

**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	)	CC Docket No. 01-92

**REPLY COMMENTS OF THE  
SOUTH DAKOTA TELECOMMUNICATIONS ASSOCIATION**

The South Dakota Telecommunications Association (SDTA), by its attorneys, hereby submits reply comments in support of a Tribal Broadband Factor (TBF) to target additional universal service support to rate-of-return (ROR) incumbent local exchange carriers (ILECs) that do not receive model-based support, to deploy broadband facilities on Tribal lands. SDTA agrees that carriers serving Tribal lands have increased costs and, therefore, there is a need for additional universal service support to aid in the deployment of broadband facilities and provision of broadband service on Tribal lands. However, such support should be available to all ROR ILECs serving Tribal lands and should not be limited to carriers meeting excessive arbitrary thresholds related to either the percentage of a carrier’s “service area” that must include Tribal land or the percentage of a carrier’s total customer locations that must be on Tribal land.

SDTA's members are rural ILECs that are facilities-based eligible telecommunications carriers (ETCs). A number of SDTA member companies provide both voice and broadband telecommunications services on Tribal lands including specifically the following ROR regulated carriers: West River Cooperative Telephone Company, Venture Communications Cooperative, Midstate Communications, Roberts County Telephone Cooperative, Kennebec Telephone

Company, Golden West Telecommunications Cooperative, Cheyenne River Sioux Tribe Telephone Authority, Interstate Telecommunications Cooperative, West River Telecommunications Cooperative, Fort Randall Telephone Company, and Santel Communications Cooperative. All of these ILECs use high cost universal service support to deploy and maintain telecommunications facilities and services throughout their rural service areas, including on Tribal land within their study/service area boundaries.

SDTA supports the position of the National Tribal Telecommunications Association (NTTA) and other commenters that up to \$25 million per year, taken from universal service fund reserves, should be used to increase the non-model-based support of ROR ILECs serving Tribal Lands by as much as 25 percent to defray the additional costs of deploying broadband facilities and providing broadband services on Tribal lands. As proposed by NTCA, SDTA agrees that this additional support should come only from available CAF reserve dollars.

As discussed by NTTA in its comments, carriers serving Tribal lands experience significant additional costs in connection with deploying network facilities and providing telecommunications services on Tribal lands relating to, among other things, additional rights-of-way and easement authority requirements, tribal cultural clearance and compliance with archaeological resources protection, and increased environmental compliance regulations. ILECs constructing facilities on Tribal land also face additional challenges and cost because in many cases there is a lack of roads and power and the land area is vast with an extremely low population. Increased costs are also often experienced in deploying E911 and in implementing or enforcing "call before you dig" programs because areas and streets are not either adequately mapped or named. As a consequence, ILECs serving Tribal lands report problems with increased fiber and cable cuts.

Additional support for ROR ILECs serving Tribal land that do not receive model-based support would help to mitigate the affect of these additional costs and allow for the deployment of more broadband facilities and offering of more affordable broadband services on Tribal lands.<sup>1</sup> Accordingly, SDTA supports a voluntary TBF of as much as 25 percent to provide additional support from CAF reserves to ROR ILECs serving Tribal lands that agree to specific build-out requirements. Thus, for lines on Tribal land, a carrier would receive up to 25% more support per line than its average per line support. SDTA contends that a TBF structured in this manner would provide needed support to extend broadband facilities on Tribal lands and that the mechanism would fairly allocate additional support to all Tribal lands.

The Commission should not exclude ROR ILECs serving Tribal lands from eligibility for TBF support based on excessive arbitrary thresholds related to either the percentage of a carrier's "service area" that must include Tribal land or the percentage of a carrier's total customer locations that must be on Tribal land as this could exclude entire Native American reservation areas from the benefit of this program. For example, as shown in the attached map, some reservation areas in South Dakota are served by multiple carriers that also serve non-Tribal lands. If a very restrictive service area threshold is set, it could be that none of the carriers would qualify for TBF support and, as a result, an entire reservation and its inhabitants would be precluded from benefitting from this program. Similarly, the map shows that while some carriers serve a significant amount of Tribal land and, consequently, locations on Tribal land, their total service area and total locations served is significantly larger. For example, Golden West

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<sup>1</sup> SDTA also urges the Commission to revoke the automatic grant of forbearance of Section 214(e)(1)(A) of the Act for entities seeking designation as lifeline-only ETCs on Tribal lands to encourage deployment and infrastructure build-out to and on Tribal lands as discussed in its comments filed in the Lifeline and Link Up Reform and Modernization proceeding, WC Docket No. 11-42.

provides service to almost 6,500 lines on Tribal land across five reservations, however, this represents only 19% of its total lines. If the Commission limited TBF support to only those ILECs that “predominately” serve or have a high percentage of customer locations on Tribal lands , it would preclude a large number of consumers on Tribal lands from receiving the benefits of TBF support. This result would be contrary to the Commission's objective to provide support to extend broadband to the most locations. In addition, limiting eligibility for support in this manner has no relationship to whether a reservation has adequate broadband facilities and it would unfairly exclude consumers on Tribal lands from benefitting from the support program. Accordingly, arbitrary and restrictive thresholds should not be adopted.<sup>2</sup>

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<sup>2</sup> SDTA would not oppose a “de minimus threshold” or a minimum number of locations on Tribal land that must be served before a carrier is eligible to participate in TBF support. Rather, SDTA opposes thresholds that raise a high eligibility bar that have the effect of unfairly excluding a large number of tribal land locations from the additional broadband support.

Based on the foregoing, SDTA supports a TBF to target additional universal service support to ROR ILECs that receive non-model-based support to deploy broadband facilities and provide affordable broadband services on Tribal lands as discussed herein.

Respectfully submitted,

**SOUTH DAKOTA TELECOMMUNICATIONS  
ASSOCIATION**

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