



NATIONAL CONGRESS OF AMERICAN INDIANS

June 8, 2016

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

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NCAI HEADQUARTERS

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**RE: NCAI REPLY COMMENTS IN THE MATTER OF CONNECT AMERICA FUND,
WC DOCKET NO. 10-90; ETC ANNUAL REPORTS AND CERTIFICATIONS,
WC DOCKET NO. 14-58; AND DEVELOPING A UNIFIED INTERCARRIER
COMPENSATION REGIME, CC DOCKET NO. 01-92**

Dear Secretary Dortch,

On behalf of the National Congress of American Indians (NCAI), the oldest and largest representative organization of American Indian and Alaska Native tribal governments, I respectfully submit these comments in support of the development and adoption of tribal-specific reforms to the operating expense (opex) limitations recently adopted by the Commission and a Tribal Broadband Factor (TBF) in the High Cost/Connect America Fund. In the late 1990's and early 2000's the Commission first officially recognized the disparate levels of telecommunications service on tribal lands, yet nearly two decades later tribal lands still lag behind other areas nationwide in access to such services, including broadband.

The Commission has recognized this issue in virtually every rulemaking with tribal implications and has previously taken actions in attempts to bridge the Digital Divide in Indian Country. The development and adoption of tribal-specific opex limitations and a TBF within the High Cost Fund is a critical action that would not only sustain current efforts for broadband deployment on tribal lands, but it could also provide unprecedented incentive for carriers to deploy telecommunications services to tribal lands.

ADDRESSING THE DIGITAL DIVIDE ON TRIBAL LANDS THROUGH A TRIBAL BROADBAND FACTOR

Since the adoption of the *USF/ICC Transformation Order* in November 2011, NCAI has represented the interests of tribes and tribal telecommunications providers to ensure that Universal Service Fund (USF) subsidies are preserved and responsibly utilized to spur telecommunications deployment on tribal lands. However, since the adoption of the 2011 *USF/ICC Transformation Order* tribes and tribal telecommunications providers have consistently had to justify why tribal lands need preserved or increased USF support on tribal lands. For nearly 20 years, the FCC has built a record of the issues and challenges affecting tribes and tribal lands and the Commission's proposal to establish a Tribal Broadband Factor (TBF)—as first advanced by the National Tribal Telecommunications Association—can finally address these issues in a serious way.

However, in establishing a TBF the Commission must recognize and address the unique costs and challenges associated with deploying and maintaining telecommunications services on tribal lands, primarily in regards to operating expenses accrued by tribal and non-tribal carriers alike. While the Commission made serious progress on what is considered permitted capital expenses (capex), the Commission's ruling to cap opex threatens future and sustained telecommunications deployment and maintenance on tribal lands. For instance, while tribes and non-tribal telcos have access to capex funds to buy new equipment there may be little to no new opex funds for maintaining such equipment in the future, thereby creating a serious sustainability issue for tribal lands. Opex limitations or caps could also further deter carriers from deploying to tribal lands as these areas already require higher investments for middle and last mile services and have issues with low-population densities in most areas.

CERTAIN OPERATIONS SHOULD QUALIFY AND BE COVERED UNDER OPEX PERMITTED EXPENSES

NCAI agrees that in order for tribal and non-tribal carriers to be exempt from the opex limitations in the *Rate of Return Order*, their service areas must include 50 percent or more tribal lands to qualify. NCAI supports a complete exemption from the opex limitations, but understands that the Commission may want to retain some budgetary control. The National Tribal Telecommunications Association (NTTA) and Gila River Telecommunications, Inc. (GRTI) put forward a modification of limitation to 2.5 standard deviations, as opposed to 1.5. NCAI would support that proposed modification as it would balance the need to recognize the unique opex associated with serving tribal lands with the Commission's interest in preserving budgetary control.

NCAI agrees in general with comments submitted by Sacred Wind Communications, Inc. (SWC), specifically in regards to certain expenses that should qualify and be covered under opex permitted expenses.¹ NCAI does recognize that some ETCs have reported that adherence to the Tribal Government Obligation Engagement Provisions incur additional expenses that their budgets may not be able to sustain. As an example of possible incurred expenses, SWC submitted financial information regarding its tribal engagement stating:

In order for the FCC to better understand the costs of responsible or effective Tribal engagement, SWC submits the expenses it incurred in 2015 in engaging Navajo leaders. SWC meets on a regular basis with a variety of Navajo officials and office managers, including Chapter leaders, Tribal Council Delegates, the Office of the President/Vice President, the Navajo Land Department, Navajo Resources Committee, Navajo Nation Telecommunications Regulatory Commission, and our own Navajo Community Advisory Council. SWC's employees concluded eighty-five separate meetings with Tribal government officials during 2015. This is, at a minimum, a 500 hour commitment in travel time and meetings, at a cost of an additional \$40,000 in our budget. According to a recent survey Sacred Wind's Corporate Expense for 2014, which includes External Relations Expense, is 91% higher than similar size companies.²

¹ See Sacred Wind Communications, Inc. Comments – Order on Further Notice of Public Rulemaking, Adopted March 23, 2016. May 12, 2016. Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001739585>.

² See Sacred Wind Communications, Inc. Comments – Order on Further Notice of Public Rulemaking, Adopted March 23, 2016. May 12, 2016. Pgs. 5-6. Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001739585>.

Modifications to the opex limitation as proposed by NTTA and GRTI would provide sufficient support to address these costs, particularly if the Commission elects to exempt these carriers from the opex limitations.

In addition to permitting the functions of the Tribal Government Engagement Obligation Provisions as outlined by SWC, the Commission should modify the opex limitations to address the costs associated with other tribal-specific costs like those outlined in comments filed by GRTI, which noted \$1.26 million in annual opex that are unique to providing service to tribal lands.³ GRTI outlined specific costs associated with providing phone and Internet service to the Gila River Indian Community, detailed below for year 2015:⁴

- **Middle mile costs: \$672,362**—recognized by the Government Accountability Office as uniquely high on tribal lands and a barrier to deployment;
- **Rights-of-Way costs: \$40,915**—securing permission and permits from the tribal government and the Bureau of Indian Affairs can be costly and delays are common in obtaining approvals through a multi-tiered regulatory approach unique to tribal lands;
- **Tribal Cultural Clearances under the National Historic Preservation Act (NHPA) and Archaeological Resource Protection Act (ARPA): \$94,660**—company expenses to ensure compliance with these laws along with obtaining approval needed from the Bureau of Indian Affairs to manage permits for excavation and removal of archaeological resources on tribal lands;
- **Compliance with National Environment Policy Act (NEPA): \$16,166**—compliance with NEPA requirements is tied to the approval of rights-of-way managed by the Bureau of Indian Affairs, and another level of compliance may involve a tribe’s own environmental regulations and agencies;
- **Obtaining Permissions to Deploy through Allotted Lands: \$39,098**—negotiations with individual Indian trust land owners, which could number in the hundreds for a small parcel of land due to the disastrous policies established in the General Allotment Act of 1887, are time consuming and accrue company expenses unique to tribal lands;
- **Working with Tribal Government: \$53,088**—company expenses associated with negotiations tribal government to determine proper limits of sovereignty relating to customer contracts, loans, intergovernmental agreements, lines of credit, and bonding and insurance;
- **Additional Costs Associated with Working with Tribal Government: \$168,421**—(unique to tribal carriers established by their respective governments) GRTI must submit financial reports, quarterly updates, and annual tribal and external audits of company operations to the Gila River Indian Community Council and Committee(s) of jurisdiction;
- **Tribal Hiring Preferences: \$93,383**—(unique to tribal carriers established by their respective governments) training and other costs associated with hiring Gila River Indian Community and other tribal members due to tribal hiring preferences established

³ See Gila River Telecommunications, Inc. *Comments of Gila River Telecommunications, Inc., WC Docket No. 10-90, WC Docket No. 14-58, and CC Docket No. 01-92*. May 12, 2016. Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001739686>.

⁴ *Id.* Pgs. 6-10.

by the Gila River Indian Community. Workforce development and technical training offers Gila River Indian Community members job opportunities on a reservation with high unemployment and poverty rates; and

- **Ability to Utilize 911 Master Street Addressing Guide: \$37,961**—like many tribal lands across the country, the Gila River Indian Community lacks accurate mapping of street addresses due to lack of infrastructure or access to programs that could provide mapping services. To address this issue and ensure mapping efforts are compatible with the 911 Master Street Addressing Guide, which relays information to public safety answering points, GRTI invested in GPS-based systems to enable them to accurately map street addresses throughout the reservation.⁵

Additionally, NCAI agrees with comments filed by NTTA, which represents the interests of the tribal ETCs and also highlighted similar issues in deploying to tribal lands. NTTA’s comments stated that:

From our own experience deploying broadband to areas of the country that no other carrier was willing to serve, NTTA members can attest to the uniquely high costs associated with deploying and operating broadband networks in Indian Country... These costs come in the form of time and expense incurred with gaining rights of way access and easement from the Bureau of Indian Affairs (“BIA”); service to Allotted Lands; obtaining “cultural clearances”; compliance with unique Tribal environmental policies; Tribal 9-1-1 system addressing challenges, including the lack of a standard Master Street Address Guide (“MSAG”); hiring policies requiring the employment of Tribal members that increase workforce recruitment and training costs; compliance with Tribal Council reporting and audits; and costs necessary to protect and advance Tribal sovereignty and self-determination.⁶

In recognition of the many unique challenges and expenses to deploying and maintaining telecommunications services on tribal lands, NCAI agrees with GRTI’s and NTTA’s comments and recommends that the Commission provide either an exemption from the opex limits or an adjustment to the opex limits adopted in the *Report and Order* portion of the March 23, 2016 rulemaking.

NCAI also supports the TBF proposals put forward by NTTA as the two options—either together or as an individual program—would certainly address any capital costs that are not within the limits adopted by the Commission in the *Rate of Return Order*. NCAI would recommend that carriers should be required to adhere to certain reporting and authentication requirements of engagement and coordination with tribal governments, as this is an additional level of support and closer engagement and coordination is warranted. In their comments, SWC specified that a TBF would encourage more robust ETC engagement with tribal governments if, “the additional voluntary Tribal-specific support were understood to be the incentive and minimum Tribal engagement performance and reporting requirements were imposed to show evidence of its use for the intended

⁵ *Id.* Pgs. 6-10.

⁶ See National Tribal Telecommunications Association. *Comments of the National Tribal Telecommunications Association, WC Docket No. 10-90, WC Docket No. 14-58, and CC Docket No. 01-92.* May 12, 2016. Pgs. 7-14. Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001739675>.

purpose.”⁷ NCAI agrees with SWC that ETCs voluntarily receiving TBF support should be required to fulfill the Tribal Government Engagement Obligation Provisions that were established in the 2011 *USF/ICC Transformation Order*.⁸ Furthermore, carriers should be required to notify tribal governments of their participation in TBF support to further ensure that tribes are aware and able to work with carriers in prioritizing high cost areas of need on tribal lands.

ALASKA SHOULD RECEIVE A TAILORED APPROACH FOR RATE-OF-RETURN SUPPORT

NCAI recommends that the Commission develop and adopt an Alaska specific proposal for Rate-of-Return support since the TBF was developed by the National Tribal Telecommunications Association and focused on providing support to tribes in the contiguous 48 states. Alaska, as the Commission has recognized in previous rulemakings, has unique geographical and economic challenges coupled with infrastructure issues at levels that are not experienced in any other state. While tribal lands in the contiguous 48 experience similar challenges, such as the high cost of middle mile access, the vast land mass of Alaska and its 229 federally-recognized tribes warrant their own unique and tailored approach in determining Rate-of-Return support. NCAI agrees with the Commission’s decision to defer implementation of rule changes and urges the Commission to engage with service providers in Alaska, including Alaska Communications, and consult with the region’s tribal governments to determine which proposals should be adopted or modified to ensure Alaska support for next-generation telecommunications services.⁹ NCAI believes that the Alaska Communications plan should be considered as the Commission develops an Alaska specific approach for Rate-of-Return support.

IMPLEMENTATION OF A TRIBAL BROADBAND FACTOR WILL PROVIDE CRITICAL, ONGOING SUPPORT FOR TRIBAL AND NON-TRIBAL CARRIERS

The Commission stated that it would act on proposals for developing a TBF by the end of the year. However, action on this matter should be taken as soon as possible since the record at the Commission has demonstrated that tribal lands require additional support to incentivize telecommunications deployment, maintenance, and adoption on tribal lands. For nearly two decades tribes, tribal and non-tribal telecommunications providers, and the Commission itself have acknowledged the unique economic challenges for deployment on tribal lands. The TBF proposal can and will address these long-standing issues, if it is implemented responsibly and ETCs voluntarily accessing TBF funds are held accountable for deployment and maintenance on tribal lands.

NCAI’s membership has supported and called for the adoption of a TBF/Tribal Proxy/Tribal High Cost Support Mechanism in Resolutions adopted by its membership—Resolution #REN-13-064, “Request that the Federal Communications Commission Work with Tribally-Owned and Operated

⁷ *Id.* Pg. 5.

⁸ See Federal Communications Commission. *Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208. Released Nov. 18, 2011. ¶636 and ¶637, pgs. 206-207. Available at https://apps.fcc.gov/edocs_public/attachmatch/FCC-11-161A1.pdf.

⁹ Alaska Communications filed comments in this proceeding seeking inclusion of Alaska in the TBF proposal. As NTTA and GRTI have stated on the record in this proceeding as early as last year, the Alaska carriers have been working with the Commission to develop an Alaska-specific plan. Inclusion of Alaska Communications in the TBF would, unfortunately, only complicate matters as it is a price cap carrier and the TBF is based on the rate-of-return mechanism. NCAI hopes the Commission will consider the needs of Alaska Communications as it develops the Alaska Plan.

Telecommunications Carriers to Establish a Tribal Proxy” and Resolution #MSP-15-024, “Support for Policy on Universal Service Fund for Voice and Broadband Services on Tribal Lands.” We respectfully urge you to consider changes to the opex limits to address the many unique expenses that tribes and non-tribal carriers are subject to in providing services to tribal lands. Reasonable and responsible inclusion and accounting of these expenses will not only preserve and maintain existing telecommunications service on tribal lands, but it will also incentivize ETC interest and deployment to tribal lands and further efforts to bridge the Digital Divide in Indian Country.

Additionally, while the High Cost Fund was created to provide telecommunications services to unserved and underserved areas, we must keep in mind that the deployment of these services cannot succeed if adoption is not possible due to unaffordability. NCAI recommends that in addition to considering the creation of the TBF in the High Cost Fund, the Commission should also be forward looking in determining how its USF programs can better support each other in providing accessible and affordable services. The deployment of new telecommunications services in economically distressed areas, which is the case for many tribal lands, should coincide with the universal service goal of providing affordable telecommunications services for all consumers. We would encourage the Commission to consider how it’s recent, and future, reforms to the Lifeline program can support not only High Cost deployment but also aid in providing affordable services to low-income consumers in economically distressed areas. If you have any questions please contact NCAI Legislative Associate, Brian Howard, at bhoward@ncai.org.

Sincerely,



Jacqueline Pata
Executive Director
National Congress of American Indians

Encl.: NCAI Resolution #REN-13-064, “Request that the Federal Communications Commission Work with Tribally-Owned and Operated Telecommunications Carriers to Establish a Tribal Proxy”

NCAI Resolution #MSP-15-024, “Support for Policy on Universal Service Fund for Voice and Broadband Services on Tribal Lands.”



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #REN-13-063

TITLE: Request that the Federal Communications Commission Work with Tribally-Owned and Operated Telecommunications Carriers to Establish a Tribal Proxy

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Robert Shepherd
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- MIDWEST
Matthew Wesaw
Pokagon Band of Potawatomi
- NORTHEAST
Lance Gumbs
Shinnecock Indian Nation
- NORTHWEST
Fawn Sharp
Quinalt Indian Nation
- PACIFIC
Don Arnold
Scots Valley Band of Pomo Indians
- ROCKY MOUNTAIN
Ivan Posey
Shoshone Tribe
- SOUTHEAST
Larry Townsend
Lumbee Tribe
- SOUTHERN PLAINS
George Thurman
Sac and Fox Nation
- SOUTHWEST
Joe Garcia
Ohkay Owingib
- WESTERN
Ned Norris, Jr
Tubone O'odham Nation

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, on October 27, 2011, the Federal Communications Commission (FCC) adopted the *Universal Service Fund/Intercarrier Compensation Transformation Order (Order)*, in which the FCC, among other things, initiated a proceeding to represcribe the authorized rate of return, which will have significant effects on revenues for certain tribally-owned and operated telecommunications carriers; and

WHEREAS, the FCC acknowledged in the *Order* that tribally-owned and operated telecommunications carriers cannot collateralize trust land assets, and as a result have a substantially more limited ability to access credit and capital than their non-tribally-owned counterparts; and

WHEREAS, the FCC further acknowledged in the *Order* that tribally-owned and operated telecommunications carriers face unique circumstances not encountered by their non-tribally-owned counterparts and play a vital role in serving the needs and interests of their local communities, often in remote, low-income, and underserved regions of the country; and

WHEREAS, the FCC specifically inquired and recognized, under paragraph 1059 of the *Order*, that tribally-owned and operated telecommunications carriers serve cyclically impoverished communities with a historical lack of critical infrastructure, and that reservation-based economies lack fundamental similarities to non-reservation economies and are among the most impoverished economies in the country; and

WHEREAS, a number of tribes, tribal telecommunications carriers, and tribal organizations, such as the Gila River Indian Community and Gila River Telecommunications, Inc., Mescalero Apache Telecom, Inc., Hopi Telecommunications Inc., and the National Tribal Telecommunications Association

(tribal commenters) filed comments in the FCC's Electronic Comment Filing System raising concerns that lowering the current rate of return would have significant adverse effects on vital revenues of certain tribally-owned and operated telecommunications carriers; and

WHEREAS, the filings submitted by the tribal commenters further stated that costs incurred for network operations and investment by tribally-owned and operated telecommunications carriers are significantly higher than for telecommunications carriers not operating on Tribal lands; and

WHEREAS, the filings by the tribal commenters also stressed tribal specific and unique challenges tribally-owned and operated telecommunications carriers experience, which include obligations to provide service to all residents at the same standard rate, increased costs and delays with obtaining cultural clearance for rights-of-way on tribal lands, a lack of technically trained individuals on tribal lands, customer bases that are largely dependent on Lifeline support, and increased business risks assumed to provide services for median household incomes significantly lower than the national average; and

WHEREAS, the currently authorized rate of return is 11.25 percent on May 16, 2013, the FCC's Wireline Competition Bureau prepared a staff report recommending the FCC consider establishing the authorized rate of return at approximately 8 percent; and

WHEREAS, this lower rate of return would negatively impact the revenues of certain Tribally-owned and operated telecommunications carriers and would likely have significant adverse effects on the levels of service provided to such carriers' tribal and non-tribal customers; and

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians hereby respectfully urges the FCC to direct the Office of Native Affairs and Policy and Wireline Competition Bureau to develop a tribal proxy for the purposes of calculating a unique zone of reasonableness for a rate-of-return for tribally-owned and operated telecommunications carriers due to the unique economic disparities that exist in tribal communities, a very different weighted access to capital of such carriers, the inability of such carriers to collateralize trust land assets, the limited ability of such carriers to access credit and capital, the vital role such carriers play in serving the needs of interests of their local communities, and the economic challenges encountered by such carriers in providing service on tribal lands to tribal and non-tribal customers; and

BE IT FURTHER RESOLVED, that NCAI respectfully urges the FCC to send a representative(s) from the Office of Native Affairs and Policy to all NCAI conferences for consultation purposes; and

BE IT FURTHER RESOLVED, that the FCC, Office of Native Affairs and Policy develop a consultation plan to engage all tribal nations across the country at various venues and tribal gatherings to ensure tribal issues are considered for all FCC dockets; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2013 Midyear Session of the National Congress of American Indians, held at the Atlantis Casino from June 24 - 27, 2013 in Reno, Nevada with a quorum present.



President

ATTEST:



Recording Secretary



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #MSP-15-024

TITLE: Support for Policy on Universal Service Fund for Voice and Broadband Services on Tribal Lands

EXECUTIVE COMMITTEE

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SOUTHEAST
Ron Richardson
Haliwa-Saponi Indian Tribe

SOUTHERN PLAINS
Stephen Smith
Kiowa Tribe

SOUTHWEST
Manuel Heart
Ute Mountain Ute Tribe

WESTERN
Len George
Fallon Paiute Shoshone Tribe

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, a primary goal and desire for tribal communities across the nation is to obtain access to vital telecommunications infrastructure that provides broadband and voice phone coverage on tribal lands; and

WHEREAS, over the past few years leadership at the White House, the Administration, and Members of Congress have become informed of and acknowledged the ongoing lack of broadband coverage on tribal lands and that this lack of coverage continues to impact tribal healthcare and social services, education, economic development, public safety, small business development, tribal governance, and emergency management services; and

WHEREAS, Section 254 of the Telecommunications Act of 1996, ensures that all Americans, regardless of where they live, will have access to communication services at reasonable rates, and this universal service principle has proven vital for carriers providing communication services to tribal areas; and

WHEREAS, the Universal Service Fund (USF) is an \$8 billion dollar fund that provides support for the high-cost mechanism, Schools and Libraries (E-rate) Program, the Rural Healthcare Program, and the Low-Income (Lifeline and Link Up) Programs to rural and tribal areas; and

WHEREAS, the Federal Communications Commission (FCC) has observed that greater financial support may therefore be needed in order to ensure the availability of broadband on tribal lands; and

WHEREAS, NCAI has partnered with and supported the National Tribal Telecommunications Association (NTTA) and its member tribally-owned telephone companies to advance tribal-centric solutions to bridge the Digital Divide in Indian Country by raising tribal concerns related to USF programs to Congress and the Administration; and

WHEREAS, as recommended by the 2010 National Broadband Plan, tribes, tribal organizations, and tribal telecommunications providers have strongly urged the FCC to create a tribal broadband mechanism/factor in the Rate-of-Return portion of the high-cost fund; and

WHEREAS, NCAI has passed Resolution #RAP-10-006, “Call for Congressional Funding of a Tribal Broadband Fund and FCC Tribal Programs;” and

WHEREAS, NTTA has adopted a statement of position including recommendations for next steps in reforming the federal universal service programs for Rate-of-Return carriers and areas they serve; and

WHEREAS, NTTA has continuously requested that the FCC take into account the higher costs associated with providing broadband service to tribal areas as it reforms the USF high-cost Mechanism, and on February 27, 2015, NCAI filed a Petition for Reconsideration to the FCC to halt interim reforms to USF high-cost support mechanisms on the grounds that the FCC has not engaged in formal consultation with tribal nations prior to adopting its interim Report and Order on December 18, 2014.

NOW THEREFORE BE IT RESOLVED, tribes, tribal organizations, and tribal telecommunications providers urge the Federal Communications Commission (FCC) to create a high cost support tribal mechanism/factor or similar Universal Service Fund mechanism in the Rate-of-Return portion of the high-cost fund that addresses the unique and economic challenges for all carriers serving tribal lands; and

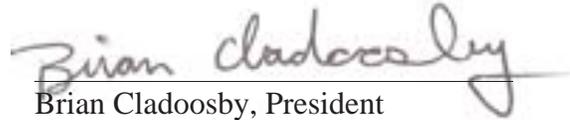
BE IT FURTHER RESOLVED, that the FCC must augment and strengthen existing public policy goals of Universal voice, broadband, and media services on tribal lands; and

BE IT FURTHER RESOLVED, NCAI urges that FCC increase the size of the high-cost fund of the Universal Service Fund because the current funding is insufficient to meet the needs for deploying broadband to tribal lands especially given the increases in broadband speed the FCC has asked carriers to deploy; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2015 Midyear Session of the National Congress of American Indians, held at the St. Paul River Centre, St. Paul, MN, June 28 to July 1, 2015, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary