership of the process, the Nez Perce Tribe has been successful in completion of a high percentage of recertification.

VI. CONCLUSION

ATNI trusts these comments will assist the Commission in its efforts to update the Lifeline and Link-Up programs to remain relevant in the broadband era. Modifying Lifeline to include support for broadband service and providing additional explicit support in the high-cost program via a Tribal Broadband Factor will help ensure that, unlike telephone service in the last century, ATNI members may have access to affordable voice and broadband in a more timely fashion.

Just three years ago in a similar Lifeline rulemaking, the Commission concluded that there were significant telecommunications deployment and access challenges on Tribal lands warranting additional Lifeline support for Native Americans. Enhanced Lifeline and Link-Up have been a critical component ensuring voice service is affordable to low-income ATNI member families. ATNI can see no reason to deviate from this course that was decided only 3 years ago.

Respectively Submitted,

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September 30, 2015

**REPLY COMMENTS OF THE
AFFILIATED TRIBES OF NORTHWEST INDIANS**

September 30, 2015

INLAND CELLULAR

1332 G Street

Lewiston, ID 83501

(208) 798-0245; (800) 248-8822

Fax (208) 746-4904

CERTIFICATION BY CUSTOMER IN ORDER TO RECEIVE FEDERAL LIFELINE SUPPORT

BLOCK #1 – STATE ELIGIBILITY

I certify that I am qualified through the:

- Community Action Partnership Association of Idaho (see email confirmation)
- Washington Department of Social and Health Services – Case # _____

BLOCK #2 – INCOME ELIGIBILITY

- I certify that my household income is at or below 135% of the federal poverty guidelines and therefore I qualify for Lifeline Support under the federal income requirements and have provided proof of my qualifications.

BLOCK #3 – FEDERAL ELIGIBILITY

I certify that I qualify for Lifeline Support and am currently participating in one or more of the programs listed that I have checked below.

- | | |
|--|---|
| <input type="checkbox"/> Federal Public Housing Assistance (FPHA) or Section 8 | <input type="checkbox"/> Medicaid |
| <input type="checkbox"/> Supplemental Nutrition Assistance Program (SNAP)(Food Stamps) | <input type="checkbox"/> Temporary Assistance for Needy Families (TANF) |
| <input type="checkbox"/> Low Income Home Energy Assistance Program (LIHEAP) | <input type="checkbox"/> Supplemental Security Income (SSI) |
| <input type="checkbox"/> National School Lunch Program's free lunch program | |

BLOCK #4 – TRIBAL LIFELINE ELIGIBILITY - Tribal Identification Number _____

I certify that I qualify for tribal Lifeline Support as I reside on land that meets the Bureau of Indian Affairs definition of "reservation," (federally recognized Indian tribe's reservation, Pueblo, or Colony including former reservations in Oklahoma, Alaska Native regions, and Indian Allotments); **AND** participate in one of the following programs:

- | | |
|--|--|
| <input type="checkbox"/> Federal Public Housing Assistance (FPHA) or Section 8 | <input type="checkbox"/> Bureau of Indian Affairs General Assistance |
| <input type="checkbox"/> Supplemental Nutrition Assistance Program (SNAP)(Food Stamps) | <input type="checkbox"/> Temporary Assistance for Needy Families (TANF) or Tribal TANF |
| <input type="checkbox"/> Low Income Home Energy Assistance Program (LIHEAP) | <input type="checkbox"/> Supplemental Security Income (SSI) |
| <input type="checkbox"/> National School Lunch Program's free lunch program | <input type="checkbox"/> Medicaid |
| <input type="checkbox"/> Head Start (income eligible) | <input type="checkbox"/> Income Eligibility (See BLOCK #2) |

SUSCRIBER CERTIFICATION

It is understood that by participating in the Lifeline program, the support that I receive is not actual payment to me but a discount on my monthly billed service. I fully understand the calling plan that I have chosen. Participating in Lifeline does not protect me from collection procedures if I do not pay my phone bill. I fully understand that this discount, as well as the criteria for participation in the Lifeline Program, may change and I may no longer qualify, or the amount of support may increase or decrease.

As the Certifying Subscriber, I certify that, (i) the service is for me and not a member of the household; (ii) I am not listed as a dependent on someone else's tax return; and, (iii) the service address is my primary residence. I further certify that the service that I receive from Inland Cellular is my main line of service and neither I nor anyone in my household receives Lifeline Support for any other telecommunications service. I certify that I will notify Inland Cellular if I am receiving more than one Lifeline supported service or if another member of my household is receiving Lifeline support. As the Certifying Subscriber claiming income eligibility, I certify that the documentation I have provided accurately represents: (i) my household income and the number of persons in my household, or, (ii) proof of participation in an eligible program.

I certify that I will notify Inland Cellular within 30 days:

- If for any reason I should no longer participate in any of the eligible programs or qualify by income, and/or,
- If I move from the address provided on the form. If my address is temporary, I certify that I will verify my address with Inland Cellular every 90 days. I understand that if I fail to respond to an attempt to verify my address within 30 days, my Lifeline support may be terminated. I understand that if I fail to give notice as required, I am subject to penalties; including de-enrollment, being barred from the program and fines and imprisonment.

I understand that Lifeline support is not transferable and that I may not transfer my service to any individual, including another eligible Lifeline support recipient. I further understand that if my service goes unused for 60 days, my service will be suspended subject to a 30 day period in which I may use the service or contact Inland Cellular to confirm that I want to continue receiving the service.

Further, I fully understand that in order to continue to receive this support, I must annually, or more often, certify my eligibility and provide proof of eligibility. I understand that my failure to timely re-certify will result in de-enrollment and termination of my Lifeline benefits.

Further, I fully understand that Lifeline is a federal benefit program that provides a monthly discount on either home or mobile telephone services and **ONLY ONE** Lifeline discount is allowed per household. Members of a household are not permitted to receive Lifeline support from multiple communications companies. I understand that violation of the one-per-household requirement will result in my de-enrollment from the program and possible fines and imprisonment.

I fully understand that the Lifeline Program is administered by the Universal Service Administration Company (USAC) under the guidance and authority of the Federal Communications Commission (FCC) and that all of the information that I have supplied pertaining to my eligibility will be shared with USAC and the FCC and I give my consent to do so.

I certify that the information provided on this form is true and correct to the best of my knowledge under penalty of perjury and if I have provided any misleading statements in order to receive support, I will be liable for any support received, my service may be discontinued, it may result in de-enrollment and my being barred from the program and I would be subject to state and federal fines and imprisonment.

Certifying Signature _____ Date _____
Printed Name _____
Social Security No. XXX-XX- _____ Date of Birth _____
Service Address _____
Billing Address _____
Telephone Number _____ Persons in Family or Household _____

BELOW - FOR OFFICIAL USE ONLY

Inland Cellular Service Market: Eastern Sub-RSA L.P. Washington RSA No. 8 L.P.
Signature of Customer Care Rep _____ Date _____
Printed name of Customer Care Rep _____

See Attachment A for a List of acceptable documentation of income eligibility

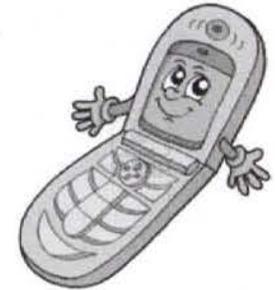
Inland Cellular will keep the information contained in this form confidential, except as required by federal or state law. All information completed on this form is subject to state and federal perjury penalties.

Nez Perce Tribal Lifeline - Cellular

IMPORTANT!!!

WHAT WILL YOU PAY:

- \$40.00 FOR START UP COST
- \$7.00 OR PER MONTH FOR SERVICE



- No Facebook, or data, no picture messages, or internet = large charges;
- If you have link to life for your home phone, you have to chose, home or cell, not both;
- **ONLY COMPLETED APPLICATIONS WILL BE PROCESSED;**
- **YOU MUST RETURN YOUR APPLICATION TO A REGISTRATION SITE LISTED BELOW;**
- **IF YOU DO NOT RECEIVE A SERVICE LISTED YOU MUST PROVIDE INCOME VERIFICATION.**

You may apply for Tribal Lifeline if you participate in one of the following programs or live on the Reservation:

1. Federal public housing assistance or section 8 (*Nez Perce Housing Authority*)
2. Bureau of Indian Affairs General Assistance Program (*Social Services*)
3. Supplemental Nutrition Assistance Program (SNAP/FOOD STAMPS) (*IDHW*)
4. Tribal TANF
5. Low Income Home Energy Assistance Program (LIHEAP) (*Social Services*)
6. Supplemental Security Income (SSI)
7. Medicaid
8. Head Start or Early Head Start (income eligible) – (*ECDP*)
9. Income Eligibility based on guidelines on back of this page
10. Food distribution program on Indian Reservation (*Commodity Foods*)

SUBMIT YOUR APPLICATION at a Nez Perce Tribe Registration Sites:

1. Tribal TANF
2. Social Services
3. ECDP
4. Food and Nutrition (Commodity Foods)

You may qualify for tribal lifeline; you may apply at the program of which you participate, or call if you have questions 843-2463 – 843-2464 – 843-7330

Tribal Lifeline Income Guidelines

2013 Federal Poverty Guidelines – 135%

Household Size	48 Contiguous States and D.C.	Alaska	Hawaii
1	\$15,512	\$19,373	\$17,861
2	\$20,939	\$26,163	\$24,098
3	\$26,366	\$32,954	\$30,335
4	\$31,793	\$39,744	\$36,572
5	\$37,220	\$46,535	\$42,809
6	\$42,647	\$53,325	\$49,046
7	\$48,074	\$60,116	\$55,283
8	\$53,501	\$66,906	\$61,520
For each additional person, add:	\$5,427	\$6,791	\$6,237

Please Note:

Source: Federal Register, Vol. 78, No. 16, January 24, 2013, pp. 5182-5183

The federal poverty guidelines are typically updated at the end of January.

NEZ PERCE TRIBAL LIFELINE

I would like a 935 # _____

I have an Inland Cell phone # _____

PLAN OPTIONS

(Select One)

I'd like to keep my phone & Change my service as selected below.

\$1*

- Unlimited Home Minutes
- Unlimited Text Messaging
- Unlimited Long Distance

HOME

\$1*

- 500 Minutes
- Unlimited Cell to Cell Calling*
- Unlimited Nights and Weekends*
- Nationwide Coverage
- Unlimited Incoming Calls*

NATIONWIDE

PHONE OPTIONS

(Select One)

LG AN200

This basic messaging phone sports a QWERTY text keyboard in a simple bar design. Features include a camera, Bluetooth, and voice dialing.



SAMSUNG R261

This basic clamshell CDMA phone features a QVGA main display, external display, camera, Bluetooth, speakerphone, and voice dialing.



*Cell to Cell calling applies to other Inland Cellular customers. Nights and Weekends start at 6:59pm and end at 6:59 am. Unlimited Incoming calls only apply when in the home service area. Please see a map of the home service area located on our website at www.inlandcellular.com. Prices do not include monthly surcharges and fees, in the amount of \$4.79 per month, which are subject to change at any time. Other restrictions may apply. See your representative for full details. Tribal Lifeline recipients must re-qualify for Tribal Lifeline discounts each year. Lifeline discounts are subject to change or elimination by the FCC and are outside of Inland Cellular's control.

Michael Gruben

208.791.7987

michaelg@inlandcellular.com

INLAND CELLULAR

One Lifeline application per household;
household verification required.

inlandcellular.com

NEZ PERCE TRIBAL LIFELINE REGISTRATION INFORMATION SHEET

NAME

First: _____

Middle: _____

Last: _____

Message number to call you to let you know your phone is ready to be picked up: _____

ADDRESS

Physical Address: _____

P.O. Box: _____

City, State, Zip: _____

Social Security: ____ - ____ - ____ Tribal ID #: _____

Driver License Number: _____

Driver License State: _____

Date of Birth: __/__/____ What Program do you qualify under: _____
(Food Stamps, Commodity Foods, LIHEAP, TANF, SSI, SSD, etc)

Password: _____

Hint Questions (Please provide answers to two questions)

The application can not be completed without the Hint Questions.

Place of Birth: _____

First Pets Name: _____

Mothers Maiden Name: _____

Favorite Color: _____

Make of First Car: _____

Authorized Signature: _____

Date: _____

By completing this application I understand that I am obligating myself to the \$40.00 deposit when the phone is delivered and to the monthly fee for service. I understand if I do not go and get the phone, I will still be charged by Inland Cellular for the phone, plan and possibly buyout if necessary. Lack of payment or notification to Inland Cellular may affect my credit report.

Lewiston, ID

Phone: 208.798.0245

Fax: Sales: 208.798.0249

Office: 208.746.4904

Signature of Applicant / Date

Lewiston | Moscow | Orofino | Moses Lake | College Place | Dayton

**INLAND
CELLULAR**

Any lost, stolen or damaged phone will be replaced with a slightly used model that Inland has on hand at no cost (subject to availability of product) if a new model of the same type is wanted, the customer will need to pay \$50.00 for the replacement phone.