Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act	)	GN Docket No. 09-47
	)	
A National Broadband Plan for Our Future	)	GN Docket No. 09-51
	)	
Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996 as Amended by the Broadband Data Improvement Act.	)	GN Docket No. 09-137
	)	
Comments Sought on Broadband Deployment and Adoption on Tribal Lands - NBP Public Notice #5	)	DA 09-2093

To: The Commission

COMMENTS OF THE
SOUTH DAKOTA TELECOMMUNICATIONS ASSOCIATION
NBP PUBLIC NOTICE #5

The South Dakota Telecommunications Association (SDTA) hereby files these Comments in response to the Commission's Public Notice seeking input regarding "Broadband Deployment and Adoption on Tribal Lands," NBP Public Notice #5, DA 09-2093, released September 23, 2009. SDTA submits, based on its knowledge of the service deployment of its member companies and based on recent evidence it has gathered concerning broadband deployment and adoption within the Tribal areas served by its members, that this Commission should give a greater focus to actions that would spur greater "adoption" and usage of broadband

services by consumers residing in such areas. While certainly there will always be deployment concerns with respect to very rural Tribal areas given their remoteness and the limited number of reachable customers, addressing deployment concerns alone is not the answer. Efforts aimed at curing broadband deficiencies related to Tribal areas should not be overly focused on deployment concerns, but must as well sufficiently address those factors that today prevent many Native Americans from using and taking advantage of broadband services that are already available. Most importantly, with respect to broadband planning related to Tribal lands, underlying affordability and technology/service acceptance issues must be addressed.

At present, at least with respect to much of the Indian Country in South Dakota, broadband "availability" or an inability to "access" broadband services is not the central issue. Rather, in most Tribal areas within this State, the service is already available but is simply not being used because either the services or equipment needed to utilize broadband services are not deemed affordable given especially harsh economic realities, or the services are not sufficiently valued from a customer perspective. With respect to basic telephone services, the expansion of the Lifeline and Link-Up programs to provide enhanced discounts on reservation lands has had a very positive impact on Native American telephone subscription rates. SDTA strongly urges the Commission to act speedily to expand the scope of the existing Lifeline and Link-Up programs to include funding for broadband service discounts (for low-income customers within both Tribal and Non-Tribal areas). Taking this step and other steps to improve broadband affordability is obviously needed. In addition, steps should be taken to reduce the cost of computers and other customer premise equipment that is either necessary or helpful in using broadband service. Efforts should also be taken to initiate programs that will effectively better educate and inform consumers residing in Tribal areas of the broadband benefits.

Statements are made in the Commission's notice suggesting that throughout all of Indian Country, broadband deployment is subpar or at unacceptable levels. While certainly in many Tribal areas throughout the United States this may be the case, there is a danger in relying on general statements or assumptions as to broadband access or availability. Plans and proposals for addressing low-broadband subscription levels on Tribal lands should be based on an accurate assessment of existing broadband infrastructure deployment and a fair recognition of the facility and equipment investments already made by existing service providers. If this does not occur, any new programs may overly emphasize increased broadband infrastructure investment even in those areas where substantial investments have already been made, and the end result may be a program that actually negatively affects rather than improves consumer broadband access. The use of existing government funding mechanisms or new government funding programs to subsidize the deployment of duplicative, competitive broadband networks in some of the highest costs and least populated areas of the United States would not likely have any longstanding positive universal service impacts. If anything, it would become even more difficult for existing providers to sustain and upgrade their current broadband networks and at the same time provide their broadband service at acceptable and affordable prices to Tribal area consumers.

SDTA is an association of rural incumbent local exchange carriers that provide telephone exchange and exchange access services and broadband services throughout rural service areas within the State of South Dakota. (A listing of the current SDTA members is attached hereto as Appendix A). The existing service areas of a number of the SDTA member companies include Tribal lands. Part or all of the Tribal lands found within the following reservation areas are served by SDTA member companies: Crow Creek Sioux, Sisseton Wahpeton Sioux, Yankton Sioux, Pine Ridge, Rosebud, Lower Brule Sioux, Cheyenne River Sioux, and Standing Rock

Sioux are served by SDTA member companies. All of the SDTA member companies are Universal Service Fund ("USF") recipients, having been designated Eligible Telecommunications Carriers ("ETCs") by the South Dakota Public Utilities Commission.

In response to the Commission's Public Notice, SDTA surveyed its members concerning their provision of broadband service and broadband adoption rates on Tribal lands. Among those SDTA member companies providing telecommunications services including broadband services on Tribal lands, responses were received from ten (10) of the companies (covering all or portions of the following Tribal lands: Yankton Sioux, Sisseton-Wahpeton Sioux, Crow Creek Sioux, Lower Brule Sioux, Cheyenne River Sioux, Standing Rock Sioux, Pine Ridge, and Rosebud). Most of the companies provide access to broadband service to 100% of the households located on Tribal lands within their service area. The remaining companies provide access to approximately 95% or more of the households located on these Tribal lands. All of the responding companies in offering broadband services throughout their service areas make the same services available at the same rates; there are no differences between the service or rates extended to customers residing off Tribal lands and those residing on Tribal lands. All of the companies provide access to broadband service speeds of at least 768Kbps downstream and 200Kbps upstream, and broadband services at download speeds of 1 to 3Mbps also are available in most areas. All of the companies also offer tiers of broadband services with different speeds and rates to allow subscribers to select the option that best fits their needs and budget. Finally, most of the responding companies serving Tribal lands operate as cooperative telephone companies. Accordingly, all the subscribers of these companies, including those residing in the tribal areas, are members of the cooperative possessing all the rights of membership.

While the survey conducted does not include responses from all of the incumbent local exchange carriers providing broadband services on Tribal lands within South Dakota, it does include most of these companies and extends to a significant portion of the Tribal lands within the State. These survey results indicate, consistent with SDTA's general knowledge gained from its experience in working with and representing its member companies, that at least in South Dakota many of the incumbent rural local exchange carriers have already extensively deployed broadband services within Tribal areas. Accordingly, in this State a focus on subsidizing alternative infrastructure providers in these areas would be misplaced. Further, doing so could have a negative impact on consumers and existing federal programs in these areas. For example, most of the SDTA member companies serving Tribal lands are high cost universal service recipients and RUS borrowers. Any effort to subsidize alternative infrastructure on Tribal lands could strand the tremendous financial investments that have already been made by the SDTA member companies in these areas. Because the ILECs' service areas extend beyond Tribal lands and include non-Tribal members on Tribal lands, these consumers would also bear the financial burden of stranded investment. Therefore, the Commission should not focus on subsidizing alternative investment in infrastructure where infrastructure already exists. This Commission, as well as the U.S. Congress, rightly understands the importance of the current "Broadband Mapping" efforts, recognizing the importance of having accurate data on where broadband networks and services have already been deployed in crafting new broadband policies and programs. Decisions intended to increase broadband availability or adoption on Tribal lands must also rests on a careful review of existing broadband deployment data.

Based on the foregoing, SDTA submits that the barriers to broadband deployment and adoption faced on Tribal lands cannot be uniformly traced to a lack of access to broadband

infrastructure. To the contrary, many of the SDTA member companies provide broadband access to nearly 100% of the households on Tribal lands in their service areas. In these areas, any effort to subsidize alternative broadband facilities would be wasteful and redundant and could be harmful to existing subscribers. Instead, in many cases, SDTA believes that the main hurdles to increasing the rate of broadband subscription are the broadband service and equipment costs and household income levels. To address concerns related to these underlying economic considerations, various actions are needed including prompt action to include Broadband services within the federal definition of universal service. It will be critical for existing eligible telecommunications carriers to receive high cost universal service funding for the direct support of broadband services. Broadband service pricing at affordable levels will simply not be feasible absent such support, especially as the access compensation revenues of incumbent LECs and other telecommunications carriers continues to decline. And, further, it will be essential that low-income concerns be adequately addressed through the expansion of the existing Lifeline and Link-Up programs and possible creation of other programs that are aimed at not only providing discounts to low-income consumers with respect to the broadband service, but also at defraying at least some of the costs associated with computers and other customers premises equipment needed to fully utilize broadband services.

Respectfully submitted,

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Appendix A

Appendix A

Members of the South Dakota Telecommunications Association

1. Alliance Communications Cooperative, Inc.
2. Armour Telephone Company
3. Beresford Municipal Telephone Company
4. Bridgewater-Canistota Independent Telephone
5. Cheyenne River Sioux Tribe Telephone Authority
6. Faith Municipal Telephone
7. Fort Randall Telephone Company
8. Golden West Telecommunications Cooperative
9. Interstate Telecommunications. Cooperative
10. James Valley Telecommunications
11. Kadoka Telephone Company
12. Kennebec Telephone Company
13. Knology Community Telephone
14. Long Lines
15. McCook Cooperative Telephone Company
16. Midstate Communications
17. Roberts County Telephone Cooperative. Assn.
18. RC Communications, Inc.
19. Santel Communications
20. Sioux Valley Telephone Company
21. Splitrock Properties, Inc.
22. Stockholm-Strandburg Telephone Company
23. Swiftel Communications (Brookings Municipal Telephone)
24. Tri-County Telcom, Inc.
25. Union Telephone Company
26. Valley Telecomm. Cooperative Assn., Inc.
27. Venture Communications Cooperative
28. Vivian Telephone Company
29. West River Cooperative. Telephone Company
30. West River Telecommunications Cooperative
31. Western Telephone Company

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