

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
)	

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

The Affiliated Tribes of Northwest Indians (“ATNI”) hereby provide a further response 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.²

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.

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

² *Id.* at ¶ 374.

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.

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

Over the past fifteen years telecommunications rates have improved on Tribal lands, yet many of ATNI member Tribal lands lack access to high-speed, affordable broadband services. According to the FCC’s *2016 Broadband Progress Report*, 41 percent of residents on Tribal lands lack access to advanced telecommunications services, compared to ten percent of the overall U.S. population. Furthermore, and particularly a concern to ATNI, rural Tribal lands and Alaska Native villages lag considerably behind the nation with nearly 70 percent lacking access to high-speed Internet services.

The development and adoption of a “Tribal Broadband Factor” in the High Cost Fund is long overdue, and its implementation will ensure that increased funds are available to Indian country to support telecommunications deployment and maintenance. A number of tribes and tribal organizations have already filed comments for the record in support of establishing this “Tribal Broadband Factor,” and ATNI generally supports those filings.³

³ 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. Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001739675>; 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>; 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>; and the National Congress of American Indians. *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*. June 8, 2016. Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001993159>.

Implementation of a “Tribal Broadband Factor” within the High Cost Fund will provide and maintain increased High Cost Fund subsidies to support the deployment and maintenance of telecommunications infrastructure in Indian country. ATNI also agrees that certain build-out and certification obligations should be adopted as part of the “Tribal Broadband Factor” to ensure that Rate-of-Return carriers are held accountable for voluntarily receiving “Tribal Broadband Factor” support.⁴

ATNI particularly agrees with the National Tribal Telecommunications Associations (NTTA) call for the adoption of a voluntary “Tribal Broadband Factor” to provide additional capital support for Rate-of-Return carriers serving Tribal lands. In fact, because ATNI members do not currently have access to Universal Service support funds, ATNI further recommends the legislative establishment of a “Tribal Broadband Fund,” consistent with its Mid-Year Resolution 16-37, which would provide another source of capital funding for broadband infrastructure in Indian country.

III. CONCLUSION

ATNI appreciates 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.”⁵ ATNI notes that since the passage of the Communications Act of 1996, a significant record has been established for the Commission justifying the adoption of a “Tribal Broadband Factor” in these proceedings.

⁴ *Id.* ¶379, pg. 141. “NTTA supports tying build-out obligations to additional support, and proposes specific build-out obligations tied to a sliding scale based on current broadband deployment levels to ‘meaningfully improve broadband connectivity on Tribal lands...particularly in areas that are unserved today.’ For instance, it proposes that recipients of TBF that currently have deployed 10/1 Mbps to less than 10 percent of their locations be required to provided 4/1 Mbps to at least 25 percent of their locations within three years, and 10/1 Mbps to at least 10 percent of locations within three years; for those that already have deployed 10/1 Mbps to at least 10 percent but not 25 percent of their locations, they would be required to offer 4/1 Mbps service to 50 percent of their locations and 10/1 Mbps service to 25 percent of locations within three years.”

⁵ *Id.* at ¶ 162 n. 362.

The Commission has a significant opportunity to increase broadband deployment on Tribal lands by adopting rules consistent with the “Tribal Broadband Factor” proposal under consideration. NTTA has offered to work with Commission staff to develop a workable support mechanism.

ATNI strongly supports Commission action consistent with its comments and those filed by NTTA and other tribes and tribal associations. ATNI 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.”

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

June 13, 2016