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DEPARTMENT OF HAWAIIAN HOME LANDS

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ALBERT "ALAPAKI" NAHALE-A  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
MICHELLE K. KAUHANE  
DEPUTY TO THE CHAIRMAN  
M. WAIALEALE SARSONA  
EXECUTIVE ASSISTANT

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February 24, 2012

Honorable Julius Genachowski, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington DC, 20554

Subject: Sandwich Isles Communications, Inc. - Petition for Waiver  
WC Docket No. 10-90

Dear Chairman Genachowski:

We respectfully request your favorable consideration of Sandwich Isles Communications, Inc.'s (SIC) petition for waiver before the Federal Communications Commission (FCC). SIC has and must remain a viable partner in our efforts to rehabilitate native Hawaiians, by providing access to reliable and affordable broadband telecommunications services across Hawaiian Home Lands (HHL) now and into the future.

I would first like to express my gratitude to you and your team at the Federal Communications Commission (FCC) for your genuine commitment and sincere efforts to provide broadband access to all indigenous peoples of the United States, including Native Hawaiians. Specifically, we greatly appreciated the time devoted by you and Geoffrey Blackwell, Chief of the Office of Native Affairs & Policy, who visited our remote HHL to better understand the plight of native Hawaiians. You witnessed first-hand the difficulty of deploying telecommunications services in our native lands, and also experienced the benefits and opportunities broadband accessibility can provide our people.

We believe that broadband is the great equalizer for our people. It will allow native Hawaiians to leapfrog the digital divide that has historically held us back, enabling us to succeed in the 21<sup>st</sup> century and beyond. It also provides native Hawaiians with an unprecedented opportunity to further our cultural revitalization – preserving, protecting, and promoting our culture for generations to come.

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Like Native Americans, native Hawaiians are “indigenous people” that were granted “trust lands” from Congress, referred to as Hawaiian Home Lands, and designated as tribal lands, pursuant to FCC Order 11-161. HHL is made up of approximately 203,500 acres of land in trust to better address the conditions of native Hawaiians. These lands are located on six of the eight main Hawaiian Islands and consist of more than 70 non-contiguous parcels.

Today, Hawaii’s population has grown to approximately 1.4 million people, and twenty percent of these are Native Hawaiian. Approximately 9,800 people currently reside on HHL properties with another 25,000 waiting for HHL properties to deploy the basic infrastructure necessary for homesteaders to move in. Native Hawaiians are overrepresented in many negative socio-economic indicators – lack of education, low-income, single parent households, homelessness, prison populations, and harmful health statistics. Additionally, HHL properties face challenges in obtaining effective, or in some cases, even minimal delivery of public safety and emergency communications services.

As recognized by the FCC, tribal lands, including HHL properties, face significant and unique barriers to telecommunications deployment. The rural and remote nature of HHL properties means higher costs for carriers to construct network facilities, with little to no means to recover these expenses. Therefore, commercial carriers cannot make a business case to invest in broadband infrastructure in these areas.

Historically, the lack of business activity on HHL, resulted in limited to no existing communications transport infrastructure. This meant that any carrier seeking to provide service in HHL properties had to secure extensive capital to deploy costly broadband infrastructure. Therefore, the incumbent telephone companies were unwilling to provide service to HHL at reasonable rates. For example, in 1990, the Department of Hawaiian Home Lands wanted to build 12 homes in Puna on the east side of the Big Island and was quoted \$1 million plus land for party line service from Hawaiian Tel. Party line is a multi-party or shared service line that provides unsecured voice service and is not suitable for internet. While party lines were the primary way residential subscribers acquired local phone service prior to World War II in the United States, since the early 1970’s single-line service has become nearly universal.

So in 1995, the Department of Hawaiian Homes Lands entered into a license agreement with Waimana Enterprises/SIC, a native Hawaiian owned and operated Eligible Telecommunications Carrier, to provide all broadband services. This relationship has not only provided essential telecommunications services to homesteaders, but has also facilitated the timely and cost-effective development of critical infrastructure necessary to allow native Hawaiians to move into their homesteads. For example, this broadband capability has allowed native Hawaiians to receive quality acute health care service without the time and expense of traveling to the only major hospitals in the state, located on the island of Oahu. On his visit to our state, Mr. Blackwell observed a native Hawaiian patient and her primary medical team on the rural island of Molokai utilizing video conferencing for a virtual consultation with her oncology specialists in Honolulu, on the island of Oahu. Afterwards, the patient and her husband explained how much they valued the ability to video conference, explaining that without it she would have had to take at least a full day off

from work and incur the expense of flying to Oahu and renting a car to visit with these same doctors. Not only is such a trip expensive, it is also time-consuming, stressful, and emotionally and physically draining. The ability to video conference saves her family money and also allows them to be a part of her disease management, from understanding the expected side effects of the chemotherapy to providing moral support when being told disappointing news. The on-island medical team even shared anecdotally that without the video conferencing some of their native Hawaiian patients would decline pursuing treatment from Honolulu medical centers because of the cost and time commitments. This vividly illustrates the importance of our relationship with SIC, without it broadband service to our trust lands would not be possible.

Your continued support of SIC will ensure that in the near term, there is no disruption in services provided by SIC to our beneficiaries and in the long term, a robust broadband network is successfully implemented, providing native Hawaiians with the tools to preserve our culture and build our internal structures for self-governance, economic opportunity, health, education, public safety, and welfare – in short, to secure a brighter future for our people.

I therefore strongly recommend that the FCC grant the requested waiver for SIC.

Sincerely,



 Alapaki Nahale-a, Chairman  
Hawaiian Homes Commission

cc: Commissioner Clyburn  
Commissioner McDowell  
Commissioner Pai  
Commissioner Rosenworcel