Re: Notice of ex parte meeting of Gila River Telecommunications, Inc. and the National Tribal Telecommunications Association Related to Connect America Fund, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Modernizing the E-rate Program for Schools and Libraries, WC Docket Nos. 10-90, 11-42, 09-197, 13-184

Dear Ms. Dortch:

By this letter, and pursuant to Sections 1.1206 of the Commission’s rules, representatives of Gila River Telecommunications, Inc. (“GRTI”) Belinda Nelson, Letha Lamb Bruce Holdridge and the undersigned, along with National Tribal Telecommunications Association (“NTTA”) member company representatives Sal Sahme and Jose Mantanane (Warm Springs Telecom), Jerome Block (Mescalero Apache Telecommunications, Inc.), Ruben Hernandez and Linda Guiterrez (Fort Mojave Telecommunications, Inc.), Kristan Johnson (Tohono O’odham Utility Authority), Bill Bryant (Saddleback Communications, Inc.) and Doug Kitch of Alexicon provide notice of an October 21, 2015 meeting with Gigi Sohn, Counselor to Chairman Tom Wheeler at the headquarters of Gila River Telecommunications, Inc. on the Gila River Indian Community.

During the meeting, we discussed the substantial broadband infrastructure gap on Tribal lands and the need for a targeted effort by the Commission to address this gap as it considers reforming high-cost universal service program rules applicable to rate-of-return carriers. We noted that there are unique circumstances that drive up costs including population density, terrain, rights-of-way and cultural clearance costs. We requested that the Commission adopt a proposal submitted by NTTA on June 19, 2015 to develop a Tribal Broadband Factor (“TBF”), a simple approach to targeting additional support to Tribal lands for infrastructure investment, and expressed a willingness to further discuss the details of the proposal to ensure its inclusion in any broader rule changes the Commission may adopt.

We reiterated that the Commission and others have noted a persistent deficit of achievement in bringing broadband to tribal lands and that the rate-of-return reform effort that is

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1 47 C.F.R. § 1.1206.
2 Letter from Godfrey Enjady, President National Tribal Telecommunications Association, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 10-90 (filed June 19, 2015).
underway at the Commission offers a unique opportunity to address that deficit.\(^3\) NTTA and GRTI reiterated that they would welcome a dialogue with the Commission on the details of a TBF and how to implement such a proposal within the contours of the broader rate-of-return reform effort.

We also discussed the importance of proactive tribal consultation in regard to policy changes by the Commission. Members cited as an example of a failure to consult prior to changing policy the Commission’s decision in December 2014 to move forward with the National Average Cost Per Loop Freeze decision, despite information in the record from the National Congress of American Indians and others that the proposed change in policy would have a dramatic and unique impact on a number of carriers serving tribal lands. As a result of that policy change, a number of member companies have heard from the National Exchange Carriers Association that they face significant reductions in their high-cost support in the coming year.

In addition, we discussed the importance of continuation of the enhanced Lifeline program. Member companies expressed concern with the Commission’s proposal to reduce or eliminate the enhanced Lifeline and Link Up support noting that a large portion of their customer base is low income and maintains connectivity only as a result of these programs.

Finally, we discussed the success of E-rate in providing access to schoolchildren in many tribal communities, but noted there are a number of schools on tribal lands that remain unserved. The NTTA members mentioned that one challenge in particular is bringing connectivity and service to Bureau of Indian Education (BIE) schools on their reservations. NTTA mentioned its desire to work with the Commission to help find solutions to overcome the regulatory obstacles that hinder greater involvement by BIE and other schools and libraries located on reservations.

Please direct any questions to the undersigned.

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\(^3\) Broadband Opportunity Council, Report and Recommendations Pursuant to the Presidential Memorandum on Expanding Broadband Deployment and Adoption by Addressing Regulatory Barriers and Encouraging Investment and Training at ¶¶ 6, 16 (2015) (stating “some parts of the country, mostly rural and Tribal lands, are connectivity deserts – regions with little or no access to broadband – or ‘parched’ with broadband coverage inadequate to meet community needs” and that “[w]hile many communities around the country would benefit from Federal support in addressing connectivity issues, Tribal areas face particular challenges…creating yet another barrier for education, healthcare and economic development.”).