

February 17, 2016

Via Electronic Comment Filing System

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex parte Filing of the Affiliated Tribes of Northwest Indians to Support Adoption of a Tribal Broadband Factor (“TBF”) Connect America Fund, WC Docket No. 10-90

Dear Ms. Dortch:

On December 4, 2015, and February 9, 2016, Gila River Telecommunications, Inc. (“GRTI”), and the National Tribal Telecommunications Association (“NTTA”) submitted ex parte filings with the FCC advocating for the adoption of a Tribal Broadband Factor (“TBF”). The TBF, as described by GRTI and NTTA in their ex parte filings, is “. . . a simple approach to targeting additional support to Tribal lands for infrastructure investment.”¹ By this letter, and pursuant to C.F.R. 47, Section 1.1206 of the Commission’s rules, the Affiliated Tribes of Northwest Indians (ATNI)² support the positions taken by GRTI and NTTA in their ex parte filings and encourage the FCC to adopt a Tribal Broadband Factor (“TBF”).

ATNI has clearly stated the need for a Tribal specific universal service program that provides additional support to tribes or their tribally designated service providers.³ These universal service funds would be used exclusively for the purpose of deploying broadband infrastructure on Tribal lands. In this instance, however, ATNI understands that the TBF mechanism not only facilitates new investment on Tribal lands, but also helps sustain delivery of broadband services offered by tribes or their rate-of-return service providers that operate in remote, high-cost to serve areas typical of Indian country. Sustainability of broadband services is a key concern of ATNI that could be addressed favorably with the FCC’s adoption of the TBF proposal.

Much of ATNI member Tribal land area is underserved. Unlike the tribes represented by NTTA, which have been successful in establishing tribally-owned voice and broadband service providers, ATNI tribes are predominantly served by non-affiliate price cap carriers. These

¹ Letter from Godfrey Enjady, President National Tribal Telecommunications Association, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 10-90 (filed June 19, 2015).

² ATNI is a nonprofit organization comprised of American Indians/Alaska Natives representing 57 northwest tribal governments within Oregon, Idaho, Washington, southeast Alaska, northern California, and western Montana.

³ ATNI Lifeline Reply Comments, WC Docket Nos. 11-42, 09-197, 10-90 (filed Sept. 30, 2015); ATNI letter to the Broadband Opportunities Council (filed June 10, 2015)

carriers have not made broadband investments in ATNI service areas, because they are not economically incentivized to deploy robust broadband networks to meet the needs of ATNI members.⁴ Tribal needs include the gamut of broadband services that can sustain a modern-day, socio-economic foundation and create new economic development opportunities for any progressive community in America, i.e., robust Internet connectivity, distance learning, telemedicine, local government administration, and enterprise class services to attract and support the operations of “anchor” institutions.

Providing additional funds to large price cap carriers will not ensure the deployment of this needed communications platform, as evidenced by prior decades of underservice. Large carriers with regional/national footprints are focused on maintaining or increasing market share in competitive urban and new markets that represent a long-term financial incentive. Managerial resources are committed to developing lucrative markets that have the potential to generate significant earnings for shareholders. The modern-day reality is that our national communications policy is designed to enhance competition in a marketplace of converged technology and has ensured that Tribal lands will forever remain underserved by large price cap carriers.

ATNI appreciates that the FCC continues to recognize the challenges of bringing broadband to Tribal lands. And the ATNI member tribes are hopeful that one day favorable regulatory policy will be advanced by the FCC that will allow them to successfully follow in the footsteps of GRTI and the other NTTA member tribes. Unfortunately, little progress has been made in overcoming the continuing challenges of serving Tribal lands, as evidenced by the GAO report findings released earlier this month.

ATNI believes that momentum in bringing about improved broadband penetration on Tribal lands will not occur until the FCC adopts specific funding programs and mechanisms for Tribal lands. The resultant funding can then be utilized exclusively by tribes and other rate-of-return service providers to deploy broadband infrastructure and sustain the delivery of fiber-based broadband services on Tribal lands. All that said, ATNI encourages the FCC to adopt a Tribal Broadband Factor as part of its rate-of-return universal service reform now.

Please direct any questions to the undersigned.

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⁴ Only 10 price cap carriers opted to receive \$7.5 billion CAF II funding over 5 years to serve 3.6 million customer locations. CAF II provisions will not ensure that Tribal lands/locations will be among those actually served.