



2015 Annual Convention Spokane, Washington

RESOLUTION #15 - 59

“ COMMENTS TO FEDERAL COMMUNICATIONS COMMISSION (FCC) WT DOCKET 11-40: IMPROVING COMMUNICATIONS SERVICES FOR NATIVE NATIONS”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; and

WHEREAS, the ATNI Telecommunications Committee continues its commitment to ensure Indian Country has fair and equitable access to high speed internet and cell phone service; and

WHEREAS, ATNI concurs with the FCC recognition that the legal foundation for providing opportunity for Spectrum access to Tribes is in accordance with its federal trust relationship and that of the Communications Act of 1934; and

WHEREAS, this Act requires Tribes have adequate access to communication services and ATNI believes the trust relationship justifies the Tribal priority for spectrum assignment and award to Tribal entities; and

WHEREAS, ATNI recommends the Commission consider and identify tribal lands as distinct entities in any future spectrum utilization, studies, process or evaluation and urges the Commission and the National Telecommunications & Information Administration (NTIA) create a negotiation process where tribes will bargain in good faith for access to spectrum over unserved or underserved Tribal lands; it's believed this is consistent with the National Broadband Plan; and

WHEREAS, tribal areas contain complex geographies; in many places coverage may be up to or exceed 85% within the more urban markets, while the more rural and remote regions where people reside, gather, hunt and where public safety is a concern, are not covered and it is often in these more rural/remote places where coverage is critical in emergency management situations; and

WHEREAS, ATNI supports the Commission efforts to encourage competition in the marketplace; and

WHEREAS, in regard to the definition of underserved, the USDA-RUS program definition for underserved areas has less than three providers, ATNI strongly urges the Commission to include language that will indicate service will be available at the 85% coverage level in these areas where a service offering has less than three providers; and

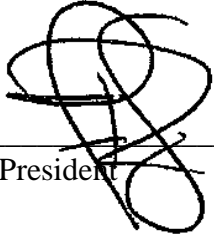
WHEREAS, the licensing process would bring the greatest benefits to Indian Country if the Commission encouraged communication, negotiation, and collaborative engineering solutions; and

WHEREAS, the Committee supports a Tribal priority where all spectrum covered under Notice Proposed Rule Making (NPRM) Docket 11-40 deemed available would be first offered in a Tribal application window prior to being made available to non-tribal applicants; now

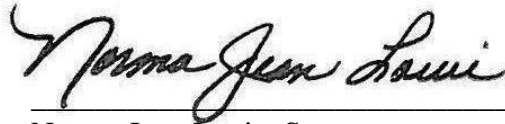
THEREFORE BE IT RESOLVED, that ATNI hereby supports the ex parte presentation of comments to the FCC W.T. Docket 11-40: Notice of Proposed Rulemaking – “Improving Communications Services for Native Nations by Promoting greater utilization over Spectrum of Tribal Lands.”

CERTIFICATION

The foregoing resolution was adopted at the 2015 Annual Convention of the Affiliated Tribes of Northwest Indians, held at Northern Quest Resort and Casino, Spokane, Washington on September 14-17, 2015, with a quorum present.



Fawn Sharp, President



Norma Jean Louie, Secretary