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April 26, 2013

VIA ECFS

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

Re: Notice of Permitted Ex Parte Presentation – AU Docket No. 13-53; WT Docket Nos. 11-40, 10-208; WC Docket Nos. 10-90, 07-135, 05-337, 03-109; CC Docket Nos. 01-92, 96-45; GN Docket No. 09-51

Dear Ms. Dortch:

On April 24, 2013, Gila River Telecommunications, Inc., the Gila River Indian Community, and Mescalero Apache Telecom, Inc. (collectively, the “Parties”) met with the following Federal Communications Commission (“FCC”) staff to discuss certain concerns the Parties have with the upcoming Tribal Mobility Fund Phase I Auction:

Geoffrey Blackwell – Chief of the Office of Native Affairs and Policy
Irene Flannery – Deputy Chief of the Office of Native Affairs and Policy

Gila River Telecommunications, Inc. was represented by Anika Evans, Pam Thomas, and the undersigned; the Gila River Indian Community was represented by Councilman Dale Enos; and Mescalero Apache Telecom, Inc. was represented by Godfrey Enjady, Jerome Block, and Randy Tyree (GRTyree Consulting LLC). The Parties discussed certain barriers to participating in the upcoming Tribal Mobility Fund Phase I Auction for tribal governments and tribally-owned companies.

The Parties discussed their concerns with the requirement that winning bidders of the Tribal Mobility Fund Phase I Auction must procure an irrevocable stand-by Letter of Credit to secure the FCC’s financial commitment. The Parties explained that tribally-owned assets are held in trust by the federal government for federally-recognized tribes. Because these trust assets cannot be used as collateral with private banking institutions, private banking institutions will not issue letters of credit to tribal governments. Consequently, the Parties informed the FCC staff that this requirement to obtain an irrevocable Letter of Credit effectively will prevent tribal governments and tribally-owned carriers from participating in the auction.

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The Parties also reiterated their concerns about the requirement that bidders have access to spectrum. The Parties stated that they believe many tribal governments and tribally-owned carriers will not be able to participate in the Tribal Mobility Fund Phase I Auction because such governments do not have the required access to spectrum. The Parties urged the FCC staff to adopt rules that will enable tribes to obtain access to spectrum through secondary markets.

Finally, the Parties reiterated their support for the FCC's tribal engagement rules. The Parties stated that by engaging with their respective governments, the companies have gained better understandings of the needs of their communities. This knowledge has enabled these companies both to provide services in a manner that better serves their subscribers and to further the financial well-being of their companies. The Parties shared their belief that the tribal engagement rules ultimately will benefit tribal governments and carriers.

This disclosure is made in compliance with 47 C.F.R. §1.1206.

Sincerely,

/s/ Sean T. Conway
Sean T. Conway, Esq.

cc: Mr. Geoffrey Blackwell, Esq.
Ms. Irene Flannery, Esq.