



The Confederated Tribes of the Colville Reservation
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Friday, February 12, 2021

Sent Via Email: broadbandusa@ntia.gov

Douglas W. Kinkoph
Associate Administrator
Office of Telecommunications and Information Applications

RE: Tribal Broadband Connectivity Program Written Comments Submission

Dear Mr. Kinkoph,

Below are the written comments made on behalf of the Confederated Tribes of the Colville Reservation regarding the Tribal Broadband Connectivity Program:

1. Program Eligibility

Confederated Tribes of the Colville Reservation agrees with the definition of eligible entities identified by NTIA. All participants must have a supporting Tribal resolution from the tribe for the application and must be recognized federally to apply. Any application, from any entity (consortia, partnership, etc.) should include a plan for coordinated deployment. The Tribal resolution should clearly denote that the tribes are supporting this coordinated deployment and that each component of the coordinated deployment will meet the needs of the Tribe.

2. Equitable Distribution

Confederated Tribes of the Colville Reservation is recommending that the BCP meet tribes where they are with connectivity on their lands. No match should be required. Colville Confederated Tribes see this as one funding bucket however if NTIA is splitting the funds into the following:

- a. **Mass Distribution**-if considered, should be at least 1% or less of the overall allocation sent to all tribes starting the planning process.
 - b. **Formulary**-if formulary used should be based on a combination of population and reservation size.
 - c. **Competitive**-if considered, the review and approval process must take into consideration many more factors, the point system award should be based on how many of these factors are addressed.
 - d. **Combination**- all combinations should be considered, to meet tribes where they are in deployment of broadband should be supported and no exclusions be considered.
- 3. National Historic Preservation Act, Environmental Assessment and Cultural Resources** applicants should include these fees and the associated expedited expenses to complete these critical reviews in the application. In some cases, applicants may be able to demonstrate what these expenses are and clearly include these in the costs for deployment.

Colville Confederated Tribes recommends that timelines be considered in the deployment obligations. If the review timeline pushes the project timeframes beyond the deployment deadlines, applicants should be allowed to extend deployment by these timeframes that are outside the applicant's control.

No other federally funded entity is required to deploy infrastructure under these tight timeframes. All other federally funded deployments are multiyear and adopt a percentage complete scenario by year.

4. Unserved Areas and Duplication

Tribes are often unaware when their lands are included in other federal funding programs. The definition of duplication should be determined as eligible instead of a geographic area. Telecom entities applying for federal funding are not required and do not obtain a resolution of support from the Tribe. There is no description of the services the Tribes will be getting as the result of the federal funding the telco is seeking or awarded.

The burden of proof of duplication or verification that federal funding has already been allocated to serve Tribal lands should be on the funding agency. It should not impede the deployment by the Tribe.

Tribes should be allowed to apply for all unserved/underserved areas they define. Choice should be a factor. Often on Tribal lands, there is no choice of broadband provider. Implementing a similar app to what the FCC used to test speeds would help start to define 477 mapping errors. Allowing the use of outside mapping tools/sources would allow Tribes to start to identify where providers have overstated their network capabilities. For instance, the state of Washington's Broadband connectivity office has created our own mapping tool to identify statewide those holes in the 477 mapping data.

CCT also believes that as sovereign nations with our own governmental duty to our members, we should be allowed to compete for federal dollars in areas already covered. The reason is that providers have one goal in mind and that is to make money, whereas Tribal governments have more of a duty to protect and safeguard its members. So, when the Centurylinks of America go around and eat up all the funding on a reservation and then sit on that funding without building out, they not only hurt the members who are there still without broadband access, but they are creating potential public safety issues when Police officers and other first responders cannot connect to the outside world while serving in their communities. This would never be allowed anywhere else in America but is commonplace among reservations.

CCT believes that unserved should be defined as having ZERO broadband options. We do not consider areas that have limited options or 10/1 to be unserved for the purposes of this funding opportunity. Given the past use of the previously mentioned scenarios as being served has only allowed the digital divide to grow even wider in Indian country it's safe to assume it's not working as is. This all goes back to over reporting by providers and the wholly flawed 477 mapping. The divide widening has ripple effects on our people from lack of available services in remote communities to an even further divide in our youth's education. Reservation children already face a steeper uphill battle than their off-reservation counterparts, when we then introduce yet another obstacle like lack of internet or internet devices, we can only assume this gap will get even wider. It is imperative that we do everything we can to fill this gap right now as best we can.

5. Reporting Requirements

For all other federally funded infrastructure, annual reporting is built into the fund that describes what percentage of the build has been completed. Tribes will be able to report annually and percentage of project complete. There should be serious consideration given to allowing for extensions on spending monies on build outs. The fact that so many entities across the world are moving to more remote working scenarios, the equipment and materials needed to build out networks are often times in high demand and therefore hard to come by. This could cause serious delays in construction timelines which in turn could jeopardize reporting on those funds if an option for extension is not available.

6. Annual Feedback

1. Carrier neutral submarine cable landing stations

Fiber landings, established on ocean shores, often times are directly on or adjacent to tribal lands or Tribal harvest areas. Wherever these landings occur, and if they are adjacent to or on Tribal Lands, all neutral parties should be made aware that access to fiber should be allowed at no cost to tribes (up to 22 strands). Tribes should be notified and given option to connect to these landings or the lands that extend from these lands. There should be full disclosure of who the private investors are the telco or contracting agency involved in the construction/deployment and the fiber path and mapping.

2. Affordable free or reduced-costs broadband services

- a. **No other carrier is asked to provide long term free or reduced-cost broadband connectivity.** If NTIA will be requesting such a commitment from Tribes, a time limit should be established such as 12 months. NTIA should also enforce this on all other federally funded carriers.
- b. **Preventing disconnection of existing broadband services.** All carriers should be held to the same standard; if the requirement of the funding applications requires Tribes to prevent disconnections of broadband service, NTIA will need to work with the Enforcement Bureau to ensure all carriers are held to this standard. Tribes should not be required to operate above and beyond commercial carriers.
- c. **Distance Learning.** Tribes have had to adapt reservation service delivery options and in some cases are spending higher those standard commercial rates for broadband for students. Applicants should be allowed to provide documentation of actual costs as part of their application to justify why they need to build their networks over previously federal funded projects.
- d. **Telehealth.** Many Indian Health Service clinics and Tribal Clinics systems are lacking in telemedicine equipment, software and procedures. Tribes should be allowed to expend these services in conjunction with the clinics and apply for the necessary funding to adopt new technologies, methodologies.
- e. **Digital inclusion efforts.** Tribes have lacked the broadband and devices to connect and are in some cases behind in understanding how to use modern technology. Effort to train Tribal members should be allowed as part of the granting application.
- f. **Broadband adoption activities.** Tribes will have ample opportunity to demonstrate how a tribally deployed network is more feasible and culturally appropriate for their

membership. Tribes should be given the opportunity to build in areas where federal funding was awarded for projects to give the Tribal membership choice in provider.

Please contact me by telephone at (509) 634-2205 or via email at Rodney.cawston.cbc@colvilletribes.com if you have questions about our submission. Thank you.

Sincerely,

Rodney Cawston
CHAIRMAN
Confederated Tribes of the Colville Reservation