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CITIZEN POTAWATOMI NATION

February 9, 2021

Department of Commerce
National Telecommunications and Information Administration
1401 Constitution Ave. NW
Washington, DC 20230

RE: NTIA Tribal Broadband Connectivity Grants (TBCG)

To Whom It May Concern:

In response to the February 2021 NTIA consultation sessions, I submit the following comments on the upcoming Tribal Broadband Connectivity Grants.

Competitive Awarding of Funds

Funds for the TBCG should not be awarded through a competitive process, either in whole or in part. Distribution of funds through competitive grants unfairly disadvantages tribes that cannot afford or cannot find qualified outside grant writing talent. When the project requires specialized knowledge, the costs to contract for a competitive application – itself only a *chance* at funding, can easily rise to a five-figure cost. No funds should be distributed to tribes using this method, from any federal source, but especially not when those funds are earmarked for the deadliest pandemic in more than a century.

Formula Distribution

TBCG funds should be fully dispersed to eligible beneficiaries through a formula distribution that minimizes the administrative burden of application. Formula components should heavily weight tribal population (at least 70%), and population totals should be derived from tribally certified enrollment. All federal counts are flawed and have been shown to undercount Native peoples. Some formulas such as the HUD IHBG population counts even “zero out” tribes that are federally recognized and actively working to combat COVID-19 in their homelands. This type of poor dataset cannot serve as the backbone for a distribution formula. Tribally certified totals are already

the most stringent of all population counts, which are heavily scrutinized by professionals who require that every prospective member meet the varying enrollment requirements at each tribe.

All tribes will have unserved areas within their jurisdictions, according to the current definition of “qualifying broadband service”. NTIA can ensure that grant funds are prioritized to unserved areas by requiring that projects serve currently unserved households first. Award formulas should not be heavily weighted to favor a tribe solely because they may have a greater number of unserved households than others. Often, households are poorly served with access that meets the minimum threshold in specification only, but never in practice. These families represent the same level of service need as the unserved but would go uncounted in a formula calculation based solely on that aspect. It is unfair to disadvantage minimally served households because a service provider uses cherry-picked data to justify their service as broadband-qualified.

Commitment and Expenditure Deadlines

While the timelines for expenditure are outlined in statute, NTIA should plan from the outset to extend project periods for all projects. The expectation that funds will be expended one year after receipt is not reasonable for any telecommunications infrastructure project. Extension requests allowed under section 905 (c) (4) should be approved without delay or any burdensome application process.

Post Award Reporting Requirements

NTIA should minimize the reporting burden for TBCG funds. Especially given the low cap on administrative expenses, tribes cannot afford the capacity to keep complex broadband projects on task while also maintaining needlessly detailed records for quarterly reporting. TBCG legislative language requires only an annual report that; describes how the grantee spent funds, certifies that the grantee complied with the grant requirements, including providing information on services provided and locations served, and describes the projects carried out by subgrantees. Anything beyond these items is unnecessary, and the Assistant Secretary must limit both additional reporting requirements as well as increased frequency.

We appreciate the opportunity to consult on this matter. Should you have questions or require additional information, please do not hesitate to contact the CPN Office of Self-Governance by phone at 405-275-3121 or by email at jarnette@potawatomi.org.

Sincerely,



Linda Capps

Vice Chairman

Citizen Potawatomi Nation