

Native Nation Telecom Policy as Advocated by the National Tribal Telecommunications Association, the National Congress of American Indians, and the Affiliated Tribes of Northwest Indians

The FCC Should:

- A. Support Tribal Sovereignty:** The FCC has the authority to treat Tribes differently, and as a matter of Trust Responsibility to Native Nations, should:
1. Include Tribes on all FCC policy decisions that affect Native communities
 2. Where (price cap) carriers recede from tribal service areas in right of refusal decisions, give Tribes the first option to serve themselves;
 3. Give Tribes the choice of which ETC shall connect the Native community—the Tribe conducts a quality of service and connectivity auction, like E-rate dispersals;
 4. Support the decision of all Native Nations to serve themselves—the other option of Tribal choice;
 - a. By designating the entire Native community as a single service area;
 - b. By waiving regulatory rules (parent trap); extra filings; and 2-year delay for reimbursements that impede service startup;
 - c. By providing all technical assistance and regulatory funding to support regulatory broadband service within the Tribe;
 5. Require all non-Native ETCs to attain permission from Tribes to serve Native communities;
 6. Require all regulatory providers and vendors to engage in commercial consultation with Native Nations on quality of service to the community;
 7. Delegate public interest obligation monitoring on Tribal lands to Tribes;

- B. Support a Tribal-Carve Out:** to ensure Native sovereignty the FCC must:
1. Protect the sustainability of all current Tribal regulatory services with a hold-harmless support level set at 2011 funding levels, with a floor on USF and ICC funding levels and exemption from high cost cap and ICC changes—impact will be less than \$5 million annually under ABC plan;
 2. Promote the sustainability of future Tribal regulatory broadband services with a safety-net mechanism to offset all regulatory costs that exceed regulatory revenues under the Connect America Fund mandates, with full cost recovery for broadband infrastructure investments—impact on CAF will be limited for service to 200,000-400,000 Native households;
 3. Support for a Tribal Broadband and Linkup program;
 4. Exempt Tribes from reverse auctions, focusing on need, parity of technology, and quality of service needed on Native lands;
 5. Waive Tariff #5 Section 8.4 and 8.5 rates for NECA Incumbent rate of return local exchange carriers providing broadband service in native communities so that they are not required to remit or credit the wholesale rate for broadband service and still receive the full settlement of required revenues from NECA, so savings can be

used to reduce broadband costs for Native communities;

- C. **Support a Native Broadband Fund:** NTTA proposes a Native Broadband Fund to support the underlying Public Switched, Public Safety, Mass Media, and Broadband Mobility Networks; connect public institutions; map Native communities; and provide feasibility and startup assistance to Tribes seeking to implement regulatory service.