



THE NAVAJO NATION

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NAVAJO NATION TELECOMMUNICATIONS REGULATORY COMMISSION

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FY 2016 Second Quarter Report

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I. EXECUTIVE SUMMARY

The Navajo Nation Telecommunications Regulatory Commission (NNTRC) was established pursuant to Navajo Nation Council Resolution ACMA-36-84 in order to regulate all matters related to telecommunications on the Navajo Nation. Telecommunications is defined broadly under the Navajo Nation Code to include broadband and “any transmission, emission or reception (with retransmission or dissemination) of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, light, electricity or other electromagnetic spectrum.” The NNTRC is committed to the protection of the public welfare, regulation and the security of the Navajo Nation and its people with regard to telecommunications. Its purpose is to service, develop regulation and to exercise the Navajo Nation’s inherent governmental authority over its internal affairs as authorized by the Navajo Nation Council pursuant to NNTRC’s Plan of Operation and the Navajo Telecommunications Regulatory Act.

NNTRC is specifically authorized, pursuant to the Navajo Telecommunications Regulatory Act, to act as the intermediary agency between the Navajo Nation and the Federal Communications Commission, including representing the Navajo Nation in proceeding before the Commission, intervening on behalf of the Navajo Nation on matters pending before the Commission, and filing comments in rule making proceedings.

NNTRC is responsible also responsible for the implementation of a 911 emergency response system within the Navajo Nation per Navajo Nation Council Resolution CO-51-13.

II. CRITICAL ISSUES

1. NG911 Implementation – this project has been pending for several years. There has been little effort to coordinate from within the Navajo Nation to plan for 911. The NNTRC would like to take a co-lead in this endeavor.

The Division of Public Safety (DPS) should remain as the primary entity responsible for the deployment and configuration. However, the NNTRC should facilitate and exercise authority over NG911 to better provide support of transiting to NG911 and to assist with coordination of all entities involved. The NNTRC can also assist by working directly with the State regulatory commissions and the FCC to possibly receive funds directly that are collected from the consumer for 911.

2. Appointment of NNTRC Commissioners – the terms for four of NNTRC Commissioners has ended. The NNTRC is at a stalemate until a decision is made on reappointments or new appointments for Commissioners.

3. Federal Communication Commission (FCC) and other federal telecommunication agencies – The FCC is seeking comment to proposed changes to the Lifeline Program on Tribal Lands. Some of the recommended changes may have a negative impact as Navajo consumers becoming ineligible under the program. The NNTRC has an important role to consistently monitor policy changes and regulations at the national level that affect the Navajo Nation and Indian Country.

Further, it is imperative that the NNTRC continue to actively participate in activities at the national level not only by the FCC but also the National Telecommunications and Information Administration, the Public Telecommunications Facilities Program, and the Universal Services Administrative Company to name a few.

4. Legal Support – The performance of the NNTRC is directly proportionate to the amount and type of legal support that is received. Not only is the area of telecommunications very technical and complicated, it is an area that is heavily regulated by federal law and the Federal Communications Commission.

The Telecommunications law received a major overhaul in 1996 with the introduction of the Telecommunications Act. The Act replaced the prior Communications Act that had been in effect for more than 60 years. It was the first time that the Internet was included in broadcasting and spectrum allotment, provided for media cross-ownership, and to allow for broader competition of any communications business against another through deregulation of the converging broadcasting and telecommunications markets. While the Telecommunications Act was a huge step it also left many new questions as technology has developed. The Act could not contemplate the spread of wireless services, VoIP, video conferencing, and satellite/cable television services. The Navajo Nation is challenged with addressing this wide array of new and emerging legal issues and technologies as it relates to telecommunications.

There are limited funds in the FY2016 NNTRC budget for legal services.

5. Telecommunication Regulations and Coordination – There is an overlap of oversight between the Division of Natural Resources, the NNTRC and the Resources and Development Committee in regards to telecommunications development and implementation on the Navajo Nation.

Telecommunications includes information technology and radio communications. A thought would be to combine the Departments of Information Technology, Telecommunications and Utilities, Navajo Integrated Justice Information Sharing Project and the NNTRC. These entities to name a few also have overlapping functions.

6. Tower Inventory – there is no Navajo entity that maintains a comprehensive inventory of towers on the Navajo Nation. This includes a record of co-locations, antennas, Cellular on Wheels, Cellular on Light Trailers, etc.

Funding will be required to design a comprehensive database to be shared with tribal entities as Division of Natural Resources and the Resources and Development Committee.

7. Promotion of NNTRC – It is apparent that there is very little knowledge NNTRC's purpose or function.

III. PROJECT(S) STATUS

1. NG911 Implementation

- Through the NNTRC's relationship with federal agencies, as the Federal Communications Commission, FirstNet, etc., the NNTRC has been able to provide comment on 911 as it relates telecommunications on the Navajo Nation on a national scale for implementation.
- Presentation at Rural Addressing Conference on importance of addressing as it relates to 911 deployment.
- Coordination with FirstNet and The Guardian for a Navajo Nation tour as a result of infrastructure issues as it relates to 911, education, health care, basic communications. Tour scheduled for April 2016.

2. Appointment of NNTRC Commissioners

- The Office of the President and Vice-President submitted two names to the Resources and Development Committee for confirmation. To date, the NNTRC has one new commissioner, Ms. Corinne Clauschee.
- The NNTRC submitted public notice through local newspaper advertising for applicants for NNTRC Commissioners.

3. FCC

- Attended a two-day consultation session sponsored by the Federal Communications Commission (FCC). The FCC is seeking comment and recommendations to request for assistance from Tribes to identify tower owners who are non-compliant, penalties, etc. Follow-up meetings will be scheduled.
- On March 24, 2016, the NNTRC submitted further comment regarding CC Docket 11-42, Lifeline Reform to the Chairman Thomas Wheeler, Federal Communications Commission. The letter was in support of increasing funding between \$15 to \$30 a month for Lifeline participants on Tribal lands who subscribe to broadband or a broadband/voice package.
- On February 24, 2016, the NNTRC submitted comment regarding CC Docket 11-42, Lifeline Reform. Letter was written to Chairman Thomas Wheeler,

Federal Communications Commission in support to allow federal program funds to be used for broadband. Letter also informed the federal government that it has failed to involve Tribes and Tribal governments in administering programs that can increase or provide subsidies for broadband deployment.

- The NNTRC has received positive feedback on comments submitted by Navajo in response to the FCC's lifeline reform from both commercial carriers as well as other Tribal Nations.

4. Legal Support

- Several requests have been made for support of external legal support to the Office of the President and Vice-President. Although the Department of Justice has assigned the NNTRC a staff attorney, an attorney who understands both the legal as well as the technical aspects of telecommunications is imperative. Telecommunications is technology based and as a result is constantly evolving.
- NNTRC has decreased or depleted funds in certain line items in order to pay for attorney fees and expenses. Attorney contract has begun the 164 process. The Office of the President/Vice-President has reviewed contract. Contract pending review by Navajo Nation Department of Justice.

5. Telecommunications Regulation and Coordination

- Meetings with Division of Natural Resources and DNR's contract attorney to review and provide recommendations to Telecommunication Regulations. Regulations is on its fifth revision. Regulations to be distributed by April 7th, 2016.
- The NNTRC has been in contact with FirstNet's Tribal Liaison to discuss and confirm site visit to address lack of infrastructure. Discussion with FirstNet include: deployment plans as submitted by States, option for states to opt-out, Tribes as a sovereign Nation – do tribes have the optio to opt out?, NNTRC raised concerns of rural communities again being low on the priority list for build-out.
- FirstNet has requested for recommendation from the Navajo Nation for representation on their working group. Letter to be forthcoming from FirstNet requesting for a Navajo Nation representative.
- Discussion with the National Tribal Telecommunication Association (NTTA) on Navajo Nation's participation in support of NTTA's activities.
- Attended two meetings in reference to data sharing and central repository. NNTRC provided technical support and recommendations for central repository and potential regulatory challenges.
- Attended meetings in reference to Bennett Freeze and build-out of telecommunications in this under-severed area. Provided information to

telecommunication carriers on Navajo to provide a proposal on costs for build-out.

6. Outreach

- Attended Resources and Development Committee meeting in support of appointment of two new commissioners to the NNTRC.
- NNTRC Staff member attended New Mexico Tribal Day to promote NNTRC activities and coordination in future endeavors for telecommunications deployment.
- Participated in Building Communities of Hope in Alamo, NM. Met with local community members to discuss and plan for their participation in site visit by FirstNet and The Guardian.
- Attended and presented at the Resources Meeting in Tohajiilee, NM. Requested for Tohajiilee community’s participation in site visit by FirstNet and the Guardian.
- Met with Tolani Lake Chapter Coordinator and Standing Rock Chapter President to discuss their participation in site visit by FirstNet and the Guardian.
- Attended and presented at San Juan Public Safety Seminar at Beclabito Chapter. Presentation on NNTRC role and responsibility and technology awareness.
- Attended and presented at the 2nd Annual Inter-Tribal Utility Gathering and Forum in Rosebud, SD.
- Attended the Division of Community Development’s Chapter Technology Conference. Presentation on NNTRC role and responsibility, cyber awareness, 911 initiatives in reference to telecommunications and testing of 911 devices for community members.

IV. BUDGET STATUS

	Original	Expenditure	Balance	% Expended
Personnel	\$198,725.00	\$89,535.29	\$109,189.71	45.05%
Operating	\$100,783.86	\$34,778.98	\$66,004.88	34.51%
FY 2016 TOTAL BUDGET	\$299,508.86	\$124,314.27	\$175,194.59	41.51%

V. OPERATIONAL & PROCESS IMPROVEMENT INITIATIVE STATUS

- NNTRC – Draft of Telecommunications Regulations redrafted and will be submitted for Notice for Public Comment in April 2016.
- NNTRC Plan of Operation – reviewed and recommendation for revisions. Plan of Operation will be submitted to oversight committee for review and consideration.
- NNTRC – Draft of Fund Management plan completed – will be submitted to oversight for consideration and approval in April 2016.
- Notice for completion of Certificate of Convenience and Necessity to be sent to all known telecommunication carriers on the Navajo Nation. Notice to be made on April 8th, 2016.
- 911 implementation – Roles of NNTRC and Division of Public Safety to be clarified. NNTRC’s recommendation is that Division of Public Safety focus on implementation from the hardware and software perspective. The NNTRC will work directly with all telecommunication carriers in support of not only 911 but to provide services also for distance learning, telemedicine, basic access to phone services, etc.