



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

DA 06-2625  
Released: December 29, 2006

## WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON RONAN TELEPHONE COMPANY REQUEST FOR THREE ADDITIONAL YEARS TO MEET TRIBAL LANDS BIDDING CREDIT CONSTRUCTION REQUIREMENT

WT Docket No. 06-231

**Comments due January 12, 2007.**  
**Reply Comments due January 17, 2007.**

Pursuant to Section 1.925(c) of the Commission's rules,<sup>1</sup> the Wireless Telecommunications Bureau (Bureau) hereby seeks comment on the Request of Ronan Telephone Company (Ronan) for three additional years to meet the tribal lands bidding credit (TLBC) construction requirement for the Blackfeet Indian Reservation located in Montana (Request).<sup>2</sup>

On January 29, 2004, the Commission granted Ronan the Lower 700 MHz Band C Block license for Montana RSA 1 (CMA 523), Call Sign WPZK450.<sup>3</sup> Ronan received an \$182,000 TLBC, fifty percent of its gross bid in Auction No. 44, in exchange for its agreement to construct and operate "a system capable of serving seventy-five (75) percent of the population of the qualifying tribal land [*i.e.*, the Blackfeet Indian Reservation] for which the credit was awarded."<sup>4</sup> Ronan is required to file a certification within fifteen days of the third anniversary of the initial license grant, January 29, 2007, that it has met this requirement.<sup>5</sup> If it fails to meet the three-year TLBC construction deadline, Ronan must repay the bidding credit plus interest.<sup>6</sup>

---

<sup>1</sup> 47 C.F.R. § 1.925(c).

<sup>2</sup> File No. 0002831787 (filed Nov. 29, 2006). The Blackfeet Tribal Business Council, the governing body of the Blackfeet Nation on the Blackfeet Indian Reservation, joined in Ronan's Request.

<sup>3</sup> The license area encompasses northwestern portions of Montana, including the counties of Lincoln, Sanders, Lake, Flathead, Glacier, Pondera, and Teton. The Blackfeet Indian Reservation lies within Glacier and Pondera Counties.

<sup>4</sup> 47 C.F.R. § 1.2110(f)(3)(vi).

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

<sup>6</sup> 47 C.F.R. § 1.2110(f)(3)(vii).

The Lower 700 MHz Band C Block consists of UHF Channels 54 and 59. Ronan states that due to the proximity of a high-power, co-channel TV station 54, transmitter for UHF Channel 54,<sup>7</sup> it cannot utilize any of the available high-altitude transmitter sites that would enable it to serve seventy-five percent of the reservation's population.<sup>8</sup> Ronan however recently commenced a new broadband service (using a low-elevation facility) to the Blackfeet Indian Reservation community of Browning, encompassing approximately fifty percent of the reservation's population.<sup>9</sup> The remaining population is dispersed over 2,344 square miles of reservation land.<sup>10</sup> Ronan states that it intends to construct additional low-elevation facilities to serve much smaller communities on the reservation, including East Glacier Park, Heart Butte, and the St. Mary River Valley (downstream from Glacier National Park),<sup>11</sup> and requests three additional years to meet the seventy-five percent TLBC population benchmark.

In the *Tribal Lands Order*, the Commission stated “[w]e are willing to consider relaxing our buildout requirements in cases where parties can demonstrate that doing so will expedite deployment of service to tribal lands. We therefore encourage parties to file specific waiver requests if need be, and commit to consider such requests expeditiously.”<sup>12</sup> In the *Second Tribal Lands Order*, the Commission noted that “there may be conditions, such as technical obstacles, economic factors, or other difficulties that may make it difficult for carriers to satisfy the stricter [tribal lands] construction requirement. Circumstances may exist on remote tribal lands such as low population density, rough terrain, or other factors that can negatively effect the ability of carriers to provide the requisite coverage to facilities in those areas.”<sup>13</sup> And in the *Third Tribal Lands Order*, the Commission advised “that should a carrier be unable to fulfill its construction requirements at the end of three years, it may seek a waiver from the relevant Commission rule.”<sup>14</sup>

In view of the foregoing, we seek comment on Ronan's Request, including whether grant of the Request would be consistent with the goals and policies underlying the Commission's tribal land bidding credit program and Indian Telecommunications Initiatives.<sup>15</sup>

---

<sup>7</sup> We note that the incumbent broadcaster does not have to vacate this spectrum until February 17, 2009. See Deficit Reduction Act of 2005, Pub. L. 109-171, 120 Stat. 4 (2006).

<sup>8</sup> Request at 7-8.

<sup>9</sup> *Id.* at 9.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 11.

<sup>12</sup> Extending Wireless Telecommunications Services to Tribal Lands, *Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 99-266, 15 FCC Rcd 11794, 11809 ¶41 (2000) (*Tribal Lands Order*).

<sup>13</sup> Extending Wireless Telecommunications Services to Tribal Lands, WT Docket No. 99-266, *Second Report and Order and Second Further Notice of Proposed Rulemaking*, 18 FCC Rcd 4775, 4783 ¶22 (2003) (*Second Tribal Lands Order*).

<sup>14</sup> Extending Wireless Telecommunications Services to Tribal Lands, WT Docket No. 99-266, *Third Report and Order*, 19 FCC Rcd 17652, 17656 ¶8 (2004) (*Third Tribal Lands Order*).

<sup>15</sup> See [www.fcc.gov/indians/](http://www.fcc.gov/indians/).

## Procedural Matters

Comments on the Request are due **no later than January 12, 2007**. Reply Comments are due **no later than January 17, 2007**. All responsive filings should reference the docket number of this proceeding, WT 06-231.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's ex parte rules.<sup>16</sup> Parties making oral *ex parte* presentations in this proceeding are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.<sup>17</sup> More than a one- or two-sentence description of the views and arguments presented is generally required.<sup>18</sup>

The Request is available for public inspection and copying in the Commission's Reference Center, Room CY A257, 445 12th Street, SW, Washington, D.C. 20554. Copies of the Request also may be obtained via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 06-231. Copies of the Request are also available from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, “get form.” A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002.

---

<sup>16</sup> *See* 47 C.F.R. §§ 1.1200(a), 1.1206.

<sup>17</sup> *See* “Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings,” *Public Notice*, 15 FCC Rcd 19945 (2000).

<sup>18</sup> *See* 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well. *Id.* § 1.1206(b).

- The filing hours at this location are 8:00 a.m. to 7:00 p.m.
- All hand deliveries must be held together with rubber bands or fasteners.
- Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, M.D. 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.
- All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Parties shall send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

Comments filed in response to this Request will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY-A257, Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 06-231. The comments may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

Alternate formats of this Request (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or send an e-mail to [access@fcc.gov](mailto:access@fcc.gov).

FOR FURTHER INFORMATION, CONTACT: James Brown of the Wireless Telecommunications Bureau, Mobility Division, at (717) 338-2621, [james.brown@fcc.gov](mailto:james.brown@fcc.gov).

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

-FCC-