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Law Offices
Duncan, Weinberg, Genzer & Pembroke, P.C.

WALLACE L. DUNCAN (1937-2008)
EDWARD WEINBERG (1918-1995)
ROBERT WEINBERG
JEFFREY C. GENZER
THOMAS L. RUDEBUSCH
MICHAEL R. POSTAR
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PETER J. SCANLON
KATHLEEN L. MAZURE
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BHAVEETA K. MODY
KRISTEN CONNOLLY McCULLOUGH
SETH T. LUCIA
JOSHUA E. ADRIAN
MATTHEW R. RUDOLPHI
JASON T. GRAY
NATALIE M. KARAS

SUITE 800
1615 M STREET, N.W.
WASHINGTON, DC 20036

(202) 467-6370
FAX (202) 467-6379
www.dwgp.com

California Offices
SUITE 1410, 915 L STREET
SACRAMENTO, CA 95814
(916) 498-0121
SEAN M. NEAL

SUITE 501
100 W. SAN FERNANDO STREET
SAN JOSE, CA 95113
(408) 288-2080
BARRY F. MCCARTHY*
C. SUSIE BERLIN*

Northeast Regional Office
2700 BELLEVUE AVENUE
SYRACUSE, NY 13219
(315) 471-1318
THOMAS J. LYNCH*

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FILED/ACCEPTED

*REGISTERED TO PRACTICE BEFORE U.S. PATENT
AND TRADEMARK OFFICE

*OF COUNSEL

RICHMOND F. ALLAN*
TERRY E. SINGER*
JAMES D. PEMBROKE*

MAR 3 2011

Federal Communications Commission
Office of the Secretary

Via Hand Delivery

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

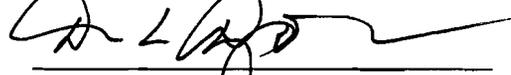
Re: ETC Application by NTUA Wireless, LLC for the Navajo Nation Pursuant
To 47 U.S.C. § 214(e)(6) of the Communications Act of 1934, As Amended
(**Public Version**)

Dear Ms. Dortch:

On behalf of NTUA Wireless, LLC ("NTUA Wireless"), enclosed please find the original and five copies of the redacted, public version of NTUA Wireless' Eligible Telecommunications Carrier ("ETC") Application for the Navajo Nation pursuant to 47 U.S.C. § 214(e)(6) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(e)(6), and 47 C.F.R. § 54.201. A confidential version of the ETC Application also is being submitted to your office under separate cover, including a request for confidential treatment under Section 0.459 of the Commission's rules, 47 C.F.R. § .459.

Please date-stamp one of the enclosed copies of the ETC Application and return it in the envelope provided. If you have any questions regarding this filing, please contact the undersigned.

Respectfully submitted,



Derek Anthony Dyson

Seth Lucia

Duncan, Weinberg, Genzer, &
Pembroke, P.C.

1615 M Street, N.W.

Suite 800

Washington, D.C. 20036

202-467-6370 (Office)

202-467-6379 (Fax)

E-Mail: dad@dwgp.com

E-Mail: stl@dwgp.com

Attorneys for NTUA Wireless, LLC

Enclosures

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

In the Matter of)
)
Petition of NTUA WIRELESS, LLC for) Docket No. _____
Designation as an Eligible)
Telecommunications Carrier pursuant to)
Section 214(e)(6) of the Communications Act)
of 1934, as Amended)

PETITION OF NTUA WIRELESS, LLC
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
ON THE NAVAJO NATION

Derek Anthony Dyson
Seth Lucia
Duncan, Weinberg, Genzer, &
Pembroke, P.C.
1615 M Street, N.W.
Suite 800
Washington, D.C. 20036
202-467-6370 (Office)
202-467-6379 (Fax)
E-Mail: dad@dwgp.com
E-Mail: dad@dwgp.com

Attorneys for NTUA Wireless, LLC

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EXECUTIVE SUMMARY

NTUA WIRELESS, LLC (“NTUA WIRELESS”), a newly established telecommunications service provider on the Navajo Nation and majority owned by one of the Navajo Nation’s oldest Navajo enterprises, the Navajo Tribal Utility Authority (“NTUA” or “Navajo Tribal Utility Authority”), hereby submits this Petition for Designation as an Eligible Telecommunications Carrier (“ETC”), pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (“Act”),¹ for purposes of receiving federal universal service support as a competitive eligible telecommunications carrier (“CETC”) within the exterior boundaries of the Navajo Nation. Grant of this Petition will significantly benefit the Navajo Nation and its people by:

(i) enabling NTUA WIRELESS to serve the communications needs of the Navajo Nation by:

(a) allowing a majority owned Navajo enterprise to prioritize service to the Navajo people above other objectives held by non-Navajo owned telecommunications carriers;

(b) providing service utilizing the expertise and resources of the Navajo Tribal Utility Authority;

(ii) providing critical funding for the build out and operation of essential telecommunications services in the Navajo Nation; and

(iii) providing low-income consumers with access to discounted telephone service tailored to their needs.

¹ 47 USC § 214(e)(6).

In accordance with Navajo Nation Code requirements, NTUA has registered with the Navajo Nation, thereby being subject to Navajo Nation jurisdiction and authority. NTUA WIRELESS respectfully requests that the Commission expeditiously approve this Petition.

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC

In the Matter of)
)
Petition of NTUA Wireless, LLC for) Docket No. _____
Designation as an Eligible)
Telecommunications Carrier pursuant to)
Section 214(e)(6) of the Communications Act)
of 1934, as Amended)

**PETITION OF NTUA WIRELESS, LLC
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER ON
THE NAVAJO NATION**

NTUA Wireless, LLC (“NTUA Wireless”), a newly established telecommunications service provider on the Navajo Nation and majority-owned by one of the Navajo Nation’s oldest Navajo enterprises, the Navajo Tribal Utility Authority (“NTUA” or “Navajo Tribal Utility Authority”), hereby submits this Petition for Designation as an Eligible Telecommunications Carrier (“ETC”), pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (“Act”),¹ for purposes of receiving federal universal service support as a competitive eligible telecommunications carrier (“CETC”) within the exterior boundaries of the Navajo Nation. NTUA has thoroughly coordinated with the Navajo Nation government, and this Petition is made with the full support of the Navajo Nation’s President. Attached as Exhibit A is a copy of the

¹ 47 U.S.C. § 214(e)(6).

Navajo Nation President Ben Shelly's letter in support of this Petition. Grant of this Petition will significantly benefit the Navajo Nation and its people by:

(i) enabling NTUA Wireless to serve the communications needs of the Navajo Nation by:

(a) allowing a majority-owned Navajo enterprise to prioritize service to the Navajo people above other objectives held by non-Navajo owned telecommunications carriers;

(b) providing service utilizing the expertise, existing infrastructure and resources of the Navajo Tribal Utility Authority;

(ii) providing critical funding for the build out and operation of essential telecommunications services in the Navajo Nation; and

(iii) providing low-income consumers with access to discounted telephone service tailored to their needs.

In accordance with Navajo Nation law, NTUA Wireless has registered with the Navajo Nation Business Regulatory Department, Division of Economic Development, and is subject to Navajo Nation jurisdiction and authority. Attached as Exhibit B is a copy of NTUA's registration with the Navajo Nation. NTUA Wireless will comply with all requirements of the Navajo Nation Telecommunications Regulatory Commission ("NNTRC"). As part of the government-to-government consultation between the Navajo Nation and the Federal Communications Commission ("FCC" or "Commission"), NTUA Wireless understands and supports NNTRC's direct participation in this proceeding, and that the NNTRC will have full access to all documentation provided by NTUA Wireless in this proceeding, including (upon receipt of binding assurance that NNTRC will hold such documents confidential to the same extent as would this Commission) any confidential documents such as NTUA Wireless' 5-year

network build out plan. NTUA Wireless respectfully requests that the Commission expeditiously approve this Petition.

I. NTUA WIRELESS IS A MAJORITY NAVAJO-OWNED COMMERCIAL MOBILE RADIO SERVICE (“CMRS”) PROVIDER OFFERING SERVICE IN THE NAVAJO NATION.

A. NTUA WIRELESS.

NTUA Wireless is a newly formed limited liability company that was created by the Navajo Tribal Utility Authority and Commnet Wireless LLC (“Commnet”). NTUA Wireless is majority-owned by NTUA. NTUA Wireless’ assets include spectrum usage authorizations and infrastructure equipment held by Commnet that are located in the Navajo Nation and several surrounding communities. Commnet also will contribute services related to NTUA Wireless’ wholesale telecommunications business and retail operations, including, importantly, piggybacking onto the automatic roaming arrangements Commnet has with all four major domestic CMRS providers as well as with over one hundred other domestic and international providers.² Commnet is contributing these assets into NTUA Wireless in return for a minority ownership interest in NTUA Wireless. NTUA Wireless’ board will consist of both NTUA and Commnet representatives.

NTUA will contribute, among other things, various existing infrastructure, intellectual property, and NTUA office locations to optimize the development of a retail wireless telecommunications business. NTUA Wireless will utilize current and future NTUA-owned backhaul infrastructure throughout the Navajo Nation. By leveraging existing NTUA resources and partnering with an established wireless service provider, NTUA Wireless will be uniquely

² Thus, from day one, NTUA Wireless subscribers will have automatic roaming when they travel outside the NTUA Wireless service area.

positioned to offer competitive retail wireless telecommunications services to underserved areas of the Navajo Nation. NTUA Wireless will provide jobs for tribal members. NTUA Wireless will employ Navajo citizens in technical and retail jobs and grow the telecommunications expertise of the Navajo people. NTUA Wireless will utilize the utility business expertise of NTUA to offer a deeper penetration of retail wireless telecommunications service into the Navajo Nation.

NTUA Wireless knows and understands the unique setting of the Navajo Nation and will provide much-needed wireless telecommunications services tailored to the needs of the Navajo Nation. The Navajo Nation covers a land area of over 27,000 square miles and extends into all or part of 13 counties in the states of Arizona, New Mexico and Utah. The vast scale of NTUA's service territory, along with its remote and isolated nature, has inhibited the penetration of communications and utility services to much of the Navajo Nation in the past. NTUA Wireless will uniquely be able to address this challenge in part by leveraging NTUA's large-scale telecommunications infrastructure project, which NTUA is currently constructing.

ETC designation is critically important for NTUA Wireless. It will provide the necessary vehicle to fund infrastructure development and on-going operational costs, while enabling Lifeline service to tribal residents. It will also greatly benefit life on the Navajo Nation by enabling NTUA Wireless to serve the communications needs of residents and provide much needed local technical and sales jobs. NTUA Wireless will exclusively focus on the needs of residents of the Navajo Nation, including the need for local 911 emergency services, service to unserved and underserved areas, and affordable voice and data services. Furthermore, NTUA Wireless promotes majority ownership by Navajo enterprises and creates a model to improve the quality of life for the Navajo people through economic development.

B. NAVAJO TRIBAL UTILITY AUTHORITY (“NTUA”).

NTUA, a non-profit Navajo enterprise, was established in 1959 by the Navajo Nation Council and is charged with providing utility services, including electricity, water, natural gas, and wastewater treatment, to residents of the 27,000 square-mile Navajo Nation, which spreads across portions of Arizona, New Mexico, and Utah. NTUA is the largest multi-utility company owned and operated by an American Indian tribe. NTUA works hard to meet the basic utility needs of the Navajo Nation; however, an estimated 18,000 families are without access to electricity, and many more homes and families are without access to basic utility services, such as telephones, water, wastewater treatment, and natural gas.

Other objectives of the NTUA include promoting employment opportunities and improving the general health and welfare of the residents of the Navajo Nation. NTUA currently has 613 employees, nearly all of which (97.5%) are of Navajo descent, and NTUA supports Navajo law to promote the use of qualified Navajo businesses for materials and services.

Even as NTUA works hard to meet the basic utility needs of the Navajo Nation, the region continues to suffer from the lack of access to basic services, including access to communications and electricity. Through its various utility services, NTUA helps the Navajo people combat the pangs of poverty that place the Navajo Nation among the lowest echelons of socio-economic indicators for any geographic region in the United States. The latest statistics indicate that the Navajo Nation has an unemployment rate at approximately 50%—nearly five times the current U.S. average—and more than 40% of the Navajo families are below the poverty line. The average per capita income on the Navajo Nation is \$7,269, as compared to the U.S. average per capita income of \$30,547. In addition to a shortage of other basic services, it is estimated that 60% of Navajo homes lack telephone services. Through NTUA Wireless, NTUA

seeks to create jobs and establish communications services to enable continued economic growth on the Navajo Nation.³

On March 25, 2010, NTUA was notified of its selection under the U.S. Department of Commerce's Broadband Initiative for funding to build an extensive, pioneering broadband infrastructure project on the Navajo Nation ("Navajo Nation Middle/Last Mile Project" or "Project"). Commnet is NTUA's partner in the Navajo Nation Middle/Last Mile Project. The Project is being funded using a combination of grant funding from the U.S. Department of Commerce and matching funds provided by NTUA and Commnet Wireless.⁴ Construction of the Navajo Nation Middle/Last Mile Project has begun, and the project will provide a 4G LTE network to help tackle the absence of high-speed broadband telecommunication infrastructure on the Navajo Nation.

The middle-mile portion of the Project will include the installation of 530 miles of aerial fiber optic cable and 32 new microwave tower sites throughout the Navajo Nation. In addition, the last-mile portion of the Project will include 700 MHz LTE cell sites, subsidized wireless internet access hardware and laptop computers for those who need them, retail facilities

³ To the extent that telephone penetration is measured *solely* in terms of landline penetration, NTUA Wireless, as a wireless carrier, would not directly affect the 60% figure. However, the vast bulk of the Navajo households in this 60% figure are also believed to be either outside the reliable coverage areas of wireless carriers, or low-income and unable to afford wireless service, or both, making wireless service infeasible as a substitute for landline service. By bringing expanded coverage and low-income ETC pricing to these households, NTUA Wireless expects to bring *de facto* telephone service to the overwhelming majority of these currently-unserved households.

⁴ The original application to the Department of Commerce specified Commnet to perform the "last-mile" portion of the Project. The parties now plan for Commnet to contribute the necessary 700 MHz spectrum usage authority into NTUA Wireless, so that NTUA Wireless would perform the last-mile portion of the Project, thus enabling all portions of the Project to be majority-owned by NTUA.

integrated into NTUA's existing retail outlets, and customer service personnel. The project will enable fixed and mobile broadband service to over 30,694 households and 1,000 businesses in 15 of the largest communities on the Navajo Nation and provide wireless broadband coverage to 72% of the residences on the Navajo Nation. NTUA will leverage this new communications infrastructure to serve the Navajo Nation with reliable, high-performance wireless telecommunications services through NTUA Wireless.

C. COMMNET WIRELESS, LLC.

Commnet is a leading provider of communications services in rural United States, providing services to end user consumers and roaming services for U.S. and international carriers.⁵ Commnet is wholly-owned by Atlantic Tele-Network, Inc. ("ATN").⁶

Commnet now operates over 600 base stations at nearly 400 rural locations nationwide, in both the cellular and broadband PCS bands. Of these, approximately 100 base stations provide the *only* wireless service available in their coverage areas. Another 150 base stations provide the *only* GSM voice or data service. In all these areas, but-for Commnet's service, either GSM or CDMA users would have no wireless service whatsoever, including no access to 911 Emergency services. Commnet now handles over 700 million minutes of voice traffic per year, as well as over 300 million SMS messages. Commnet handles thousands of 911 calls every month. Were it not for Commnet's presence in these locations, these callers would not receive emergency aid.

⁵ Commnet currently provides wholesale roaming wireless services in Arizona, Colorado, Kansas, Missouri, New Mexico, California, South Dakota and Wyoming, and both wholesale and retail service in Nevada.

⁶ *See, e.g., FCC Public Notice*, Report No. 2258 (WTB rel. Sept. 14, 2005) (consenting to the transfer of control of the Commnet subsidiaries to ATN).

ATN has a long history of operating wireless telecommunications networks in the U.S. and overseas and has the necessary financial resources to ensure NTUA Wireless meets its universal service obligations. ATN's management team is experienced at operating wireless systems in rural areas and will apply its substantial operating experience to construct and operate the wireless infrastructure on the Navajo Nation. ATN has been singled out for special recognition numerous times. In both 2007 and 2008, the company was recognized as one of the 200 Best Small Companies in America by Forbes Magazine. It also was named by Fortune Magazine as one of the Fastest Growing Public Companies in both 2007 and as one of the 100 Fastest Growing Companies in 2008 and 2009, and by the Boston Globe in 2007, 2008 and 2009 as one of the region's Top 100 Public Companies.⁷ In a market research study conducted in Bermuda, 100 percent of the customers of the ATN's wireless operation said they would recommend ATN to their friends.⁸ ATN's Bermuda operation also won a 2007 award for Best Cellular Phone Provider for the Younger Set/Young Professionals from Bermudian Business magazine. NTUA Wireless will greatly benefit from ATN/Commnet's qualifications and capabilities to construct and operate a state-of-the-art wireless telecommunications infrastructure on the Navajo Nation, which will then serve as a platform for social, economic and educational development for years to come.

⁷ In addition, ATN's CEO was named Entrepreneur of the Year for the New England Region for 2008 by Ernst & Young and "One of the Best CEOs in America" by DeMarche and Associates.

⁸ Corporate Cellular Survey, April 2008, prepared by research.bm.

II. THE COMMISSION HAS JURISDICTION OVER THIS PETITION FOR ETC DESIGNATION.

The Commission established a process for carriers seeking ETC designation on tribal lands in which a carrier submits an application with the Commission demonstrating that the carrier is subject to the jurisdiction and laws of the Tribe and not subject to the jurisdiction of the state commissions.⁹ As demonstrated herein, NTUA Wireless is subject to the laws of the Navajo Nation and the jurisdiction of NNTRC, the Navajo Nation's telecommunications regulatory authority.

A. THE NAVAJO NATION HAS INHERENT AUTHORITY OVER ALL ECONOMIC AFFAIRS ON THE NAVAJO NATION AND THE NAVAJO NATION TELECOMMUNICATIONS REGULATORY COMMISSION ADDRESSES TELECOMMUNICATIONS MATTERS.

The government of the Navajo Nation exercises authority over the commercial activities that occur within the Navajo Nation by virtue of its inherent tribal sovereignty, as recognized in binding treaties with the United States government and reiterated in the Navajo Nation Code. Specifically, the Treaty of 1868 preserves inherent tribal sovereignty to the Navajo Nation and provides the basis of territorial civil jurisdiction over, *inter alia*, economic affairs.¹⁰ Courts, including the U.S. Supreme Court, have guarded the authority of the Navajo Nation over its jurisdiction, including over economic affairs, and Congress has recognized such authority in its Treaty of 1868.¹¹

⁹ *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscriberhip in Unserved and Underserved Areas, Including Tribal and Insular Areas*, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208 (2000) ("*Twelfth Report and Order*").

¹⁰ *See generally*, Treaty of Fort Sumner with the Navajo Tribe, June 1, 1868, 15 Stat. 667.

¹¹ *See, e.g., Williams v. Lee*, 358 U.S. 217, 223 (1959).

The Navajo Nation established the NNTRC in 1985, pursuant to Tribal Council Resolution ACAP-62-85.¹² The Navajo Nation Code recognizes the ability of the Navajo Nation to exercise jurisdiction over commercial activities within the Navajo Nation.¹³ Section 201 of Title 5 of the Navajo Nation Code explains that the Navajo Nation’s sovereign status authorizes the Navajo Nation “to regulate all commercial activities within the Navajo Nation, including those of non-Indians and non-member Indians, [and that] engaging in business within the Navajo Nation is a privilege granted by the Navajo Nation” subject to applicable federal law.¹⁴ Similarly, Section 401 of Title 5 of the Navajo Nation Code pronounces the “Navajo Nation’s authority to regulate the conduct and operations of business within the Navajo Nation,” subject to applicable laws of the United States.¹⁵

As the Navajo Nation Code explains, “by virtue of its inherent sovereign powers, [the Navajo Nation] has the authority to assert jurisdiction over telecommunications not preempted by applicable law and regulation of the federal government of the United States.”¹⁶ Pursuant to this authority, the Navajo Nation established the NNTRC. From its establishment, the NNTRC was created to “act upon and regulate any and all matters of the telecommunications industry on the Navajo Nation, including . . . telecommunications services transmitted by . . . wireless

¹² Council Resolution ACAP-62-85, April 11, 1985. *See also* 2 N.N.C. § 3451 *et seq.* (2005).

¹³ *See, e.g.*, 5 N.N.C. § 201 B.7. (2005) and 5 N.N.C. § 401 (2005).

¹⁴ 5 N.N.C. § 201 B.7. (2005).

¹⁵ 5 N.N.C. § 401 (2005).

¹⁶ 21 N.N.C. § 502 (2005).

technology . . . and provide orderly growth and development of the telecommunications industry, and the operations thereby.”¹⁷

B. THE STATES DO NOT HAVE JURISDICTION OVER NTUA WIRELESS.

The Navajo Nation includes a geographic area that includes portions of Arizona, New Mexico, and Utah. NTUA Wireless has coordinated with the state regulatory commissions in Arizona, New Mexico and Utah, and will continue to do so, on this ETC application. The Commission has previously exercised jurisdiction under 47 U.S.C. § 214(e)(6) and designated tribally-owned telephone companies in Arizona as ETCs.¹⁸ Similarly, as a tribally-owned entity, NTUA Wireless, comes before this Commission for designation as an ETC.

III. NTUA WIRELESS MEETS THE STATUTORY AND REGULATORY PREREQUISITES FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER ON THE NAVAJO NATION.

NTUA Wireless satisfies each of the statutory and regulatory prerequisites set forth in the Act and the rules and orders of the Commission. Section 214(e)(1) of the Act provides that an ETC must:¹⁹

- be a common carrier;

¹⁷ 2 N.N.C. § 3452 (2005). The NNTRC is further empowered by the Navajo Nation to “establish methods, procedures, schedules, and conditions of accessing permits . . . for particular telecommunication services on the Navajo Nation.” *Id.* at § 3453 B.3. The governing statutes of the Navajo Nation explain that the NNTRC “is vested with the authority of acting as the intermediary agency between the Navajo Nation and the [Federal Communications Commission].” 21 N.N.C. § 508 B. (2005).

¹⁸ *Designation of Hopi Telecommunications, Inc. as an Eligible Telecommunications Carrier for the Hopi Reservation*, Memorandum and Order, CC Docket No. 96-45 (2007); *Designation of Fort Mojave Telecommunications, Inc., Gila River Telecommunications, Inc., San Carlos Telecommunications, Inc., and Tohono O’Odham Utility Authority as Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, Memorandum Opinion and Order, 13 FCC Rcd 4547 (1998).

¹⁹ 47 U.S.C. § 214(e)(1); *see also* 47 C.F.R. § 54.201(d).

- offer the supported services;
- use its own facilities or a combination of its own facilities and resale of another carrier's service;
- provide service throughout its designated service area;²⁰ and
- advertise the availability of its universal services and the charges therefore using media of general distribution.

Section 54.202 of the FCC rules establish that a carrier seeking designation as an ETC meet the following additional requirements:

- submit a 5-year network build out plan;²¹
- demonstrate the ability to remain functioning in emergency situations;²²
- demonstrate that it will satisfy applicable consumer protection and service quality standards;²³
- demonstrate that it offers a local usage plan comparable to the incumbent local exchange carrier in the ETC area;²⁴
- acknowledge that it may be required to provide equal access to long distance carriers;²⁵ and
- demonstrate that the public interest would be served by granting the ETC application.²⁶

²⁰ See also 47 C.F.R. § 54.202(a)(1)(i) (commit to provide service throughout the ETC area to all customers making a reasonable request for service).

²¹ 47 C.F.R. § 54.202(a)(1)(ii).

²² 47 C.F.R. § 54.202(a)(2).

²³ 47 C.F.R. § 54.202(a)(3).

²⁴ 47 C.F.R. § 54.202(a)(4).

²⁵ 47 C.F.R. § 54.202(a)(5).

²⁶ 47 U.S.C. § 214(E)(6).

An ETC must also offer a discounted rate plan, *e.g.*, Lifeline and Link-Up, to qualified low-income consumers.²⁷

A. NTUA WIRELESS IS A COMMON CARRIER.

NTUA Wireless will provide CMRS throughout its requested designated service area and, as a CMRS provider, NTUA Wireless is regulated as a common carrier.²⁸ NTUA Wireless therefore meets the ETC requirement of being a common carrier.

B. NTUA WIRELESS OFFERS THE SERVICES SUPPORTED BY FEDERAL UNIVERSAL SERVICE SUPPORT MECHANISMS.

NTUA Wireless provides each of eight services supported by federal universal service support mechanisms and will provide toll-limitation service to qualifying low-income consumers upon designation as an ETC, as set forth below.

1. Voice Grade Access To The Public Switched Telephone Network – the ability to transmit and receive voice communications with a minimum bandwidth of 300 to 3,500 Hertz [47 C.F.R. § 54.101(a)(1)]. NTUA Wireless meets this requirement through its provision of mobile voice communications service and interconnection to the public switched telephone network.
2. Local Usage – an amount of minutes of use provided free of charge [47 C.F.R. § 54.101(a)(2)]. NTUA Wireless meets this requirement by providing an amount of local usage free of charge in each universal service rate plan.
3. Dual Tone Multi-Frequency (“DTMF”) Signaling Or Its Functional Equivalent – a method of signaling that facilitates the transportation of call set-up and call detail information [47 C.F.R. § 54.101(a)(3)]. NTUA Wireless meets this requirement by providing out-of-band digital signaling and in-band multi-frequency signaling for call set-up and termination.

²⁷ 47 C.F.R. § 54.405.

²⁸ 47 C.F.R. § 20.9(a). The parties intend to submit appropriate applications for the leasing/sub-leasing of spectrum authorizations to NTUA Wireless in the near future.

4. Single Party Service Or Its Functional Equivalent – a dedicated message path for the length of a user’s particular transmission [47 C.F.R. § 54.101(a)(4)]. NTUA Wireless meets this requirement by providing a dedicated, non-shared, frequency path for each voice call.
5. Access To Emergency Services – access to emergency services includes both access to 911 and E911 services to the extent the local government has implemented such services [47 C.F.R. § 54.101(a)(5)]. NTUA Wireless meets this requirement by providing 911 service and meeting all requests for E911 service from local public service answering points (“PSAPs”).
6. Access To Operator Services – access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call [47 C.F.R. § 54.101(a)(6)]. NTUA Wireless meets this requirement by providing operator services to its customers directly or through third party arrangements.
7. Access To Interexchange Service – ability to make and receive calls using an interexchange carrier’s network [47 C.F.R. § 54.101(a)(7)]. NTUA Wireless meets this requirement by providing its customers with the ability to make calls over interexchange network facilities. The FCC has determined that wireless carriers are not required to provide equal access to interexchange service, but may be required to provide equal access in certain special situations.²⁹
8. Access To Directory Assistance – making available to customers, among other services, information contained in directory listings. NTUA Wireless meets this requirement by providing all of its customers with access to directory listings by dialing “411” or “555-1212.”
9. Toll Limitation For Qualifying Low-Income Consumers – toll limitation means both toll blocking and toll control, or, if a carrier is not capable of providing both toll blocking and toll control, then toll limitation is defined as either toll blocking or toll control [47 C.F.R. § 54.101(a)(9); 47 C.F.R. § 54.400(d)]. Upon implementing its Lifeline service offering, NTUA Wireless will offer toll limitation to qualifying low-income consumers at no additional charge.

²⁹ *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, *Report and Order*, ¶ 71, FCC 97-157 (released May 8, 1997) (“*Universal Service Order*”).

C. NTUA WIRELESS WILL USE ITS OWN FACILITIES TO PROVIDE THE SUPPORTED SERVICES.

NTUA Wireless is a facilities-based wireless telecommunications carrier with its own switching, transport, cell sites, and associated telecommunications facilities in its proposed designated ETC service area. NTUA Wireless intends to use its own facilities to meet its universal service obligations. As an ETC, NTUA Wireless will use universal service funding to support and enhance its network facilities in its proposed designated service area.

D. NTUA WIRELESS WILL PROVIDE THE SUPPORTED SERVICES THROUGHOUT THE ETC SERVICE AREA.

NTUA Wireless commits to provide the supported services throughout its designated service area, consistent with all applicable requirements, including the FCC's ETC service provisioning requirements found in 47 C.F.R. § 54.202. Specifically, to the extent NTUA Wireless' network already passes or covers a potential customers' premises, NTUA Wireless will provide service on a timely basis, and, in those instances where a request comes from a potential customer within NTUA Wireless' licensed service area but outside its existing network coverage, NTUA Wireless will provide service within a reasonable period of time by: (1) modifying or replacing the requesting customer's equipment; (2) deploying a roof-mounted antenna or other equipment; (3) adjusting the nearest cell tower; (4) adjusting network or customer facilities; (5) reselling services from another carrier's facilities to provide service; or (6) employing, leasing, or constructing an additional cell site, cell extender, repeater, or other similar equipment. If NTUA Wireless determines that it cannot reasonably serve a consumer, then it will report the unfulfilled request to the Wireline Competition Bureau (with a copy to the NNTRC) within 30 days after making such determination.

E. NTUA WIRELESS WILL ADVERTISE THE AVAILABILITY OF ITS UNIVERSAL SERVICE OFFERINGS AND CHARGES FOR SUCH OFFERINGS USING MEDIA OF GENERAL DISTRIBUTION.

NTUA Wireless commits to advertise the availability of, and charges for, the supported services utilizing local media and promotional events that are applicable and appropriate for the Navajo Nation. Since many potential users reside in relatively remote communities, access to generally recognized electronic and print media is severely limited. For example, the broadband penetration rate is below 10% and unavailable outside of the larger communities. There are no local television or cable services and the single newspaper operating has a bi-weekly circulation with limited distribution. The most effective advertising on the Navajo Nation is conducted via radio outlets, direct-mail, and through local Chapter Houses, which are the focal point for community outreach and local commerce. Consequently, NTUA Wireless' advertising plan includes, but is not limited to:

- Direct Mail – Postcards distributed to general PO Box holders throughout the proposed service area.
- NTUA – Notices included within NTUA utility billing that reaches more than 30,000 households.
- Display Posters and Flyers – Distributed to Chapter Houses and other public facilities, such as Health Clinics, Senior Centers, etc.
- Radio Advertising – Targeted radio announcements of service offerings and sales promotions.
- Print Media – Display ads with general and targeted promotions in local and area newspapers, including the following:
 - Navajo Times (bi-weekly)

- Gallup Independent (daily)
- Farmington Times (daily)
- Hopi-Navajo Observer

In addition, NTUA Wireless will immediately provide six (6) retail store outlets throughout its proposed ETC designated service area, which will be housed within key NTUA customer service and bill collection centers. These facilities are distributed across the Navajo Nation and conveniently located in the communities of Ft. Defiance, Chinle, Shiprock, Kayenta, Tuba City, and Dilkon. NTUA Wireless will use these media outlets to advertise its universal service offerings in a manner consistent with applicable requirements. NTUA Wireless will conduct mobile promotional activation events throughout the service area at select Chapter locations, as well as flea markets, sporting, and other public events. These mobile activation events will be announced well in advance via all available forms of advertising.³⁰

F. NTUA WIRELESS WILL MAKE LIFELINE SERVICE AVAILABLE TO QUALIFYING LOW-INCOME CONSUMERS.

Upon designation as an ETC, NTUA Wireless will make available to qualified low-income consumers a discounted service offering that meets all applicable Lifeline requirements. Consumers increasingly rely on their mobile phones for all of their communications needs and qualifying low-income consumers are no exception. In fact, low-income consumers have become increasingly dependent upon wireless service for their communications needs and will benefit from NTUA Wireless' facilities-based Lifeline service offering.

³⁰ NTUA Wireless may also attempt to sign up subscribers at such events, which, especially when held at remote tribal locations such as Eastern Agency or "island-chapters" (e.g., Alamo or Ramah chapters, which are not contiguous to the rest of the Reservation), will facilitate the ability of local residents to sign up for service and receive handsets without having to travel.