

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

171

COMMITTEE ON ENERGY AND COMMERCE

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March 9, 2018

The Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Dear Chairman Pai:

As the Federal Communications Commission (FCC or Commission) moves forward on its many initiatives to close the digital divide, we are writing to request that you act expeditiously to revise the Commission's operating expense limitation rules as they pertain to carriers serving Tribal lands, providing them much needed relief.

Access to high-speed broadband has become an integral part of individual and community economic prosperity. Unfortunately, basic broadband access in rural and tribal areas continues to lag behind. Over 35 percent of Americans in Tribal lands lack access to high-speed broadband, as compared to only 2 percent of Americans in urban areas.

Carriers serving Tribal lands face unique challenges in providing broadband service. The Commission itself noted, "Substantial barriers to telecommunications deployment are prevalent throughout Tribal lands. Those barriers include rural, remote, rugged terrain and areas that are not connected to a road system that increase the cost of installing infrastructure, limited financial resources to pay for telecommunications services that deter investment by commercial providers, a shortage of technically trained Native Nation members to plan and implement improvements, and difficulty in obtaining rights-of-way to deploy infrastructure across some Tribal lands."<sup>1</sup>

These numerous challenges translate to considerable operating expenses that the tribal

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<sup>1</sup> Improving Communications Services for Native Nations, CG Docket No. 11-41, Notice of Inquiry, 26 FCC Rcd 2672, para. 1 (2011) (Native Nations NOI).

carriers must recover. Given the continued gaps in broadband deployment on Tribal lands, it is critical that the Commission update its rules to ensure that FCC policies accurately reflect the realities that carriers serving Tribal lands face. Revising the operating expense limitation rules will allow carriers serving Tribal lands to be adequately compensated for necessary expenses, enabling these carriers to continue deployment in unserved areas.


We support the Commission's larger effort to promote broadband deployment throughout the country and look forward to continuing to work with you to close the digital divide.

Sincerely,



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Greg Walden  
Chairman



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Frank Pallone  
Ranking Member



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Ben Ray Luján  
Member of Congress