

NORMA J. TORRES  
35TH DISTRICT, CALIFORNIA

1713 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
PHONE: (202) 225-6161  
FAX: (202) 225-8671

3200 INLAND EMPIRE BLVD., SUITE 200B  
ONTARIO, CA 91764  
PHONE: (909) 481-6474  
FAX: (909) 941-1362



634

Congress of the United States  
House of Representatives  
Washington, DC 20515

FOREIGN AFFAIRS  
WESTERN HEMISPHERE  
TERRORISM, NONPROLIFERATION, AND TRADE  
NATURAL RESOURCES  
RANKING MEMBER  
INDIAN, INSULAR AND ALASKA NATIVE AFFAIRS  
FEDERAL LANDS

July 31, 2017

The Honorable Ajit Pai  
The Honorable Mignon Clyburn  
The Honorable Michael O’Rielly  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20054

**RE: FCC Inaction on WC Docket No. 10-90 Operating Expense Limitation Rule for Carriers Serving Tribal Lands**

Dear Chairman Pai and Commissioners Clyburn and O’Rielly:

We write to you today to urge the Commission to move forward on the draft order that is pending before the Commission that would provide an exemption to carriers primarily serving Tribal lands from the operating expense limitation rule that was adopted in 2016 and took effect at the beginning of this year. Tribal Lands are the most unserved and underserved areas in our Country. The Commission notes that 1.5 million people living on Tribal Lands lack access to broadband. To us, these people are not statistics, but are students applying to college, are entrepreneurs hoping to expand their business, and are thriving rural communities that deserve the same telecommunications services as their urban counterparts.

We are concerned by the Commission’s inaction on the draft order. An exemption from the application of the operating expense limitation rule to carriers primarily serving Tribal lands would greatly benefit our constituents, the 1.5 million people who currently lack broadband access on Tribal Lands. The Commission has made clear that their primary goal in this new Administration is to expand broadband to areas where it is lacking. Moving swiftly on this item is clearly in line with that goal.

The delay in voting on this item is jeopardizing the financial viability of a number of carriers that are seeking to serve Tribal lands, which the Commission knows are the least-served in the country. The Chairman recognized that the draft Order would “allow carriers serving Tribal lands a greater ability to recover operating expenses, thus improving the financial viability of operating a broadband network serving Tribal lands”.

Many carriers highlighted the higher operating expenses associated with deploying broadband on Tribal lands in their comments on WC 10-90. It is important to note, *not a single commenter filed in opposition* to the proposal put forward by the Commission to exempt carriers serving Tribal lands from this rule. A number of carriers filed in support of not only providing an exemption to the operating expense limitation rule, but in favor of providing all carriers serving Tribal lands additional support, through a Tribal Broadband Factor, to promote deployment to Tribal lands.

We ask you, Chairman Pai, Commissioner Clyburn and Commissioner O' Rielly, to remove the harm that is being caused by the operating expense limitation rule and to explore ways to target additional resources to unserved areas on Tribal lands. We strongly urge the Commission to take action on this item as soon as possible to fulfill the mission of the FCC in connecting all areas, including Tribal areas, to broadband.

Sincerely,



Norma J. Torres  
Member of Congress



Don Young  
Member of Congress



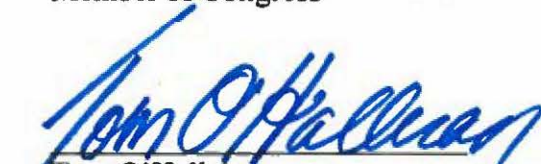
Walter B. Jones  
Member of Congress



Aumua Amata C. Radewagen  
Member of Congress



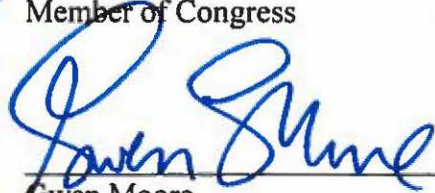
Betty McCollum  
Member of Congress



Tom O'Halleran  
Member of Congress



Keith Ellison  
Member of Congress



Gwen Moore  
Member of Congress



Ron Kind  
Member of Congress



Raul M. Grijalva  
Member of Congress

  
Raul Ruiz  
Member of Congress

  
Collin C. Peterson  
Member of Congress

  
Mark Takano  
Member of Congress

  
Nanette Barragán  
Member of Congress

  
Dwight Evans  
Member of Congress

  
Daniel T. Kildee  
Member of Congress