



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #MOH-17-050

TITLE: Request that the Federal Communications Commission Modify its Operating Expense Limitation Rule for Carriers Serving Tribal Lands

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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, on March 30, 2016, the Federal Communications Commission (FCC) adopted the *Universal Service Fund/Rate of Return Reform Order* (“*Order*”), in which the FCC, among other things, adopted a rule that limited the recovery allowed for operating expenses for rate of return carriers; and

WHEREAS, as part of that decision the FCC sought comment in a Further Notice of Proposed Rulemaking (“*Tribal Further Notice*”) on whether the operating expense limitation rule and other reforms adopted in the Order had a negative impact on carriers serving Tribal lands and if so whether it should waive the application of the operating expense limitation rule for carriers serving Tribal lands; and

WHEREAS, the FCC has for almost two decades recognized that there are unique costs associated with serving Tribal lands and those unique costs require additional support to advance broadband deployment; and

WHEREAS, the record developed in response to the *Tribal Further Notice* provided specific information on the unique costs and impact of the *Order* on carriers primarily serving Tribal lands; and

WHEREAS, no parties filed in opposition to waiving the operating expense limitation rule as it applies to carriers primarily serving Tribal lands; and

WHEREAS, on February 13, 2017, the FCC Chairman Pai circulated to his fellow commissioners a draft order granting an exemption to the operating expense limitation rule for carriers primarily serving Tribal lands; and

WHEREAS, more than 115 days have passed for careful consideration and deliberation of the draft order.

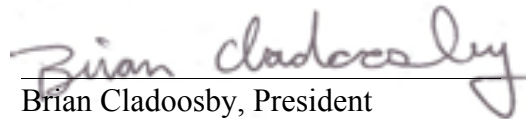
NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) hereby urges the Federal Communications Commission to move forward expeditiously and adopt the order exempting carriers primarily serving Tribal Lands from the operating expense limitation rule; and

BE IT FURTHER RESOLVED, NCAI further urges the FCC to take measures to promote broadband adoption and deployment on Tribal Lands; 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 2017 Midyear Session of the National Congress of American Indians, held at the Mohegan Sun Convention Center, June 12 to June 15, 2017, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary