

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| 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 |
| |) | |

**REPLY COMMENTS OF
THE GILA RIVER INDIAN COMMUNITY AND
GILA RIVER TELECOMMUNICATIONS, INC. IN RESPONSE TO THE PETITION
FOR LIMITED WAIVER REQUESTED BY SMITH BAGLEY, INC.**

The Gila River Indian Community (“GRIC”) and Gila River Telecommunications, Inc. (“GRTI”),¹ by its attorneys, hereby submit these reply comments in the above-referenced proceeding in which the Wireline Competition Bureau of the Federal Communications Commission (“FCC” or “Commission”) seeks comment² on the petition for limited waiver of the Commission’s Lifeline recertification rules filed by Smith Bagley, Inc. (“SBI”).³ GRTI and the

¹ GRTI is a telecommunications carrier wholly-owned and operated by the GRIC. Formed in 1988 for the purpose of providing affordable telephone services to residents of the GRIC, GRTI today provides voice, data and Internet services to residents and businesses in a largely low-income, tribal population.

² *Wireline Competition Bureau Seeks Comment on TracFone, Smith Bagley and I-Wireless Petitioners for Declaratory Ruling and Waiver of the Commission’s Recertification Requirement for Lifeline*, WC Docket Nos. 11-42, 03-109, 12-23, CC Docket No. 96-45; Public Notice, DA 12-1308 (WCB rel. Aug. 10, 2012).

³ Petition for Limited Waiver, WC Docket Nos. 11-42, 03-109, 12-23, CC Docket No. 96-45 (filed June 26, 2012) (“SBI Petition”).

GRIC support the comments of the National Congress of American Indians (“NCAI”) recommending “that monies from the Connect American Fund (“CAF”) be set aside for use by [eligible telecommunications carriers] to conduct recertification of tribal members under the Lifeline Program.”⁴

As numerous commenters point out, the Lifeline program provides lifesaving benefits to low-income residents of Tribal lands. For example, NCAI recognizes that the program “provides a vital link to emergency and law enforcement services for tribal members.”⁵ Similarly, the Navajo Nation Telecommunications Regulatory Commission (“NNTRC”) suggests that enrollment in the Lifeline program can be the difference between life and death on desolate tribal lands.⁶ These commenters could not be more correct.

The Lifeline program also helps raise the telephone penetration rate on tribal lands. Through extensive outreach and community involvement, GRTI has successfully utilized the Lifeline program to raise telephone penetrations rates above 80% on the GRIC. Historically, approximately more than 80% of these subscribers are enrolled in the Lifeline program. Without this program, these subscribers would have no telephone service, and little to no ability to communicate with residents living in other areas of the GRIC, not to mention those residing outside of the GRIC.

Unfortunately, each set of comments submitted in response to the SBI Petition acknowledge that the new Lifeline re-certification rules will be more costly for ETCs serving

⁴ Comments of the National Congress of American Indians to Petition for Limited Waiver filed by Smith Bagley, Inc. on June 26, 2012, WC Docket Nos. 11-42, 03-109, 12-23, CC Docket No. 96-45, at 2 (filed Sept. 10, 2012) (“NCAI Comments”).

⁵ *Id.* at 1.

⁶ Comments of the Navajo National Telecommunications Regulatory Commission in Response to Smith Bagley, Inc. Waiver Request, WC Docket Nos. 11-42, 03-109, 12-23, CC Docket No. 96-45, at 4 (filed Sept. 10, 2012) (“NNTRC Comments”).

tribal lands as compared to ETCs serving non-tribal lands. With respect to difficulties recertifying subscribers, NCAI notes that “[n]umerous federal agencies have generally experienced difficulties with outreach and coordination in Indian Country due to historic factors, [and] therefore ETCs serving tribal lands could experience similar challenges.”⁷ NNTRC points out that “A further complicating factor is the language issue, where there may be complete English language barrier for some qualifying customers, particularly the elderly.”⁸ Finally, Hopi Telecommunications, Inc. and Frontier Communications “acknowledge that recertifying Tribal Lifeline customers may be, in some instances, more difficult than recertifying non-Tribal Lifeline customers.”⁹

As noted in previous comments in this proceeding, administration of the Lifeline program will cost GRTI approximately \$100,000 in 2012.¹⁰ This is a high cost for a carrier that receives only \$300,000 annually from the low-income program.

⁷ NCAI Comments at 1.

⁸ NNTRC Comments at 4.

⁹ Comments of Hopi Telecommunications, Inc. and Frontier Communications, WC Docket Nos. 11-42, 03-109, 12-23, CC Docket 96-45, at 4 (filed Sept. 10).

¹⁰ See Comments of the Gila River Indian Community and Gila River Telecommunications, Inc., WC Docket Nos. 12-23, 11-42, 03-109, CC Docket No. 96-45, at 20 (filed Apr. 2, 2012) (noting the breakdown of this \$100,000 is as follows: (a) \$70,325 for a customer service representative dedicated to Lifeline/Link Up service administration (\$48,500 in salary plus \$21,825 in benefits/overhead); (b) \$20,000 in marketing and promotion service of Lifeline and Link Up to the GRIC; (c) \$5,000 to change enrollment and re-certification forms as mandated in the *Lifeline Reform Order and FNPRM*; and (d) \$5,000 in management oversight & administrative expenses.).

Consequently, in light of the well documented costs of administering the Lifeline program on tribal lands, GRTI and the GRIC support NCAI's suggestion to set aside CAF monies for ETCs to conduct recertification of tribal members under the Lifeline Program.

Respectfully Submitted,

The Gila River Indian Community and Gila River Telecommunications, Inc.

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