

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

In the Matter of)	
)	
Updating Part 1 Competitive Bidding Rules)	WT Docket No. 14-170
)	
Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions)	GN Docket No. 12-268
)	
Petition of DIRECTV Group, Inc. and EchoStar LLC for Expedited Rulemaking to Amend Section 1.2105(a)(2)(xi) and 1.2106(a) of the Commission’s Rules and/or for Interim Conditional Waiver)	RM-11395
)	
Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission’s Competitive Bidding Rules and Procedures)	WT Docket No. 05-211
)	

**REPLY COMMENTS OF
THE NATIONAL TRIBAL TELECOMMUNICATIONS ASSOCIATION**

I. INTRODUCTION AND SUMMARY

The National Tribal Telecommunications Association (NTTA) provides these reply comments in response to the Federal Communications Commission’s (FCC) Public Notice requesting further comment related to the competitive bidding proceeding.¹

¹ Public Notice, Request for Further Comment on Issues Related to Competitive Bidding Proceeding, Updating Part 1 Competitive Bidding Rules, WT Docket No. 14-170, GN Docket No. 12-268, RM-11395, and WT Docket No. 05-211 (FCC 15-49, rel. April 17, 2015) (*Public Notice*)

NTTA consists of Tribally-owned communications companies including Cheyenne River Sioux Telephone Authority, Fort Mojave Telecommunications, Inc., Gila River Telecommunications, Inc., Hopi Telecommunications, Inc., Mescalero Apache Telecom, Inc., Saddleback Communications, San Carlos Apache Telecommunications Utility, Inc., Tohono O'odham Utility Authority, and Warm Springs Telecom. NTTA's mission is to be the national advocate for telecommunications service on behalf of its member companies and to provide guidance and assistance to members who are working to provide modern telecommunications services to Tribal lands.

High-speed and dependable telecommunications services continue to evade many Tribal carriers and the lands they serve throughout the United States. Consequently, the Federal Communications Commission (FCC) has a very in-depth understanding of the challenges Tribes face in deploying or bringing telecommunications services to Tribal lands, and as such have created financial and economic incentives to reflect this position.² This has been well documented in the FCC's Docket filings by Tribes, Tribal organizations, and Tribal telecommunications providers. Congress itself continues to reference these challenges in various documents that it initiates and expounds upon.³

NTTA is filing in support of comments already submitted by Doyon, Limited and Chugach Alaska Corporation, Leech Lake Telecommunications, Native Public Media, and the National Congress of American Indians.⁴ The aforementioned commenters highlighted key reasons why the FCC must preserve the small business designated entity program, and the National Congress of American Indians also provided sound justification for preserving the Tribal land bidding credit since WT Docket No. 11-40 has remained inactive in the rulemaking process. In order for Tribes to break into this highly competitive market, programs like the small business designated entity and the Tribal land bidding credit are essential in providing Tribes with an opportunity to participate in future auctions.

² See generally WT Docket No. 99-266, *Extending Wireless Communications Services to Tribal Lands*

³ See *Connecting America: The National Broadband Plan*, pg 152, Box 8-4, for example

⁴ See Doyon, Limited and Chugach Alaska Corporation, Comments. May 14, 2015 Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001031750>. Leech Lake Telecommunications, Comments. May 14, 2015. Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001031605>. Native Public Media, Comments. May 14, 2015. Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001031662>. National Congress of American Indians, Comments. May 14, 2014. Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001031719>.

Additionally, NTTA disagrees with the comments filed by NTCH, Inc., which not only included false and blanket assumption about Tribal nations, their citizens, and their financial statuses,⁵ but also lacks empirical data to support those assumptions. NTCH, Inc.’s recommendation to develop “means testing” to determine the telecommunications need in Indian Country disregards a plethora of data on the record, including the Commission’s more recent conclusion(s) related to the necessity of bidding credits to carriers serving Tribal lands.⁶ Furthermore, Native Public Media (“NPM”) states, “As the Commission has frequently noted, it not only has a statutory duty to assist members of minority groups to participate in the competitive bidding process, it has ‘an historic trust relationship with Tribal Nations, and a longstanding policy of promoting Tribal self-sufficiency and economic development’.⁷ NPM goes on to state “...the DE policy is designed to provide communications services to one of the most poorly served population groups in America.”⁸ The FCC, along with other federal entities, has already acknowledged and documented the telecommunications infrastructure disparities that have persisted on Tribal lands for decades. We respectfully urge the FCC to disregard such comments and preserve the Tribal land bidding credit and small business designated entity programs for the benefit of future Tribal participation.

Furthermore, NTTA encourages the FCC to take into consideration how modifications to the Tribal land bidding credit and/or small business designated entity program may adversely affect Tribal opportunities to participate in future spectrum license auction. Given the immensely competitive nature of spectrum auctions and the vast amount of capital needed to participate, the FCC should not hastily modify programs that will further prevent Tribal participation. Indeed, as the Commission itself acknowledged and recommended, “We now believe that an increase in the bidding credit limit is warranted in order to further mitigate the economic risk associated with provision of service. Most parties commenting on this issue support the view that increasing

⁵ See NTCH, Inc., Comments, WT Docket Nos. 14-170 and 05-211, GN Docket No. 12-268, and RM-11395. “B. No Automatic Bidding Credits for Indians” Pages 4-5. May 13, 2015. Available at <http://apps.fcc.gov/ecfs/document/view?id=60001047246>.

⁶ For example, *USF/ICC Transformation Order*, paras 355, 430, 487, 490

⁷ Native Public Media at pgs 3 & 4, footnotes 7 and 8, WT Dockets No. 14-170/05-211; GN Docket No. 12-268; RM-11395

⁸ Id, footnote 10 “*Improving Communications Services for Native Nations, Notice of Inquiry*, 26 FCC Rcd. 2672 (2011)

the bidding credit amount could provide additional incentives to carriers to deploy wireless services to tribal lands.”⁹

Tribes already face daunting barriers to obtaining spectrum licenses for commercial mobile wireless services on Tribal lands. Therefore, we strongly urge that the FCC not promulgate rules that would further hinder Tribes from obtaining such spectrum licenses.

Respectfully Submitted,

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President
National Tribal Telecommunications Association

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⁹ WT Docket No. 99-266, para 11