SANTA FE INDIAN SCHOOL

Office of the Superintendent

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February 11, 2021

United States Department of Commerce
National Telecommunications and Information Administration
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Re: Request for Tribal Input on Tribal Broadband Connectivity Grant Program

Dear National Telecommunications and Information Administration,

The announcement of a $1B broadband infrastructure for Tribes is a historic opportunity for Tribes to build out high-speed Internet Access and be our own solution to the digital divide. Now more than ever, and as demonstrated by the fact that over 90% of eligible Tribal lands were claimed as part of the 2.5Ghz Tribal Priority Window, Tribes are ready and anxious to assert Tribal self-determination in the telecommunication space.

COVID-19 has revealed the fault lines of the digital divide in Indian Country, especially on rural Tribal lands. In fact, the lack of broadband connectivity is less of a divide and more of a digital chasm as the penalties for being unserved are steep. Personal, family, and community health and safety are compromised and opportunities, such as access to a high-quality education, are fewer compared to more affluent and connected populations.

Santa Fe Indian School (SFIS)

SFIS is owned and operated by the 19 Pueblos of New Mexico, serving over 700 students from the Pueblos, Navajo, and Apache Tribes of New Mexico as an off-reservation boarding school in Santa Fe, NM. In response to concerns about student safety and the safety of the communities from which they come, we have been operating in a 100% distance learning model since March 2020. To connect each student, we must address the unique challenges of all 22 rural Tribal lands in New Mexico, and likely some of the least connect places in the United States. As of September 2020, over 44% of our students did not have reliable home Internet access using a modest 10/1 benchmark.

In response to COVID-19, SFIS was able to provide all students with new LTE-enabled Chromebook using CARES funding after the cellular carriers created single-payer purchasing agreements and reduced cost education plans. However, the results are mixed. Despite coverage maps that say otherwise, each community has areas with poor or no coverage. And while we rely on these devices for student Internet access now, we understand that they are no more than short-term band-aids. We firmly believe that the Tribes' building out their broadband infrastructure is the sustainable long-term solution for Native students to participate in their education on par with their Internet-connected peers.

As a Tribal organization that is owned by the 19 Pueblos of New Mexico, SFIS has a successful track record to form Tribal consortia and build middle-mile fiber optic networks. Recent projects include the completion of two 60-mile fiber optic networks connecting six Tribes in New Mexico. These two Tribally-owned networks reduced Internet costs as much as 95% and increased speeds over 3000%. Through these buildouts and subsequent home wireless projects, we have developed the ability to engineer middle and last mile broadband infrastructure and to navigate permitting and right of way processes. Additionally, we can anticipate specific workforce needs and have designed IT/ISP workforce development programs.

With respect to the Tribal Broadband Connectivity Grant Program, we offer these comments.

1. Eligibility for Tribal Broadband Connectivity Program

Eligibility of Multiple Applications **-** Applicants should be eligible to participate in multiple applications so long as the services are not duplicative. For instance, consortia applications for middle-mile projects actually compliment an individual Tribal project for last-mile distribution achieving a full solution. Additionally, mission-specific projects such as distance learning or telehealth may require consortium participation so that their wide area networks are functional to meet programmatic goals.

Eligibility of Non-Tribal Lands- Both last-mile and middle-mile projects may require the use of routes, tower locations, or access to interconnection points that are off-Tribal lands. Middle-mile and last-mile deployment are equally needed in the mission to connect Indian Country.

Eligibility of Extended Time– A sustainable network includes costs for on-going operations and maintenance. These costs should be eligible beyond the initial project buildout. Additionally, there should be flexibility in project completion timeframes that require new rights-of-way, such as the Bureau of Indian Affairs, and/or lengthy permitting processes, such as the U.S. Forest Service.

Eligibility of Dark Fiber Leases - One way to reduce the cost of fiber optic construction, is to lease dark fiber. This can also avoid overbuilding in markets where carriers *allow* for leasing in the form of a long-term IRU.

2. Equitable Distribution

Listening to Tribal Leader comments during consultation we hear comments referring to priorities for population size, land base, or minimum amounts for small Tribes. We fear that the formula to achieve equity given the diversity will undermine the intent of the program. Instead, we advocate scoring based on project merit, with a priority on shovel-ready Native-owned infrastructure whether to implement a new project or advance an on-going broadband strategy.

We recommend granting competitive funds based on the merit of the projects understanding the framework that both middle-mile and last-mile solutions, based on the following criteria:

- Shovel-ready projects (as opposed to feasibility)
- Consortium applications serve multiple Tribes, especially for middle-mile deployments, or mission specific initiatives
- Sustainable Networks that anticipate and plan for operations and maintenance
- Leverages Previous Efforts, continuation of a project or plan
- Additional points for participation in state broadband planning. Even tribally owned-and operated networks can contribute to other rural deployment in a state and/or benefit from state collaboration, i.e. use of highway right-of-way to dig only in pre-disturbed ground to reduce cultural/environmental impact
- Additional points for strategic partnerships for telehealth, distance learning, workforce development and digital inclusion

We do not support the use of the 2.5 Ghz Tribal Priority Window as a priority. Despite the success of the FCC 2.5Ghz Tribal Priority Window, the four Pueblos between Santa Fe and Albuquerque, were not eligible to participate as the spectrum above them was already licensed. Therefore, prioritizing new 2.5Ghz licensees is inequitable as not all Tribes were eligible.

3. Unserved

Statistics consistently state that Tribes experience a persistent barrier to affordable high-speed Internet options, especially rural Tribes. However, quantifying the unserved is elusive and fraught with problematic data. As is well documented, utilizing FCC 477 data to determine whether a Tribe is served is not reliable. Additionally, employing 'rural' is also problematic to determine program eligibility when it is defined differently between programs, such as the FCC School vs. Libraries and Rural Health Program and creates mischaracterizations based on Census data that, for instance, disqualifies a Tribal land with 50 miles of a metropolitan area.

A Tribal self-certification process should be established by NTIA factoring in the comments of the Tribal consultation to calculate unserved Tribal members, anchor institutions, and programmatic needs, including telehealth, distance learning, workforce development, digital inclusion. However, were NTIA to create a framework for data collection, consistent data could be collected in a way that could help the individual Tribes, as well as Indian Country on the whole, to evaluate progress toward bridging the Digital Divide.

4. Other

NTIA has the opportunity to improve cross-agency collaboration that alleviates the administrative challenges that prevents Tribes from successfully participating in FCC, USDA, or other federal programs. For instance, the NTIA can work with the FCC to create mechanisms for non-ETCs to become Lifeline providers – given the synergy that NTIA awardees will have a high percentage of eligible Lifeline households. Cross-agency collaboration can also avoid pitfalls. The USDA ReConnect rule that cross-referenced FCC CAF II awards to establish eligible areas, presumably to efficiently use federal funds, had the awkward result of disqualifying some Pueblos from utilizing ReConnect at all.

The Re-Connect-CAF II situation also underscores the negative outcomes when Tribal consent is not sought or required. The CAF II winner over these Pueblo lands has never contacted the Tribes. The lack of Tribal outreach and sincere engagement directly impacts broadband availability, from limited to no new services. Companies will meet their network benchmarks where it is the easiest. Without investing the time and effort to build the relationship with the Tribe, buildout can be delayed or skipped, especially when Tribal approval or right-of-way is required. Tribal consent not only respects Tribal sovereignty but is a foretells whether a provider will successfully deliver.

Please accept our comments and thank you for the opportunity to provide feedback. Assuring reliable Internet Access is the cornerstone of distance learning. While COVID-19 is the catalyst for this grant opportunity, remote learning is here to stay. The experience of distance learning has transformed education in ways that will only be increasingly reliant on technology in and outside of the classroom. For the future of our children and their children, we must connect our schools and communities now.

Respectfully,

Roy M. Herrera, Superintendent
Santa Fe Indian School