

**TOM W. DAVIDSON**  
202.887.4011/fax: 202.955.7719  
tdavidson@akingump.com

January 24, 2012

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

Re: Notice of Permitted *Ex Parte* Communications  
WC Docket No. 11-42  
CC Docket No. 96-45  
WC Docket No. 03-109

---

Dear Ms. Dortch:

In advance of the consideration by the Federal Communications Commission (“FCC” or “Commission”) of an order that would reform and modernize the Lifeline and Link Up programs (“Lifeline/Link Up Order”), Gila River Telecommunications, Inc. (“GRTI”) respectfully requests that the Commission take into account the unique needs of residents on tribal lands. Specifically, GRTI requests that the Commission:

- Allow residents of tribal lands to immediately apply Lifeline and Link Up support to the cost of broadband service, or, in the alternative, dedicate at least 20% of funds in the Broadband Adoption Pilot Program to residents of tribal lands;
- Adopt enhanced broadband Lifeline rules to support up to \$45 per month for the cost of broadband service to eligible residents of tribal lands<sup>1</sup> and adopt enhanced broadband Link Up rules to support up to \$95 for the installation of broadband service to eligible residents of tribal lands;
- Waive minimum broadband speed requirements for Lifeline and Link Up support of broadband services offered by tribally-owned and operated carriers; and

---

<sup>1</sup> The enhanced broadband Lifeline rules should also require that enhanced broadband lifeline subscribers pay a minimum of \$5 in monthly recurring broadband service fees.

January 24, 2012

Page 2

- Consult with, inform, and provide opportunities for feedback from Native governments and representative organizations as the Commission continues to support broadband adoption through Lifeline and Link Up.

The Commission has the authority to adopt the above recommendations and treat tribal lands and tribal entities differently as a matter of law for the reasons previously articulated by GRTI.<sup>2</sup>

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. The Commission could most effectively achieve expansion by adopting rules that would allow residents of tribal lands to immediately apply Lifeline and Link Up support to the cost of broadband service. However, if the Commission chooses not to adopt this proposal, at a minimum the Commission should dedicate at least 20% of funds in the Broadband Adoption Pilot Program to residents of tribal lands.<sup>3</sup> 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 will help raise broadband penetration rates on tribal lands such as the Gila River Indian Community.

The Commission should also adopt enhanced broadband Lifeline rules to support up to \$45 per month for the cost of broadband service to eligible residents of tribal lands<sup>4</sup> and adopt

---

<sup>2</sup> Comments of Gila River Telecommunications, Inc., WC Docket Nos. 10-90, 07-135, 05-337, 03-109; CC Docket Nos. 01-92, 96-45; GN Docket No. 09-51 at 7-10 (filed Aug. 24, 2011).

<sup>3</sup> Dedicating a minimum of 20% of funds in the Broadband Adoption Pilot Program would be consistent with steps the Commission has taken in the mobile broadband context, where the Commission recently reserved 20% of Mobility Fund Phase II support for tribal lands. With broadband available to less than 1 in 10 residences on tribal lands, dedicating at least 20% of the Broadband Adoption Pilot Program would be appropriate in this context as well.

<sup>4</sup> The enhanced broadband Lifeline rules should also require that enhanced broadband lifeline subscribers pay a minimum of \$5 in monthly recurring broadband service fees.

January 24, 2012

Page 3

enhanced broadband Link Up rules to support up to \$95 for the installation of broadband service to eligible residents of tribal lands. The Commission's current Lifeline and Link Up rules provide for enhanced financial support to residents of tribal lands in recognition of the unique needs on tribal lands. However, the cost of broadband adoption significantly exceeds the cost of traditional telephone adoption. For example, not only does the retail price of broadband service and installation exceed the retail price of traditional telephone service and installation, the successful adoption of broadband requires significant upfront cost of purchasing consumer premises equipment ("CPE") such as computers, modems, virus protection, software, etc. Under the current rules, low income consumers receive no federal financial assistance for these CPE costs. In recognition of the increased costs associated with broadband adoption, the Commission should provide greater financial support to low income residents of tribal lands in the form of enhanced broadband Lifeline and Link Up support.

In addition, the Commission should waive the minimum broadband speed requirements for Lifeline and Link Up support of broadband services provided by tribally-owned and operated carriers. As the Commission has recognized in this proceeding, tribally-owned and operated carriers serve communities with a historical lack of critical infrastructure.<sup>5</sup> Consequently, minimum broadband speeds mandated in the Commission's recent *USF-ICC Reform Order* cannot be provided presently by the infrastructure deployed by many tribally-owned and operated carriers. Forbidding the application of Lifeline and Link Up support to residents served by tribally-owned and operated carriers that cannot presently meet minimum broadband speeds of 4 Mbps downstream and 1 Mbps upstream would defeat the purpose of the Lifeline and Link Up programs. Therefore, the Commission should waive the minimum broadband speed requirements for Lifeline and Link Up support of broadband services provided by tribally-owned and operated carriers to allow immediately for increased broadband adoption and improved digital literacy on tribal lands.

Finally, the Commission should consult with, inform, and provide opportunities for feedback from Native governments and representative organizations as the Commission continues to support broadband adoption through Lifeline and Link Up. Broadband adoption holds the promise of historic levels of connectivity on tribal lands. Native governments and representative organizations can use their knowledge of tribal lands and customs to aid the Commission in its efforts to increase broadband adoption through these programs. Yet, in order

---

<sup>5</sup> *Connect America Fund, A National Broadband Plan for Our Future, et al.*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109; CC Docket Nos. 01-92, 96-45; GN Docket No. 09-51; WT Docket No. 10-208; Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, ¶1059 (2011) ("*USF-ICC Reform Order*").

January 24, 2012

Page 4

to provide this valuable insight and feedback, the Commission must consult with, inform, and provide opportunities for feedback from Native governments and representative organizations.

GRTI supports the Commission'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.

Pursuant to Section 1.1206(b) of the Commission's rules, this letter is being filed electronically. Please direct any questions regarding this submission to the undersigned counsel.

Sincerely,

\_\_\_\_\_/s\_\_\_\_\_  
Tom W. Davidson