

April 17, 2016

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

Re: *Response to FCC's Public Notice of March 29, 2016, seeking comments from interested parties concerning outstanding matters in WC Docket No. 09-133*

Aloha Ms. Dortch:

My name is Robin Puanani Danner, and I am the chairman of the Sovereign Councils of the Hawaiian Homeland Assembly (SCHHA), the oldest and largest organization unifying Hawaiian Home Lands (HHL) community leaders throughout the state of Hawaii. The SCHHA represents the interests of native Hawaiians eligible under the federal Hawaiian Homes Commission Act of 1921, who are the actual recipients of services provided by Sandwich Isles Communications (SIC) and are the de facto beneficiaries of the FCC's USF and NECA support programs for Hawaiian Home Lands (HHC).

As such, SCHHA definitely has an interest in the proceedings of WC Docket No. 09-133, and appreciates and welcomes this opportunity to provide comments to "refresh" the record.

Last November, I traveled to Washington DC to meet with FCC officials, including an FCC Commissioner and several staff members of Commissioners, as well as the Office of Native American Policy (ONAP). During those meetings, I expressed grave concern for the continuity and future of broadband service being delivered to our HHL communities enabled by the USF and NECA support and most especially, the completion of the SIC Network approved by the federal government in 2001.

Our concerns heightened over several months in 2015, when media stories persisted regarding the owner of Waimana Enterprises, Inc, the parent corporation of SIC. We sought specific information of improper administration of SIC, its operations, its delivery of services to the SCHHA's constituency or the completion of the SIC Network we assisted with in the planning phases prior to 2001. We were unable to confirm any. In fact, it was stunning that no one, not the media, not industry, or regulators bothered to reach out to the actual families and communities for which SIC was founded to serve. As our community continued to be invisible in the very public media coverage, we began to fear that USF and NECA support, and SIC and its ability to complete the SIC Network Plan, was in jeopardy.

On September 22, 2015, at the 14th Annual Native Hawaiian Convention, the SCHHA membership of over 30 Hawaiian homestead associations located on HHL on every island and in every county of the state of Hawaii, unanimously approved a resolution directing our SCHHA executive council to protect the SIC exclusive land license for telecommunications, and to protect the continued support of USF to complete the SIC Network Plan.

**Sovereign Councils
of the**



**Hawaiian Homelands
Assembly**

This resolution was fully debated and adopted after hours of data review and testimony from native Hawaiians about their experiences prior to 1995, when telecommunication firms were unwilling to serve our communities, prior to 2001, when the development and federal approval of the SIC Network Plan was accomplished which holds the promise of telecommunications to our communities and our children.

Ms. Dortch, neither I, nor any member of our SCHHA executive council, is a regulatory or telecommunications expert. Accordingly, I cannot address the regulatory merits of the declaratory ruling at issue, nor SIC's outstanding Petition for Reconsideration filed in 2010. I will state, however, that we could not disagree more with AT&T's inferences in its 2010 and most recent filings that the "used and useful standard" of SIC's access to the interisland cable system does not apply, and that SIC deserves no recoveries for its expenses associated with providing service over that cable system.

To the best of my knowledge, no AT&T representative has ever visited the Hawaiian Home Lands nor spoken to any of our families and residents about our service needs and what access to high quality bandwidth services delivered via SIC's use of the Paniolo system means to us— not only today but for generations to come. Before SIC and its interisland broadband service, our neighbor islands HHL communities were either unserved or underserved relative to broadband, and in some cases, even local service.

On Molokai, for example, Hawaiian Telcom bypassed that island's HHL communities in providing Internet services. Yes, in the United States, a telcom firm just simply bypassed an entire community. As recently as six years ago, our Molokai families were still using antiquated dial-up modem service if they wanted Internet service at all.

As a result of the USF, the NECA, and SIC program, our HHL communities on Molokai now have access to high speed broadband service. We understand that Molokai has the highest penetration DSL rate among all HHL communities, underscoring that broadband access is extremely important to rural HHL communities, with their typically high unemployment rate, minimal health care facilities, and need for educational support programs sourced at the population centers of distant Oahu and the mainland.

On the island of Hawaii, before 1995, Hawaiian Telcom had stopped its infrastructure right before the entrance to our HHL ranching and farming community of Puukapu, and told our families that if they wanted telephone service, it was going to cost them as much as \$30,000 per house or farm lot. With the USF and NECA support programs, SIC was able to provide critical broadband infrastructure at no capital cost to these rural families. Our ranchers and farmers not only now have telephone service but also enjoy high speed internet. The story is similar at Kahikinui on Maui and for other rural HHL communities throughout the state.

While families are at the heart of the promise of the SIC Network Plan with funding support by USF and NECA, its existence and the importance of its completion is relied upon by powerfully important anchor institutions such as rural charter schools, rural health care facilities and the work of homestead associations in building rural economies and jobs. The Paniolo interisland

cable system is the very backbone of every bit of capacity planned for and promised to HHL communities.

The State of Hawaii is also reaping significant value from the SIC statewide fiber backbone, including SIC's "used and useful" access to Paniolo. SIC's statewide fiber network brings value to state lands in its public trust inventory, to business development, and even to other telecommunication carriers. For example and of particular importance to wireless carriers, none of which own their own interisland facilities, the SIC land license obliges SIC to provide these carriers with the bandwidth they require. Our understanding is that SIC manages the wireless carrier communication sites on HHL, providing very high capacity interisland broadband for AT&T, Sprint, T-Mobile and Verizon. Once again, carried on the backbone of the Paniolo interisland cable system. This cable system was financed with private capital, and, it was built in accordance with the design approved by RUS under the SIC Network Plan.

In addition to the above, I'd like to update the docket on the section of the SCHHA's resolution addressing the misuse of USF funds by Mobi and Sprint over a 4-year period of time, totaling over \$200 million dollars. Our SCHHA officials, our families and our communities have witnessed much of the SIC underground infrastructure construction over the last two decades, whether on our highways and streets, or offshore marine cable laying work. We have watched the investment of USF and NECA funding by SIC in actual network infrastructure, in the ground and in keeping with the 2001 SIC Network Plan. This is in contrast to what we understand was done with USF funds that are limited for expenditure to HHL defined under the SIC Network Plan, by Mobi and Sprint. These two wireless carriers claimed service to HHL families, expended \$200M without any real or permanent network infrastructure.

While AT&T was not a party to the type of funding abuse perpetuated by these two carriers, we take note at the SCHHA that we were unable to identify any complaint filed or inferences made by AT&T over these large-financial-impact, gross "just and justified" abuses by its fellow wireless carriers. This only compounds our concerns about AT&T's lack of consultation with our community and its attempt to minimize our access as HHL communities to the necessary funds for the Paniolo cable system.

Ms. Dortch, the SCHHA stands on the approvals issued by the federal government to serve our HHL communities with USF and NECA investments. In addition to the thousands of families that depend on broadband, there are more than 29,000 native Hawaiians awaiting a land award to move onto HHL, all of which will be served by the completion of the SIC Network Plan as developed so many years ago.

While we cannot speak to the adequacy of the FCC's "fifty percent" declaratory ruling, we do appreciate the FCC's consideration and attempt to provide equitable treatment in the declaratory ruling. The SIC Network Plan, including the Paniolo cable system, was built with support in the form of guidance and approval by federal government agencies. This network was planned and is being built to serve HHL lands, locations in our state that have been ignored for decades.

One of the take away's from reading the AT&T comments, is that they seem to be saying that the SIC Network Plan is too much network for so few, and we don't need it. If that is the case, I'd

like to share that my grandparents on my father's side were German immigrants in Nebraska, living in the sparsely populated Midwest. USF funds rightfully supported rural farming towns where my grandparents raised their children including my father. My grandparents on my mother's side were Native Hawaiian non-immigrants in Hawaii. Hawaiian Home Lands are primarily rural, awaiting development, including the promise of telecommunication for the 21st century. Just as my family in the Midwest were valued and served by USF, so must my family here in Hawaii on HHL. The "fifty percent" equitable just and justified allowance for Paniolo should be the minimum threshold for the basis of NECA's funding support for telecommunication access to the Paniolo cable system.

We urge the FCC to reject any reduction of critical services from current and future residents on HHL. One set of grandparents have waited more than 50 years longer to see the promise of the USF, that supported the well-being of thousands of small Midwest farms. The decisions made today will indeed determine the well-being of thousands of families in Hawaii in the decades to come.

Thank you for the opportunity to provide comment of this matter of serious interest to the SCHHA and our people.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin Puanani Danner".

Robin Puanani Danner
SCHHA Chairman



SCHHA 2015 Resolution

Protecting Telecommunication Resources Dedicated HHCA Beneficiaries

Whereas, the Sovereign Councils of the Hawaiian Homeland Assembly (SCHHA), previously known as the Statewide Council of Hawaiian Homestead Associations, was founded in 1987 by beneficiaries of the Hawaiian Homes Commission Act;

Whereas, the SCHHA is the oldest and largest organization unifying homestead association leaders from across the state to protect and perpetuate the Hawaiian Homes Commission Act;

Whereas, Sandwich Isles Communications is a telecommunication firm founded and owned by its parent company Waimana, Inc to qualify Hawaiian Home Lands as an eligible area to invest USDA Rural Utility Service capital and FCC Universal Service Fund capital to construct a high quality fiber optic telecommunications network with comparable bandwidth to other areas serving other citizens in the state of Hawaii;

Whereas, SIC is the exclusive licensee for telecommunications on Hawaiian Home Lands since 1995, a federal requirement to access funding from the USDA Rural Utility Service;

Whereas, SIC with beneficiary consultation and input developed a Telecommunications Plan approved by the federal government in 2001 to directly benefit existing residents without communication services, and new residents on Hawaiian Home Lands with a fiber optic network;

Whereas, It has been reported that Mobi and Sprint accessed over \$200 million in USF capital intended to support the construction of the network defined in the Telecommunications Plan, yet did not invest any of these funds in any network infrastructure on Hawaiian Home Lands;

Therefore Be It Resolved, the SCHHA is directed by its membership to ascertain how and why USF funds were accessed by Mobi and Sprint, and to ascertain the legitimacy of the use of funds, as well as any actions made by the Hawaii Public Utilities Commission and the Hawaiian Homes Commission to protect the interests of HHCA beneficiaries;

Therefore Be It Further Resolved, the SCHHA is directed to support and protect the completion of the SIC 2001 Telecommunications Plan, the fiber optic network and the uninterrupted delivery of services on Hawaiian Home Lands; and

Therefore Be It Further Resolved, the SCHHA is directed to protect the exclusive license issued by the Hawaiian Homes Commission in 1996 that is the basis of eligibility of federal resources to address the telecommunication needs of HHCA beneficiaries; and

Therefore Be It Further Resolved, the SCHHA is directed to protect and pursue the continued investment of Universal Service Funds dedicated to Hawaiian Home Lands for the full implementation of the SIC 2001 Telecommunications Plan.

Unanimously Voted in the Affirmative on September 22, 2015 at the SCHHA Annual Convening at the Hawaii Convention Center.

SCHHA Executive Council

Robin Puanani Danner, Chairman & Kauai Mokuupuni ~ **Kammy Purdy**, Vice Chairman & Molokai Mokuupuni ~ **Michelle Kauhane**, Secretary & Oahu Mokuupuni ~ **Jared Aiwohi**, Treasurer & Maui Mokuupuni ~ **Vacant**, Hawaii Island Mokuupuni ~ **Vacant**, Lanai Mokuupuni ~ **Kamaki Kanahale**, Chair Emeritus