

November 12th, 2025

The Honorable Brendan Carr
Chairman
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

Re: *Upper C-band*, WT Docket No. 25-59

Dear Chairman Carr:

The undersigned 21 Tribal governments, Tribal carriers, State and Tribal PUCs, Tribal Advocacy organizations, and digital divide advocates urge you to include a proposed Tribal Licensing Window (TLW) in the Congressionally mandated 3.98-4.2 GHz C-Band auction. Although the Commission sought comment on a TLW in the NOI in February, it made no mention of the TLW proposal here. We urge you to propose a window as part of the NPRM or, at a minimum, to explicitly seek further comment.¹

The Upper C-band's mid-band propagation characteristics — strong capacity and manageable interference range — make it well-suited for fixed wireless broadband deployments on Tribal lands, where terrain and low population density often hinder fiber build-out. Doing so would build on successful past precedent, advance the FCC's federal trust obligations to Tribal Nations, and help close the connectivity gap in Tribal communities — all without delaying the auction.

As you know, the Commission previously implemented a TLW in the first Trump Administration under Chairman Pai for the 2.5 GHz band. That initiative enabled more than 400 Tribal entities to access mid-band spectrum, leading to significant, tangible access improvements for these Tribes. In Arizona, the Havasupai Tribe used its license to connect teachers and Head Start students deep in the Grand Canyon, directly improving educational outcomes. In Northern California, the Hoopa Valley Tribe is leveraging its license to extend wireless coverage to remote, wildfire-prone terrain while constructing a complementary fiber network to serve residents on and off the reservation. These are just a few of the many examples where direct Tribal licensing has empowered communities to meet urgent — and growing — online public safety, education, and economic development needs.

Critically, in addition to the Commission's responsibility under the federal trust relationship, a TLW window will advance the goals of the Communications Act. The law requires the FCC to initiate "systems of competitive bidding" under Sec. 309(j) of the Communications Act. The statute further obligates the FCC to use this system of bidding to promote access for Tribal carriers, Tribal businesses, Tribal governments, and Tribal citizens. The statute makes clear that the Commission shall use license size and

¹ The item does, as part of its discussion of license size, note the Commission's statutory obligation to encourage deployment to, among others, Tribal Lands. 32 n. 87. While this reference, combined with the discussion in the February NOI, is sufficient to meet the "logical outgrowth" test under the Administrative Procedure Act, it is clearly preferable for the Commission to explicitly tentatively adopt the proposal or seek further comment on a TLW.

eligibility obligations to achieve these goals.² Enhanced spectrum access for Tribal nations would, as Sec. 151 of the Communications Act mandates, ensure “all Americans . . . a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges.”³

Finally, a TLW will advance the goal of intensifying spectrum use and improving overall spectrum efficiency.⁴ As the Commission is well aware, Tribal lands – with the exception of those communities that have built their own wireless networks – remain the least served areas in the United States.⁵ Because licensees may meet their performance obligations without serving tribes, licensees have traditionally declined to do so.⁶ This leaves spectrum unused and Tribes unserved. As the examples cited above demonstrate, providing Tribes licenses tailored to Tribal lands allows Tribes to put this fallow spectrum to use. In light of the Chairman’s recent comments on the importance of enhancing intensity of use and spectrum efficiency, and the actions of the Commission in recent months to further these ends, adoption of a TLW will further the aims of the Chairman as well as the requirements of the Communications Act.

The Upper C-Band auction presents a timely opportunity to meaningfully facilitate broadband access for Tribal Nations. We urge the Commission to affirmatively propose a Tribal licensing window and seek comment on its implementation. At the very least, the Commission should explicitly seek further comment based on the record established in the February NOI.

Respectfully submitted,

Public Knowledge	Institute for Local Self-Reliance
Benton Institute for Broadband & Society	Open Technology Institute at New America
Bigfoot Communications of the Colville Tribes	Shoshone Bannock Tribes
Bishop Paiute Tribe	Tohono O’odham Utility Authority
California Public Utilities Commission	Trace Fiber Networks, LLC.
Center for Rural Strategies	Tribal Digital Village Network
Choctaw Nation of Oklahoma	Waskawiwini
Confederated Tribes of the Colville Reservation	X-Lab
First Nations Development Institute	Schools, Health & Libraries Broadband Coalition
Fort Bidwell Indian Community	Robinson Rancheria
Indigenous Connectivity Institute	

cc: Commissioner Olivia Trusty, Commissioner Anna Gomez

² See 47 U.S.C. §§ 309(j)(3)(B) (promote economic opportunity, promote distribution of licenses to “minorities” (including Native Americans)), 309(j)(4)(C)-(4)(D)(same), 309(j)(6)(E)-(6)(F) (obligation to use threshold obligations and local licenses to achieve goals).

³ 47 U.S.C. § 309(j)(3) (explicitly requiring system of competitive bidding to “seek to promote the purposes specified in Section 151 of this Title.”)

⁴ 47 U.S.C. § 309(j)(3)(D).

⁵ Federal Communications Commission, *2024 Section 706 Report – Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion* (FCC 24-27) Mar. 18, 2024.

⁶ Performance obligations (also referred to as build out obligations) are typically based on service to some percentage of the population of the license area as a whole. Carriers may therefore meet these obligations without serving Tribes. The examples cited by CTIA in their comments to the NOI have not significantly changed this reality.