

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Lifeline and Link Up Reform and Modernization	)	WC Docket No. 11-42
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Lifeline and Link-Up	)	WC Docket No. 03-109

**COMMENTS OF GILA RIVER TELECOMMUNICATIONS, INC.**

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## EXECUTIVE SUMMARY

Gila River Telecommunications, Inc. (“GRTI”), by its attorneys, hereby submits these comments in response to the Notice of Proposed Rulemaking in which the Federal Communications Commission (“FCC” or “Commission”) seeks comment on proposals to reform and modernize the Lifeline and Link Up programs. GRTI, a telecommunications carrier wholly-owned and operated by the Gila River Indian Community, fully supports the FCC’s effort to increase the telephone and broadband penetration rates on Tribal lands.

Native American communities historically have had less access to telephone and broadband services than other segments of the population for a number of reasons, such as the high-build out costs of the infrastructure necessary to provide ubiquitous telephone and broadband services to residents on Tribal lands and the limited financial resources of many Native Americans. In order to help overcome these challenges, financial support is required to provide discounts to Native American consumers to offset the high costs of these services.

In addition to continued support for voice service, GRTI urges the Commission to expand the Lifeline and Link Up programs to support broadband internet on Tribal lands. Increased access to affordable broadband will offer residents of Tribal lands countless benefits. The expansion of the Lifeline program to support broadband service on Tribal lands, combined with the enhancement of the Link Up program to provide meaningful discounts for customer premises equipment to utilize broadband, will help raise broadband penetration rates on Tribal lands such as the Gila River Indian Community. GRTI believes that such expansion should provide discounts for standalone DSL internet service. However, at minimum, the Commission should permit the full application of Lifeline and Link Up subsidies to support bundled services with a voice component.

In addition, GRTI supports changes to the current eligibility rules for participation in the Lifeline/Link Up programs. For example, GRTI supports the Commission’s income-based and program-based eligibility proposals for Lifeline/Link Up support on Tribal lands. Further, GRTI supports the Commission’s proposal to limit Lifeline/Link Up support to a single subscription per residence on the condition that the Commission adopts certain modifications. GRTI also proposes that initial certification and ongoing verification of consumers’ eligibility for Lifeline/Link Up support on Tribal lands should be performed by Tribal governments.

Finally, GRTI supports the Commission’s efforts to eliminate waste, fraud, and abuse from the Lifeline/Link Up programs. However, the Commission should not adopt reforms that will endanger the provision of Lifeline and Link Up support on Tribal lands. Along these lines, GRTI offers proposals to address duplicate claims and de-enrollment that provide a safe balance between furthering the Commission’s goals of providing services to eligible participants while guarding against waste, fraud and abuse. In addition, GRTI supports the Commission’s proposal to require carriers to collect a minimum monthly amount from participating Lifeline households; however, this requirement should not be applied to tribally-owned carriers.

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**COMMENTS OF GILA RIVER TELECOMMUNICATIONS, INC.**

Gila River Telecommunications, Inc. (“GRTI”), by its attorneys, hereby submits these comments in the above-referenced proceeding in which the Federal Communications Commission (“FCC” or “Commission”) seeks comment on a proposal to make changes to the Lifeline and Link Up programs.<sup>1</sup>

First and foremost, GRTI urges the Commission to expand the Lifeline and Link Up programs to support broadband internet on Tribal lands. Increased access to affordable broadband will offer residents of Tribal lands countless benefits. The expansion of the Lifeline program to support broadband service on Tribal lands, combined with the enhancement of the Link Up program to provide meaningful discounts for customer premises equipment (“CPE”) to utilize broadband, will help raise broadband penetration rates on Tribal lands such as the Gila River Indian Community.

In addition, GRTI supports changes to the current eligibility rules for participation in the Lifeline/Link Up programs. For example, GRTI supports the Commission’s income-based and

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<sup>1</sup> *Lifeline and Link Up Reform and Modernization, et al.*, Notice of Proposed Rulemaking, FCC 11-32 at ¶ 1 (rel. Mar. 4, 2011) (“*Lifeline/Link Up Reform NPRM*”).

program-based eligibility proposals for Lifeline/Link Up support on Tribal lands. Further, GRTI supports the Commission's proposal to limit Lifeline/Link Up support to a single subscription per residence on the condition that the Commission adopts certain modifications. GRTI also proposes that initial certification and ongoing verification of consumers' eligibility for Lifeline/Link Up support on Tribal lands should be performed by Tribal governments.

Finally, GRTI supports the Commission's efforts to eliminate waste, fraud, and abuse from the Lifeline/Link Up programs. However, the Commission should not adopt reforms that will endanger the provision of Lifeline and Link Up support on Tribal lands. Along these lines, GRTI offers proposals to address duplicate claims and de-enrollment that provide a safe balance between furthering the Commission's goals of providing services to eligible participants while guarding against waste, fraud and abuse.

## **I. BACKGROUND ON GRTI.**

GRTI is a telecommunications carrier wholly-owned and operated by the Gila River Indian Community, home of the Akimel O'Odham (Pima) and PeePosh (Maricopa) Tribes. Formed in 1988 for the purpose of providing affordable telephone services to the Gila River Indian Community, GRTI today provides voice, data and Internet (including high-speed DSL) services to residents and businesses on the Gila River reservation, which is located on approximately 372,500 acres in rural southern Arizona. Native American and Gila River Indian Community members make up more than 60% of GRTI's workforce, including GRTI's five person board of directors, which is comprised entirely of members of the Gila River Indian Community. GRTI currently has approximately 3,500 access lines, of which approximately 2,200 are residential lines.

Since acquiring the Gila River local telephone exchange and related network from US West (now CenturyLink) over twenty years ago, GRTI has increased the wireline telephone penetration rate among Tribal households in the community from 10% to more than 80% today. The Lifeline and Link Up programs have been indispensable in enabling GRTI to achieve such progress. Approximately 84% of GRTI's local telephone subscribers currently qualify for the Lifeline and Link Up, including 91% of those subscribers 65 and older. Yet, GRTI believes that more can be done to help raise the telephone penetration rate on the Gila River Indian Community and hopes to utilize these programs in the future to raise telephone penetration rates to levels commensurate with the national average.

In addition, GRTI currently offers DSL high-speed internet service at 1.5 Mbps download and 256 Kbps upload speeds to all of its customers. Unfortunately, the broadband penetration rate in the Gila River Indian Community remains at 22%, well below the national average. Through reforms to the Lifeline and Link Up programs, GRTI believes that the broadband penetration rate could rise as drastically in the Gila River Indian Community as has the telephone penetration rate.

GRTI also continues to dedicate significant resources to improvements of its 911 system. Many of the street names in the Gila River Indian Community do not have signs. Public addresses on the approximately 8,000 structures in the community are almost non-existent, posing significant challenges to emergency and public safety personnel attempting to respond in times of crisis. Adding to this challenge is the fact that the existing wireline 911 service inherited from US West employed an address-based system and did not have GPS capabilities. GRTI addressed these problems by investing substantial resources into creating a 5 digit latitude and longitude coordinate system to label the location of Community structures. While further

modernizations are still needed, GRTI's subscribers benefit currently from a vastly improved 911 service customized to meet the unique needs of the Gila River Indian Community.

## **II. NATIVE AMERICANS RESIDING ON TRIBAL LANDS NEED SUBSTANTIALLY MORE FINANCIAL SUPPORT FOR TELEPHONE AND BROADBAND SERVICES.**

Telephone and broadband penetration rates on Tribal lands lag significantly behind the national average.<sup>2</sup> These low penetration rates can, in part, be attributed to the unique challenges facing many Tribal lands. One such challenge is the high-build out costs of the infrastructure necessary to provide broadband service to residents on Tribal lands. Tribal lands are often located in rural, sparsely populated areas, significantly raising the cost per subscriber to build-out and maintain telephone and broadband networks. For example, the sparse population on the geographically large Gila River Indian Community and the fact that there are often significant distances between residences within the Gila River Indian Community increases GRTI's infrastructure build-out and maintenance costs. The Gila River Indian Community is located on 582 square miles of land and has less than 12,000 Native Americans living on the reservation. This low population density and resulting high cost per subscriber requires GRTI to offer services at higher rates than those charged by providers located in metropolitan areas.

Another factor deterring telephone and broadband adoption on Tribal lands is the limited financial resources of many Native Americans. According to the 2000 census, nearly 50% of families living in the Gila River Indian Community had incomes below the federal poverty line and more than 50% of the population was unemployed. As a result, few residents are able to utilize these services without federal subsidies.

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<sup>2</sup> Federal Communications Commission, *Connecting America: The National Broadband Plan* (rel. Mar. 16, 2010), at 152 (“*National Broadband Plan*”).

In order to help overcome the challenges referenced above and to accelerate telephone and broadband adoption among the Native American population, financial support is required to provide discounts to Native American consumers to offset the high costs of these services.

### **III. INCREASED ACCESS TO BROADBAND WOULD BRING IMPORTANT BENEFITS TO NATIVE AMERICAN COMMUNITIES.**

Increased access to broadband services offers economic benefits to the Native American community. Indeed, as the National Broadband Plan observes, “Like railroads and highways, broadband accelerates the velocity of commerce, reducing the costs of distance. Like electricity, it creates a platform for America’s creativity to lead in developing better ways to solve old problems. Like telephony and broadcasting, it expands our ability to communicate, inform and entertain.”<sup>3</sup> Nowhere is the impact of broadband more profound than in rural areas such as Tribal lands.

However, as access to broadband increases at disparate rates among different groups of Americans, America faces an increase in an already wide technological divide. Tribal groups, in particular, would benefit immensely from increased access to broadband, yet, as discussed earlier, face daunting challenges in the availability and utilization of these services.

Accordingly, the public interest would be served by taking steps to increase Native Americans’ access to affordable broadband services. For example, such increased access would stimulate needed economic development for Native Americans living on Tribal lands.<sup>4</sup>

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<sup>3</sup> *National Broadband Plan* at 19.

<sup>4</sup> Nat’l Cong. of Am. Indians, *Congress and the Federal Agencies Must Create the Native Broadband Fund, and Devote and Prioritize Funding and Resources to Provide Broadband in Native Communities and Include Native Governments in All Native Telecommunications Infrastructure and Broadband Policy Initiatives*, Res. #ABQ-10-061 (Nov. 14-19, 2010) (“[A]ccess to broadband service in poorly served areas will help bridge the technological divide, increase economic growth, and improve education, health care and the quality of life in these areas...”).

As discussed above, a significant portion of the population of the Gila River Indian Community lives below the federal poverty line, is unemployed, and qualifies for the FCC's Lifeline and Link-Up subsidy programs.<sup>5</sup> Increasing the availability of broadband services to Native Americans will help level the playing field and enable them to compete with residents located in nearby metropolitan markets. Indeed, access to affordable broadband service is essential for those living in the Gila River Indian Community. By narrowing the technological divide in this way, Native Americans will be better positioned to efficiently secure and provide goods and services.

**IV. THE COMMISSION SHOULD EXPAND IMMEDIATELY THE LIFELINE/LINK UP PROGRAMS TO SUPPORT ACCESS TO BROADBAND ON TRIBAL LANDS.**

First and foremost, the Commission should revise the definition of "Lifeline" to explicitly allow support for broadband. Statistics concerning high-speed internet penetration rates on Tribal lands are "familiar and depressing."<sup>6</sup> Indeed, even in those instances where access to high-speed DSL internet is available, such as on the Gila River Indian Community, penetration rates remain low when compared to national averages. One of the contributing factors to these statistics is the lack of affordable pricing of high-speed internet service on Tribal lands.

Although Native Americans may have access to high-speed internet service, many cannot afford the price of such service. Another major factor that contributes to these low penetration rates is low digital literacy rates on Tribal lands. As the National Broadband Plan notes, "[f]or non-adopters to find broadband valuable enough to subscribe, they need a basic knowledge of how to find and use trustworthy, substantive content."<sup>7</sup> Consequently, even if the Commission were to

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<sup>5</sup> See *supra* at page 3.

<sup>6</sup> Howard Buskirk, *FCC Vows to Keep Focus on Communications in Indian Country*, COMM. DAILY, Mar. 4, 2011, at 3 (quoting FCC Chairman Julius Genachowski).

<sup>7</sup> *National Broadband Plan* at 170.

succeed in its goal of providing access to high-speed broadband on Tribal lands at download speeds of 4 Mbps, there is no guarantee that Native Americans living on Tribal lands would value such service enough to subscribe.

As a result, the Commission should take immediate steps to lower the cost of DSL internet service and CPE on Tribal lands. For those Native Americans that cite price as their reason for non-adoption, lower prices for broadband service and CPE will reduce or eliminate their barrier to adoption of high-speed internet. Further, lowered prices of service and CPE also are likely to encourage adoption among many of those who cite lack of digital literacy skills as their barrier to adoption. If broadband prices fall, “consumers might be more willing to try it, in spite of doubts about its relevance or their own abilities to use it.”<sup>8</sup> In addition, once broadband service and CPE are available in the home, subscribers are likely to develop and hone their digital literacy skills. Therefore, once access to higher-speeds becomes available in the long-term after the deployment of broadband infrastructure, these subscribers may value such services enough to pay higher prices for higher speeds.

**A. Offering Lifeline Support for Standalone DSL Internet Service Would Likely Increase Broadband Penetration Rates in the Gila River Indian Community.**

GRTI urges the Commission to expand Lifeline support for standalone DSL internet service.<sup>9</sup> GRTI believes that the current high cost of its DSL internet service serves as a barrier for adoption on the Gila River Indian Community. For example, in order to avoid operating at a loss, GRTI can only afford to offer residential high-speed DSL (1.5 Mbps) internet service at \$52.90 due to its high infrastructure costs. Compared to the \$31 per month that the average

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<sup>8</sup> *National Broadband Plan* at 170.

<sup>9</sup> For the avoidance of doubt, GRTI believes that the Lifeline program should continue to support voice service. While GRTI advocates herein for Lifeline support for standalone DSL internet service, such support would be in addition to support for voice service.

American household spends on internet access services, this rate is very high for a basic speed (1.5 Mbps) DSL internet service. Moreover, with many residents of the Gila River Indian Community living below the poverty line, GRTI is unlikely to realize any increase in its current high-speed internet penetration rate of 22% without some type of action by the FCC to enable GRTI to lower DSL internet service rates to approximately \$19.95 per month for 1.5 Mbps DSL internet service.

Importantly, the expansion of Lifeline support for standalone DSL internet service would likely make such service more affordable for many residents of the Gila River Indian Community. GRTI has received significant feedback from the community that a price of \$19.95 per month for DSL internet service would substantially increase penetration rates. Indeed, a significant portion of GRTI's customers currently subscribe to GRTI's dial-up internet service for \$19.95 per month due to the high cost of the high-speed DSL internet service. If the Commission were to expand Lifeline support to include standalone DSL internet service, GRTI is confident that it would experience a significant increase in subscribership for such a service, both by attracting new customers and converting existing dial-up customers to the superior DSL internet service, and thus, increase the digital literacy of GRTI's customers.

In addition, expanding Lifeline support to include broadband service for residents of Tribal lands would be consistent with the Commission's policies of providing assistance to populations with demonstrated needs. Indeed, the Commission historically has awarded support to physically and visually impaired individuals.<sup>10</sup> Similarly, support should be awarded to

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<sup>10</sup> See e.g. *Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals*, Report and Order, CG Docket No. 10-210, FCC 11-56 (rel. Apr. 6, 2011); *Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140 (2000).

residents of Tribal lands that are economically impaired. Consequently, providing additional assistance to this population is appropriate.<sup>11</sup>

Accordingly, GRTI supports the Commission's proposal to revise the definition of "Lifeline" to make broadband a supported service.<sup>12</sup> In addition, GRTI urges the Commission to allow customers the flexibility to choose to use discounts on services that best meet their needs and availability in their areas as opposed to forcing customers to use the discount only on higher-speed offerings. A one-size-fits-all approach that requires discounts to be used on higher-speed offerings will not work for those customers who live in areas of the country where higher speeds are not yet available. For example, in the Gila River Indian Community, many residents can only receive minimum download speeds of 1.5 Mbps and, therefore, would be at risk of being excluded from the Lifeline broadband discount. Requiring such customers to use the Lifeline discount on, for example, minimum download speeds of 4 Mbps would not further the goals of the Commission and the Lifeline program in raising the broadband penetration rate in such areas. Consequently, the Commission should allow for the flexible use of such discounts on a variety of speeds.

**B. The Commission Should Also Enhance Link Up Subsidies for Broadband CPE.**

GRTI also urges the Commission to provide additional Link Up subsidies for broadband CPE to residents of Tribal lands. As the Commission notes, closing the broadband adoption gap is more difficult than closing the gap in telephone penetration in part because of the costs of broadband capable equipment.<sup>13</sup> In addition to the cost of service, the costs of broadband adoption include a computer, software, and other internet-access devices. Many of the residents

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<sup>11</sup> See *National Broadband Plan* at 171-174 (discussing proposals to provide financial support for broadband to low-income consumers).

<sup>12</sup> *Lifeline/Link Up Reform NPRM* at ¶ 275.

<sup>13</sup> See *id.* at ¶ 268.

of the Gila River Indian Community would not be able to afford such CPE without significant subsidies from the Link Up program. Therefore, GRTI proposes that the Commission provide a 35% subsidy or more for the purchase of broadband related CPE, including, but not limited to, computers and anti-virus software. Without such a subsidy, GRTI believes that a significant portion of its customers that currently qualify for the Lifeline/Link Up programs would not be able to afford the necessary CPE to utilize broadband in their residences.

**C. At Minimum, the Commission Should Permit the Full Application of Lifeline and Link Up Subsidies to Support Bundled Services with a Voice Component.**

If the Commission does not expand the Lifeline and Link Up programs to support standalone DSL internet service and CPE, GRTI believes the Commission must, at minimum, “adopt a uniform federal requirement that Lifeline and Link Up discounts may be used on any Lifeline calling plan offered by an ETC with a voice component, including bundled service packages combining voice and broadband...”<sup>14</sup> However, GRTI opposes the Commission’s proposal to limit each discount to the amount the subscriber would have received if it had selected a basic voice plan.<sup>15</sup> Instead, with respect to Tribal lands, GRTI believes that the full Tier 4 discount, including the additional discount of \$25 per month for service, should apply to such bundled service packages with a voice component.<sup>16</sup>

GRTI believes that this action would further the statutory principle that consumers have access to “quality services at just, reasonable, and affordable rates.”<sup>17</sup> In addition, such a discount would help many of GRTI’s voice-only customers afford the cost of upgrading to

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<sup>14</sup> *Lifeline/Link Up Reform NPRM* at ¶ 258.

<sup>15</sup> *See id.* at ¶ 259.

<sup>16</sup> Tier 4 Lifeline support provides up to an additional \$25 per month in federal Lifeline support to eligible low-income consumers living on Tribal lands, as long as that amount does not bring the basic local residential telephone rate below one dollar. See 47 C.F.R. § 54.403(a)(4).

<sup>17</sup> 47 U.S.C. § 254(b)(1).

bundled DSL internet service with a voice component. Further, such a discount would encourage members who have not adopted broadband to experiment with broadband internet service, which would further the community's objective of improving the digital literacy skills of its members.

## V. CONSUMER ELIGIBILITY

### A. GRTI Supports the Income-Based and Program-Based Eligibility Proposals for Lifeline Support on Tribal Lands.

GRTI supports the Commission's income-based and program-based eligibility proposals for Lifeline/Link Up support on Tribal lands.<sup>18</sup> With respect to the income-based eligibility proposal, the Commission notes that there has been confusion regarding whether residents of Tribal lands may qualify for participation in the Lifeline/Link Up programs based on their income.<sup>19</sup> GRTI supports the Commission's proposed clarification that "residents of Tribal lands may qualify for participation in the program based on income..."<sup>20</sup> This clarification will help ensure that low-income residents of Tribal lands are afforded access to basic communications services.

In addition, GRTI supports the expansion of eligibility for the Lifeline/Link Up programs to those residents of Tribal lands that participate in the Food Distribution Program on Indian Reservations ("FDPIR")<sup>21</sup> and similar federal and tribal assistance programs, including the Gila River Indian Community Education Assistance Program ("EAP").<sup>22</sup> Under the Commission's

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<sup>18</sup> See *Lifeline/Link Up Reform NPRM* at ¶ 127-131.

<sup>19</sup> *Id.* at ¶ 127.

<sup>20</sup> *Id.* at ¶ 127.

<sup>21</sup> See *id.* at ¶ 129.

<sup>22</sup> Similar federal assistance programs include the Federal Pell Grant program. GRTI requests that the Commission perform a comprehensive review of federal and tribal assistance programs to determine which programs employ similar eligibility criteria to the Lifeline/Link Up programs.

current rules, participation in a number of designated federal assistance programs qualifies residents of Tribal lands for Lifeline/Link Up support. Presently, participants in the FDPIR, EAP and similar federal and tribal assistance programs do not meet the eligibility criteria even though such programs often have eligibility criteria that are similar to the criteria of other programs that are eligible for participation in the Lifeline/Link Up programs. Residents of the Gila River Indian Community face linguistic and cultural barriers when attempting to make showings of eligibility for assistance programs. Therefore, expanding Lifeline/Link Up eligibility to those residents who have already demonstrated need through participation in such federal and tribal assistance programs will help lower such barriers and result in increased access to basic communications services.

**B. GRTI Conditionally Supports the Commission’s One-Per-Residence Rule on Tribal Lands.**

GRTI supports the Commission’s proposal to limit Lifeline/Link Up support to a single subscription per residence on the condition that carrier participation in the programs is limited to eligible telecommunications carriers (“ETCs”). GRTI believes that this limitation will help eliminate waste, fraud and abuse in these programs. However, GRTI opposes the Commission’s proposal to define “residence” as a U.S. Postal Service address. Instead, GRTI proposes defining a residence on Tribal lands as a residential structure and using a geographic information system (“GIS”) coordinate system to label the location of residential structures on Tribal lands.

**i. Carrier participation in the Lifeline and Link Up programs should be limited to ETCs.**

GRTI supports limiting participation in the Lifeline and Link Up programs to those ETCs authorized to serve the service area. GRTI believes that this restriction fits with the historical goal and modern day realities of the programs. The Lifeline and Link Up programs were “never

intended to provide a profit for service providers.”<sup>23</sup> Instead, these programs were “designed to allow companies to be made whole for foregone revenues associated with discounts provided to eligible Lifeline/Link Up consumers.”<sup>24</sup>

Unfortunately, competition for Lifeline and Link Up funding has intensified in recent years. Tribal lands are often prime targets for such providers given the low-income levels of Native Americans residing on most Tribal lands. In addition, many carriers are attracted to Tribal lands due to the additional \$25 per month discount that is afforded for the provision of Lifeline on Tribal lands. The provision of Lifeline/Link Up services should be not left to the marketplace. Instead, participation should be limited to those carriers that have demonstrated their commitment to Tribal lands by receiving ETC designation. As a result, GRTI urges the Commission to maintain the current requirement that only ETCs serving the Tribal lands are eligible to participate in the Lifeline and Link Up programs.

**ii. GRTI Opposes the Commission’s proposal to define “residence” on Tribal lands as a U.S. Postal address.**

Residences on Tribal lands frequently lack unique U.S. Postal Service addresses. Indeed, as discussed herein, many street names in the Gila River Indian Community do not have signs, and public addresses on the approximately 8,000 structures in the community are almost non-existent. As a result, the Commission’s proposal to define a “residence” on Tribal lands as a U.S. Postal Address would impose barriers to households “on Tribal lands that are eligible for, and desperately need, Lifeline discounts.”<sup>25</sup>

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<sup>23</sup> *Lifeline/Link Up Reform NPRM* at ¶ 14.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at ¶ 120.

As an alternative, GRTI proposes defining a residence on Tribal lands as a residential structure and using a geographic information system (“GIS”) to label the location of a residential structure on a Tribal land. GRTI has developed a similar system employing a 5 digit latitude and longitude coordinate system to locate structures in the Gila River Indian Community in the emergency response context and believes that a similar system would work in the Lifeline context. For example, the *Lifeline/Link Up Reform NPRM* notes that some residents of Tribal lands use post office boxes located off of Tribal lands, which has presented problems in defining whether a consumer is a resident of Tribal lands.<sup>26</sup> Identifying residential structures using GIS coordinates will provide a solution to this problem. In addition, a GIS coordinate solution will help eliminate waste, fraud and abuse in the Lifeline/Link Up programs. If the Commission adopts rules requiring all ETCs serving Tribal lands to employ a GIS coordinate solution for locating residences, duplicate claims will be easily identifiable.<sup>27</sup>

**C. GRTI Urges the Commission to Allow Tribal Governments to Validate Initial Certification and Ongoing Verification of Consumers’ Eligibility on Tribal Lands.**

As the Commission notes, the rules governing initial certification and ongoing verification of consumers’ eligibility for Lifeline/Link Up support varies from state to state.<sup>28</sup> GRTI proposes that initial certification and ongoing verification of consumers’ eligibility for Lifeline/Link Up support on Tribal lands should be performed by Tribal governments. Tribal

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<sup>26</sup> *Lifeline/Link Up Reform NPRM* at ¶ 120.

<sup>27</sup> GRTI proposes that the FCC require carriers to measure coordinates from the exact location of the residential structure located on a property. It has been GRTI’s experience that the coordinates on one end of a property may be different than the coordinates measured from the opposite end of the property. As a result, requiring carriers to measure coordinates from the residential structure located on the property will help ensure that the coordinates of a residential structure as recorded by one carrier will match the coordinates recorded by other carriers serving that residential structure.

<sup>28</sup> *Lifeline/Link Up Reform NPRM* at ¶ 158 (“‘Certification refers to the initial determination of eligibility for the program; ‘verification’ refers to subsequent determinations of ongoing eligibility.”).

validations and certifications would then be sent to the Universal Service Administrative Company for purposes of recordkeeping and carrier compensation. GRTI believes that this proposal will result in accurate and effective certification and verification mechanisms that result in improved access and integrity of the programs.

According to the Government Accountability Office, some states have found that consumers are deterred from enrolling in the Lifeline/Link Up programs by the difficulty of the certification and verification procedures. As discussed herein, residents of Tribal lands are more likely to be deterred by difficult certification and verification procedures due to cultural and linguistic barriers. Alternatively, lax certification and verification procedures threaten the integrity of the programs and increase the possibility of waste, fraud, and abuse.<sup>29</sup> This risk is greater on Tribal lands due to the increased discounts offered by the Lifeline/Link Up programs to residents of Tribal lands. These discounts, which are passed on to carriers, make Tribal lands a target for unscrupulous carriers who may adopt loose verification procedures in order to keep customers even if such customers no longer qualify for the programs.

As a result, GRTI believes that Tribal governments, with appropriate financial support from the Commission, are best suited to perform certification and verification and eligibility. Tribal governments have an intimate knowledge of the cultural, linguistic, and economic needs of their members and, as a result, are ideally situated to develop certification and verification procedures that will not be overly burdensome. Consequently, Tribal governments will likely develop procedures that will help increase program participation among eligible residents. In addition, Tribal governments will not have a financial incentive to keep customers in the program who no longer qualify. Indeed, while carriers have a financial incentive to keep as

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<sup>29</sup> *Lifeline/Link Up Reform NPRM* at ¶ 159.

many customers enrolled in the programs as possible, Tribal governments are independent third parties with no such stake in customer enrollment. Further, Tribal governments are more likely to protect the program and residents of the Tribal lands from unscrupulous carriers that may try to target the Native American population for economic gain.

## **VI. REFORMS TO ELIMINATE WASTE, FRAUD, AND ABUSE.**

GRTI supports the Commission's efforts to eliminate waste, fraud, and abuse from the Lifeline/Link Up programs. However, the Commission should not adopt reforms that will endanger the provision of Lifeline and Link Up support on Tribal lands. Along these lines, if the Commission adopts an overall cap on the Lifeline/Link Up programs, GRTI supports the Commission's proposal to exempt support for eligible residents of Tribal lands "given the very low telephone penetration rate on Tribal lands, as well as the unique circumstances and challenges faced by residents of Tribal lands."<sup>30</sup> In addition, GRTI believes that the below proposals to address duplicate claims and de-enrollment provide a safe balance between furthering the Commission's goals of providing services to eligible participants while guarding against waste, fraud and abuse.

### **A. ETCs Must Notify a Subscriber of a Duplicate Claim and Allow the Subscriber to Select One Lifeline Provider.**

GRTI supports the Wireline Competition Bureau's proposed remedy for resolving duplicate subsidies when more than one ETC seeks support from the Universal Service Administrative Company ("USAC") for the same subscriber.<sup>31</sup> Specifically, this proposal requires USAC to notify ETCs of any duplicate claims. In turn, ETCs must notify the subscriber of the duplicate claim, and then the customer has 30 days to select one Lifeline providers or face

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<sup>30</sup> *Lifeline/Link Up Reform NPRM* at ¶ 146.

<sup>31</sup> *Lifeline/Link Up Reform NPRM* at ¶ 58.

de-enrollment. Once the subscriber selects a single Lifeline provider by signing a new certification, the chosen ETC must notify USAC and the other ETC(s). GRTI believes that this proposal will allow ETCs to efficiently resolve duplicate claims in an expedient manner.

**B. Wireline ETCs Should De-Enroll Lifeline Customers in Certain Circumstances.**

GRTI believes that wireline ETCs should be required to de-enroll Lifeline customers in either of the following circumstances: (1) when the subscriber is receiving duplicate support and fails to select one ETC in the allotted time after being notified of a duplicate claim, or (2) when the customer does not respond to the eligibility verification survey issued by the Tribal government.<sup>32</sup> In either instance, the subscriber would receive notice that it could be de-enrolled from the program if it does not take action within 60 days.

However, GRTI does not support the Commission's proposal to de-enroll subscribers that do not use his or her Lifeline-supported wireline service for 60 days. GRTI agrees with the Commission that subsidies should not be going to ETCs for customers that are not using the service. GRTI also recognizes that there are most likely instances in which prepaid wireless customers have enrolled in the Lifeline program, but have no intention of using this service. However, the Commission should not impose overly burdensome requirements on wireline subscribers that jeopardize the availability of services to an economically vulnerable population, especially on Tribal lands. This is especially the case for wireline customers who are more likely to utilize such service for 911 capabilities. De-enrolling these customers could have tragic results if a customer attempts to utilize wireline telephone service in an emergency situation after de-enrollment, only to find that it no longer has access to wireline telephone service. Further, wireline customers tend to be older, and older subscribers are more likely to go longer periods of

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<sup>32</sup> *Lifeline/Link Up Reform NPRM* at ¶ 93.

time between uses of telephone service. Indeed, 91% of GRTI's customers 65 and older use Lifeline services. Imposing a requirement that these customers use their Lifeline service at regular intervals may undermine the program's purpose in an attempt to obtain minimal cost savings. Consequently, if the Commission is to adopt a minimum usage requirement, it should not apply to wireline subscribers as wireline local residential calling service is a flat-rate, unmeasured monthly service.

In addition, GRTI supports the Commission's proposal to require carriers to collect a minimum monthly amount from participating Lifeline households; however, this requirement should not be applied to tribally-owned carriers.<sup>33</sup> Currently, the Commission's rules require ETCs to charge customers residing on Tribal lands a minimum of \$1 per month.<sup>34</sup> However, GRTI understands that some prepaid wireless providers may be offering services at no charge to consumers in order to monetarily benefit from the Commission's rules governing the provision of Lifeline/Link Up services on Tribal lands.<sup>35</sup> In such instances, prepaid wireless providers appear motivated by the monetary benefit from the Lifeline program rather than providing service to residents of Tribal lands. As a result, the Commission has proposed to require providers to collect a minimum monthly amount.<sup>36</sup>

While GRTI supports the Commission's motivation to reduce waste, fraud and abuse in the Lifeline program, GRTI believes that this requirement should not be applied to tribally-owned carriers. Tribally-owned carriers are responsible to their owners: the members of the Tribe. In this respect, if the owners of such carriers wish to adopt policies that support and subsidize the cost of services to the most downtrodden members of their community, the

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<sup>33</sup> *Lifeline/Link Up Reform NPRM* at ¶ 85-86.

<sup>34</sup> 47 C.F.R. §54.403(a)(4)(i).

<sup>35</sup> *Lifeline/Link Up Reform NPRM* at ¶ 85.

<sup>36</sup> *Id.* at ¶ 85.

Commission should respect such a decision. Therefore, while GRTI supports Commission's proposal to require carriers to collect a minimum monthly amount from participating Lifeline households, this requirement should not be applied to tribally-owned carriers.

## **VII. CONCLUSION.**

GRTI supports the FCC's effort to increase the availability of telephone and broadband service to Native Americans residing on Tribal lands. By adopting reforms proposed herein to the current Lifeline and Link Up programs, the Commission will help increase broadband penetration rates and ensure the connectivity of low-income residents of Tribal lands. In addition, GRTI's proposed reforms will help guard against waste, fraud and abuse without threatening the provision of services to residents of Tribal lands.

Respectively Submitted,

**Gila River Telecommunications, Inc.**

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