

April 28, 2025

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, DC 20554

Re: GN Docket No. 25-70, GN Docket No. 25-71, GN Docket No. 13-185

Ms. Dortch:

The undersigned organizations write to support a Tribal licensing window (TLW) in the AWS-3 reauction that will improve access to high-speed internet on Tribal lands.

Despite the expiration of its auction authority generally, Congress passed legislation in 2024 to fully fund the so-called “Rip and Replace” process with an additional \$3 billion through the Federal Communications Commission’s Secure and Trusted Communications Networks Reimbursement Program as part of the 2025 National Defense Authorization Act. The spectrum made available through this auction presents a unique opportunity to grant Tribal Nations licenses within their geographic areas, addressing a critical need for broadband technology while enabling Tribal governments to maintain control over their essential infrastructure.

Tribal Nations, with sovereign authority over their geographic areas should, under the federal trust relationship based on federal treaties, possess spectrum rights over their land. But because of the U.S.’s federal management of spectrum, Tribal Nations do not have meaningful autonomy to manage spectrum.¹ This omission is particularly glaring given that, as reported by the U.S. Census, “American Indian and Alaska Natives living in tribal areas have among the nation’s lowest rates of high-speed internet access in the United States.”² The report explained, “[c]ompared to the national average of 90% in 2021, 84% of American Indian and Alaska Native households and 71% of American Indian and Alaska Native households on tribal land had broadband access, according to the American Community Survey (ACS) 1-year estimates.”³ And the Navajo Reservation had a broadband subscription rate of only 33%, drastically lower than the three states over which the Reservation spans: 88% in Arizona; 80% in New Mexico; and 91% in

¹ Darrah Blackwater; Ilia Murtazashvili; Martin B. H. Weiss, Spectrum Sovereignty on Tribal Lands: Assessing the Digital Reservations Act, *Journal of Information Policy* (2023) 13: 221–248, <https://doi.org/10.5325/jinfopoli.13.2023.0008>.

² Daniela Mejía, U.S. Census, American Indian and Alaska Natives in Tribal Areas Have Among Lowest Rates of High-Speed Internet Access (June 18, 2024), <https://www.census.gov/library/stories/2024/06/broadband-access-tribal-areas.html>.

³ *Id.*

Utah.⁴ Citizens of Tribal Nations on Tribal lands are also more likely to suffer both economic disenfranchisement and live in rural locations – two factors often associated with low broadband deployment and adoption.

There is no longer any question that high-speed internet is essential for success in modern society. Broadband internet service is indispensable for employment, education, health care, commerce, community building, civic engagement, and government services. It provides telemedicine to seniors and veterans, plugs the homework gap by enabling children to learn at home, and creates immediate and long-lasting economic benefits.

In recent years, the FCC has recognized the importance of tribal access to spectrum and have authorized “tribal windows” (or TLWs) – opportunities for Tribal Nations to apply for licenses ahead of commercial interests and therefore obtain essential access. The FCC adopted such a plan for the 2.5 GHz spectrum auction when it revised the rules applicable to the Educational Broadband Service (EBS) and the commercial Broadband Radio Service (BRS) in 2019.⁵ As explained by the President of the Navajo Nation, the 2.5 GHz Rural Tribal Priority Window, was extremely successful, “enabl[ing] over 300 federally recognized tribes to obtain spectrum in rural areas. For the Navajo Nation, this policy has been a keystone in promoting broadband connectivity, allowing local service providers to expand wireless access to thousands of homes and businesses across our lands.”⁶

Given the critical importance of high-speed broadband, the difficulty in deploying broadband infrastructure in many Tribal locations and the importance in ensuring that these sovereign nations have ownership and control over this essential infrastructure, we write in support of the comments of the National Congress of American Indians and the Navajo Nation in their request for a Tribal Licensing Window. As these parties explain, “the Commission’s obligations under the federal trust responsibility support inclusion of a TLW, [and] the Commission’s Memorandum of Understanding between the Federal Communications Commission, the Department of the Interior, and the Department of Commerce’s National Telecommunications Information Administration” all support a TLW.⁷ “No statute, rule or Executive Order prevents the Commission from adopting a TLW.”⁸ Moreover, “given that carriers have historically displayed little or no interest in serving Tribal lands, the removal of Tribal lands from the area of service may even

⁴ *Id.*

⁵ FCC 19-62 (2019)

⁶ Letter of Dr. Buu Nygren, President, The Navajo Nation, to Chairman Carr, GN Docket 25-59, *et al.* (Feb. 20, 2025), <https://www.fcc.gov/ecfs/document/102201023526269/1>.

⁷ Comments of National Congress of American Indians, Tribal Digital Village Network, Public Knowledge, *et al.*, GN Docket 25-59 *et al.* at 2 (filed March 31, 2025), <https://www.fcc.gov/ecfs/document/1033167864849/1>.

⁸ *Id.*

improve the value of remaining licenses auctioned to other, likely commercial, providers.⁹ The creation of a TLW in this docket will serve many and is supported by law and policy.

All people in the U.S. require access to reliable, affordable high-speed broadband service. A Tribal licensing window will help to ensure members of Tribal Nations not only have this resource but receive the recognition and resources they deserve as sovereign nations.

Sincerely,

United Church of Christ Media Justice Ministry
Center for Rural Strategies
Common Sense Media
Free Press
Japanese American Citizens League
MediaJustice
National Consumer Law Center, on behalf of its low-income clients
National Digital Inclusion Alliance
NETWORK Lobby for Catholic Social Justice
NTEN
The Public Utility Law Project of New York
The Utility Reform Network (TURN)
X-Lab

⁹ *Id.* at 3