

September 8, 2014

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

**RE: IN THE MATTER OF *CONNECT AMERICA FUND, WC 10-90; UNIVERSAL SERVICE REFORM – MOBILITY FUND, WT 10-208; ETC ANNUAL REPORTS AND CERTIFICATIONS, WC 14-58; ESTABLISHING JUST AND REASONABLE RATES FOR LOCAL EXCHANGE CARRIERS, WC 07-135; DEVELOPING A UNIFIED INTERCARRIER COMPENSATION REGIME, CC 01-92***

**REPLY COMMENTS OF THE NATIONAL CONGRESS OF AMERICAN INDIANS AND NATIONAL INDIAN EDUCATION ASSOCIATION**

Dear Secretary Dortch,

On June 10, 2014, the Federal Communications Commission (FCC) released a Report and Order, Declaratory Ruling, Order, Memorandum Opinion and Order, Seventh Order of Reconsideration, and Further Notice of Proposed Rulemaking seeking focused comment on certain proposals regarding the Connect America Fund (CAF).<sup>1</sup> The National Congress of American Indians (NCAI) and National Indian Education Association (NIEA) respectfully submit these reply comments for the record.

The National Congress of American Indians NCAI is the largest and oldest representative organization of American Indian and Alaska Native tribal governments. Since 1944, NCAI has represented the interests of tribal nations and their citizens to advance and promote the advancement of tribal sovereignty and self-determination. NCAI has been active in FCC

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<sup>1</sup> See Federal Communications Commission. *Report and Order, Declaratory Ruling, Order, Memorandum Opinion and Order, Seventh Order of Reconsideration, and Further Notice of Proposed Rulemaking: WC 10-90, WT 10-208, WC 14-58, WC 07-135, CC 01-92*. Released June 10, 2014. Available at [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2014/db0811/FCC-14-54A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0811/FCC-14-54A1.pdf).

rulemaking proceedings to ensure tribal interests and priorities are represented and addressed at the Commission.

NIEA was incorporated in 1970 and is the most inclusive Native education organization in the United States. From communities in Hawaii, to tribal reservations across the continental U.S., to villages in Alaska and urban communities in major cities, NIEA's membership consists of tribal leaders, educators, students, researchers, and education stakeholders from all 50 states. NIEA works to advance comprehensive and equal education opportunities for American Indian, Alaska Native, and Native Hawaiian students. Tribal sovereignty over education is a key component of that mission, as is strengthening the traditional Native cultures and values that enable Native learners to become contributing members of their communities.

Regarding the recent rulemaking released by the FCC, our organizations would like to specifically address a proposal advanced in the Further Notice of Proposed Rulemaking (FNPRM):

*159. Connections to Schools, Libraries, and Health Care Providers.* In the USF/ICC Transformation Order, the Commission indicated its expectation that ETCs would offer broadband at speeds greater than 4 Mbps/1 Mbps to community anchor institutions in rural and high-cost areas and that they would provide such offerings “at rates that are reasonably comparable to comparable offerings to community anchor institutions in urban areas.” The Commission did not have a record before it at the time to specify what specific speeds are appropriate for anchor institutions. We seek to develop the record more fully, and thus invite comment on how best to ensure that this expectation is fulfilled by ETCs, with specific reference to institutions and the charges, terms, and conditions of service provided to those institutions.<sup>2</sup>

The Schools, Health & Libraries Broadband (SHLB) Coalition and the State E-Rate Coordinators’ Alliance (SECA) submitted joint comments stressing that Connect America Fund (CAF) recipients should be required to work with community anchor institutions and mandate

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<sup>2</sup> *Id.* Page 57. ¶159.

that anchor institutions be included in network design of CAF supported infrastructure.<sup>3</sup>

Additionally, SHLB and SECA's joint comments stressed that the minimum broadband speeds for anchor institutions should be increased from the current 4 Mbps/1Mbps as this download and upload speed are insufficient for community anchor institutions.<sup>4</sup> SHLB and SECA cite the recent FCC E-rate Reform Order, which adopted speed benchmarks significantly higher than the 4 Mbps/1 Mbps standard in recognition that anchor institutions have greater broadband needs than those typically utilized by residential customers.<sup>5</sup>

Our organizations are in agreement that greater speed benchmarks should be adopted for community anchor institutions given that tribal community anchor institutions are usually the sole-provider of broadband services in the areas surrounding those institutions. We also agree that recipients of CAF funds should be mandated to work with community anchor institutions when designing and developing network architecture and deployment. This provision is vital since CAF recipients serving tribal lands are typically non-tribal entities, and they may be unaware of basic and/or specific issues regarding tribal needs in their service area(s).

We would also like to reference comments submitted by the Rural Associations.<sup>6</sup> In their comments the Rural Associations stated that:

Finally, the Commission should ensure that all would-be ETCs and would-be unsubsidized competitors are held accountable for providing sufficiently robust connectivity not only to residential users and businesses, but also to anchor

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<sup>3</sup> See SHLB Coalition and SECA Joint Comments. Submitted August 8, 2014. Page 3. Available at <http://apps.fcc.gov/ecfs/document/view?id=7521752624>.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> See Comments of the Rural Associations: NTCA – The Rural Broadband Association; WTA – Advocates for Rural Broadband; Eastern Rural Telecom Association; National Exchange Carrier Association; Colorado Telecommunications Association; Illinois Independent Telephone Association; Iowa Communications Alliance; Kansas Rural Independent Telecommunication Coalition; Minnesota Telecom Alliance; North Dakota Association of Telecommunications Cooperatives; Oklahoma Telephone Association; South Dakota Telecommunications Association; State Independent Telephone Association of Kansas; Utah Rural Telecom Association; Washington Independent Telecommunications Association; and the Wisconsin State Telecommunications Association. Submitted August, 8, 2014. Available at <http://apps.fcc.gov/ecfs/document/view?id=7521752397>.

institutions, as proposed in the *Further Notice*... [T]he Commission should ensure that any would-be competitor is likewise required to offer that same higher level of broadband service to anchor institutions throughout the affected service area before support is eliminated for the USF/CAF recipient operating in that area.<sup>7</sup>

NCAI and NIEA agree with this proposal advanced by the Rural Associations. We recommend that the FCC adopt rules that would ensure that rural and tribal lands receive the same high level broadband services at comparable, if not lower, prices that exist in urban and densely populated areas. Due to the high costs associated with deployment of broadband infrastructure in rural and tribal areas, and typically a lack of competition driving affordable price ranges, CAF subsidies should be utilized to deploy high-speed, high-capacity broadband services at affordable prices.

Our organizations appreciate the opportunity to comment on these important proposals. Ongoing CAF reforms must recognize the importance of providing affordable broadband services for rural and tribal areas. Specific focus on community anchor institutions—such as tribal schools and libraries—will drive broadband deployment and adoption in the surrounding business and residential areas. To accomplish this feat, the FCC must ensure that appropriate speed benchmarks are adopted and CAF recipients should be mandated to coordinate with tribal community anchor institutions in network architecture design and deployment. If you have any questions please contact NCAI Legislative Associate, Brian Howard, at [bhoward@ncai.org](mailto:bhoward@ncai.org), or NIEA Policy Associate, Clint Bowers, at [cbowers@niea.org](mailto:cbowers@niea.org).

Sincerely,



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Executive Director  
National Congress of American Indians



Ahniwake Rose  
Executive Director  
National Indian Education Association

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<sup>7</sup> *Id.* Pages 40-41.