

September 12, 2006

**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Center for Native American Public Radio  
MB Docket Nos. 06-121, 02-277, 01-235, 01-317, 00-244

Dear Ms. Dortch:

By its attorneys, the Center for Native American Public Radio (CNAPR) submits for filing the enclosed letter, dated August 11, 2006, from Loris Taylor, Executive Director of CNAPR, to Chairman Kevin J. Martin.

Because the letter requests that the Commission conduct a media ownership hearing on Tribal lands and discusses ownership of broadcast outlets by Tribal nations, American Indians and Alaska Natives, the letter is appropriately considered as part of the record in this proceeding.

Please direct any questions regarding this matter to the undersigned.

Sincerely,

/s/

Erin L. Dozier, Esq.

Enclosure



The Center for Native American Public Radio  
A Project of NFCB

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August 11, 2006

The Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Mr. Chairman,

I extend you greetings and good wishes on behalf of the Center for Native American Public Radio (CNAPR) and its 33 public radio station members, which presently serve Tribal nations and communities throughout the United States. My purpose in corresponding with you is two fold.

First, I wish to convey the request of CNAPR and its Tribal Board of Advisors that the Commission hold one of its upcoming officially supported media ownership hearings in Indian Country and focus solely on media ownership issues facing Tribal nations, American Indians and Alaska Natives. Second, I wish to offer CNAPR's assistance in identifying a location, relevant topical issues, and witnesses for this focused hearing on Native American broadcasting ownership issues.

CNAPR represents the thirty-three public radio stations serving Indian Country. We are an entity familiar throughout the Tribal broadcasting community and enjoy a valuable working relationship with the Commission. We learned of the potential possibility of such a hearing at the recent Indian Telecommunications Initiative (ITI) Regional Workshop and Roundtable in San Diego. ITI San Diego was a success in fostering meaningful interaction with the participants on issues critical to the deployment of services in Indian Country. We were happy to co-host the event and we look forward eagerly to the next ITI event. Our compliments and thanks to every FCC staffer who took part. In particular, we appreciate the efforts of the Consumer and Governmental Affairs Bureau and the Office of Intergovernmental Affairs in coordinating with us and others throughout Indian Country to plan the event. We are also grateful for the outstanding efforts of Monica Desai, Alice Elder and Shana Barehand.

I was especially pleased that broadcast issues joined the main program for the first time at an ITI event. The dialogue was lively and indicative of the tidal wave of interest among Tribal nations

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in broadcasting opportunities. Having learned of the Commission's intent to hold hearings on media ownership issues, we wanted to extend this request and offer as soon as possible.

There are many compelling reasons that support such a hearing focused on Tribal media broadcast ownership. The most important of these is that the foundation for such an event would be the important and unique legal relationship that federally recognized Tribes share with the federal government. In the context of the media ownership rulemaking presently undertaken by the Media Bureau, and with the backdrop of the upcoming potential opening of the Non-Commercial license application window, the Commission would have a valuable and timely opportunity to exercise this important trust relationship by holding a hearing and consulting with Indian Country.

Coordinating and planning a hearing with the Commission directly supports the goals and principles found in the Commission's own *Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes (Tribal Policy Statement)* of recognizing and promoting "its own general trust relationship with, and responsibility to, federally-recognized Indian Tribes."<sup>1</sup> Indeed, the reasoning and justification for holding such a hearing is found in the *Tribal Policy Statement* itself.

By fostering a forum that results in greater dialogue with Tribal Nations and their broadcasting entities, the Commission would receive valuable and useful testimony on how broadcasting in Indian Country directly relates to the Commission's goals for media ownership diversity, localism and competition. As a key feature, the hearing could foster consultation with Tribal nations regarding rules and policies that significantly or uniquely affect their ability to enter broadcasting markets and serve their communities. As the number of federally recognized Tribes approaches more than 570, the total number of Tribal public radio stations at only thirty-three is, by comparison, deplorably low. The reasons for this inconsistency are well worth examination, and the Commission's ability to investigate is, arguably, of greatest need and relevance in Indian Country where communities exist in some of our nation's most underserved areas from a community broadcasting perspective.

With the *Tribal Policy Statement*, the Commission also "recognizes the rights of Indian Tribal governments to set their own communications priorities and goals for the welfare of their membership."<sup>2</sup> The ability to broadcast within their own communities greatly supports Tribal nations. Tribal nations, as sovereign governments engaged in the exercise of modern self-determination, are responsible for the health, safety and welfare of their citizens. Tribes police and secure the homeland within their borders, including several regions that implicate international borders. Tribes are also distinct cultural entities, responsible for maintaining and preserving their sacred histories, languages and traditions. Tribes are responsible for establishing and fostering healthy economies.

Broadcasting provides a critical medium for Tribes to provide important cultural and community specific news and knowledge, to provide critical emergency broadcasting, and maintain

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<sup>1</sup> *Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes*, 16 FCC Rcd 4078, 4081 (2000).

<sup>2</sup> *Id.*

economic opportunities and information. The hearing will highlight and detail the nature of these issues and the experiences of broadcasters in Indian Country.

As a preliminary suggestion for a hearing location familiar to Indian Country and effective for the Commission, we offer to assist you and the Commission with the identification of a Tribal locale in the Phoenix area. Secondly, we suggest the Albuquerque area, and thirdly, the Denver area. We understand that the timelines for the potential hearings may be extremely short, but we are ready and committed to work with you and the Commission to achieve success from the perspectives of everyone involved in a Tribal broadcasting hearing. We will assist in the coordination with other national and regional inter-Tribal organizations and entities, such as the National Congress of American Indians and Arizona Inter-Tribal Council, which will also help to make the event a meaningful and productive undertaking. Our commitment is to assist the Commission in the coordination of an effective and relevant location, the development of an appropriate and effectively addressable topics and themes, and to help bring leaders, experts, experience and knowledge to the event.

As Chairman of the Commission, you have not simply assumed the mantle of Tribal outreach and consultation forged by your predecessors, but you have also built anew and extended the sphere of dialogue and issues to new areas, including broadcasting and media ownership. We commend you, your staff, and the Commission on your commitment to these continuing endeavors. We respectfully request you further guide the Commission to undertake this important opportunity to hear from Indian Country on the critical issues and status of broadcasting and media ownership in Tribal communities.

To further this critically important matter, I am available to meet with you and your staff at your earliest convenience. You may call me directly at (928) 853-2430.

Sincerely,



Loris Ann Taylor  
Executive Director  
Center for Native American Public Radio

CC:

The Honorable John McCain, U.S. Senator, AZ  
The Honorable Jon Kyl, U.S. Senator, AZ  
The Honorable Rick Renzi, U.S. Representative, AZ  
The Honorable Trent Franks, U.S. Representative, AZ  
The Honorable, Jeff Flake, U.S. Representative, AZ  
The Honorable Raul Grijalva, U.S. Representative, AZ  
The Honorable Ed Pastor, U.S. Representative, AZ  
The Honorable Jim Kolbe, U.S. Representative, AZ  
The Honorable J.D. Hayworth, U.S. Representative, AZ  
The Honorable Joe Garcia, Governor, Ohkay Owingeh (San Juan Pueblo);

President, National Congress of American Indians  
The Honorable Michael J. Copps, Commissioner, Federal Communications Commission  
The Honorable Jonathan S. Adelstein, Commissioner, Federal Communications  
Commission  
The Honorable Deborah Taylor Tate, Commissioner, Federal Communications  
Commission  
The Honorable Robert M. McDowell, Commissioner, Federal Communications  
Commission (FCC)  
Mr. Daniel Gonzalez, Chief of Staff, Office of Chairman Kevin J. Martin, FCC  
Ms. Heather Dixon, Legal Advisor, Office of Chairman Kevin J. Martin, FCC  
Ms. Monica Desai, Bureau Chief, Consumer & Governmental Affairs Bureau (CGB),  
FCC  
Mr. Thomas Wyatt, Deputy Bureau Chief, CGB, FCC  
Ms. Alice Elder, Chief, Office of Intergovernmental Affairs (IGA), CGB, FCC  
Ms. Shana Barehand, Senior Attorney and Liaison to Tribal Governments, IGA, CGB,  
FCC  
Ms. Donna C. Gregg, Bureau Chief, Media Bureau, FCC  
Mr. Roy Stewart, Senior Deputy Bureau Chief, Media Bureau, FCC  
Mr. Michael Wagner, Senior Attorney, Audio Division, Media Bureau, FCC  
Ms. Jackie Johnson, Executive Director, National Congress of American Indians  
Mr. John Lewis, Executive Director, Intertribal Council of Arizona  
Ms. Carol Pierson, President & CEO, National Federation of Community Broadcasters  
Mr. Geoffrey C. Blackwell, Director, Strategic Relations and Minority Business  
Development, Chickasaw Nation Industries; CNAPR Tribal Board of Advisors; Co-  
Chairman Telecommunications Subcommittee, National Congress of American Indians  
Ms. Virginia Davis, Associate Counsel, National Congress of American Indians