

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures (MB Docket No.09-52); Improving Communications Services for Native Nations by Promoting Greater Utilization of Spectrum over Tribal Lands (WT Docket No. 11-40); Improving Communications Services for Native Nations (CG Docket No. 11-41)*

Honorable Tribal Leaders, thank you for joining us here at the Federal Communications Commission. This past November, I had the privilege to talk with many of you at the Annual Conference of the National Congress of American Indians in Albuquerque. I brought with me to that meeting Chairman Genachowski's pledge that we would hold this meeting—a Tribal Issues Commission Meeting to focus on the telecommunications and media issues that matter most to Indian Country. It has been a long time in coming, but today we are now moving seriously toward a more comprehensive, consultative and holistic approach to identifying and removing barriers to the deployment and adoption of services on and near Tribal lands.

Providing every person in this country with Twenty-first century communications is the great infrastructure challenge of our time. We cannot afford to leave *any* American behind. That must certainly include the original Americans—Native Americans—so that they, too, can reap the benefits of these enabling communications technologies. On my visits to Indian Country, I have seen first-hand how much harm the lack of telecommunications infrastructure is inflicting on the people living on and near Tribal lands, Alaska Native Villages and Hawaiian Home Lands. In so many places where Native Americans live, poverty endures, unemployment is at levels no society should tolerate, education languishes, and even basic public safety falls far short of what people have a right to expect. Modern telecommunications and ubiquitous media are strangers in much of Indian Country. Even plain old telephone service is at shockingly low levels of penetration—below seventy percent of Native American households, and in some areas far less than that. And we don't even begin to have reliable data on the status of Internet subscribership on Tribal lands. Anecdotally, we know that broadband access on Tribal lands is minimal, and certainly lower than ten percent. It's a national disgrace—and it's hurting us all. While I have seen some marked improvements in some places in Indian Country over the last decade, so much more cries out to be done. There's an old saying: Access denied is opportunity denied. Until Indian Country is connected to a Twenty-first century broadband telecommunications grid, opportunity will pass quicker than a meteor over Indian Country. And the people who live there will only fall farther behind the rest of the country and the rest of the world.

When we created the Office of Native Affairs and Policy last August, I was encouraged that we were on the path to meaningful progress on these challenges. And, I was even more encouraged when my old friend, Geoff Blackwell, was selected to head that office. What a gift he is to this Commission! And we have beefed up, by orders of magnitude, the FCC's resources dedicated to building a better trust relationship with Tribal Governments. Having the structures and people in place, though, won't by itself solve these generations-long and deep-rooted problems. We need a serious commitment on the part of this agency to get the job done—and, with this Chairman and with this Commission, we are finally making that commitment.

But success here can only be the product of our cooperative work together. If the Commission is going to help resolve the challenges you face, it must first understand them. See them. Feel them. We need to hear from you on an ongoing basis about your experiences, your ideas and your priorities to help shape our day-to-day decision making. Tribal Nations are

sovereigns within this great country, and the FCC must have your input on the life-changing communications issues that matter most to your communities. I recognize that it can be a challenge to find the resources and that you must target them appropriately, but I am a believer in the adage that decisions without you are usually not the best decisions for you. Your being here today provides valuable and much-needed input. Similarly, our coming—as a Commission—to Indian Country and other Native areas is equally important in making sure we are all seeing the same challenges and responding to the same sets of facts. I hope we will do that soon—and often.

With the three proceedings we launch today, we have a real opportunity, working together, to identify barriers to the deployment and adoption of communications and media services in Indian Country and to take swift action to remove these barriers. The *Native Nations Notice of Inquiry* highlights the breadth of our examination—from radio to broadband to public safety communications. Specifically, we seek input on whether to expand the Tribal Priority for the allocation and assignment of radio channels to make it easier for Native Nations to provide other services—wireless, wireline and satellite—to their communities. We ask about sustainable broadband models for Indian Country, and the funding needs for deployment, adoption and digital literacy on Tribal lands. Given the unique ways that public safety communications are provisioned in Indian Country, we seek to develop a comprehensive record on the funding, jurisdictional, geographic and other challenges to ensuring that Tribal lands have access to the ubiquitous, effective and high-quality emergency communications they need and deserve. And, for the first time to my knowledge, we ask critically important questions about accessibility barriers for persons living with disabilities on Tribal lands.

Today, we also adopt a *Native Nations Spectrum Notice of Proposed Rulemaking* aimed at promoting greater use of spectrum over Tribal lands. We propose a number of innovative ideas for maximizing the spectrum resource and expanding opportunities for wireless service to Native Americans. Among the proposals, we are looking to expand the Tribal Priority that currently applies to broadcast radio to cover commercial wireless, to require good faith on the part of incumbent wireless licensees in any negotiations for secondary market access to spectrum over Tribal lands, and to incent the building of wireless facilities by applying a safe harbor for construction obligations when a specified level of service on Tribal lands is met. Too often, wireless carriers find that they don't need to cover Tribal lands to meet our far-too-lenient build-out requirements—except, of course, if they happen to want to cover a highway that cuts through the area. I have long believed that we need to apply some degree of a use-it-or-lose-it approach when it comes to the public spectrum resource. That is why I strongly support the build-or-divest process we propose today. Under the proposal, a Tribal Government could initiate a build-or-divest process by giving us notice that it plans to extend coverage over its Tribal lands that are unserved or underserved by licensees of that spectrum and geographic area.

Last, but certainly not least, in the *Rural Radio* item we address the implementation of the Tribal Priority for radio broadcast licensing for those Tribes with very small, irregularly-shaped, or no land holdings. Our policies need to recognize that only 312 of the 564 federally-recognized Tribes occupy reservations, and I am pleased that we have initiated a waiver process to make this priority available for those Tribes. We seek further comment on ways to maximize the benefit of this priority for Tribal entities seeking FM commercial licenses.

There is a truly path-breaking idea presented in the *Rural Radio* item that proposes the use of threshold qualifications as an alternative to the Tribal Bidding Credit. The objective here

is to increase opportunities for Tribal entities to own FM broadcast stations to serve their communities. I wish we had developed this idea earlier, but in light of the significant assurances I have received that its consideration will be fast-tracked, I think it may be the idea whose time has come. I am anxiously awaiting commenters' reaction to it. There are far too few radio station licenses in the hands of Native Americans—less than one-third of one percent—and this lack pulls us apart. Media can do much to bring us closer together. Native American interests are a fundamental component of the public interest obligations that this Commission is charged by law to safeguard and advance.

We have a long way yet to go to turn our words into concrete results for Native Americans. And, we are all too aware of earlier times in our shared history when hopes and promises spread across Indian Country, only to be under-cut by a lack of follow-through and, sometimes, by outright deceit. That history was often a trail of tears, and the ground is still damp with the sorrow and hurt that were visited upon generations of Native Americans. Bringing opportunity and prosperity out of that sad history is one of the major challenges confronting our country today. It is time to do justice—real justice—for Indian Country and for us all. Let us move forward together in this new spirit of hope and progress, and let us work, government-to-government, to make sure the results match the promise.

I also want to commend the adoption in the *Rural Radio* item of a rebuttable urbanized area presumption that I believe will help better serve communities and new entrant broadcasters alike. We adopt this item to avoid gaming of our 307(b) preference, which is designed to ensure the fair, efficient and equitable distribution of radio service. I believe strongly that *all* of our communities, large and small, deserve to be served.

I want to thank the Chairman and fellow Commissioners for their constructive engagement on all three items. I commend Geoff Blackwell and his fantastic team in the Office of Native Affairs and Policy for coordinating these items across the Commission, pulling in expertise from throughout the agency. I also thank and commend the Media and Wireless Telecommunications Bureaus for their major role in today's actions. I hope in the future people will look back upon this day as a truly formative, perhaps even historic, day.