Prairie Band Potawatomi Nation Comments

Tribal Broadband Connectivity Program

February 11, 2021

The Prairie Band Potawatomi Nation (Nation or PBPN) welcomes this opportunity to provide comments regarding the Tribal Broadband Connectivity Program (TBCP) established by the Consolidated Appropriations Act, 2021 (Act). We appreciate that a program separate from state broadband funding is being created to serve the unique needs of Tribal Nations.

Eligibility. PBPN supports structuring the TBCP in a manner so that only one application per Tribe is permitted. This will ensure that Tribal governments are able to exercise sovereignty over the development of their broadband infrastructure. Any entity that is not the government of a federally recognized Tribe should have to include in their application a Tribal resolution authorizing them to apply for a TBCP grant. Should Tribal governments wish to direct the flow of TBCP grant funds to subentities, we recommend that NTIA encourage the use of the subgranting process specifically authorized in the Act.

Distribution. The Act calls for distribution to be equitable. We believe that the most equitable way to distribute the TBCP funds is to prioritize: (1) the need of the Tribe; (2) the nature of the land base of the Tribe; and (3) the benefit that will come from the grant. Because the connectivity needs of Tribes are distinct from needs addressed by other programs with funding distribution formulas, we <u>do not</u> support using an existing funding formula developed by another program for another purpose, including but not limited to the Indian Housing Block Grant formula.

Our Nation's citizens do not have access to a functioning broadband infrastructure. This is profound. Even the limited connectivity that exists is insufficient. For instance our tribal government employees who are working in our governmental buildings have access to an internet connection but it is not sufficient to allow our staff to work efficiently because the limited speed is shared out over all computers and wireless devices. As for our Nation's citizens, some have access to very limited wireless broadband, which is old and slow, and is available only to a couple of our clusters of houses on our Reservation.

We have been exploring ways to connect our people, including public–private partnerships and connecting to the very limited existing fiber. We are motivated in large part by the need to ensure that all our children can engage in remote learning during the pandemic. The lack of connectivity affects all aspects of our community—from public safety to telehealth to the ability of our tribal government to operate efficiently when our entire staff must telework. Additionally, connectivity provided by Tribal governments is important in order to allow services to be offered at affordable rates, ensuring that infrastructure that is deployed actually serves the needs of unserved or underserved households.

While we are exploring efforts to activate a network to provide service based on a fiber infrastructure, we do not have the resources to make that a reality. Need is an important factor for the NTIA to consider in the distribution of TCBP funds.

We also recommend that the TBCP application process take into account the nature of the land base at issue. Our land base is rural and remote, increasing the cost of laying fiber and deploying other infrastructure necessary to support affordable broadband programs.

We also stress the importance of the benefit that will come from a grant. Tribes that lack functioning connectivity should be prioritized. Failure to prioritize such tribes will only increase the digital divide that exists within Indian Country, leaving some communities even further behind.

Historic Preservation and Environmental Assessment. We recommend that to the maximum extent permitted under law, NTIA allow Tribes to determine how best to balance protection of historic and cultural properties with streamlined deployment of infrastructure. Additionally, we encourage NTIA to use the authority the Act provides for extending the expenditure deadline for qualifying infrastructure projects. These projects regularly take longer than a year, and it is important that Tribes have sufficient time to ensure historic and cultural properties are protected.

Unserved Areas. NTIA should permit Tribes to self-certify what are unserved areas. We know where our citizens are not connected, and the determination of what areas are unserved should not be left to private companies or Federal Communications Commission (FCC) maps. Often assessments that rely on private companies' reporting or FCC determinations fail to capture accurately what areas of tribal lands are unserved.

Reporting Requirements. We support reporting requirements that are as streamlined as possible. The efforts of our Nation staff are best spent caring for our people, both in terms of connectivity and the heightened needs that our citizens face during the pandemic. Additionally, we request that any reporting requirements protect our data sovereignty.

Tribal Lands. The Act provides that Tribal lands include areas near, adjacent, or contiguous to reservations where financial assistance and social service programs are delivered to our citizens. We appreciate that NTIA is considering how to implement this, but we encourage NTIA to defer to Tribal governments regarding what is necessary off-reservation. Connectivity requires connecting on-reservation communities to outside networks, and the infrastructure that is necessary often must cross reservation boundaries.

Conclusion. Thank you for considering our comments on the TBCP. Our Nation is optimistic that while the TBCP cannot fulfill all of the needs of Indian Country, that NTIA will establish an application process that helps to close the digital divide and supports Tribal sovereignty as we seek to connect and care for our people.