

Feb 20, 2025

Brendan Carr
Chairman
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: Upper C-band (3.98 to 4.2 GHz),
GN Docket No. 25-59

Applying New Average Annual Gross Revenue Benchmarks for Small Business
Bidding Credits,
WT Docket No. 25-71

Enhancing National Security Through the Auctioning of Spectrum Licenses,
WT Docket No. 25-70

Amendment of the Commission's Rules with Regard to Commercial Operations
in the 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz Bands,
GN Docket No. 13-185

Dear Chairman Carr,

We understand the Commission will consider two spectrum items at the February 27, 2025 Open Meeting. On behalf of the Tribal Nations which the undersigned represent and work with, we respectfully request that the Commission formally seek comment on the inclusion of a Tribal Priority Window and the changes that should be made to incorporate lessons learned from the 2.5 GHz Tribal Priority Window.

One of the great challenges in addressing the lack of modern communications technologies that Tribal Nations and the Commission face together in their joint efforts to address their broadband challenges is the lack of access to spectrum and spectrum licensing opportunities. The Commission has long acknowledged and worked to address this spectrum challenge, first doing so in 2000 in the Commission's initial recognition of the legal trust relationship it shares with Tribal Nations.¹ A major development in the decades of work that the Commission has

¹ Federal Communications Commission, "In the Matter of Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes," June 8, 2000 (Tribal Policy Statement): <https://docs.fcc.gov/public/attachments/FCC-00-207A1.pdf>; Federal Communications Commission, "Connecting America: The National Broadband Plan," 2010: <https://transition.fcc.gov/national-broadband-plan/national-broadband-plan.pdf>

undertaken working with Tribal Nations occurred when Chairman Ajit Pai led the 2.5 GHz auction during the first Trump Administration, resulting in dramatic benefits throughout the nation. The Tribal Priority Window dramatically increased the number of Tribal Nations holding spectrum licenses from 18² to at least 319.³ The auction netted more than \$400 million dollars, while simultaneously ensuring that Tribal Nations could access this vital resource within their own reservations to help connect Indian Country.

Within the Grand Canyon, the Havasupai Tribe uses its 2.5 GHz license to connect its teachers and Head Start students – directly bolstering educational outcomes.⁴ The Hoopa Valley Tribe, in remote Northern California, is integrating its 2.5 GHz license to overcome difficult topological and wildfire-limitations and provide connectivity to some of the most remote areas of their reservation. Hoopa Valley Tribe is currently building a fiber optic network that will cover many rural residents both on and off the reservation, having secured support from industry, the federal government, and the state of California. As these examples illustrate, Tribal Nations have used their licenses to bolster a variety of Tribally-led efforts and broadband infrastructure builds; and additional spectrum access is certain to accelerate local efforts to connect people in some of the least-connected areas of the country.

The Commission has consistently recognized that its responsibilities under the Federal Trust Relationship constitute an obligation owed to Tribal Nations by the federal government, and the Commission specifically, and it includes spectrum allocation and assignment that facilitates Tribal connectivity and empowers Tribal Nations to utilize their sovereignty in partnership with the Commission, carriers, and other federal agencies as they seek to attract and create ISPs to serve their communities and the residents of Tribal lands.

The Commission should continue to build on the precedent set during the first Trump Administration, and include a Tribal Priority Window in future spectrum auctions.⁵ It would be an

² GAO, *Tribal Broadband: FCC Should Undertake Efforts to Better Promote Tribal Access to Spectrum*, GAO-19-75 (Washington, D.C.: Nov. 14, 2018).

³ Federal Communications Commission, “2.5 GHz Tribal License Details,” <https://www.fcc.gov/wireless/25-tribal-licenses>. 364 licenses were given out to 319 unique Tribes.

⁴ Hudson, Heather E., and Rob McMahon. “Remote and Indigenous Broadband: A Comparison of Canadian and U.S. Initiatives and Indigenous Engagement.” *Journal of Information Policy* 12 (September 6, 2022): 165–94. <https://doi.org/10.5325/jinfopoli.12.2022.0004>.

⁵ Letter from Michael Calabrese, Director, Wireless Future Program, New America’s Open Technology Institute, and Harold Feld, Senior Vice President, Public Knowledge, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 22-352 et al. at 3 (filed May 10, 2023) (Open Technology Institute and Public Knowledge Ex Parte): <https://www.fcc.gov/ecfs/document/105100691204338/1>; Letters from Alison Minea, Vice President, Regulatory Affairs, EchoStar Corporation to Marlene H. Dortch, Secretary, FCC, GN Docket No. 22-352 (EchoStar, Open Technology Institute, and Public Knowledge Ex Partes): <https://www.fcc.gov/ecfs/document/1080890683661/1> and <https://www.fcc.gov/ecfs/document/108201841108055/1> and <https://www.fcc.gov/ecfs/document/10814132536454/1>; Letter from Harold Feld, Senior Vice President, Public Knowledge, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 22-352 (filed February 13, 2024) (Tribal Broadband Advocates): <https://www.fcc.gov/ecfs/document/10213092034700/1>; Comments of Open Technology Institute at New America and Public Knowledge, GN Docket No. 22-352 (filed 12-13-2022): <https://www.fcc.gov/ecfs/document/121361124072/1>; Reply Comments of Open Technology Institute at New America and Public Knowledge, GN Docket No. 22-352 (filed 9-8-2023): <https://www.fcc.gov/ecfs/document/109091743213614/1>; Comments of the Public Interest Organizations: Public Knowledge, New America’s Open Technology Institute, Benton Institute For Broadband and Society, Center For

important next step in the further development of the longstanding work between the Commission and Tribal Nations. We therefore ask that the Commission specifically seek comment on how best to incorporate a Tribal Priority Window and how the Commission should modify the rules based on its experience with the 2.5 GHz Tribal Priority Window.⁶ In particular, the Commission should seek comment on how to potentially expand the eligibility of Tribal Nations participating in the Tribal Priority Window by allowing non-rural Tribal Nations to participate.

Respectfully submitted,

National Congress of American Indians
Bigfoot Communications LLC of the Colville Tribes
Mashpee Wampanoag Broadband Task Force
Mohawk Networks, LLC
Indigenous Connectivity Institute
Red Spectrum Communications of the Coeur d'Alene Tribe
Southern California Tribal Chairmen's Association
Southern California Tribal Digital Village Network
Tohono O'odham Utility Authority
Public Knowledge
Access Humboldt
Benton Institute for Broadband & Society
Institute for Local Self-Reliance
National Digital Inclusion Alliance
Open Technology Institute at New America
Schools, Health & Libraries Broadband (SHLB) Coalition
United Church of Christ Media Justice Ministry
Washington State University - Program for Digital Initiatives
X-Lab
Waskawiwini

cc:

Commissioner Geoffrey Starks
Commissioner Nathan Simington
Commissioner Anna M. Gomez

Rural Strategies, Next Century Cities, Access Humboldt, X-Lab, GN Docket No. 22-352 (filed 8-9-2023): <https://www.fcc.gov/ecfs/document/1081063457149/1>; Letter from Harold Feld, Senior Vice President, Public Knowledge, to Marlene H. Dortch, Secretary, FCC, GN Docket Nos. 20-443 and 22-352 (filed March 8, 2024): <https://www.fcc.gov/ecfs/document/103081276800819/1>

⁶ <https://newamericadotorg.s3.amazonaws.com/documents/c7447a4a-81e2-4ee2-806a-6ebae57ff9a6.pdf>