

Testimony of  
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Before the  
Senate Indian Affairs Committee

“GAO Report on Tribal Access to Spectrum: Promoting Communications Services in Indian Country.”

Chairman Hoeven, Vice Chairman Udall and members of the Committee thank you for the opportunity to testify on behalf of the Gila River Telecommunications on promoting better access to spectrum on Tribal lands. I also want to thank Vice Chairman Udall for his work over the last 11 years to promote broadband access on Tribal lands. You have been a great advocate.

I want to focus today on a few areas GRTI believes could help Tribal residents gain greater access to wireless broadband. These include:

1. Greater access to licensed spectrum;
2. Auctioning spectrum with smaller geographic license areas;
3. Secondary market licensing;
4. Reforms to the Tribal Bidding Credit;
5. “Build or divest” mechanisms; and
6. Tribal consultation.

All of these proposals demonstrate a need for policymakers to re-double their efforts .

I have the honor of serving as the Chairperson for GRTI, which is wholly owned by the Gila River Indian Community. Our reservation is approximately 372,000 acres and is home to almost 12,000 of our more than 20,000 members. When we first purchased the exchange from Mountain Bell in 1988, only 10% of our residents had access to basic phone service and those looking to get “connected” had to pay tens of thousands of dollars for a party line connection.

Today, GRTI offers phone service to 100% of our residents and 84% subscribe. We also offer high quality broadband service and continue to deploy our fixed network.

As this Committee is well aware, Tribal lands are the least served areas in the country. The FCC is in the process of updating the data collection used to understand where broadband is not available, but current data shows that approximately 54 percent of Tribal lands lack access to broadband at speeds of 25/3, compared to only 27 percent of non-Tribal lands. More accurate numbers would likely reveal an even greater gap.

The problems that make tribal lands generally “uneconomic to serve,” such as low population density, high poverty, and rugged terrain, are well-known by this Committee. These issues present challenges regardless of the

technology used, which is why it is important for policymakers to consider tribal lands' unique challenges when crafting policies.

Unlicensed spectrum is an essential part of the mix of spectrum options, but given some of its limitations, such as interference requirements, licensed spectrum must be made more readily available to tribal entities. The GAO report demonstrates there are very few tribal entities that currently hold such licensed spectrum.

GRTI commends the FCC's decision to open a "Tribal Priority" window in the 2.5 GHz spectrum band, though we believe the opportunity could be better publicized. We also hope the FCC considers this a "pilot program" and considers opening Tribal Priority windows in future auctions.

Regarding geographical licenses, GRTI supports auctioning spectrum with more discrete geographic areas so more tribal entities can participate. As it did in the 2.5 GHz proceeding, the Commission should identify service areas, like reservations, as the licensed area. This encourages greater participation by Tribes and other tribal entities.

Secondary market opportunities could greatly enhance access to licensed spectrum. Allowing for a more structured process by which tribal areas are partitioned from the licensee's service area would allow un- and underserved Tribes an opportunity to meet their broadband needs. This is currently allowed under FCC rules, but as the GAO Report demonstrates, the current rules are

not sufficient. Another step the FCC could take is reforming its Tribal Lands Bidding Credit policy, which provides a credit to the amount bid if the winning bidder commits to building out on tribal lands. Better coordination upfront between the entity bidding and the tribal government could help make this a more utilized credit.

While it may seem radical at first, a “build or divest” proposal is consistent with longstanding FCC practice. Licensees can often meet buildout obligations without serving tribal lands within their licensed area. Instead of leaving these lands stranded without service, the FCC should, as it would with a failure to build out under any license, require the licensee to either buildout or begin a divestment proceeding.

The FCC has the authority to pursue all of these proposals right now, but seems to lack a will to pursue them. GAO notes “FCC officials told us they have reviewed public comments to the proposed rulemaking, but have no current plans to take further action.” This is a very disappointing dose of reality.

Finally, consultation remains vital to getting policies for tribal areas right. Over the years GRTI has worked with the FCC to address many concerns with its policies. At times this dialogue has been meaningful and engaging. At other times, it has been after-the-fact and harmful. I commend Chairman Pai and many of his fellow commissioners who have taken steps to address our concerns. Congress charged the agency with ensuring access to

communications services for all people and Robust consultation can help us all work together to achieve that directive.

I appreciate the opportunity to speak with you today and look forward to your questions. Thank you.