



NATIONAL CONGRESS OF AMERICAN INDIANS

August 30, 2011

Chairman Julius Genachowski
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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Re: Requesting the Federal Communications Commission to Carefully Consider Reforms to the Universal Service Fund and the Continued Support of the 'Tribal Lands' Exception to the High Cost Fund Cap

Dear Chairman Genachowski,

On behalf of the National Congress of American Indians (NCAI), I write to respectfully urge the Federal Communications Commission (FCC) to ensure continued Universal Service Fund (USF) support to American Indian and Alaska Native communities utilizing the High Cost Fund, Lifeline and Link-Up programs, as well as assurances for the continuation of the 'Tribal Lands' exception to the High Cost Fund cap. In response to the *Universal Service and Intercarrier Compensation Transformation Notice of Proposed Rulemaking* released by the FCC, NCAI respectfully submits this letter advocating for the continuance of vital programs provided by the USF.

Reform of the USF is an issue of great importance to American Indian and Alaska Native communities throughout the United States. USF support has been vital for the provision of telecommunications services to remote and sparsely populated tribal lands, areas that otherwise would be unserved or underserved. Communications services for tribal communities continue to lag behind the rest of the country.

Decreased availability of basic emergency phone services on tribal lands are 25-30 percent below that of non-tribal communities¹. Tribal lands that have acquired these services rely heavily upon support from the High Cost Fund, and the Lifeline and Link-Up programs. These programs provide essential discounts to qualified subscribers on tribal lands and ensure that all consumers have access to affordable pay rates for telecommunications services. Discontinued or decreased funding of these vital programs will be detrimental for tribal communities and would adversely affect emergency medical response services on tribal lands.

When compared to the country as a whole, tribal communities experience low subscribership rates to broadband services. According to the FCC's own *Sixth Broadband Deployment Report* the percentage of broadband subscribers among American Indians is approximately 44 percent below that of individuals from non-tribal communities.² An important asset to eliminating this disparity is the continuation of the 'Tribal Lands' exception to the High Cost Fund cap. Due to the

¹See National Tribal Telecommunications Association comments in WC Docket No. 10-90, pgs 11-12.

²Federal Communications Commission, *Sixth Broadband Deployment Report*, Docket 09-137. July 20, 2010, ¶ 25.

substantially high costs associated with telephony service to remote areas there must be USF support for the provision of affordable services to these communities.

Since service rates on tribal lands are well below other underserved areas of the country, it is absolutely necessary to continue the 'Tribal Lands' exception to the High Cost Fund cap. Until both voice and broadband services on tribal lands achieve parity with the rest of the country, tribes will need the continued support of services and funds offered through the USF. Recognizing the importance of USF reform NCAI enacted Resolution #MKE-11-005, "In Support of Tribal Positions on Universal Service Reform" during our 2011 Mid Year Conference in Milwaukee, WI. Language provided in this resolution illustrated NCAI support for the continuation of the Lifeline, Link-Up, and High Cost programs.

Finally, it is vital that the FCC and the Office of Native Affairs and Policy (FCC ONAP) continue initial and subsequent follow-up consultation efforts with tribal governments and organizations to increase telecommunications infrastructure deployment and broadband access to tribal lands. There is no denying that USF support has greatly improved telecommunications services in tribal communities, and if true 'universal service' is to be achieved for Indian Country there must be continued support of the High Cost Fund. The FCC must not ignore the disparities that exist regarding telephone and broadband access in tribal communities. As the United States continues its transition from analog to digital service, careful consideration should be given to American Indians and Alaska Natives so there is not an increase to the already immense digital divide that affects their communities. NCAI respectfully urges you to carefully consider these statements as the FCC approaches reform of the Universal Service Fund. Thank you for your time and consideration. If you have any questions or comments, please contact Brian Howard at (202) 466-7767, or at bhoward@ncai.org.

Sincerely,



Jefferson Keel

CC. Geoffrey Blackwell
Chief, Officer of Native Affairs and Policy
Consumer & Governmental Affairs Bureau
Federal Communications Commission