

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
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FORT HALL BUSINESS COUNCIL
P.O. BOX 306
FORT HALL, IDAHO 83203

Monday, January 24, 2011

Honorable Julius Genachowski, Chair
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Qwest and CenturyLink merger

Dear Chairman Genachowski:

I am writing in my capacity as Chairman of the Fort Hall Business Council, Shoshone-Bannock Tribes, to express the Tribes' concerns regarding the proposed merger of Qwest and Century Telecommunications (now CenturyLink). Qwest is currently the incumbent local exchange carrier serving our Reservation.

Over the years since its merger with U.S. West in 2000, Qwest has never provided more than the minimum necessary level of service to the Tribes and all residents of the Fort Hall Reservation. Even though Qwest's interstate fiber optic cable crosses the Reservation, local distribution and service lines are old and deteriorating copper. Qwest does not provide high-speed internet service on the Reservation except to purchasers of dedicated (T-1) lines. The lack of affordable high-speed internet service to homes and small businesses for long years restricted educational opportunity and has been a barrier to economic development and prosperity on the Reservation. We have seen no assurance from the two firms that their merger will result in even the most basic improvements in service on the Reservation, nor have we had any indication that either firm understands there is a problem.

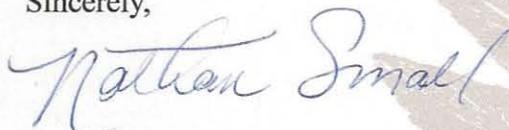
Our second concern relates to the inadequate documentation of Qwest's rights-of-way across the Fort Hall Reservation. As is typical in Indian Country, land ownership and tenure on the Fort Hall Reservation is complex and often undocumented. The U.S. Bureau of Indian Affairs has informed us that some of Qwest's distribution and service lines crossing trust land do not have valid rights-of-way, and are in trespass. We believe that much more of Qwest's infrastructure, possibly including its interstate fiber optic cables, may also be in trespass. We are working with the Bureau of Indian Affairs to try to determine the extent of Qwest's trespass and thus its liability. Allowing the merger of Qwest and Century Telecommunications to go forward would lead to a further muddying of the rights-of-way situation.

For these reasons the Shoshone-Bannock Tribes oppose the merger of Qwest and Century Telecommunications and urge that FCC withhold approval of this merger until such time as our concerns are addressed by the two firms.

If you have any questions or concerns about this letter, please contact our Planning Director Jon Norstog at (208) 478-3934.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Nathan Small". The signature is written in a cursive, flowing style.

Nathan Small, Chairman
Shoshone-Bannock Tribes

CC: Chrono/Files/Jon Norstog, Telecom Task Force/Attorneys/Geoffrey Blackwell, FCC Office of Native Affairs and Policy.

