



Federal Communications Commission
Washington, D.C. 20554

April 19, 2013

DA 13-794

Bryan Brewer, Sr.
President of the Oglala Sioux Tribe
P.O. Box 2070
Pine Ridge, S.D. 57770-2070

Re: Motion for Extension of Time, Petition of the Oglala Sioux Tribe for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended, WC Docket No. 09-197

Dear Mr. Brewer:

This letter responds to the motion filed on July 9, 2012 in WC Docket No. 09-197, on behalf of the Oglala Sioux Tribe ("OST"), requesting an extension of time from July 10, 2012 to August 9, 2012, to file a petition for designation as an Eligible Telecommunications Carrier (ETC) pursuant to section 214(e)(6) of the Communications Act of 1934, as amended. Because OST did not file a petition for ETC designation within the specified time period, the request is moot. We therefore dismiss the motion without prejudice.

We understand that OST's motion seeking to file an ETC designation petition after July 10, 2012, may have been an effort to meet one of the eligibility requirements to participate in the Commission's first Mobility Fund Phase I auction (Auction 901).¹ To be eligible to bid in Auction 901, a Tribally-owned or -controlled applicant was required to demonstrate either that it was designated as an ETC for the areas on which it wished to bid or that it had an application for designation as an ETC for areas within the boundaries of the associated Tribal land pending on the July 11, 2012 auction application (short-form) deadline.²

OST did not file a short-form application for Auction 901 or a petition for ETC designation and was thus not eligible to participate in Auction 901. OST's motion seeking an extension of time to file its petition for ETC designation is therefore moot. This dismissal does not prejudice OST's ability to file for ETC designation in the future in order to participate in other Mobility Fund auctions. In this regard, we note that the Commission has announced that it will hold a reverse auction to award up to \$50 million in one-time Tribal Mobility Fund Phase I support on October 24, 2013.³ If you have any questions or need any guidance about the requirements for participating in that auction, please do not hesitate to contact us or Geoffrey C. Blackwell, Chief of the Office of Native Affairs and Policy.

¹ The "Oglala Sioux Tribe Motion for Extension of Time" references three docket numbers, one of which is the docket number for Auction 901, AU Docket No. 12-25, but was filed only in WC Docket No. 09-197.

² 47 C.F.R. §§ 54.1003, 54.1004(a).

³ See Tribal Mobility Fund Phase I Auction Scheduled for October 24, 2013; Comment Sought on Competitive Bidding Procedures for Auction 902 and Certain Program Requirements, *Public Notice*, AU Docket No. 13-53, DA 13-323 (rel. Mar. 29, 2013).

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This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331.

Sincerely,

Margaret W. Wiener
Chief
Auctions and Spectrum Access Division
Wireless Telecommunications Bureau

cc: W. Cindy Gillis
Counsel for the Oglala Sioux Tribe