



NATIONAL CONGRESS OF AMERICAN INDIANS

July 18, 2011

Chairman Julius Genachowski
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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NCAI HEADQUARTERS

1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax

Re: Requesting the Grant of a Blanket Extension for Noncommercial FM Radio Construction Permits to Tribally-Owned Radio Stations

Dear Chairman Genachowski,

On behalf of the National Congress of American Indians (NCAI), I write to urge you to reconsider the Federal Communications Commission's (FCC) stance against a blanket renewal of radio construction permits for tribal radio stations. Native owned and operated radio stations are one of the largest and most consistent sole service providers of public safety information and an invaluable outlet for local news purveyance in tribal communities. In light of many factors, including the lack of access to capital through the Public Telecommunications Facilities Program (PTFP) and other funding sources, many tribal licensees have difficulty meeting the three year construction deadlines for their permits.

In 2007 the FCC opened filing for noncommercial educational radio systems for the first time in seven years. The FCC granted 38 noncommercial FM radio construction permits to tribal groups. These permits had a three year deadline to complete construction of studios and transmitters. However, during these challenging economic times, tribes have experienced increased difficulties in private fundraising for the construction of these tribal radio stations. Also, since the PTFP has been eliminated by Congress, those tribes are now ineligible for matching funds that would have covered 50-75% of a new stations cost. The PTFP would have also covered all planning costs associated with the building of a new radio station.

Unfortunately, during the debate surrounding the elimination of the PTFP, there was a misconception by the Administration and Congress that it encouraged duplicative spending and that the Corporation for Public Broadcasting (CPB) was ably equipped to assume the duties of this program. On the contrary, funding from the PTFP would cover costs associated with public radio equipment, construction of new stations expanding to unserved and underserved communities, and maintained an emergency fund for the replacement of radio equipment due to natural disasters and terrorist attacks. The CPB provides no funding for any of the aforementioned needs. It only funds radio stations that are currently operable and have reached certain levels of staffing, financial support, and dedicated audience. By statute the CPB is required to spend a majority of its funds to assist broadcast stations with producing high quality public programming, this is not inclusive of infrastructure build out for new radio stations. Therefore, the CPB is not adequately funded to acquire the responsibilities of the PTFP, or assist with infrastructure build out. While the CPB currently provides large funding amounts to current operable tribal radio stations, it would not be able to provide financial assistance to these newly designated tribal radio stations.

Many tribes applied for and relied upon funding from the PTFP to construct their radio broadcast facilities. However, due to the elimination of this vital program many tribes are unable to provide funds for the completion of these broadcast facilities and must seek additional funding elsewhere. Recognizing the need for the extension of construction permits for tribal radio stations, NCAI passed Resolution #MKE-11-004: "In Support of Improving Communications Services for Tribal Communities" at our 2011 Mid Year Conference in Milwaukee, Wisconsin. In that resolution we specifically recognized the importance of digital technology and access for tribal communities, and that access to local radio in these communities would provide culturally relevant programming and local newsworthy information to its tribal members.

In conclusion, we want to reemphasize the importance of providing a blanket extension to these tribal radio station construction permits. Tribal communities may not have the opportunity to reacquire these permits and receive the allocated spectrum for a prolonged period of time if they are left to expire. If you must review each tribal permit individually, please bear in mind the issues and circumstances that are affecting many tribes in their ability to construct radio stations, the critical importance of these stations to tribal communities, and grant each tribe the time needed to work through the funding and construction process. I would also strongly urge your office to advocate for reauthorized funding for the PTFP program because of its importance to not only tribal communities, but the nation overall. Thanks for your time and consideration. If you have any questions or comments, please contact Brian Howard at (202) 466-7767, or at bhoward@ncai.org.

Sincerely,



Jefferson Keel

CC. Geoffrey Blackwell
Chief, Office of Native Affairs and Policy
Consumer & Governmental Affairs Bureau
Federal Communications Commission

Enclosed: Construction Permits July 2011_with expiration dates.xlsx
MKE-11-004.pdf
RAP-10-008.pdf
Talking Points NCAI July 2011.docx