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Federal Communications Commission
Office of the Secretary

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December 16, 2009

Ms. Marlene Dortch
Secretary, Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

ORIGINAL

RE: Ex Parte Presentation and Meeting GN No. 09-47, 09-51, 09-137

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the Commission's rules, this letter is to inform the Commission that on Wednesday December 16, 2009, the undersigned met with the following representative of the FCC: Thomas Koutsky, Lauren Kravetz, Yul Kwon, Paul Murray, Gayle Radley Teicher, Michael Connelley, Joel Guinn, Thomas Wyatt, Randy Clarke, Shana Barehand. During the meeting we discussed the issues of the Tribal Broadband plan. The Attached presentations were discussed during the meeting.

Sincerely,



Mark Pruner, President
Native American Broadband Association
44 Burying Hill Road
Greenwich, CT 06831

FCC TRIBAL BROADBAND PLAN MEETING
FCC Headquarters
12/16/09

1. Welcoming Remarks
 - a. FCC
 - b. NABA
2. Introduction of attendees
 - a. At meeting
 - b. Dialing in on conference call
3. Overview
 - a. ARRA and National Broadband Plan
 - b. Tribal Broadband Plan and National Broadband Plan
4. Tribal Broadband Plan
 - a. NABA
 - b. California Association of Tribal Governments
 - c. Comments by Tribal members
5. National Broadband Roll-out
 - a. FCC activities associated with 2/17/10 presentation
 - b. Roll-out to tribes
 - i. FCC activities
 - ii. NABA Confinar and FCC NBP/NTP Workshop
 - c. Continuing updates to NBP/NTP

OUTLINE OF
TRIBAL BROADBAND PLAN
Native American Broadband Association
12/14/09 Draft

- I. Create a Tribal Broadband Plan as part of the National Broadband Plan – tribes are sovereign governments as the first of the three sovereigns established by the Constitution (tribal governments, federal government, and state governments) and are entitled to nation-to-nation relations.
 - A. By mutual agreement with tribes the United States federal government is the trustee bearing a solemn trust obligation to tribal governments as the trust beneficiaries.
 - B. Tribal lands are trust assets held for the benefit of trust beneficiaries that are inalienable and intended to appreciate in value and utility for tribal governments with the assistance of the trustee.
 - C. States have no rights on tribal lands just as they have no rights on land of other states
 - D. Tribal lands vary from very large land bases to no land base at all, including various types of tribal land interest status, such that the NBP must carefully define the tribal land areas served by broadband in order to avoid a failure of the NBP to serve tribes.
- II. Necessary provisions in the National Broadband Plan to serve tribes
 - A. NBP make broadband available to all people of the United States – if Spain can do it then so should the U.S – including tribal governments and their citizens.
 - B. NBP should call for a national broadband backbone extended to every tribal government.
 - C. National backbone will consist of private lines designated national assets and public lines in areas uneconomical to serve
 - D. National public backbones segments are a trust obligation that will be the foundation for tribal economic development and the creation of new jobs, which may be paid for programs including, but not limited to, the Universal Service Fund or a Universal Internet Service Fund \$1/month/account.
 - E. Ubiquitous and universal broadband access for tribal governments may be extended to tribal government and tribal business facilities and tribal citizen housing by wireless broadband, will lead to an explosion of lower cost and advanced technology services.
 - F. Ubiquitous broadband also saves everyone money, because services/infrastructures needed in non-broadband areas can be eliminated.
- III. Deal with tribes on a government to government basis
- IV. Tribal Broadband Plan focuses on the tribal government, whereby highspeed broadband access is deployed to each tribal government and brought to the principal tribal office or tribal utility.
 - A. Service obligation is to the tribe
 1. Broadband backbone connectivity must be brought to each tribal government.
 2. Each Tribal government would choose the most effective and economically efficient method (landline fiber or wireless or satellite) to provide broadband service to its tribal offices, tribal business facilities, third-party entities (businesses) on tribal lands, and tribal citizens' residences.
 - B. Tribal lands should be a term of art using the U.S. Census definition to include
 1. Alaska Native tribal governments, ANCSA corporations and Villages
 2. Oklahoma tribal land areas
 3. Federally recognized tribal governments trust lands
 4. Other trust lands
- V. Tribal Government Broadband Service Obligation & Sustainability
 - A. Deployment of broadband to Tribes (tribal governments, tribal colleges, tribal schools and inter-governmental tribal organizations) is the essential foundation for:

1. Tribal government operations
 2. Economic development and jobs creation
 3. Education
 4. Public safety (law enforcement and tribal courts)
 5. Health care (tele-medicine)
- B. Tribe decides how broadband is to be delivered to tribal members
1. Broadband deployed to tribal governments (tribal government facility or tribal utility) is then deployed to tribal offices, businesses and citizens by most efficient and economical means, which in most instances would be by wireless broadband due to distance and topology of tribal lands.
 2. Broadband deployed to every tribal college, tribal school and major inter-tribal governmental organization (e.g., USET, CATG, ATNI, AITC, MAST, GPTCA, All Indian Pueblo Council, NCAI, etc.).
 3. Funds from UISF pay for the build-out cost of broadband deployment to tribes.
 4. The cost of federally funded capital expense is 10 year bond repayment in monthly equal amounts based on 80% of maximum expected revenue (Laffer curve type analysis).
 5. Repayment of amortized debt is by UISF revenues
 6. Seek new tribal bonding authority in Congress for tribal broadband bonds for further tribal broadband deployment and adoption for tribal enterprises and joint venture partnerships
 7. Create tax benefits for private bonding of tribal broadband enterprise and joint venture projects
 8. Enterprise and joint venture projects include 3G and 4G mobile phone services and broadband application development (e.g. WIFI and WiMax)
 9. Tribes and their enterprise partners will enjoy significant opportunities for economic development and jobs creation (see Economist 9/26/09 special report on mobile phone use in the developing world)
 - a. BB services provided on a pre-paid basis to eliminate credit checks, billing department and collections
 - b. Antenna only companies that looks for other competitive suppliers
 - c. Community phones and computers
- C. The deployment of tribal broadband to tribal governments and their tribal citizens, tribal colleges and schools, and tribal health care clinics and hospitals is a government service obligation of tribal governments that is a trust responsibility of the federal government as trustee
1. As a government service obligation, sustainability doesn't require profitability
 2. USF/UISF and other funding mechanisms provide revenues to fund design, deployment and operations
 3. Tribal trunk lines, towers and other infrastructure are open to others for a fee
 4. Maintain tribal privacy/21st Century tribal sovereignty by separating third party fiber strands, antennas, frequencies

VI. Technologies covered

- A. Focus on fiber backbone broadband deployment to tribes and wireless broadband to tribal citizens
- B. Supplement or bypass legacy technology

VII. Tribal Broadband Plan Process

- A. Establish benchmark of today's status of broadband deployment
 1. To have Tribal Broadband Plan need tribal broadband map for every tribe
 2. Add tribal land ID requirement to tribal data management project
- B. Plan for deployment
 1. Identify best practices for tribal broadband deployment
 2. Create Demonstration Projects that result in turn-key models

- a. Option – Provide broadband to all tribes in an inter-tribal governmental organization (e.g., CATG, USET, ATNI, AITC, MAST, GPTCA, etc.)
- b. Option – Broadband in a box
 - i. One-off custom designed systems are too expensive and time consuming
 - ii. Standardization results in economies of scale in purchasing, training, maintenance, upgrading
 - iii. Multiple box variations for different terrains, population density, etc.
- 3. Set aside spectrum for wireless broadband deployment
 - a. Consider multiple specific frequencies or channels to be set aside or utilized for tribes
 - b. Make “rural/tribal” licensing pro forma for “line-of-sight” frequencies that don’t impact off reservation communities and services
 - c. Don’t apply same licensing rules and standards to rural, remote areas that you apply to densely populated, multi-license areas
- 4. Provide sufficient bandwidth for today and for reasonably foreseeable growth
 - a. Lighted fiber for today’s needs
 - b. Have enough dark fiber for tomorrow
- 5. Silo Funding problem - Share broadband services from various funding sources
 - a. Identify sources for tribal broadband access, sharing and funding
 - b. Tribal supplied access
 - c. BTOP & BIP funding
 - d. Broadband services to Native health facilities - DHS
 - e. Broadband services to educational institutions – DOE, BIE
 - f. Homeland Security services – DHS, DOJ, DOD
 - g. Public safety services – DOJ, law enforcement and tribal courts
 - h. Economic development and Jobs Creation – EDA, SBA, RUS, DOE
- 6. Tribes are entitled to ubiquitous and universal access national broadband backbone and broadband lines and towers within tribal borders even if on third party right-of-ways (navigable waters standard)

VIII. Deployment

- A. Set timeline for deployment to all tribes
 - 1. Timeline for infrastructure
 - 2. Timeline for training and education
 - 3. Timeline needs to address
 - a. Service to tribal governments, tribal colleges and schools, and anchor institutions
 - b. Residential service
 - c. Businesses on tribal lands
- B. Run broadband lines across the biggest unserved areas build-out from these lines in a sky-rocket pattern
- C. Use satellite broadband where necessary (e.g., interior Alaska)
- D. Need to build in reliability and redundancy

IX. Applications and uses that can benefit tribes

- A. Goal is not basic tribal survival, but for tribes to build economies, create jobs, and supplement or replace federal program funding with enterprise revenues
- B. Tribal Governance and BB
 - 1. ID best practices and services
 - 2. Productize services
 - 3. Distribute to all tribes
 - a. Initial and ongoing training
 - b. Discussion forum for continuous improvement
 - 4. Work with BIA Office of CIO’s in Herndon for mapping and network operations
 - 5. Privacy and Security issues = 21st Century tribal sovereignty

- a. Increasing value of tribal data, because of expanding ways it can be used
 - b. Decreasing ability to control data once it gets out
 - c. Tribe should "own" and control "their" data
- C. Education
- 1. Determine best practices for tribal tele-education and in-person education
 - 2. Use economies of scale to reduce education cost (Alaska school 10 -- 1 = 0 school)
 - 3. Focus on adult re-education, vital in rapidly changing economy
- D. Health
- 1. Indian Health Service has used the advantage of disadvantage for electronic medical records
 - 2. Medical imaging and other bandwidth intensive issue
- E. Programs to use broadband for cultural enrichment
- 1. Tele-chats in tribal language and lessons for remote members
 - 2. Broadcast tribal events and sports
 - 3. Tribal artwork
 - 4. Tribal radio – app phone radios
- F. Economic Development - local
- 1. Building infrastructure
 - 2. Operating networks
 - 3. Sales and marketing service to tribal members
 - 4. Content creation for website, tribal governance, local business
- G. Economic Development – U.S. and world
- 1. Provide training to compete at world level for 21st Century jobs
 - 2. Discover and promote re-intermediation jobs
 - a. Set up ID process with industry of new skills/jobs needed
 - b. Annual, national conference on new job skills needed
- X. Government Agencies
- A. Create Office of Tribal Affairs - Broadband in Secretary/Chairman's office of all agencies
- 1. HHS, DOE, DOC, USDA, HHS
 - 2. FCC, FTC



Strengthening Western North Carolina through Regional Collaborations

Cherokee Preservation Foundation (CPFdn) has been working to improve the quality of life of the Eastern Band of Cherokee Indians (EBCI) and the residents of Haywood, Jackson, Clay, Macon, Graham, Swain and Cherokee counties in Western North Carolina since the independent 501(c)(3) foundation was established in 2000 as part of the Second Amendment to the Tribal-State Compact between the EBCI and the State of North Carolina. The Foundation's role is to help identify needs and opportunities on the Qualla Boundary and in the surrounding seven counties and address issues that fall within CPFdn's authorized areas of focus — economic development, environmental preservation and cultural preservation.

The Foundation is particularly interested in supporting programs that foster collaborative partnerships between the EBCI and other players in the region and encourage public involvement. Since 2000, CPFdn has made 540 grants totaling more than \$45 million, with over a third of the grants awarded to regional collaborations that benefit people throughout the seven westernmost counties. Every dollar of CPFdn support has been matched by \$1.72 in secured grants, in-kind funding or leveraged resources, making CPFdn's total impact on the region nearly \$125 million. The Foundation funds projects that aim to unify Western North Carolinians and increase the capacity of the region as a whole. The programs that follow are representative of CPFdn's regional efforts.

Enabling WNC Students to Have the Technology Tools to Succeed

Cherokee Preservation Foundation has provided more than \$1.75 million to support the construction of a dedicated broadband connection, WNC EdNet, that brings together 60 educational sites — primarily public schools, colleges and administrative offices — around the seven westernmost counties and the Qualla Boundary. CPFdn collaborated with the Western Region Educational Services Alliance (WRESA), the Appalachian Regional Commission, the Golden Leaf Foundation, the Business and Education Technology Alliance, the North Carolina Rural Economic Development Center and the Public Schools of North Carolina so that rural students can achieve the same levels of learning as students in more urban areas and compete in our global society.

More recently, the emphasis has been on engaging WNC educators and students in decisions about how to utilize technology in the classroom. CPFdn funded student participation in a Technology in the Classroom conference presented by WRESA, and the Foundation also provided the funding for students and teachers to engage in regional collaborations. A number of schools have formed student advisory councils and engaged in projects such as students teaching educators how to use Web 2.0 communications tools, and creating a school web site whose content is created by students.



*WNC EdNet connects 60
educational sites in seven
counties and on the Qualla
Boundary.*

