

Native Public Media Hails Launch of FCC Office of Native Affairs and Policy

For Immediate Release - March 7: Native Public Media hails the launch of the Federal Communications Commission's Office of Native Affairs and Policy as the FCC moves to deploy broadband and other communications services in Native communities.

In homes across Indian Country, calling someone on the telephone is not easy. Only one in three families have access to telephone. Over 90 percent of Native Americans do not have access to broadband, and 911 services are unavailable on many reservations.

"Indian Country has largely been a dark hole in terms of communications infrastructure," Loris Taylor, President of Native Public Media, said. "To hear FCC Chairman Julius Genakowski state that these deplorable conditions in tribal communities are a "disgrace" is a significant acknowledgement of what we've been trying to educate others about for years. What must follow now is a clear and decisive move on the part of the FCC and Congress to remove the last barriers to Information and Telecommunications access, ownership and control by Native Americans."

The FCC, in an unprecedented step, hosted the first Native Nations Day under the leadership of Geoffrey Blackwell and his staff from the new FCC Office of Native Affairs and Policy. The Office was established last year after Native Nations articulated the need for such an office to coordinate Nation-to-Nation consultation on communication and telecommunication regulatory items specific to the 565 American Indian Tribes and Alaska Native Villages.

As part of its open meeting, the Commission heard directly from Jefferson Keel, President of the National Congress of American Indians and other tribal leaders on the need to strengthen the consultation process and for tribal centric solutions to overcome the media and digital divides that plague nearly 90 percent of Native communities. They also praised the FCC for establishing the Office of Native Affairs and Policy.

The Commission took the first steps towards meaningful consultation by announcing the appointment of 19 elected tribal leaders and tribal members to the Native Nations Broadband Task Force. Among those named was Matthew Rantanen, member of Native Public Media's Board and Director of the Southern California Tribal Digital Village.

"I am really pleased to have been selected to the FCC's Native Nation's Broadband Task Force. It will be a real honor and pleasure to work with the Commission to help them better understand the unacceptable conditions that are present in Indian Country today," Rantanen said. "It is very exciting to have been a part of Native Nations Day at the FCC and to hear of the commitment expressed by all the Commissioners for continued support of tribal issues."

"Bringing 21st century communications to the least-served areas of the country requires innovative thinking and solutions, which is why the FCC's Office of Native Affairs and Policy is looking to thought leaders at Native Public Media to help generate solutions for Indian Country," stated Sascha Meinrath, Director of the New America Foundation's Open Technology Initiative. "With the Wireless Innovation Fund, the Obama administration has a once-in-a-generation opportunity to make Indian Country the leading implementer of new wireless technologies -- mapping federal R&D dollars with areas of the country not covered by current broadband services."

Native Public Media has been at the forefront with the National Congress of American Indians in advocating for the Office of Native Affairs and Policy. NPM and its legal team at Garvey Shubert and Barer were also instrumental in working with the FCC to establish the Tribal Priority for broadcasting. The Tribal Priority is a foundation upon which Tribes feel the Commission could extend to other areas.

John Crigler, GSB Legal Counsel to Native Public Media, agreed. "Legal precedent doesn't always look backwards," Crigler said. "The broadcast tribal priority is a harbinger of things to come for all spectrum."

"We've achieved a significant amount of traction in our partnership with the FCC and our work on Universal Service Reform and the implementation of the National Broadband Plan is made easier with tribal representation on the Task Force, with the support of the Commissioners and with the valued coordination of these issues internally at the FCC by the Office of Native Affairs and Policy," Taylor said. "While we've come a long way, this is just the beginning and it is up to tribal members to help forge and decide how we want to shape the consultation process and how we want to empower our own efforts so that Native Americans have access to essential technological services."

SUMMARY OF ITEMS ADOPTED ON NATIVE NATIONS DAY

Improving Communications Services for Native Nations NOI

The Native Nations NOI seeks comment on a wide range of issues intended to address the 68 percent telephone penetration rate and the less than 10 percent broadband penetration rate on Tribal lands nationwide. These rates lag far behind the country as a whole. The NOI also seeks information on Hawaiian Home Lands.

The NOI explores:

- A Native Nations Priority for a wider array of communications services.
- A new Native Nations Broadband Fund -- a National Broadband Plan recommendation - to support communications deployment-related priorities and needs in Native Nations.
- Sustainable Native Nations deployment models and whether there are specific characteristics and needs within Native Nations that would reveal potential best practices and/or successful techniques for broadband adoption and utilization, as detailed in the National Broadband Plan.
- An agency-wide, uniform definition of Tribal lands, inclusive of the many different types of lands of Native Nations and Hawaiian Home Lands.
- The Eligible Telecommunications Carrier (ETC) designation process on Tribal lands for obtaining universal service support and the related consultative process with Native Nations.
- Specific broadband-based opportunities to address the public safety and

interoperability challenges on Tribal lands, such as the broad lack of 911 and E-911 services.

- How to increase efficiencies in the Commission's processes and best practices for cultural preservation and the protection of Native sacred sites in communications tower reviews pursuant to Section 106 of the National Historic Preservation Act.
- Obstacles and specific cost, equipment, and market entry issues related to satellite-based communications services for Native Nations.
- Needs and challenges faced by persons with disabilities on Tribal lands and ways in which to include Native persons with disabilities in all matters critical to providing access to broadband and other communications services on Tribal lands.
- Ways to create effective government-to-government consultation between the Commission and Native Nations, specifically examining the ongoing dialogue needed to contribute to the growth of the work between Native Nations and the Commission.

Native Nations Wireless Spectrum NPRM

The Commission also adopted an NPRM that seeks public comment on proposals that would promote greater use of spectrum over Tribal lands. The NPRM seeks comment on:

- A proposal to expand the current broadcast Tribal Priority to create opportunities for access to wireless radio services licenses not yet assigned.
- A Native Nations originated proposal to create a secondary market negotiation process under which Tribes could work with incumbent wireless licensees to bargain in good faith for access to spectrum over unserved or underserved Tribal lands.
- A Tribal proposal to employ an innovative process to utilize spectrum lying fallow under which either the licensee or the Native Nation could build out facilities to provide service.
- A proposal to provide incentives for licensees to deploy service to Tribal lands by enabling them to use that deployment to help satisfy the construction requirements for licenses.
- A proposal to improve the effectiveness of the Tribal lands bidding credit program, for example, by extending the current 3-year construction deadline and the current 180-day deadline to obtain necessary Native Nation government certification.

Tribal and Rural Radio Orders and FNPRM

The Commission adopted an Order that enhances opportunities for Tribal entities to provide broadcast radio service to Native communities, and modifies certain procedures for the allotment of broadcast radio channels in order to ensure a fair distribution of radio licenses to rural areas and smaller communities as well as urban areas. Last year, the Commission adopted a Tribal Priority that gave precedence to federally recognized American Indian Tribes and Alaska Native Villages seeking to initiate needed radio service covering reservations and other Tribal lands. While there are over 565 Native Nations, many do not possess Tribal lands. Because the Tribal Priority currently requires coverage of Tribal lands, Native Nations without these lands cannot qualify for the priority. Today's order encourages those Native Nations to seek waivers of the Tribal lands coverage provisions of the Tribal Priority. Specifically, the Commission today:

- Adopted a policy for waiving certain requirements in the Tribal Priority in order to allow non-landed Tribes to take advantage of the Tribal Priority to provide radio broadcast services to Native communities.

- Adopted an alternative coverage standard to allow Tribes with small or irregularly shaped lands to take advantage of the Tribal Priority to provide radio broadcast service to their Native communities.
- Modified its procedures for determining which communities should receive priority in the award of new or relocated broadcast radio service. These modifications are designed to ensure a fair distribution of radio service to small, less well-served communities and rural areas as well as urbanized areas.
- Seeks comment on whether the Commission should require, as a threshold qualification to apply for a commercial FM channel allotted pursuant to the Tribal Priority, that an applicant qualify for the Tribal Priority for that channel, as well as seeking further comment on the Tribal Bidding Credit.

To arrange an interview or learn more about this partnership, please contact Troy K. Schneider at schneider@newamerica.net.

About Native Public Media

Native Public Media is a resource and advocacy organization that works to strengthen and expand Native American media capacity. The organization, supported by the Media Democracy Fund and other funders, is committed to providing direct services to Native broadcasters and advancing policies and strategies that enable Native people to utilize technologies -- whether traditional or new -- that offer the best opportunities to develop healthy, engaged and independent Native communities.

Native Public Media works with 34 Native-owned public radio stations in 13 states, a media network that will expand to include 38 additional public stations over the next three years. For more information, visit <http://nativepublicmedia.org>.

About the New America Foundation

The New America Foundation is a nonprofit, nonpartisan public policy institute that invests in new thinkers and new ideas to address the next generation of challenges facing the United States.

New America's Open Technology Initiative formulates policy and regulatory reforms to support open architectures and open source innovations and facilitates the development and implementation of open technologies and communications networks. For more information, visit <http://oti.newamerica.net/>.