



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PDX-11-021

TITLE: Endorsement for Eligible Telecommunications Carrier Designation for Standing Rock Telecommunications, Inc. and Future Designations of Tribal Telecommunications Regulators

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WHEREAS, we, the members of the National Congress of American 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 the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the Communications Act of 1934, as amended (Act), seeks to ensure that low-income consumers and those in rural, insular, and high-cost areas, have access to communications services that are reasonably comparable to those enjoyed by urban consumers at reasonably comparable rates; and

WHEREAS, in order to receive universal service support, a telecommunications carrier must be designated an Eligible Telecommunications Carrier (ETC) and must offer services throughout its entire service area; and

WHEREAS, states are responsible for designating non-Tribal ETCs and determining their service areas; and

WHEREAS, tribes can choose to have their ETC and service area designations made by the Federal Communications Commission (FCC) or by the State; and

WHEREAS, Standing Rock Telecommunications Inc. ("Standing Rock") is a tribally owned telecommunications carrier serving the Standing Rock Sioux Reservation; and

WHEREAS, the FCC has asserted its authority to designate Standing Rock as an ETC throughout the entire Standing Rock Sioux Reservation and has set precedent with such a designation due to redefinition of service areas previously held by incumbent rural telephone companies; and

WHEREAS, such ETC designation makes Standing Rock eligible to receive universal service support so that Standing Rock can bring wireless service to the sparsely populated Standing Rock Sioux Reservation, which straddles the border of North Dakota and South Dakota; and

WHEREAS, designating Standing Rock Telecommunications Inc. as an ETC is founded on both a recognition that the population of a reservation is a “community” qualified to receive federally supported communications services, and on the historical trust relationship between the FCC and federally recognized tribes; and

WHEREAS, the Standing Rock designation supports the longstanding policy of promoting tribal sovereignty and ensuring that tribes have adequate access to communications; and

WHEREAS, tribal carriers provide affordable communications services to underserved consumers residing on tribal lands; and

WHEREAS, tribal governments play a vital role in serving the needs and interests of their local communities often located in remote, low income, and underserved regions of the United States.

NOW THEREFORE BE IT RESOLVED, that the NCAI endorses the FCC’s decision to empower all tribes to own and operate the critical communications infrastructure needed to promote the health and safety of tribal consumers, spur local economic development, preserve tribal language and culture, and further the education of consumers through distance education programs; and

BE IT FURTHER RESOLVED, that the NCAI strongly supports the FCC’s established framework and jurisdiction to designate ETCs on tribal lands and ETC designation for future tribally owned and operated telecommunications regulators; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2011 Annual Session of the National Congress of American Indians, held at the Oregon Convention Center in Portland, Oregon on October 30 – November 4, 2011, with a quorum present.



 President

ATTEST:



 Recording Secretary