

Via Electronic Comment Filing System

March 2, 2016

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

Re: *Notice of ex parte from the National Tribal Telecommunications Association and Gila River Telecommunications, Inc. Connect America Fund, WC Docket No. 10-90*

Dear Ms. Dortch:

By this letter, and pursuant to Section 1.1206 of the Commission's rules,¹ the National Tribal Telecommunications Association (NTTA) and Gila River Telecommunications, Inc. provide notice of a meeting on Tuesday, March 1 between Rebekah Goodheart, Legal Advisor to Commissioner Clyburn and the following on behalf of NTTA: Dan Breuninger Jr., President of Mescalero Apache Tribe; Godfrey Enjady, General Manager of Mescalero Apache Telecom, Inc. (MATI) and NTTA President; Alan Morel, Counsel, MATI; Ruben Hernandez, Assistant General Manager Fort Mojave Telecommunications; Kristan Johnson, Operations Manager of Tohono O'odham Utility Authority; Beverly Lewis, Operations/Regulatory Assistant Tohono O'odham Utility Authority; Randy Tyree, GRTyree Consulting on behalf of MATI; Doug Kitch, Alexicon Consulting on behalf of NTTA; and the undersigned.

Consistent with our past advocacy, during the meetings we discussed the unacceptable broadband connectivity gap on Tribal lands and the unique challenges faced by carriers seeking to deploy broadband in Indian country as recognized by the FCC,² the President's Broadband Opportunity Council,³ and most recently the Government Accounting Office.⁴ To address the broadband deployment challenges on Tribal lands, we reiterated NTTA's request for the Commission to implement a Tribal Broadband Factor (TBF) designed to provide targeted

¹ 47 C.F.R. § 1.1206.

² *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17820 ¶ 482 (2011) (*USF/ICC Transformation Order*) (citing *Federal-State Joint Board on Universal Service et al.*, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, 12226 ¶ 32 (2000)); *Improving Communications Services for Native Nations*, Notice of Inquiry, 26 FCC Rcd 2672, 2673 ¶ 1 (2011) (*Native Nations NOI*); FCC, *Connecting America: The National Broadband Plan* at 152 (2010) (*National Broadband Plan*)

³ BROADBAND OPPORTUNITY COUNCIL, *Report and Recommendations Pursuant to the Presidential Memorandum on Expanding Broadband Deployment and Adoption by Addressing Regulatory Barriers and Encouraging Investment and Training* ¶¶ 6, 16 (2015).

⁴ U.S. General Accountability Office, GAO-16-222, *Telecommunications: Additional Coordination and Performance Measurements Needed for High-Speed Internet Access Programs on Tribal Lands* (Feb. 3, 2016) (*GAO Report*).

support for broadband deployment on Tribal lands with measurable broadband buildout obligations.⁵

While NTTA believes the record is sufficient to include the TBF in the rate-of-return (ROR) reform order presently under consideration, we understand that the Commission intends to seek comment on the TBF in a Further Notice of Proposed Rulemaking. NTTA appreciates the need to assess the TBF proposal in light of changes the Commission is making to the high-cost program and we look forward to continuing to work with the Commission on a mechanism to target critically needed additional support to unserved areas on Tribal lands.

Because we understand that the reforms to the current ROR rules will result in a significant reduction for many NTTA member companies and other ROR carriers serving Tribal Lands, we urged the Commission to take two immediate next steps in the ROR reform order now on circulation. First, the Commission should temporarily waive application of any capex and opex limits that the Commission may adopt for carriers whose service area is 100 percent Tribal until there is a resolution of the Further Notice. Second, the Commission should commit to completing action on the Further Notice no later than the effective date of the major changes to the underlying ROR high-cost rules, such as July of this year. These two actions will provide ROR carriers serving tribal lands with some certainty that the application of these limits will not be applied to them until the Commission resolves the Further Notice and addresses the need for additional funding on tribal lands.

Please direct any questions to the undersigned.

Gregory W. Guice
Akin Gump Strauss Hauer and Feld LLP
1333 New Hampshire Avenue, NW
Washington, DC 20036
(202) 887-4565
Counsel for Gila River Telecommunications, Inc.

Patrick R. Halley
Wilkinson Barker Knauer LLP
1800 M Street, NW, Suite 800N
Washington, DC 20036
(202) 383-3356

*Counsel for the National Tribal Telecommunications
Association*

⁵ Letter from Gregory Guice, Counsel for Gila River Telecommunications, Inc. and Patrick Halley, Counsel for the National Tribal Telecommunications Association, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 10-90 (filed Nov. 18, 2015); Letter from Gregory Guice, Counsel for Gila River Telecommunications, Inc. and Patrick Halley, Counsel for the National Tribal Telecommunications Association, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 10-90 (filed Dec. 4, 2015).