



NATIONAL CONGRESS OF AMERICAN INDIANS

September 10, 2012

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

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NCAI HEADQUARTERS
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Re: Comments of the National Congress of American Indians to Petition for Limited Waiver filed by Smith Bagley, Inc. on June 26, 2012 under the following dockets:

<i>Lifeline and Link Up Reform and Modernization</i>	WC Docket No. 11-42
<i>Lifeline and Link Up</i>	WC Docket No. 03-109
<i>Federal-State Joint Board on Universal Service</i>	CC Docket No. 96-45
<i>Advancing Broadband Availability Through Digital Literacy Training</i>	WC Docket No. 12-23

Dear Ms. Dortch,

On behalf of the National Congress of American Indians (NCAI), the oldest, largest, and most representative congress of American Indians and Alaska Natives, I respectfully submit these comments in response to a Petition for Limited Waiver (Petition) filed by Smith Bagley, Inc. (SBI). On June 26, 2012 SBI filed the Petition and referenced assumed costs associated with recertification efforts for the Tribal Lifeline Program. The Petition also raised issues with the December 31, 2012 recertification deadline.

NCAI is concerned with the possibility of tribal members on the Navajo, Hopi, Ramah Navajo, Zuni, and White Mountain Apache lands losing their vital Lifeline services.¹ Tribal lands are some of the most rural and geographically challenging areas in the country, creating unique difficulties for public safety efforts. Due to these challenges the Lifeline program, as its title implies, provides a vital link to emergency and law enforcement services for tribal members.

Consult with Tribal Governments and Carriers Serving Tribal Lands

Recertification of Tribal Lifeline subscribers living on remote, rural tribal lands could pose a challenge for other eligible telecommunications carriers (ETCs). Numerous federal agencies have generally experienced difficulties with outreach and coordination in Indian Country due to historic factors, therefore ETCs serving tribal lands could experience similar challenges.

Indian Country also encompasses diverse cultures, languages, geographies, and economic and social demographics. However, ETCs serving tribal lands should not view this as a barrier but rather an opportunity to initiate dialogue with tribal governments to improve telecommunications services on tribal lands.

NCAI has mentioned in previous comments that the Tribal Engagement Provisions established under the Connect America Fund Order should be expanded to include

discussions regarding participation in the Lifeline program. On April 2, 2012, NCAI submitted comments to the FCC docket in the matter of *Lifeline and Link Up Reform and Modernization, Report and Order and Further Notice of Proposed Rulemaking*.ⁱⁱ NCAI specifically stated that, "...the FCC should strengthen the 'Title IX, Section A. Tribal Engagement Provisions' outlined under the 'Connect America Fund Order' to include regulations stating that ETCs must 'meaningfully engage' with tribes to ensure tribal citizens are eligible to participate in the Lifeline program".ⁱⁱⁱ Expansion of the Tribal Engagement Provisions will ensure that ETCs have meaningful conversations with tribes regarding participation and enrollment in the Lifeline program. These conversations would not only provide information to tribes regarding Lifeline participation, but will also assist carriers in coordinating with tribes for the provision of broadband service on tribal lands.

Ensure Tribal Participation and Eligibility for the Lifeline Program

Due to the concerns SBI raised in their Petition—and that will undoubtedly be raised by others—NCAI recommends that monies from the Connect America Fund (CAF) be set aside for use by ETCs to conduct recertification of tribal members under the Lifeline program. If waivers of the recertification deadline are not granted to ETCs providing Lifeline service to tribal members, then the only other option would be that the FCC allocates CAF funds to assist recertification efforts. ETCs may experience increased challenges in meeting the recertification deadline due to the unique circumstances that exist on tribal lands.

Reform and modernization of the Lifeline program should not come at the expense of tribal members losing this vital service. If carriers, like SBI, are unable to recertify eligible tribal members, then NCAI strongly recommends that an alternative approach be implemented to address these serious concerns taking into consideration the unique circumstances on tribal lands.

Sincerely,



Jacqueline Johnson Pata
Executive Director
National Congress of American Indians

Cc: Geoffrey Blackwell
Chief
Office of Native Affairs and Policy
Federal Communications Commission
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ⁱ See Smith Bagley, Inc., ‘Petition for Limited Waiver’ (WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23). Page 2. Filed in the FCC Electronic Comment Filing System on June 26, 2012 and published on June 27, 2012. Accessed September 10, 2012. Available at <http://apps.fcc.gov/ecfs/document/view?id=7021978792>.

ⁱⁱ See Federal Communications Commission, ‘Report and Order and Further Notice of Proposed Rulemaking’ In the Matter of Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42, Lifeline and Link Up WC Docket No. 03-109, Federal-State Joint Board on Universal Service CC Docket No. 96-45, Advancing Broadband Availability Through Digital Literacy Training WC Docket No. 12-23.

ⁱⁱⁱ See National Congress of American Indians, ‘Comments’ (WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23). Pages 3-4. Filed in the FCC Electronic Comment Filing System on April 2, 2012 and published on April 3, 2012. Accessed September 10, 2012. Available at <http://apps.fcc.gov/ecfs/document/view?id=7021906419>.