

Comments Referring to Tribes filed by NTCH, Inc.

**NTCH, Inc., Comments, WT Docket Nos. 14-170 and 05-211, GN Docket No. 12-268, and RM-11395**

May 13, 2015

(Full comment filing at: <http://apps.fcc.gov/ecfs/document/view?id=60001047246>)

**B. No Automatic Bidding Credits for Indians**

NTCH is sympathetic to the plight of many members of Indian tribes who have been historically disadvantaged, but such sympathy must be tempered by assessing the real world status of tribes and tribal members. Many tribes and their constituent members are doing very well by virtue not only of gaming activities but oil and gas investments and other business enterprises. Tribes are also eligible for many forms of grants or loans from other Federal government agencies in order to directly address their needs for better infrastructure – roads, schools and telecom facilities. These programs very likely overlap with the bidding credit program to the point of far overextending the helping hand that most Americans want to offer, turning a helping hand into a boondoggle.

Indians do not need, and probably do not want, to be patronized as people who are generically incapable of being financially successful on their own. Rather than lumping all tribes together as charity cases that deserve special credits in auctions, the Commission should grant bidding credits based on criteria developed in conjunction with the Bureau of Indian Affairs to determine objectively which tribes and reservations actually need extra help to facilitate tribal ownership of local telecom facilities. Credits in that circumstance are fully warranted and could be granted in lieu of small business credits.

**NTCH, Inc., Comments, WT Docket 14-170: *Updating Part 1 Competitive Bidding Rules***

February 6, 2015

(Full comment filing available at <http://apps.fcc.gov/ecfs/document/view?id=60001027478>)

Tribal credits should be justified on a tribe by tribe basis. In this regard we question whether Indian tribes continue to merit per se qualification as a disadvantaged category. The Commission's rules already take into account the fact that a number of Indian tribes have actually become quite wealthy through casino revenues and other business enterprises. Many reservations now receive highly subsidized high speed broadband by virtue of various grant programs targeting their specific needs. To be sure, there are many tribes whose members remain impoverished and challenged by the lack of access to the mainstream of the American economy, but not all Indians fit that mold. The Commission should therefore not treat Indians as a generic category of people deserving special preferences in the auction context. Rather, the Commission should determine the justification for a preference based on whether the affected tribe either already has access to the desired communications service via other Federal programs or whether the tribe has sufficient financial resources of its own to make extra credits based on tribal status unnecessary and actually unfair to others. The Commission's remedial policy toward Indians should not be based on guilt or paternalism but on a fair assessment of the real needs of the tribes concerned.

**NTCH, Inc., Comments, WT Docket 10-208: *In the Matter of Further Inquiry into Tribal Issues Relating to the Establishment of a Mobility Fund***

May 4, 2011

(Not related to the tribal lands bidding credit, but provides a general sense of the company's view on tribes. Full comment filing available at <http://tinyurl.com/loptmsp>)

“First, the Further Inquiry proposes to give tribally-owned or controlled providers a preference in the auction. This suggestion is well-meaning but misguided. There is no reason to assume that tribes or entities controlled by tribes have any expertise in constructing, operating or maintaining sophisticated wireless networks. In some cases, tribes have sophisticated telecom expertise or access to expert consultants. But in others, the tribes are no more qualified to construct or operate a mobile communications network than anyone else. Award of the rights to serve the tribal area should be based on merit rather than racial or tribal status. Not to base the award on qualifications would do the tribes a disservice and probably doom the tribal areas to slower or less reliable service.”

Tribal ownership of communications facilities is fine where the tribe is truly competitive with private companies willing to provide the same services. In fact, all other things being equal, principles of diversity would argue that tribal units be preferred. But to give tribes an actual preference might well defeat the intended purpose of getting service to the tribal territory and its inhabitants quickly and reliably, which is the ostensible object of this entire program. An incident from World War II is instructive here. In the Burma campaign, it was decided to allow the fledgling Chinese Air Force to conduct a bombing raid under the watchful oversight of the U.S. Army Air Force which had conducted all air operations to that point. The idea was to give the Chinese people a sense of ownership of the battle against the Japanese. The U.S. personnel then watched aghast as the Chinese Air Force flew off and bombed the wrong village. Making the indigenous people feel good did nothing to advance the war effort, not to mention the suffering experienced by scores of unnecessary casualties. The lesson here is that this is not a social engineering project – the Commission's job is to quickly get mobile service to areas that need them, not to foster tribal pride or profit.