**DA 18-1312**

**Released: December 31, 2018**

**WIRELINE COMPETITION BUREAU UPDATES LIST OF CARRIERS MEETING ELIGIBILITY CRITERIA FOR TRIBAL OPEX RELIEF**

**WC Docket No. 10-90**

In the 2018 *Tribal Opex Relief Order*, the Commission recognized the higher operating expenses facing carriers on Tribal lands and granted relief from certain operating expense (opex) limits it had imposed on rate-of-return carriers in 2016.[[1]](#footnote-3) To target relief to carriers with the greatest need to accelerate broadband deployment, the Commission limited eligibility for relief to carriers that met the following criteria at the time of the *Tribal Opex Relief Order*: (1) carrier has “not deployed broadband service of 10 Mbps download/1 Mbps upload to 90% or more of the housing units on the Tribal lands in its study area;” and (2) “unsubsidized competitors have not deployed broadband service of 10 Mbps download/1 Mbps upload to 85% or more of the housing units on the Tribal lands in its study area.”[[2]](#footnote-4)

The *Tribal Opex Relief Order* identified five carriers that had not exceeded the deployment threshold at the time of the order and were already affected by the prior opex cap.[[3]](#footnote-5) In an Order on Reconsideration,[[4]](#footnote-6) adopted on December 20, 2018, the Commission concluded that, based on additional evidence, Mescalero Apache Telecommunications, Inc., did not meet the 90-percent deployment threshold at the time the *Tribal Opex Relief Order* was adopted, and so was entitled to relief. Several more carriers, identified below, are also eligible for relief under the *Tribal Opex Relief Order*, even though they were not affected by the previous opex cap.

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| StudyArea | Percent of Tribal Housing Units Offered 10/1 Broadband by ILEC | Percent of Tribal Housing Units Offered 10/1 Broadband by Unsubsidized Competitor |
| ATLAS TEL CO | 28.5% | 19.9% |
| BEGGS TEL CO | 77.3% | 6.0% |
| BIXBY TEL CO | 89.3% | 81.6% |
| CHEROKEE TEL CO | 0.0% | 66.4% |
| CHEYENNE RIVER SIOUX | 77.8% | 3.0% |
| FORT MOJAVE TEL, INC | 72.3% | 73.8% |
| GILA RIVER TELECOM. | 42.1% | 77.1% |
| LAVACA TEL CO-OK | 84.6% | 5.6% |
| OKLATEL COMMUNICATIONS, INC. | 41.0% | 3.5% |
| PINE TELEPHONE CO | 33.2% | 0.0% |
| SACRED WIND | 76.8% | 7.4% |
| SADDLEBACK COMM CO | 0.0% | 5.2% |
| SAN CARLOS APACHE | 0.0% | 20.0% |
| SHIDLER TEL CO | 0.0% | 1.5% |
| TERRAL TEL CO | 71.4% | 6.5% |
| TOHONO O'ODHAM UTIL. | 64.7% | 7.0% |
| TOTAH COMMUNICATIONS | 19.3% | 3.0% |
| WYANDOTTE TEL CO | 0.0% | 33.6% |

 For further information contact Suzanne Yelen at (202) 418-0626.

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1. *Connect America Fund*, Report and Order, FCC 18-37 (Apr. 5, 2018) (*Tribal Opex Relief Order*); *Connect America Fund et al.*, Report and Order, Order and Order on Reconsideration and Further Notice of Proposed Rulemaking, 31 FCC Rcd 3087, 3124-26, paras. 95-104 (2016) (*Rate-of-Return Reform Order and Further Notice*). [↑](#footnote-ref-3)
2. *Tribal Opex Relief Order*, FCC 18-37, at 3, para. 7. [↑](#footnote-ref-4)
3. *Id.* at Appendix D. [↑](#footnote-ref-5)
4. *Connect America Fund*, Order on Reconsideration, FCC 18-187 (Dec. 20, 2018). [↑](#footnote-ref-6)