



THE NAVAJO NATION

Telecommunications Regulatory Commission
Office Of The President and Vice President

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Joe Shirley, Jr.
President

October 28, 2008

Bennie Shelly
Vice President

Kevin J. Martin, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Ernest Franklin, Jr.
Executive Director

Re: Federal-State Joint board on Universal Service
WC Docket No. 05-337

Thomacita White
Administrative Assistant

Dear Chairman Martin:

Steve L. Grey
Chairperson

On behalf of the Navajo Nation, I write to discuss a very important issue that has come to my attention relating to federal universal service reform that is currently under consideration at the FCC.

Marlene A. Lynch
Vice Chairperson

As you know, high-quality wireless service is critical to the health, safety and economic development of Native Americans throughout the country. This is particularly so with respect to the Navajo Nation, which faces severe demographic and economic challenges that significantly impede the development of modern wireless infrastructure. There remains a great deal of investment needed to provide our citizens with high-quality network coverage and access to true broadband communications.

Deswood Tomc
Secretary/Treasurer

My understanding is that a plan for reforming universal service was presented to the other commissioners on or about October 18, 2008. I also understand that the details of this plan have not been published. Generally, we understand that the FCC intends to reduce the amount of support provided to wireless carriers, but not to wireline carriers. Some have speculated that the reduction in support to wireless could be more than 50%, or in some cases as much as 100%. We do not have any way to assess these estimates without having an opportunity to examine the proposal closely.

Leland Leonard
Commissioner

From a procedural perspective, we are concerned that if the proposed action is adopted on November 4 without further notice providing clarity, the Commission will not be keeping its commitments set forth in the Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes.¹ In its Policy Statement, the Commission reaffirmed its commitment to the following goals and principles that are relevant here:

Johnny Platero
Commissioner

Bobby Begaye
Commissioner

1. The Commission will endeavor to work with Indian Tribes on a government-to-government basis consistent with the principles of Tribal self-governance *to ensure, through its regulations and policy initiatives, and consistent with Section 1 of the Communications Act of 1934, that Indian Tribes have adequate access to communications services.*

Stephen Nez
Commissioner

¹ FCC 00-207 (released June 23, 2000).

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2. The Commission, in accordance with the federal government's trust responsibility, and to the extent practicable, ***will consult with Tribal governments prior to implementing any regulatory action or policy that will significantly or uniquely affect Tribal governments, their land and resources.***

Ernest Franklin, Jr.
Executive Director

7. The Commission will work cooperatively with other Federal departments and agencies, Tribal, state and local governments to further the goals of this policy ***and to address communications problems, such as low penetration rates and poor quality services on reservations, and other problems of mutual concern.***

Thonacita White
Administrative Assistant

8. The Commission will welcome submissions from Tribal governments and other concerned parties as to other actions the Commission might take to further the goals and principles presented herein.

Steve L. Gray
Chairperson

The Commission's consideration of a variety of proposals to reform universal service, some of which would significantly reduce support to wireless carriers operating on Native American lands, is of great concern to our people. Significant reductions in support will necessarily delay the construction of new cell towers in some of the most rural and sparsely populated areas in the country. As you may know, wireless is often the only service for many of our people and on some tribal lands the wireless carrier is the de facto PSAP because there is no landline alternative.

Marlene A. Lynch
Vice-Chairperson

At this time, we have not been contacted or consulted concerning the potential effects on the quality of telecommunications facilities on our lands. We think it would be a mistake and an injustice to significantly reform this program without first consulting with tribes throughout the nation as to its possible effects.

Deswood Toms
Secretary/Treasurer

Substantively, we believe that the amount of federal universal service support provided to tribal lands is a small fraction of the program's overall \$7 billion size. It makes no sense for federal regulators to deny wireless carriers the opportunity to invest in infrastructure in some of the most underserved areas in the country, as well as some of the most economically depressed.

Leland Leonard
Commissioner

Johnny Platano
Commissioner

Bobby Begaye
Commissioner

Steve Nez
Commissioner

Without taking any position on what the FCC should do with respect to universal service reform, one thing seems clear: Rural consumers on Navajo lands, who pay into the fund, deserve the benefits of modern telecommunications infrastructure, including mobile wireless services and broadband.

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Ernest Franklin, Jr.
Executive Director

In light of the above, we urge you to provide an exemption for Native American lands, so that our people continue to see investment in wireless and broadband infrastructure that is so critical to us.

Thomacita White
Administrative Assistant

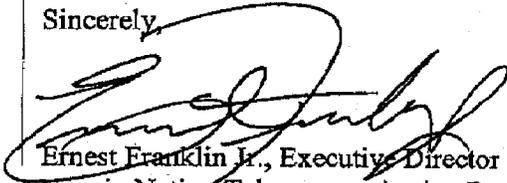
Cutting universal service to Native American lands will undoubtedly harm our people by leaving underserved areas to wait still longer for the arrival of these services, which in some cases represents the difference between life and death.

Steve L. Gray
Chairperson

We look forward to the opportunity to consult with you concerning the upcoming reform order. Should you have any questions or require any additional information, please contact me directly.

Marlene A. Lynch
Vice-Chairperson

Sincerely,



Deswood Tome
Secretary/Treasurer

Ernest Franklin Jr., Executive Director
Navajo Nation Telecommunication Regulatory Commission

Leland Leonard
Commissioner

Cc: Hon. Michael Copps
Hon. Jonathan Adelstein
Hon. Deborah Taylor Tate
Hon. Robert McDowell

Johnny Platero
Commissioner

Bobby Begaye
Commissioner

Steve Nez
Commissioner