

Nez Perce

TRIBAL EXECUTIVE COMMITTEE

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February 12, 2021

Sent via email to: broadbandusa@ntia.gov

Ms. Evelyn Remaley
Assistant Secretary of Commerce for Communications and Information
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Ave., N.W.
Washington, D.C. 20230

Re: Nez Perce Tribes Comments on Tribal Broadband Connectivity Program

Dear Assistant Secretary Remaley:

On behalf of the Nez Perce Tribe ("Tribe"), thank you for the opportunity to comment on implementation of National Telecommunications and Information Administration's ("NTIA") Tribal Broadband Connectivity Program ("TBCP") and grants. Following NTAI's tribal consultation agenda, the Tribe submits the following comments.

1. Program Eligibility (Who & What)

The Tribe agrees with NTIA's designation of eligible entities. All applications must have a supporting tribal resolution or certification from the applicant tribe. Any application, from any entity (consortium, partnership, etc.), should include a plan for coordinated deployment. Any tribal resolution or certification should clearly denote that the applicant tribe is supporting this coordinated deployment and that each component of the coordinated deployment will meet the needs of the applicant tribe.

2. Equitable Distribution

The Tribe is recommending that the TBCP accommodate where a tribe is at in development and deployment of connectivity on their lands. The Tribe views the TBCP and grants as one fund, however, if NTIA is splitting the funds into categories, our recommendation for distribution is as follows:

- a. Mass distribution – if considered, distribution should only be one percent or less so that tribes can start the planning process.
- b. Formulary – if a formula is used, the notice should clearly describe what that formula will be and why it was chosen.
- c. Competitive – if considered, the review/approval process must take into consideration many more factors; the point system or award should be based on how many of these factors are addressed.
- d. Combination – all combinations should be considered; however, any combination should accommodate where a tribe is at in development or deployment of broadband and no exclusions should be considered.

3. National Historic Preservation Act, Environmental Assessment & Cultural Resources

Tribes should include in their applications, historic preservation and environmental assessment review fees and associated expenses to complete these critical reviews expeditiously. If an applicant tribe can demonstrate what these expenses are, they should be able to include the expenses in their deployment costs.

The Tribe recommends that timelines to comply with these reviews be considered in deployment obligations. If a delay in a historic preservation or environmental assessment review pushes the project timeline beyond the deployment deadline, tribes should be allowed to extend deployment by the same amount of time needed to complete the review.

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

4. Unserved Areas & Duplication

Tribes are often unaware when their lands are included in other federal funding programs. The definition of duplication for a service should be determined by eligible entities instead of a geographic area.

Telecommunications companies applying for federal funding are not required and do not obtain a resolution of support from tribes. There is no description of the services tribes will be getting as a result of the federal funding the telecommunications company 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 and not a tribe. It should not impede deployment by the applicant tribe.

Tribes should be allowed to apply for all unserved/under served areas they define. Choice should also be a factor as often, there is no choice of broadband provider on tribal lands.

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. The Tribe recommends that type of annual reporting and the reporting be upon project completion.

6. Additional Feed Back

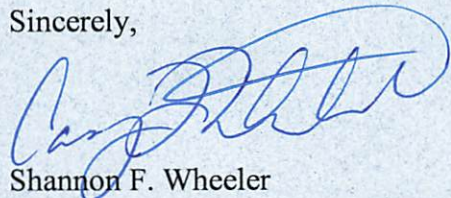
- a. Carrier neutral submarine cable landing stations. Fiber landings, established on ocean shores, are often directly adjacent to tribal lands or tribal harvest areas. Wherever these landings occur, and if they are adjacent to or on tribal lands, all neutral parties should be made aware that access to fiber should be allowed at no cost to applicant tribes (up to 22 strands). Tribes should be notified and given the option to connect to these landings or the lines that extend from these landings. There should be full disclosure of who the private investors are, the telecommunication company or contracting agency involved in the construction/deployment, and the fiber path/mapping.
- b. Affordable Broadband Programs
 - i. Providing Free or Reduced-Cost Broadband Service – No other carrier is being 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.
 - ii. Preventing Disconnection of Existing Broadband Service – All carriers should be held to the same standard. If the requirement of the funding application requires tribes to prevent disconnection 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.
 - iii. Distance Learning – Tribes have had to adapt reservation service delivery options and, in some cases, are spending higher than standard commercial rates for broadband for students. Applicant tribes should be allowed to provide documentation of actual

connection costs as part of their application to justify why they need to build their networks over a previously federal funded project.

- iv. Telehealth – Many Indian Health Service clinics and systems are lacking in telemedicine equipment, software, and procedures. Applicant tribes should be allowed to expand these services in conjunction with the clinics and apply for the necessary funding to adopt new technologies and methodologies.
- v. Digital Inclusion Efforts – Tribes have lacked the broadband and devices to connect and, in some cases, are behind in understanding how to use modern technology. Training on the use of these services and devices should be and allowable expense under the grant application.
- vi. Broadband Adoption Activities – Tribes should have an opportunity to demonstrate how a tribally-deployed network is more feasible and culturally appropriate for their membership. Applicant tribes should be given the opportunity to build in areas where federal funding was awarded for projects to give their tribal membership a choice in provider.

Thank you again for the opportunity to provide comments on implementation of National Telecommunications and Information Administration's Tribal Broadband Connectivity Program and grants. If you have questions or would like additional information, you are welcome to contact Danae Wilson, Manager of the Nez Perce Tribe Department of Technology Services, at (208) 843-2253 or danaew@nezperce.org.

Sincerely,



For
Shannon F. Wheeler
Chairman