

# Tehan Woglake, Inc.

Lasting Connections: Tribal & Rural America

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March 23, 2012

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

Re: Comments relating to the NTAI Letter Regarding LightSquared Conditional Waiver  
Proceeding Number 11-109

Dear Chairman Genachowski

I am writing to express my support for the application of LightSquared (LS) (Proceeding 11-109) to the Federal Communications Commission (FCC). LS has submitted an application to build a terrestrial-based broadband network on its frequencies integrated with its satellite service. LS has entered into a Letter of Intent (LOI) with Tehan Woglake, Inc. (TW) to work together to provide much-needed high-speed broadband access to Indian Country and Rural America.

**For the reasons outlined below, I urge you to (1) NOT vacate a *Conditional Waiver Order* addressing LightSquared's inability to address interference-related concerns surrounding its planned terrestrial operations; and to (2) NOT modify LightSquared's license to in any way change its authority to build a terrestrial-based broadband network on its frequencies.**

It is my view that if LS is not allowed to use its spectrum to build and operate the above referenced service, Tribal and Rural America will be effectively left without meaningful alternatives for high-speed broadband service. It is also my considered view that the concerns raised by the GPS industry and the NTIA are technically shortsighted and continues the effective monopoly of the major service providers in the US.

The FCC should not be misled by self-serving and one-sided research that does not in any way support the objectives of the Obama administration to insure that high-speed broadband is available to all Americans. I urge the FCC to support the LS application and thereby provide Tribal and Rural America with an opportunity to take advantage of the LS high-speed broadband/internet infrastructure and spectrum.

## **Background**

I am a member of the Rosebud Sioux Tribe of South Dakota and a graduate of the University of South Dakota Business School and the University of Minnesota Law School. I have held senior executive positions with public and private firms with over 25 years of extensive experience in the areas of investment banking; management of public, private and government operations; strategies for restructuring with particular expertise in Tribal gaming and gaming manufacturing.

Currently, I am the Chairman and CEO of Tehan Woglake, Inc. ("TW") and am the Managing Director of VAdvisors, LLC - a specialty advisory firm providing consulting services and guidance in areas of strategic planning, capital development, mergers & acquisitions, crisis management, growth planning, new product development, and operational evaluations. The firm also specializes

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in the areas of American Indian policy and issues focusing primarily on Tribal Government Gaming and related business issues.

Nearly 3 years ago a team of partners, investors and I formed TW. *Tehan Woglake* is a Lakota term that translates as “far talking”, an appropriate description of the business objectives of this venture. It is the tradition of the Lakota and all Native people to meet as a community to “talk” about future plans. These gatherings, like those in virtually all of Rural America, are vital to the life of the community making sure that ideas and plans are shared with all. The capabilities of the high-speed broadband/internet infrastructure to be offered to Tribal and Rural America will allow governments, Tribal and Rural residents, and all communities to “talk” with all corners of the world in ways and at speeds that have not been generally available.

TW was formed to address the opportunity that a high-speed broadband/internet infrastructure build out presents to provide wireless broadband Internet services to un-served and underserved Tribal and Rural America.

TW is built upon the following key principals:

- A compelling need for broadband Internet service in Tribal and Rural America.
- Large profitable market opportunities in Tribal and Rural America.
- The technology embodied in a high-speed wireless broadband/internet infrastructure presents a cost effective vehicle for delivery of broadband to Tribal and Rural America.
- Tribes and Rural communities are strong business partners that provide unique access to underserved and unserved markets not previously recognized.
- Providing access to high-speed broadband/internet infrastructure service to Tribal and Rural America will strengthen all communities served and create opportunities to improve economic development, healthcare, and education.

### **The Problem**

As the Commission noted in 2004, “By virtually any measure, communities on tribal lands have historically had less access to telecommunications services than any other segment of the population. Broadband deployment in Indian Country is at less than a 10% penetration rate while analog telephone reaches only one in three families in many Tribal communities.”<sup>1</sup> This is the digital divide that disadvantages Native Americans.<sup>2</sup> In a recent report issued by the USDA<sup>3</sup>, it was clear high-speed broadband access plays a crucially important role in beginning to address rural economic development, health care, education, and public safety issues.

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<sup>1</sup> Extending Wireless Telecommunications Services to Tribal Lands, WT Docket No. 99-266, Third Report and Order, 19 FCC Rcd. 17652 (2004) Federal Communications Commission, Tribal Lands Bidding Credit and Order.

<sup>2</sup> *New Media, Technology and Internet Use in Indian Country: Quantitative and Qualitative Analyses, Native Public Media (2009)* – available at <http://www.tehanwoglake.com/new-media-technology-and-internet-use-in-indian-country.html>

<sup>3</sup> USDA Rural Development: Bringing Broadband to Rural America - <http://www.rurdev.usda.gov/rd/pubs/RDBroadbandRpt.pdf>

Similar to Tribal communities, Rural areas are critically underserved. In fact, only 38% of rural households (compared to 57% and 60% for city and suburb households) have access to high-speed broadband services.<sup>4</sup> The absence of access to high speed broadband “is helping create a country of broadband haves and have-nots—a division that not only makes it harder for businesses to get work done, but also impedes workers’ efforts to find jobs, puts students at a disadvantage, and generally leaves a wide swath of the country less connected to the growing store house of information on the web—from health sites to news magazines to up-to-date information on Presidential candidates.”<sup>5</sup>

TW is committed to working with Tribal and Rural America to close the digital divide that threatens the survival of Tribal and Rural families and communities.

### **Tehan Woglake & LightSquared**

TW is a Nevada corporation with offices in Virginia. As a Native American-controlled company, TW’s primary goal is to bring service to underserved Tribal and Rural America. Specifically, TW has chosen the most rural, persistently impoverished and chronically underserved areas to service—areas that most other providers have not historically serviced.

TW and LS have entered into a Letter of Intent where they agree to enter into good faith negotiations to reach an agreement whereby TW will have the right to utilize LS’s spectrum and terrestrial-based broadband network to provide high-speed broadband/Internet service to Tribal and Rural America consistent with TW’s business plan and on commercial terms acceptable to both parties.

### **TW’s high-speed wireless broadband projects:**

- Over 318,000 square miles impacting 15 states, 407 counties, and 76 Tribes.
- **25%** of the total Persistently Impoverished Counties (PICs) counties in the United States are in our service area. TW’s border-to-border strategy guarantees PICs are a major beneficiary of this opportunity.
- According to recent reports released by the Federal government, nearly 83% of the American population has access to high-speed broadband. In the services areas **less than 1%** of the population has access to high-speed broadband.
- High-speed broadband access to over 2.8 million Tribal and rural households, businesses, and. Approximately **31%** are households within U.S.-Census-designated American Indian Areas.
- Cover over 550,000 households, businesses, and community anchor institutions.

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<sup>4</sup> Arik Hesseldahl. “Bringing Broadband to Rural America” *Bloomberg Business Week*, September 18, 2008—available at [http://www.businessweek.com/technology/content/sep2008/tc20080917\\_797892.htm](http://www.businessweek.com/technology/content/sep2008/tc20080917_797892.htm)

<sup>5</sup> *Ibid.*


LS's commitment

- September 2010 donation to the Indian Health Service of up to 2,000 satellite radios (MSAT G2) along with service and support until 2020.
  - Next generation handset replacement provided when available
  - Provided 21<sup>st</sup> century communications to rural regions including Tribal areas that lack basic telecommunications service.
  - "These satellite phones will play a critical role for health care workers who often find themselves in locations beyond the reach of traditional communications services." [Former IHS CIO Charles Gepford]

Tribal and Rural America deserve to have access to high-speed broadband and the huge benefits of being connected to the Internet. They need all the help they can get to ensure that the economic development tools of the 21<sup>st</sup> century are available to those who so desperately need them.

Thank you for the opportunity to comment on this vital matter to Tribal and Rural America. I am willing to be of any additional assistance you may deem appropriate.

Sincerely,



Joseph Valandra  
CEO & Chairman

Cc: Geoffrey Blackwell (via email)