



December 20, 2013

Filed Via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

**RE: WC Docket Nos. 10-90, 07-135, 05-337 and 03-109; CC Docket No. 01-92 and 96-45;
GN Docket No. 09-51; and WT Docket Nos. 11-40 and 10-208**

Dear Ms Dortch:

On Wednesday, December 18, 2013, Mark Gailey of Totah Communications, Inc.; Bob DeBroux of TDS Telecommunications Corp.; Derrick Owens and Gerry Duffy representing WTA met with Geoffrey Blackwell, Irene Flannery, Beau Finley and Rebekah Douglas of the Office of Native Affairs and Policy (“ONAP”); and Bill Huber and Patricia Robbins of the Auctions and Spectrum Access Division of the Wireless Telecommunications Bureau to discuss Tribal government engagement obligations, and various other matters regarding the services provided by WTA members to businesses, households and other entities located on Tribal lands.

WTA is a national trade association that represents more than 250 rural telephone and broadband service providers. The typical WTA member serves approximately 3,000 access lines, and has a staff of 7-to-15 full-time employees. Mr. Gailey is the current President of WTA and Mr. DeBroux is the Co-Chairperson of its Public Policy Committee.

WTA reiterated the interest and willingness of its members in providing quality and affordable voice and broadband services to households, businesses and community anchor institutions on Tribal lands. WTA recognizes that there have been misunderstandings and other communications failures between carriers and Tribal governments, and is very interested in ONAP’s efforts to bridge these gaps, and to increase communication and cooperation between carriers and Tribal governments for their mutual gain. WTA emphasized that its members want to serve Tribal businesses and agencies as well as households, and they are eager to work with Tribal agencies during the planning of new business and residential developments so that telecommunications facilities can be deployed and ready for use at the time such projects are completed. WTA noted that members have complained that some Tribal governments give small carriers little or no opportunity to provide service on their Tribal lands, and stressed that its members not only are fully capable of serving Tribal lands but also have a proven record of providing responsive and high quality services to all of their customers.

With respect to Tribal government engagement obligations, WTA noted that one problem with general rules is that some of its members that serve Tribal lands may engage with only a single Tribal government or a relatively manageable handful (say, 2-to-5) of such Tribal governments, while at the other extreme some members (primarily in Alaska) have to deal with 20-to-50 separate Tribal governments. The number of such

Tribal governments will impact the amount of time and attention that can be devoted to individual engagements, as well as the total dollars and other resources devoted to compliance with a carrier's Tribal engagement responsibilities. As ONAP develops and enforces its best practices for Tribal engagements, WTA requests that ONAP consider the number of Tribal governments which a carrier serves and with which it must engage.

WTA reported that some of its members have had difficulty determining which portions of their service areas constitute Tribal lands, and what person or office in certain Tribal governments constitutes the appropriate point of contact for Carrier-Tribal engagement requests. In addition to ongoing efforts to refine maps indicating the correct boundaries of Tribal lands, WTA asked ONAP to facilitate the compilation and dissemination of lists providing the names, addresses, telephone numbers and email addresses of the authorized Tribal engagement representatives for various Tribes.

WTA reported that many of its members have indicated that they have mailed, emailed or telephoned to Tribes requests to commence an engagement process, and have received no response or relatively noncommittal or disinterested responses such as "we will contact you if or when we need something." Some members have followed up a non-response or a vague response with a second engagement request, but are uncertain how persistently or frequently they must reiterate their engagement requests in order to be deemed compliant with the Commission's Tribal engagement requirements and certifications. WTA believes that a single annual engagement request is sufficient if the Tribal government acknowledges receiving the request and elects not to participate in further discussions. WTA members want to expand their services on Tribal lands, but do not believe that this goal is advanced by hectoring an unwilling Tribal government to participate in further meetings and discussions.

WTA understands that ONAP is considering the preparation of a set of "best practices" for Tribal government engagements. WTA will be interested in reviewing and commenting upon these "best practices" as they are issued and evolve.

Pursuant to Section 1.1206(b) of the Commission's Rules, this submission is being filed for inclusion in the public record of the referenced proceedings.

Respectfully submitted,

/s/ Gerard J. Duffy

Gerard J. Duffy
WTA Regulatory Counsel

Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP
2120 L Street NW (Suite 300)
Washington, DC 20037
Telephone: (202) 659-0830
Email: gjd@bloostonlaw.com

cc: Geoffrey Blackwell
Irene Flannery
Beau Finley
Rebekah Douglas
Bill Huber
Patricia Robbins