

April 9,
2020

The Honorable Ajit Pai Chairman
Federal Communications
Commission 455 12th Street SW
Washington, DC 20554

**Re: COVID-19 Adjustment to FCC Timelines Governing Tribal Priority Filing
Windows**

Dear Chairman
Pai,

We write to ask your immediate attention to our request to extend the Federal Communications Commission's tribal priority filing window timeline that is set to close on August 3, 2020, and our request that you extend the start of the upcoming Rural Digital Opportunity Fund auction (Auction 904) that is set to begin on October 22, 2020. . The COVID-19 pandemic is having devastating impacts across the country, including Indian Country. At no time in our history has robust and universal broadband been more important to the most vulnerable among us – whether for public safety, education, health care, or digital employment viability. Due to the unprecedented impact of COVID-19, and its current and future effects in Indian Country, we request that you reconsider these existing timelines to help some of the most marginalized communities in the country.

In our prior communications, the Commission was helpful to extend the tribal priority filing window through a 182-day window, which began on February 3, 2020. We are greatly appreciative of your work to accommodate our request so Native Nations can seek licensure to provide critical services on tribal lands and in furtherance of the federal government's trust responsibility. However, in the midst of this pandemic, we believe the current August 3 deadline will hinder the overriding purpose of the Commission's original decision to extend this timeline and will result in the failure of the deployment of projects in the 2.5 GHz Band on tribal lands.

With both tribal and state stay-at-home orders in place across most of Indian Country, and as the rates of positive cases of COVID-19 dramatically increase across the country, Native Nations are working to prioritize life-saving measures and deployment of critical government services to combat the negative impacts of the pandemic in an effort to keep their respective tribal communities safe. While critically important to tribal governments and their entities, the 2.5 GHz spectrum opportunity

has necessarily taken a subordinate position in this national emergency. This pandemic has created unparalleled barriers for Indian Country to focus on supplementary matters as tribal leadership, and elected leadership across the country, has poured resources into pressing emergency health care, public safety, unemployment, and other immediate needs while combatting the coronavirus in an effort to keep the country afloat.

Similarly, with respect to the upcoming Rural Digital Opportunity Fund auction (Auction 904), we believe that the start of the auction should be extended. With \$16 billion of federal funding over a ten-year period at stake in Auction 904, it is important that the opportunity to participate in the auction be as expansive as

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possible. If this deadline is not extended, we believe that an enormous opportunity to extend broadband coverage to the unserved will be lost, at the expense of our Nation's least connected – those living in Indian Country.

In addition, the pandemic is preventing the widespread training and outreach engagement efforts necessary to ensure that all Native Nations are fully informed and empowered to take full advantage of this extremely unique opportunity to obtain spectrum licenses over their own lands. While remote outreach events that require a robust broadband connection may be an option in some communities, we know that the lack of such a connection across much of Indian Country renders such an option impossible for many throughout Indian Country. This tragic fact underlines the sense of urgency that we relay to you today.

In furtherance of the federal trust responsibility to the 574 Native Nations in the United States, we respectfully request that the Commission extend the tribal priority filing window from August 3, 2020 to January 27, 2021. This is extending by 180 days, beginning on August 1 when the United States is expected to physically return to work. With respect to the Rural Digital Opportunity Fund, we ask you to extend the start of Auction 904 by 180 days. In these unprecedented times, these extensions will help give our offices and Native Nations and their eligible entities a reasonable amount of time to focus on their immediate emergencies and appropriately address our shared goal of closing the digital divide in Indian Country.

We greatly appreciate your time and attention to this issue. If you have additional questions, please reach out to either Heidi Todacheene (Heidi.Todacheene@house.mail.gov) in Rep. Deb Haaland's office or Joshua Jackson (Joshua.Jackson@mail.house.gov) in Rep. Tom Cole's office.

Sincerely,
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Deb Haaland, Co-Chair Tom
Cole, Co-Chair *Congressional Native American Caucus Congressional Native American
Caucus*