



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

June 8, 2018

The Honorable Heidi Heitkamp
United States Senate
110 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Heitkamp:

Thank you for your letter concerning the changes to Tribal Lifeline support in the *2017 Lifeline Reform Order*. Closing the digital divide is my top priority. As Chairman, I have participated in three official Tribal consultations, made numerous visits to Tribal communities, and met with Tribal representatives. During these meetings and visits, I repeatedly heard that rural Tribal communities desperately need broadband investment. The Federal Communications Commission's recent changes to Tribal Lifeline support are designed to incentivize providers to deploy networks on rural Tribal lands and direct Tribal Lifeline support to areas where it is needed most, which in turn will improve the availability and affordability of advanced communications services in rural Tribal areas.

Suggestions that the changes in the *2017 Lifeline Reform Order* would cut off support to Tribal areas are simply false. All eligible Americans who apply will continue to receive support, including those using wireless resellers on Tribal lands. But enhanced support will now be tailored to better target those in need. As detailed in the order, the Commission always intended the enhanced support to provide "additional incentives to serve Tribal lands that, due to their extreme geographic remoteness, are sparsely populated and have few businesses." However, about 98% of residents of urban areas—including Tulsa and Reno—already have access to fixed broadband Internet access service at speeds of 25 Mbps/3 Mbps. And these urban population centers are overwhelmingly populated by non-Tribal members. As recognized by former California State Public Utilities Commissioner Catherine Sandoval, "it is not reasonable to give the Enhanced Lifeline support where there is no additional cost to providing service to the eligible tribal customers." And so the Commission, as suggested by the Public Utility Division of the Oklahoma Corporation Commission, redirected our enhanced support to "synchronize the support with the most pressing deployment needs."

Before making changes to Tribal Lifeline support, the Commission carefully considered the potential impact of the changes on Tribal Lifeline subscribers. All evidence suggests that these changes are likely to increase broadband buildout on Tribal lands and increase the service opportunities for Tribal members in North Dakota and across the country. Based on Commission staff estimates, 133 unique fixed facilities-based and 27 unique mobile facilities-based Lifeline providers offer service to customers on Tribal lands. In North Dakota, at least ten unique facilities-based Lifeline providers offer service to customers on Tribal lands, and approximately 60% of Tribal Lifeline subscribers in that state are served by a facilities-based provider. Only two wireless resellers currently claim Tribal Lifeline subscribers in North

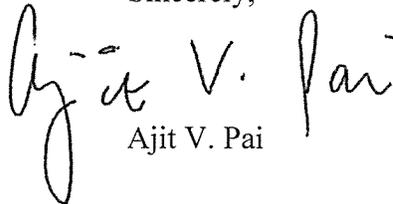
Dakota. And of course, subscribers may remain with the wireless reseller at a lower discount or switch to a facilities-based provider if they wish to continue receiving the enhanced monthly benefit.

As you may know, the Commission engaged in a robust consultation process before proceeding with these changes to the Tribal Lifeline program. The Commission sought comment on these changes in 2015. The Commission's decision to limit enhanced support to carriers reinvesting in Tribal communities received strong support from many Tribes and those that have built facilities on Tribal lands. Tribal commenters as diverse as the Navajo Nation, the Sovereign Councils of Hawaiian Homelands Assembly, Gila River Telecommunications, the Coeur D'Alene Tribe, the Affiliated Tribes of Northwest Indians, Mescalero Apache Telecommunications, the San Carlos Apache Telecommunications Utility, the Red Lake Band of Chippewa Indians, and the Alatna Village Council all commented in support of the Commission's proposals, and Commission staff consulted with Tribes in 2015 and 2016 on those proposals.

Tribal commenters from North Dakota also weighed in on the 2015 Notice of Proposed Rulemaking. The Standing Rock Sioux Tribe, for example, emphasized the need for Lifeline and Link Up because of the lack of adequate telecommunications infrastructure and poor economic conditions on its reservation.¹ The Sioux Tribes of the Upper Great Plains' comments explained that the lack of broadband infrastructure is the most significant barrier to adequate telephone and broadband service on Tribal lands and requested that the Commission consult directly with the Sioux Tribes to target federal assistance to meet their unique needs.² The changes to Tribal Lifeline support seek to address these deployment issues by incentivizing providers to build networks on rural Tribal lands.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



Ajit V. Pai

¹ Standing Rock Sioux Tribe and Standing Rock Telecommunications, Inc. Comments, WC Docket No. 11-42 et al., at 1-2 (July 28, 2015).

² Sioux Tribes of the Upper Great Plains Comments, WC Docket No. 11-42 et al., at ii, 1-2 (July 22, 2015).