

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

<i>In the Matter of</i>)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
)	
Developing an Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Lifeline and Link-Up)	WC Docket No. 03-109

REPLY COMMENTS OF ALASKA FEDERATION OF NATIVES

INTRODUCTION

The Alaska Federation of Natives (“AFN”) files these reply comments regarding the Federal Communication Commission’s (“FCC” or “Commission”) *Connect America Fund Notice of Proposed Rulemaking*.¹ AFN did not comment in the initial phase of this proceeding, and generally comments now on the proposed Connect America Fund (“CAF”) and its impact on Alaska Natives.

¹ *Connect America Fund, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Lifeline and Link-Up, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, A National Broadband Plan for our Future, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, and GN Docket No. 09-51 (rel. Feb. 9, 2011) (“CAF NPRM”).*

My name is Julie Kitka, and I currently serve as President of the Alaska Federation of Natives, a position I have held for over twenty years. I have had the opportunity to see the progress we have made collectively in the state of Alaska, and the incredible needs which remain.

AFN, which I represent, is the largest statewide Native organization in Alaska. Its membership includes 178 villages (both federally-recognized tribes and village corporations), 13 regional Native corporations and 12 regional nonprofit and tribal consortiums that contract and run federal and state programs. The mission of AFN is to enhance and promote the cultural, economic and political voice of the Alaska Native community. AFN has an annual convention every October in which nearly 5,000 leaders attend to discuss local and statewide concerns. Support of access to telecommunications in our remote, rural areas, has been a deep concern of our Native leaders for many years.

I. ANY CAF AND INTERIM SUPPORT MECHANISMS MUST ENSURE THE DELIVERY OF ADVANCED TELECOMMUNICATIONS TO ALASKA NATIVES

A. The FCC Must Focus on Overcoming Alaska's Challenges and Delivering Modern Telecommunications, Including Broadband, to Alaska Natives

AFN supports the concept of a CAF, and believes that broadband deployment should be considered a federal responsibility comparable to the interstate highway system. Furthermore, federal programs should promote the expansion of terrestrial infrastructure projects, such as fiber optic networks, even if they have higher front-end costs. In small rural communities such as Alaska Native villages, it makes little sense to massively subsidize health care or any other targeted services without also making telecommunications services available to the community at large. In the long term, these deployments work in tandem.

Yet, Alaska’s unique geography, demographics, physical infrastructure and climate make it particularly challenging for Alaska Natives to gain access to modern telecommunications services. Alaska’s small rural communities remain substantially underdeveloped, in terms of basic infrastructure, including electricity, plumbing, sewer and telecommunications. Providers are actively working to serve Alaska Native populations – particularly with the advent of wireless services – but Alaska Natives living in widely-dispersed rural villages still lag far behind populations in the Lower 48 with respect to their access to even basic telecommunications services.

In its comments in response to the CAF NPRM, the Regulatory Commission of Alaska (“RCA”) and Alaskan telecommunications providers described in detail many of the challenges that Alaska brings to the provision of telecommunications services to Alaska Natives. To quote the RCA, “the vast distances between cities and towns, the geography, the lack of roads, the low population, and extreme arctic weather conditions make the deployment and provisioning of telecommunications services extremely challenging and expensive.”²

B. The Tribal Lands Exception to the CETC Cap is Helping to Provide Critical Telecommunications Services to Alaska Natives

Today, the Tribal Lands exception to the Universal Service Fund (“USF”) high-cost CETC cap is playing a very important role in the development of Alaska’s telecommunications

² Comments of the Regulatory Commission of Alaska, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, and GN Docket No. 09-51 at 7 (April 18, 2011) (“RCA Comments”); *See also* Comments of The Alaska Telephone Association, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, and GN Docket No. 09-51 at 14 (April 18, 2011) (“ATA Comments”); Comments of Alaska Communications Systems Group, Inc., WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, and GN Docket No. 09-51 at 3-6 (April 18, 2011) (“ACS Comments”); Comments of General Communication, Inc. , WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, and GN Docket No. 09-51 at 6-14 (April 18, 2011) (“GCI Comments”).

infrastructure serving Alaska Natives. The Tribal Lands exception has resulted in Alaska Natives in rural areas gaining access to wireless services for the first time. This access improves public safety for family members who are working or traveling around an area, but who do not have access to wire-line telephones. Wireless service also improves economic opportunity by improving connections from rural Alaska to the outside world. High-cost USF support has also indirectly supported the build-out of terrestrial broadband networks serving Alaska Native communities.

As Alaskan telecommunications providers and the RCA have commented, it makes little sense to withdraw support from Alaska, which has substantial need for infrastructure deployment, while the Commission determines how to set up the longer term CAF.³ Alaska Natives will be harmed if the Commission takes action that stymie ongoing deployments.

C. Other Existing Universal Service Programs are Also Helping to Provide Broadband Services

Existing USF mechanisms in addition to high-cost support are also today serving Alaska Native populations. As the Commission considers USF reform, it should bear in mind the importance of these programs to Alaska Natives, and not assume that the CAF as proposed would be sufficient to replace those mechanisms. Specifically, Alaska Natives rely on the FCC's Rural Health Care Pilot program and E-Rate program, both of which specifically provide support for middle mile, in contrast with the current high-cost USF support mechanism and the proposed CAF.

Modern high-capacity networks to health care providers need to be supported even when they are more expensive than satellite services, because they improve service delivery and provide better long term investment. The FCC's Rural Health Care Pilot program was designed

³ See RCA Comments at 3, 8, 17; ACS Comments at 2, 7, 10; GCI Comments at 28, 30.

to facilitate the creation of a nationwide broadband network dedicated to health care, connecting public and private non-profit health care providers in rural and urban locations.⁴ This program provides critical support to connect Alaska Native regional health corporations and their network of hospitals, regional and sub-regional clinics in rural Alaska with doctors and specialists in Anchorage and the Lower 48. For instance, Yukon-Kuskokwim Health Corporation, Gunaanastí (Bill Brady Healing Center), and the Maniilaq Health Center all offer broadband-enabled health services with support from the Rural Health Care program.⁵

Telemedicine has also changed health care in Alaska villages. Health clinics and telemedicine allow Alaska Natives to obtain an aspect of the care they need without having to fly to Anchorage or other distant locations. Advanced telecommunications, including low-latency terrestrial facilities, enable real-time applications such as telepsychiatry, which are important in addressing problems that plague Alaska Native populations, such as suicide, substance abuse, anger management etc.. Native health providers are still exploring the immense capability of this technology and creating new applications, which have the potential to both save lives and resources.

Another USF program, the Schools and Libraries program, a.k.a, the E-Rate program, was established under the Telecommunications Act of 1996 to provide affordable telecommunications services to eligible schools and libraries, especially those in rural and economically disadvantaged areas.⁶ In Alaska, the E-Rate program provides discounted telecommunications and Internet access services to rural regional school districts. Advanced

⁴ See <http://transition.fcc.gov/cgb/rural/rhcp.html>.

⁵ See <http://www.maniilaq.org/healthCenter.html> for a description of the Maniilaq Health Center.

⁶ See http://transition.fcc.gov/wcb/tapd/universal_service/schoolsandlibs.html.

telecommunications, including low latency terrestrial facilities, allow for real-time applications that better integrate technology as an educational tool.

Education is critical for young Alaska Natives, just as it is for children anywhere. Yet, a shortage of trained teachers, who stay in rural areas of Alaska, means that without distance learning, many students have a disjointed and an uneven learning experience. The quality of their education depends upon where they live and who happens to be teaching that year. The increased use of appropriate technology can help immensely. Native children can have access to knowledge and supplement their learning. Expanded use of technology and greater access would include Native children in the whole knowledge-based economy. Native children would for the first time have the potential to have at their fingertips the same information children in other parts of our country take for granted. Utilizing broadband-enabled distance learning has the potential to permit children to obtain an education that is comparable to what they would receive in an urban area without having to leave their Native villages.

As just one example, the E-Rate program supports the Lower Kuskokwim School District (“LKSD”). One of Alaska's largest rural districts, LKSD covers a 22,000 square-mile area roughly the size of the state of West Virginia. Approximately 3,900 students (K-12), primarily of Yup'ik (Eskimo) heritage, are served by the district's 345 teachers and numerous paraprofessionals.⁷ LKSD offers semester-long, full-credit classes to high school students using two-way video distance learning originating in Bethel, and transmitted over a terrestrial broadband network. Without this program, LKSD students would have to travel outside of their villages to receive that level of education. Because many families have very low incomes, hardly any children would be able to afford to travel outside their village. They would remain in

⁷ See <http://www.lksd.org/lksd-home/index.asp>.

their home community, aware of what is going on outside their community, but not having access to it.

D. The FCC Should Ensure that Modern Broadband Services are Capable of Supporting the Applications that Alaska Native Consumers and Anchor Institutions Need

In the future, whether through the CAF or other USF programs, the FCC should ensure that Alaska Native community needs are met. Eligible anchor institutions under programs such as E-Rate and Rural Health Care should include non-profit, tribal, and other local government service providers in addition to health care providers, schools and libraries. AFN specifically recommends that the Commission create a pilot project supporting the provision of broadband services to non-profit, tribal and other local government service providers, including for use in judicial proceedings.

In addition, many Alaska Natives will likely obtain access to broadband only if the FCC supports deployment, operation and continued upgrade and augmentation of terrestrial middle-mile facilities connecting rural villages to regional centers, and regional centers to urban centers like Anchorage and Fairbanks. Broadband projects funded by the American Recovery and Reinvestment Act (“ARRA”) are a good start, but they are not sufficient to bring broadband to all Alaska Natives living in rural areas.

II. THE COMMISSION SHOULD IMPLEMENT AN EXPANDED TRIBAL LANDS EXCEPTION TO ANY INTERIM HIGH-COST PROGRAM CHANGES

With respect to the proposed CAF, AFN agrees with Alaskan and other commenters who recommended that the Commission should place Alaska on a different Universal Service transition path than the Lower 48, including by implementing an expanded Tribal Lands

exception to any interim USF high-cost changes.⁸ As discussed, *supra*, the Tribal Lands CETC program has resulted in many Alaska Natives gaining access to advanced telecommunications for the first time. As proposed, the interim changes to the high-cost fund prior to the implementation of the CAF would dramatically decrease the amount of high-cost support in Alaska. Such a precipitous withdrawal of funds would stop or even turn back the clock on the advances in telecommunications that are being made available to Alaska Natives for the first time.

When implementing a broader Tribal Lands policy, with respect to Alaska, the FCC should not make the definition of Tribal Lands any narrower than the current definition. The current definition (“Alaska Native regions established pursuant to the Alaska Native Claims Settlement Act” (“ANCSA”)), appropriately reflects the structure of the ANCSA and Congress’s intention to treat Native land claims differently in Alaska than in the Lower 48.

III. THE FCC SHOULD NOT ELIMINATE COMPETITION ON TRIBAL LANDS

The FCC should ensure that the CAF does not establish private sector monopolies using federal funds, and that competition is maintained. Yet, the CAF NPRM proposes that in Alaska and other rural areas, the FCC could limit or bias CAF support to ILECs through a right of first

⁸ See RCA Comments at 8; ATA Comments at 10-13; ACS Comments at 13; GCI Comments at 28-31; Comments of National Tribal Telecommunications Association, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, and GN Docket No. 09-51 at 29 (April 18, 2011) (“NTTA Comments”); Comments of the National Cable and Telecommunications Association, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, and GN Docket No. 09-51 at 7, note 20 (April 18, 2011) (“NCTA Comments”); Comments of Smith Bagley, Inc., WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, and GN Docket No. 09-51 at 6, 9 (April 18, 2011) (“SBI Comments”).

refusal or other ILEC-centric one-network support regime. Thus, AFN agrees with the numerous comments that argued strongly against such proposals.⁹

Elimination of competition and support for a single provider would harm public safety and undermine 21st Century broadband deployment to Alaska Natives. Continued deployment and upgrading of rural wireless services in Alaska will be critical to public safety, education and economic development. Competition among multiple providers – particularly providers of alternative technologies – will help to advance those deployments and upgrades.

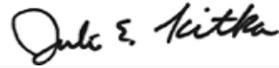
CONCLUSION

In conclusion, AFN supports the Commission’s goal of bringing ubiquitous broadband to all United States citizens, including Alaska Natives. AFN applauds the steps that the Commission has already taken to advance this goal. In order to continue to move towards this goal, the Commission will need to take into account Alaska Natives’ unique position, both living in a state with many demographic, geographical, climate, and infrastructure challenges, and

⁹ See RCA Comments at 17-18; ACS Comments at 8, 10; GCI Comments at 37-39; Comments of Rural Telecommunications Group, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, and GN Docket No. 09-51 at 7 (April 18, 2011) (“RTG Comments”); Comments of Rural Cellular Association, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, and GN Docket No. 09-51 at 18 (April 18, 2011) (“Rural Cellular Association Comments”); Comments of CTIA, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, and GN Docket No. 09-51 at 24 (April 18, 2011) (“CTIA Comments”); Comments of Sprint Nextel, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, and GN Docket No. 09-51 at 41 (April 18, 2011) (“Sprint Nextel Comments”); Comments of Time Warner Cable, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, and GN Docket No. 09-51 at 30-31 (April 18, 2011) (“TWC Comments”); Comments of United States Cellular, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, and GN Docket No. 09-51 at 16 (April 18, 2011) (“US Cellular Comments”); Comments of T-Mobile, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, and GN Docket No. 09-51 at 16 (April 18, 2011) (“T-Mobile Comments”); Comments of Verizon and Verizon Wireless, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, and GN Docket No. 09-51 at 65 (April 18, 2011) (“Verizon Comments”).

being subject to a Native settlement regime that is not modeled under Native settlements in the Lower 48.

Respectfully submitted,

A handwritten signature in black ink that reads "Julie E. Kitka". The signature is written in a cursive style with a horizontal line underneath it.

Julie E. Kitka, President
ALASKA FEDERATION OF NATIVES

May 23, 2011