

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
ETC Annual Report and Certifications)	WC Docket No. 14-58
)	
Developing a Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	

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

The Affiliated Tribes of Northwest Indians (“ATNI”) hereby respond to the Commission’s Further Notice of Proposed Rulemaking (“*Notice*”) in the above captioned proceedings.¹ ATNI appreciates the Commission’s recognition of the “distinct challenges in bringing communications services to Tribal lands” and the emphasis in the *Notice* on how best to increase deployment in these areas, including seeking comment on rules to target additional support to carriers serving Tribal lands.²

In particular, we appreciate the Commission’s commitment “to take action before the end of the year to further promote broadband deployment on Tribal lands where it is now lacking.”³ . Putting an end to the plight of Native Americans lack of broadband communications is a worthy regulatory mission.

¹ Cite *Rate of Return reform Order* (https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-33A1.pdf)

² *Id.* at ¶ 374.

³ *Id.* at ¶ 162 n. 362.

I. INTRODUCTION

The Affiliated Tribes of Northwest Indians (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 composed of the people it is meant to serve – the Indian peoples. 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.

Sections 254 and 706 of the 1996 Telecommunications Act were enacted by the Congress to ensure that all Americans, regardless of where they live, have access to voice and advanced communications services at reasonable and affordable rates. Since passage of the Act, these universal service principles have been reflected in FCC policies and support mechanisms and have proven valuable in bringing voice and broadband communications services to some Tribal lands.

However, much of Indian country, including ATNI reservations and Tribal lands, has been neglected. Much remains to be done. We are concerned that the Commission may have lost sight of its Congressional mandate. The goals and objectives of the Act were apparent to Congress and codified twenty years ago. Yet study after study continues to highlight the plight of Native Americans, signaling extremely low availability and penetration rates for both voice and broadband communications services.

II. THE COMMISSION SHOULD TAKE TARGETED STEPS TO “PRESERVE AND ADVANCE” BROADBAND AVAILABILITY ON TRIBAL LANDS

When the Commission released the National Broadband Plan in March 2010, the Plan stated that “Tribes need substantially greater financial support than is presently available to them, and accelerating Tribal broadband deployment will require increased funding.”⁴ Consistent with this recommendation, The Commission should adopt a “Tribal Broadband Factor” to target additional support for infrastructure investment in Indian country.

Willing providers of communications services are not available to serve Indian country. The economics of serving Indian country simply do not justify the private sector involvement, even with FCC funding, which currently is declining as a result of Universal Service Reform. It appears that tribes have been left to their own means to provide adequate service, especially in more remote reservation areas. For tribes to provide their own communications will require additional funding and better hands on assistance from government agencies to plan, engineer, design, train, educate, partner, and bring in private partners to construct and operate broadband communications systems.

The existing tribally-owned communications providers (essentially the 9 members of the National Tribal Telecommunications Association) should be encouraged to provide regional communications platforms. Technical resources and skills among the tribes are limited to these carriers at this time. Favorable FCC policy can facilitate sharing of broadband technology, technical resources and skills, as well as back office and other administrative services. Essentially by facilitating through favorable Tribal regulatory policy the possibility of “scope and scale” for this nucleus of carriers, the Commission can fulfill on its model for rural America,

⁴ Connecting America: The National Broadband Plan at 152 (2010).

including Indian country. Favorable regulatory policy must be adopted to incentivize willing service providers to expand “scope and scale” of operations and reach out to Indian country.

ATNI respectfully submits that there exists a need for both (1) capital funding via Tribal Resources and Economic Growth Act (TREGA) legislation to construct broadband infrastructure and (2) additional operations support via USF to bring affordable broadband services to Tribal lands. If the FCC will adopt a Tribal Broadband Factor (“TBF”), the effect will be to increase tribal USF payments by 25%. This will serve the purpose of keeping the existing tribally-owned carriers financially viable and in a better position to grow and add needed infrastructure and services.

The TBF may then also work to the advantage of ATNI tribal members by keeping a nucleus of tribally-owned carriers financially viable and in place. It is our hope that one day these carriers may assist ATNI tribes by sharing network facilities and operating resources with ATNI members, making it easier for us to take responsibility for our own broadband services.

III. CONCLUSION

The Commission has a significant opportunity to increase broadband deployment on Tribal lands by adopting rules consistent with the proposal put forth in these comments. ATNI strongly supports Commission action consistent with these comments. Our objectives are (1) to accelerate broadband investment on ALL Tribal lands and (2) to provide additional universal service support for Tribal lands through adoption of a “Tribal Broadband Factor.”

When one considers the daunting task of deploying broadband in rural America, the challenges only become greater for the ATNI member tribes. If the existing universal service programs were not in place, it is unlikely that any native communities on Tribal lands would have the quality of communications service they have today. And what has been accomplished

is small, when compared with the need that continues to exist today. Lack of infrastructure is the primary reason the FCC must continue to facilitate through favorable Tribal regulatory policy ATNI tribes and all of Indian country attaining a reasonable parity with the rest of America.

Respectfully submitted,

Andrea Alexander (Makah)
Energy & Telecommunication Committee
425-501-0042 Aalexander795@gmail.com

Randell Harris, (Tlingit) IT Director Quinault Nation
Energy & Telecommunications Committee
360-581-5013 rharris@quinault.org

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