

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Enhancing National Security
Through the Auction of AWS-3
Spectrum Licenses

GN Docket No. 25-70

Applying New Average Annual
Gross Revenue Benchmarks for
Small Business Bidding Credits

GN Docket No. 25-71

Amendment of the Commission's
Rules with Regard to Commercial
Operations in the 1695-1710 MHz,
1755-1780 MHz, and 2155-2180
MHz Bands

GN Docket No. 13-185

COMMENTS OF

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March 31, 2025

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SUMMARY

Commenters NCAI, *et al.* submit the following Comments in support of including a Tribal licensing window (TLW)¹ in the upcoming AWS-3 Auction. No statute, rule or Executive Order prevents the Commission from adopting a TLW. To the contrary, the Commission's obligations under the federal trust responsibility support inclusion of a TLW,² as does 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.³ In light of these proceedings and agreements recognizing Tribal sovereignty over spectrum on Tribal lands, and in light of the clear and tremendous benefits to Tribal Nations created by the 2.5 GHz Window,⁴ the Commission should not hesitate to adopt a TLW for the upcoming auction.

¹ The NPRM seeks comment on a Tribal licensing window. *Enhancing National Security Through the Auction of AWS-3 Spectrum Licenses; Applying New Average Annual Gross Revenue Benchmarks for Small Business Bidding Credits; Amendment of the Commission's Rules with Regard to Commercial Operations in the 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz Bands*, Notice of Proposed Rulemaking, GN Docket Nos. 25-70, 25-71, 13-185 (rel. Feb. 28, 2025) at ¶ 18. The *2.5 GHz Order* referred to the "Tribal Priority Window." For consistency, all references to the previous order will use "Tribal licensing window" or "TLW."

² See, e.g., *In re Transforming the 2.5 GHz Band*, 34 FCC Rcd 5446 at ¶ 70 (2019) ("2.5 GHz Order"); *In re Improving Communications Services for Native Nations*, 26 FCC Rcd 2623 at ¶¶ 20-21 (2011) ("Tribal Spectrum NPRM").

³ Memorandum of Understanding Among the Department of the Interior, the Federal Communications Commission, and the Department of Commerce National Telecommunications Information Administration (November 23, 2022). ("Spectrum MoU") Available at: https://www.bia.gov/sites/default/files/dup/inline-files/mou_esb46-009818_doi-fcc-ntia_electromagnetic_spectrum_on_tribal_lands_2022-11-23_final_fcc_ntia_doi_signed_508.pdf

⁴ See, e.g., Letter of National Congress of American Indians, *et al.* to Chairman Carr, filed in Docket No. 25-59, *et al.* (Feb. 20, 2025) (listing tribes and use cases).

As was the case with the original 2.5 GHz TLW, development and implementation of the TLW will not significantly delay the auction. Nor will the removal of relatively small geographic areas from the existing license areas significantly impact the value of the licenses at auction.⁵ Indeed, 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 improve the value of the remainder of the license.⁶ Certainly nothing from the 2.5 GHz auction suggests that a TLW negatively impacts the bidding on the licenses.

A brief summary of the advances made by Tribal Nations as a result of the availability of 2.5 GHz spectrum demonstrates both the value of creating a TLW and the need for more spectrum. As with all other users, Tribal users find that the continued shift of economic, educational, and civic activity online increases the need for greater capacity to keep pace.

The attached analysis shows that – even using the restrictive definition of “rural tribal lands” adopted by the Commission in the 2.5 GHz band, which results in boundaries that are not contiguous with federal trust lands – 176 federally recognized Tribal Nations⁷ would benefit from inclusion of a Tribal Window. But Commentators here urge the Commission to expand the

⁵ As a general rule, the Commission is prohibited from considering the value licenses will receive at auction as part of its public interest analysis on auction design. 47 U.S.C. § 309(j)(7)(A). Here, because the Spectrum and Secure Technology and Innovation of 2024 (SSTIA) sets specific targets for revenue to subsidize the “rip and replace” program, Sec. 5404(b), consideration of revenue is arguably relevant.

⁶ See generally *Partitioning, Disaggregation and Leasing Spectrum*, Further Notice of Proposed Rulemaking, WT-Docket No. 19-38 36 FCC Rcd 16956 (2021) (discussing general history of failure of licensees to serve certain rural areas, including Tribal lands). (“*EICP FNPRM*”)

⁷ The term “Tribe” refers to federally recognized Tribes and Alaskan Native Villages and corporations (although there are no licenses available in Alaska for Auction 113). Tribal land includes Hawaiian native homelands, which are eligible for a license using the waiver process adopted by WTB. See *Department of Hawaiian Homelands Request for Waiver to File as an Eligible Entity in the 2.5 GHz Rural Tribal Priority Window*, WTB Docket No. 20-21, Memorandum Opinion and Order, 35 FCC Rcd 2820 (WTB 2020) (“*WTB Waiver Order*”).

availability to all Tribal lands, not merely rural Tribal lands. Additionally, the Commission should use the definition of Tribal land used in 47 C.F.R. § 73.7000 rather than the more limited definition in 47 C.F.R. § 54.5. The definition in Rule 54.5 excludes Tribal trust land, and the mechanism proposed by the Commission to expand the definition using the off-reservation designation process for Universal Service Support, 47 C.F.R. § 54.412, proved unworkable. Experience in managing networks using 2.5 GHz licenses demonstrates that the combination of the restrictions adopted in the 2.5 GHz proceeding leaves far too many Tribal members and residents of Tribal lands unserved by either Tribal providers or commercial licensees.

I. ADOPTING A TRIBAL WINDOW IS CONSISTENT WITH FEDERAL LAW AND ADVANCES FEDERAL POLICY.

As always, the first question an agency must ask is whether a proposed action is permitted by law and consistent with agency policy. The NPRM seeks comment specifically on the question of whether the SSTI's requirement that the Commission use a "systems of competitive bidding" to distribute the remaining AWS-3 licenses prohibits the Commission from using a Tribal licensing window to distribute licenses. It does not. The plain language of the statute requires that the Commission use "systems of competitive bidding "under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j))." As the Commission found in the *2.5 GHz Order*, a tribal licensing window is fully consistent with its obligations under Section 309(j).

Additionally, as the Commission found previously, a TLW furthers the Commission's goals of expanding rural broadband access.⁸ Indeed, in both the *2.5 GHz Order* and actions taken since, the Commission has clearly stated the policy of enhancing access to spectrum for Tribal

⁸ *2.5 GHz Order* at ¶ 56.

Nations in recognition of its obligation to make spectrum access available to Tribes to promote broadband access on Tribal lands.⁹ As the analysis provided by Institute for Local Self-Reliance demonstrates, the upcoming Advanced Wireless Service (AWS-3) Auction 113 licenses overlap with 182 distinct Tribal reservations and trust areas across the United States.¹⁰ A Tribal Window will therefore further Federal policy by providing necessary spectrum access to a substantial number of Tribes.

A. The SSTIA Does Not Prohibit A Tribal Licensing Window.

The Spectrum and Secure Technological Innovation Act (SSTIA) goes to great lengths to avoid in any way disturbing the FCC’s general authority or discretion under the statute. To quote the exact wording:

Not later than 18 months after the date of enactment of this Act, the Commission shall initiate systems of competitive bidding ***under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j))*** to grant licenses for spectrum in the inventory of the Commission as of the date of enactment of this Act in the bands of frequencies referred to by the Commission as the “AWS-3 bands”, consistent with existing regulations to protect Federal Government operations.¹¹

This language explicitly keeps intact the Commission’s discretion to manage and grant licenses. The language was included solely because Congress once again failed to renew the FCC’s general auction authority, leaving Congress no choice but to authorize the FCC to use Section 309(j). Nothing in the language prevents the FCC from modifying any aspect of the proposed inventory or auction rules, with one explicit exception – consistency with regulations to

⁹ *Id.* at ¶ 49. *Spectrum MoU supra* n.3. *Partitioning, Disaggregation and Leasing of Spectrum*, 2nd Report and Order, 37 FCC Rcd 8825 at ¶ 28 (2022).

¹⁰ This includes the lands of federally recognized Tribal Nations, and Native Hawaiian Homelands. There are no licenses available in Alaska.

¹¹ SSTIA Sec. 5403(a) (emphasis added).

protect federal users. Had Congress intended to restrict the FCC's discretion further, it would have done so.

Second, the language does not include any restrictive language such as “may only grant licenses via a system of competitive bidding” or even language compelling the FCC to distribute all existing licenses. All that is required is that the FCC have a “system of competitive bidding” to distribute “licenses” from the AWS-3 band inventory. Not “all licenses” or “only via a system of competitive bidding.” The statute does not require the FCC to maintain the same license size, license area, or bidder qualifications. Nothing in the plain language of the statute, therefore, prevents the Commission from creating a new class of extremely small, well-defined licenses that cover Tribal lands, limited to Tribal governments.¹²

Finally, Section 309(j) itself instructs the Commission to construct systems of bidding that further distribution of licenses to Native Americans,¹³ and to construct systems of bidding which “promote the purposes specified in Section 151 of this Title.”¹⁴ As the Commission found in the *2.5 GHz Order*, a TLW furthers the purpose of Section 151 (as well as other sections of the Act) “to ensure to all Americans . . . a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges”¹⁵ by providing Tribes greater access to broadband. Additionally, because Tribal governments use their

¹²Unless otherwise stated, reference to Tribal governments as applicants is not intended to exclude providers authorized pursuant to ¶ 50 of the *2.5 GHz Order*. Additionally, as discussed below, the Commission should continue the policy previously adopted to address Hawaiian native homelands adopted in the 2.5 GHz Tribal Window. *WTB Waiver Order*.

¹³ 47 U.S.C. § 309(j)(3)(B) instructs the Commission to develop systems of bidding that disseminate licenses “among a wide variety of applicants, including . . . minority groups.” although Tribes are sovereign nations and not “minority groups” in the traditional sense, Section 309 defines “minority group” to include “American Indians, Alaskan natives . . . and Pacific Islanders (e.g., Hawaiians). 47 U.S.C. § 309(i)(C)(ii).

¹⁴ 47 U.S.C. § 309(j)(3).

¹⁵ 47 U.S.C. § 151.

broadband networks in support of Tribal first responders, a TLW would also promote the purpose of Section 151 to “promote[] safety of life and property through wire and wireless communications.”¹⁶

To conclude, inclusion of a TLW is not merely permitted by the SSTIA’s statutory language. It is consistent with the instruction to construct “systems of competitive bidding under Section 309(j).”

B. Adopting a Tribal Window Furthers Federal Policy.

As noted above, adopting a TLW furthers the statutory goal of Section 151. Additionally, it furthers the separate goal of expanding access to broadband – particularly in rural areas – found in multiple statutory provisions¹⁷ and repeatedly recognized by the Commission. But most importantly, adopting a TLW acknowledges the obligation of the FCC under the federal trust responsibility.

Tribal Nations are not special interest groups – they are sovereign governments that share a unique legal and political relationship with the United States. The trust and treaty obligations of the federal government are political in nature. Tribal Nations’ sovereignty and the federal government’s delivery on its trust and treaty obligations have long been recognized by the Commission.

For a quarter of a century, the Commission has explicitly recognized its own trust responsibilities as a federal agency.¹⁸ In particular, the Commission has repeatedly recognized its responsibility to enhance Tribal access to spectrum. But in all that time, among many different

¹⁶ *Id.*

¹⁷ *See, e.g.*, 47 U.S.C. §§ 254, 1302, 1701(3).

¹⁸ *Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes*, Policy Statement, 16 FCC Rcd 4078 (2000).

regulatory efforts and proposed mechanisms to increase wireless services on Tribal lands, there has been only one TLW expressly based on the Commission’s trust responsibility that resulted in direct licensing to Tribal Nations – *i.e.*, the 2.5 GHz window. In the five years since that TLW, the Commission has formalized its policy to enhance Tribal spectrum access in a Memorandum of Understanding with two sister agencies, and recognized the policy of enhancing access to spectrum on Tribal lands by expanding the Enhanced Competition Incentive Program to Tribal governments, or entities controlled by Tribal governments. Pursuant to the MOBILE NOW ACT, the Commission expressly found that this mechanism for providing licenses directly to Tribal Nations would serve the public interest.¹⁹

Adopting a TLW here will likewise serve the public interest and further the Commission’s specific policy of under its federal trust responsibilities to enhance Tribal spectrum access, as well as its general policy to ensure access in rural, unserved and underserved areas.

C. A Tribal Window Will Not Interfere With the Auction Required by the SSTIA.

The Commission explicitly seeks comment on the impact of adopting a TLW on the auction of AWS-3 licenses.²⁰ There is no reason to believe that the TLW should impact the timing or revenue of the AWS-3 auction. Nor is there any reason to believe that TLW will impact federal operations.

¹⁹ *Partitioning, Disaggregation, and Leasing of Spectrum*, Report & Order and Second Further Notice of Proposed Rulemaking, WT Docket No. 19-38 37 FCC Rcd 8825 (2022) (“*ECIP Order*”).

²⁰ *NPRM* at ¶ 21.

The SSTIA requires the Commission to commence the auction on or before June 2026.²¹ Although the Commission would obviously prefer to begin before that date, the necessary steps to enable the auction after the Commission finalizes the necessary rules will take some time, involving different staff, than those needed to complete a TLW. First, the Commission should recognize that it is required by Section 309(j) to provide adequate time following the finalization of bidding rules for potential bidders “to develop business plans, assess market conditions, and evaluate the availability of equipment for relevant services.” 47 USC § 309(J)(3)(E)(ii). It will take a reasonable time for staff to develop the necessary software, process the short-form applications, and so forth. During this time, the Commission can simultaneously run the TLW.

The geographic areas subject to the TLW will be easy to define geographically so that development of the relevant maps for auction will not be delayed. There is no evidence that the 2.5 GHz Tribal window significantly impacted the subsequent 2.5 GHz Auction – despite the Commission’s insistence on concluding the applications for the Tribal window before beginning Auction 108. (To the extent that delay occurred, it was primarily the result of the Covid-19 pandemic).

If the Commission is concerned, the Commission can run the AWS-3 auction and the TLW simultaneously. The overlap in geography, even with the expanded eligibility discussed in Part III, is comparatively small for any given license and involves geographic areas carriers historically have not served. Bidders will be aware of the potential for a Tribal Nation applicant, even if the TLW has not reached the application stage. There is no reason to expect the potential presence of a Tribal licensee to have any more impact than the potential presence of any other neighboring licensee.

²¹ Section 5403(a).

Nor is there any reason to suspect that a TLW will impact the projected auction revenue. Although the Commission is usually prohibited from considering auction revenue, [cie] Commenters recognize that the presence of targets to fund federal programs will inevitably make this a matter of consideration. Again, even if the Commission adopts the adjustments in eligibility and recommended in Part III, the portion of any specific license allocated from the potential bidders to Tribal Nations is comparatively small, and are areas that providers have traditionally avoided serving. Indeed, if anything, the TLW will *increase* the value of the remaining license by removing any obligation from the winning bidder to provide service on lands covered by Tribal licenses held directly by Tribal Nations.

II. THE EVIDENCE SUPPORTS ADOPTING A TRIBAL WINDOW.

The Commission seeks comment on the benefits of a Tribal licensing window. As the attached analysis by the Institute for Local Self-Reliance shows, that 182 distinct Tribal reservations and trust areas across the United States. Of these 176 qualify for licenses using the same eligibility rules as the *2.5 GHz Order*, including continuing the waiver policy for Hawaiian Homelands. *Department of Hawaiian Homelands Request for Waiver to File as an Eligible Entity in the 2.5 GHz Rural Tribal Priority Window*, WTB Docket No. 20-21, Memorandum Opinion and Order, 35 FCC Rcd 2820 (WTB 2020). Tribal providers need expanded spectrum access for the same reason that non-Tribal providers need additional access. Constantly rising demand requires additional capacity to supplement existing networks and maintain, in the words of the Communications Act, “services that are reasonably comparable to those services provided in urban areas.”²²

²² 47 U.S.C. § 254(b)(3).

A. At least 176 Tribal Lands Would Potentially Gain Access to Additional Spectrum.

The upcoming Advanced Wireless Service (AWS-3) Auction 113 licenses overlap with 182 distinct Tribal reservations and trust areas across the United States. Our analysis utilized FCC-provided geography IDs for the proposed Economic Area (EA) or Cellular Market Area (CMA) licenses, Action 108 auction eligible Tribal lands dataset and combined these data with the Tribal Areas dataset from the United States Geological Survey, thus identifying reservations and Native Hawaiian Home Lands where overlapping areas occurred.

The results indicate 176 distinct Tribal areas (see full Tribal area list in **Appendix 1**) where Auction 108 eligible Tribal areas overlap with Auction 113 coverage. These overlapping areas occur across the United States, including 31 states: Alabama, Arizona, California, Colorado, Connecticut, Florida, Hawaii, Idaho, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Mexico, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. In 12 states, most or all of one or more reservations overlap with an EA or CMA license. And in multiple states, most or all of one or more reservations overlaps with both the EA and CMA license areas.

Appendix 2 contains the resulting maps. In Map 1, shaded areas show EA and CMA license areas, with the darker areas showing where those license areas overlap. Dark blue areas indicate whole Tribal lands where at least some portion of the reservation or trust land overlaps with an AWS-3 license. In most cases, the entire reservation or trust land does not overlap. In 13 states, Tribal areas are small enough that they do not appear on the map at this scale. In Map 2,

we replace the shaded polygons for EA and CMA licenses with orange outlines, to more clearly show the degree of overlap with Tribal reservations and trust lands.

See **Appendix 3** for an example zoomed-in map of this overlap: the Confederated Tribes of Siletz Indians' Reservation (pop. ~5,600) comprises noncontiguous land inside the 44th parallel in the western part of the state of Oregon. Spanning more than 5.8 square miles, the entirety of Siletz overlaps with license CMA609-G, in Oregon 4-Lincoln.

Commenters stress that even where the entire Tribal reservation or trust land does not completely overlap with the license to be auctioned, the additional spectrum in the areas that do overlap will significantly expand the capacity of Tribal providers. As the Commission is well aware, the AWS-3 spectrum is prime mid-band spectrum. To the extent Tribal Nations need to address gaps in coverage, they can negotiate directly with neighboring license holders. Indeed, the Commission's creation of the ECIP and other tools encourage precisely this kind of negotiation between licensees.

B. The Need for AWS-3 Spectrum.

The Commission seeks comment on the extent to which Tribal Nations can utilize the available AWS-3 licenses given the different nature of the licenses (both paired and unpaired).²³ The networks deployed on Tribal lands are generally composed of multiple spectrum bands consisting of licensed spectrum, CBRS shared spectrum, and unlicensed spectrum. Tribal network providers need multiple spectrum bands to address difficulties of terrain as well as to meet capacity demands. As a result, Tribal providers are extremely familiar with integrated within heterogeneous networks ("het nets") a variety of different spectrum bands with different

²³ *NPRM* ¶ 20 n. 32.

rules, requiring different transmitters and receivers. Tribal network operators therefore anticipate no difficulty in integrating the different licenses, both paired and unpaired, into their networks.

Tribal Nations are diligently deploying networks using the 2.5 GHz licenses, and can be expected to do so with AWS-3 licenses. For example, within the Grand Canyon, the Havasupai Tribe uses its 2.5 GHz license to connect its teachers and Head Start students – directly bolstering educational outcomes.²⁴ The Hoopa Valley Tribe, in remote northern California, is integrating its 2.5 GHz license to overcome difficult topological and wildfire-limitations and provide connectivity to some of the most remote areas of their reservation. Hoopa Valley Tribe is currently building a fiber optic network that will cover many rural residents both on and off the reservation, having secured support from industry, the federal government, and the state of California. As these examples illustrate, Tribal Nations have used their licenses to bolster a variety of Tribally-led efforts and broadband infrastructure builds; and additional spectrum access is certain to accelerate local efforts to connect people in some of the least-connected areas of the country.

III. TO MAXIMIZE THE BENEFIT OF A TRIBAL WINDOW, THE COMMISSION SHOULD ADOPT THE DEFINITION OF TRIBAL LAND IN RULE 73.7000 AND NOT LIMIT THE WINDOW TO RURAL TRIBES.

Those tribes that have had the opportunity to apply for 2.5 GHz licenses, and Tribal members on lands covered by these licenses, have reaped considerable rewards from the availability of new, terrestrial wireless networks. Unfortunately, the limitations adopted in the *2.5 GHz Order* leave considerable Tribal lands and Tribal citizens excluded from these benefits.

²⁴ Hudson, Heather E., and Rob McMahon. “Remote and Indigenous Broadband: A Comparison of Canadian and U.S. Initiatives and Indigenous Engagement.” *Journal of Information Policy* 12 (September 6, 2022): 165–94. <https://doi.org/10.5325/jinfopoli.12.2022.0004>.

The experience in managing the 2.5 GHz window demonstrates that licensees serving urban areas which include tribal lands continue to ignore their responsibilities to serve Tribal lands. This problem is particularly acute where Tribal Nations were initially situated in areas far from urban centers, but where population growth has expanded these communities so that all or some of these Tribal lands are not considered “rural” under the definition used in the *2.5 GHz Order*.

Commenters agree that the Commission should limit availability of licenses to federally recognized Tribes, with a waiver available for Native Hawaiian Homelands which, for reasons of history, do not have available to them the same Federally recognized status as available to Native Tribes. The adjustments relate first to the exclusion of federally recognized Tribes on Tribal lands not recognized as “rural.” The Commission should follow the precedent established in the ECIP Order, and expand eligibility to all Federally recognized Tribes. Second, the Commission should expand the definition of Tribal lands to include tribal trust lands not included under the *2.5 GHz Order*.²⁵

The Commission declined to adopt the definition of Tribal lands in 47 C.F.R. § 73.7000, finding instead that the definition developed in the context of Universal Service was a better fit. As the Commission noted in the *2.5 GHz Order*, numerous tribal commenters and NCAI requested that Part 73.7000 be used as the definition for tribal lands because it is broader and covers all “tribal trust land,” which is excluded from coverage under Part 54.5. In explaining its support for the latter definition, the Commission stated that “the Part 54 definition has a similar purpose to the Tribal priority window, to encourage provision of broadband service on rural lands.”²⁶ In selecting Part 54, the Commission recognized that off-reservation lands may be

²⁵ *2.5 GHz Order* at ¶ 54.

²⁶ *2.5 GHz Order* at ¶ 51.

excluded. To address this issue, the Commission proposed a Part 54 Plus definition for tribal lands under the TLW. The “plus” entailed utilization of the off-reservation designation process for Universal Service Support for Low-Income Consumers contained in 47 C.F.R. § 54.412. However, the Commission determined that this off-reservation allowance for the TLW would only apply to those tribal nations that had achieved such a designation as of the July 10, 2019 adoption date of the 2.5 GHz Order.²⁷

This definitional expansion, however, was effectively illusory as the 2.5 GHz Order was the vehicle both for the notice of, and the closure of, the off-reservation designation process. Thus, only tribal nations that already had their off-reservation lands designated for a different purpose—universal service support—could be eligible for the TLW. The effect of precipitously closing the TLW to off-reservation lands especially impacted rural Tribal Nations that lack reservations, and/or have service populations located over non-contiguous parcels of off-reservation trust land.

This time, the Commission should not adopt the same definition and exclude the same Tribal nations. Ideally, the Commission should adopt the definition of Tribal land used in Rule 73.7000. This definition includes Reservations, Trust lands and Native Hawaiian Homelands.²⁸ However, if the Commission remains concerned about the lack of a federally recognized status for Native Hawaiian Homelands, the Commission should continue to use the process adopted by the Bureau in 2020 permitting the Department of Hawaiian Homelands to apply on behalf of Native Hawaiian Homelands.²⁹

²⁷ *Id.* at ¶ 54.

²⁸ 47 C.F.R. § 73.7000.

²⁹ *WTB Waiver Order supra* n.7

Additionally, the Commission should remove the “rural” limitation and allow all Tribes whose Tribal lands intersect with the AWS-3 license inventory to apply for a license that will cover all Tribal land. As the Commission recognized by extending the ECIP program to all federally recognized Tribes, expanding the availability of spectrum to both rural and non-rural Tribal lands serves the public interest.³⁰ Native lands still suffer compared to surrounding areas from fewer access choices, and lower connectivity as a consequence.³¹

Experience since with the 2.5 GHz window demonstrates that the population limit of 50,000 or fewer to define “rural” still leaves too much Tribal land without access to spectrum. The expansion of urban and exurban communities has not resulted in carriers that serve neighboring non-Tribal communities extending their networks to Tribal lands. Tribal providers find themselves forced to serve these unserved “urban” Tribal lands with networks exclusively dependent on CBRS and unlicensed networks. Additional licensed spectrum would allow Tribes to serve their members throughout their community with equally powerful networks for all, rather than networks capable of using licensed spectrum in some areas but not in others of the same Tribal communities.

CONCLUSION

The evidence shows that Tribal Licensing Windows can be among the most effective tools for the Commission to ensure Tribal Nations have access to broadband. The 2.5 GHz TLW

³⁰ *ECIP Order* at ¶ 28. (“We recognize the acute connectivity challenges that Tribal Nations face and believe that inclusion in the ECIP program will facilitate spectrum access by Tribal Nations in both rural and nonrural areas to help meet their communications needs.”)

³¹ See Daniel Mejia, “American Indians and Alaska Natives In Tribal Areas Have Among the Lowest Rates of High Speed Internet Access,” United States Census Bureau (June 18, 2024). Available at: <https://www.census.gov/library/stories/2024/06/broadband-access-tribal-areas.html>

allowed hundreds of Tribal Nations to reclaim one of their natural resources – spectrum – and use this resource to bring fast, reliable broadband to their citizens. The SSTIA does not prohibit adopting a TLW, and doing so both meets the responsibility of the Commission as a federal agency subject to federal trust responsibilities and furthers multiple Commission policies.

WHEREFORE the Commission should adopt a TLW window as part of the design of a “system of competitive bidding” as mandated by the SSTIA.

Respectfully submitted,

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March 31, 2025

APPENDIX I

List of Tribal Reservations and Hawaiian Home Lands Intersecting with Auction

113

Allegany Reservation
Anahola (Agricultural) Hawaiian Home Land
Anahola (Residential) Hawaiian Home Land
Bay Mills Reservation
Berry Creek Rancheria
Big Bend Rancheria
Big Cypress Reservation
Big Sandy Rancheria
Blackfeet Indian Reservation
Brighton Reservation
Catawba Reservation
Chitimacha Reservation
Cocopah Reservation
Cold Springs Rancheria
Colorado River Indian Reservation
Colusa Rancheria
Colville Reservation
Cortina Indian Rancheria
Coushatta Reservation
Crow Reservation
Dry Creek Rancheria
East Kapolei Hawaiian Home Land
Enterprise Rancheria
Flathead Reservation
Forest County Potawatomi Community
Fort Belknap Reservation

Fort Berthold Reservation
Fort Hall Reservation
Fort Peck Indian Reservation
Fort Yuma Indian Reservation
Grand Ronde Community
Grand Traverse Reservation
Grindstone Indian Rancheria
Haiku Hawaiian Home Land
Hanapepe Hawaiian Home Land
Hannahville Indian Community
Ho-Chunk Nation Reservation
Homuula-Upper Piihonua Hawaiian Home Land
Honokaia Hawaiian Home Land
Honokowai Hawaiian Home Land
Honolulu Makai Hawaiian Home Land
Honomu Hawaiian Home Land
Hoolehua-Palaau Hawaiian Home Land
Immokalee Reservation
Iowa (KS-NE) Reservation
Isleta Pueblo
Jena Band of Choctaw Reservation
Kahikinui Hawaiian Home Land
Kakaina-Kumuhau Hawaiian Home Land
Kalaeloa Hawaiian Home Land
Kalamaula Hawaiian Home Land
Kalaoa Hawaiian Home Land
Kalaupapa Hawaiian Home Land
Kalawahine Hawaiian Home Land
Kamaoa-Puueo Hawaiian Home Land
Kamiloloa-Makakupaia Hawaiian Home Land

Kamoku-Kapulena Hawaiian Home Land
Kanehili Hawaiian Home Land
Kaohe-Olaa Hawaiian Home Land
Kapaa Hawaiian Home Land
Kapaakea Hawaiian Home Land
Kapolei Hawaiian Home Land
Kaumana Hawaiian Home Land
Kaupea Hawaiian Home Land
Kawaihae Hawaiian Home Land
Keahuolu Hawaiian Home Land
Kealakehe Hawaiian Home Land
Keanae-Wailuanui Hawaiian Home Land
Keaukaha Hawaiian Home Land
Kekaha Hawaiian Home Land
Keokea (Agricultural) Hawaiian Home Land
Keoniki Hawaiian Home Land
Kewalo Hawaiian Home Land
Kickapoo (KS) Reservation
Kickapoo (KS) Reservation/Sac and Fox Nation Trust Land joint-use area
L'Anse Reservation
Lac du Flambeau Reservation
Lac Vieux Desert Reservation
Lake Traverse Reservation
Lalamilo Hawaiian Home Land
Lanai City Hawaiian Home Land
Leialii Hawaiian Home Land
Little River Reservation
Little Traverse Bay Reservation
Lualualei Hawaiian Home Land
Lummi Reservation

Maili Hawaiian Home Land
Makuu Hawaiian Home Land
Maluohai Hawaiian Home Land
Mashantucket Pequot Reservation
Menominee Reservation
Mescalero Reservation
Miccosukee Reservation
Mohegan Reservation
Moloaa Hawaiian Home Land
Montgomery Creek Rancheria
Mooretown Rancheria
Nambe Pueblo
Nanakuli Hawaiian Home Land
Narragansett Reservation
Navajo Nation Reservation
Nienie Hawaiian Home Land
Nooksack Reservation
North Fork Rancheria
Northern Cheyenne Indian Reservation
Omaha Reservation
Oneida (WI) Reservation
Oneida Indian Nation Reservation
Ontonagon Reservation
Panaewa (Agricultural) Hawaiian Home Land
Panaewa (Residential) Hawaiian Home Land
Papakolea Hawaiian Home Land
Paskenta Rancheria
Pauahi Hawaiian Home Land
Paukukalo Hawaiian Home Land
Picayune Rancheria

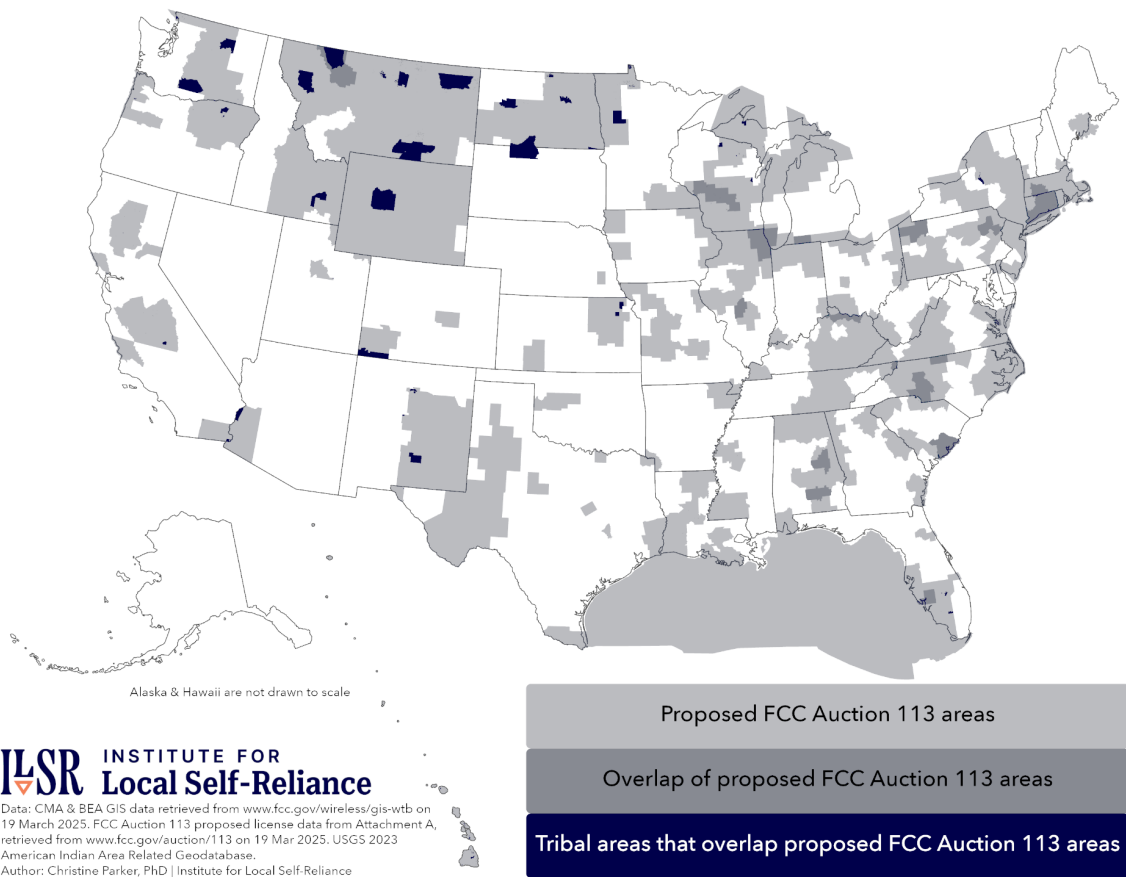
Piihonua Hawaiian Home Land
Poarch Creek Reservation
Pokagon Reservation
Ponohawaii Hawaiian Home Land
Prairie Band of Potawatomi Nation Reservation
Princess Kahanu Estates Hawaiian Home Land
Pueblo de Cochiti
Pueblo of Pojoaque
Pulehunui Hawaiian Home Land
Puukapu Hawaiian Home Land
Red Lake Reservation
Redding Rancheria
Roaring Creek Rancheria
Rocky Boy's Reservation
Sac and Fox Nation Reservation
San Ildefonso Pueblo
Santa Clara Pueblo
Santa Rosa Rancheria
Santo Domingo Pueblo
Sault Ste. Marie Reservation
Siletz Reservation
Sokaogon Chippewa Community
South Maui Hawaiian Home Land
Southern Ute Reservation
Spirit Lake Reservation
St. Regis Mohawk Reservation
Standing Rock Reservation
Stewarts Point Rancheria
Table Mountain Rancheria
Tampa Reservation

Tesuque Pueblo
Torres-Martinez Reservation
Tule River Reservation
Tunica-Biloxi Reservation
Turtle Mountain Reservation
Ualapue Hawaiian Home Land
Uintah and Ouray Reservation
Umatilla Reservation
Upolu Hawaiian Home Land
Ute Mountain Reservation
Waiahole Hawaiian Home Land
Waiakea Hawaiian Home Land
Waianae Hawaiian Home Land
Waianae Kai Hawaiian Home Land
Waiawa Hawaiian Home Land
Waiehu Hawaiian Home Land
Waiku-Hana Hawaiian Home Land
Wailau Hawaiian Home Land
Wailua Hawaiian Home Land
Waimanalo Hawaiian Home Land
Waimanu Hawaiian Home Land
Waimea Hawaiian Home Land
Waiohinu Hawaiian Home Land
Waiohuli (Residential) Hawaiian Home Land
Warm Springs Reservation
White Earth Reservation
Wind River Reservation
Winnebago Reservation
Yakama Nation Reservation
Ysleta del Sur Pueblo

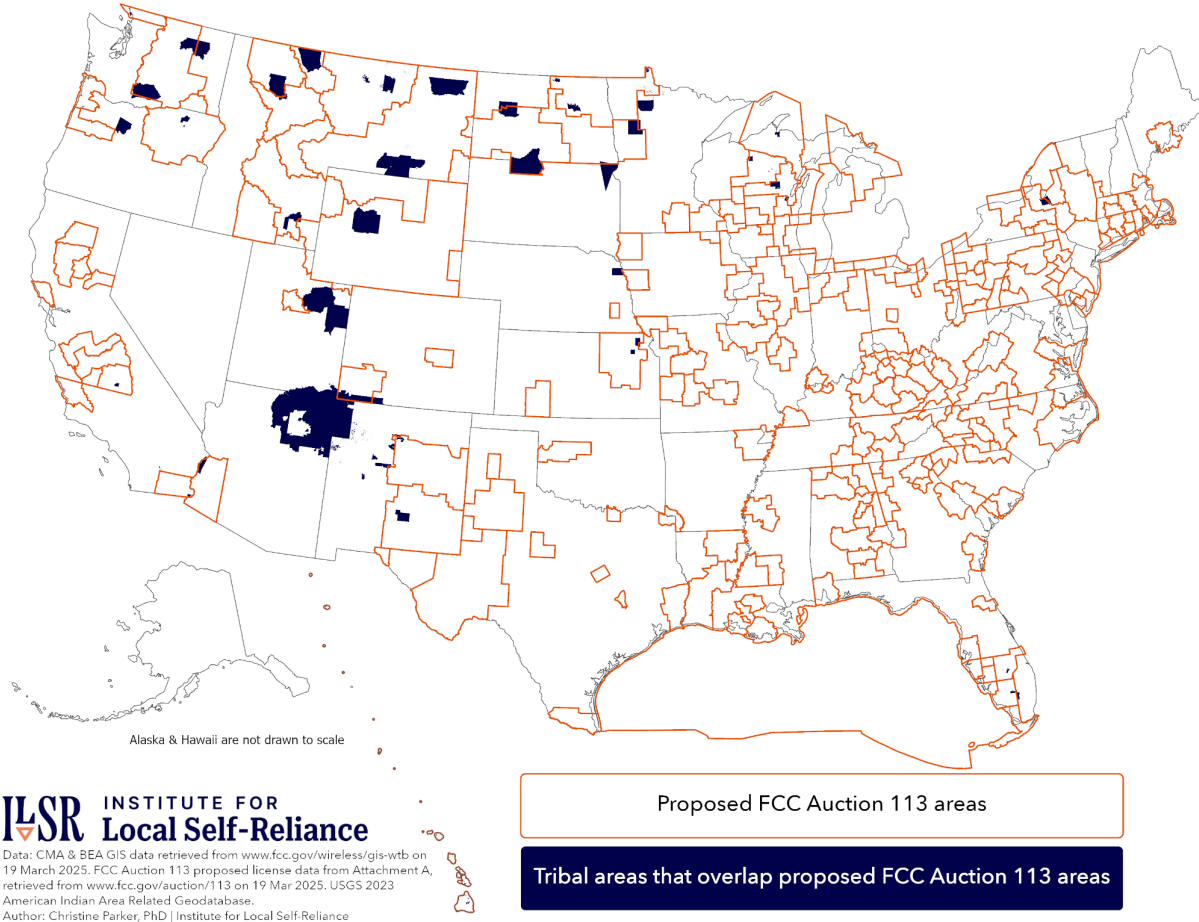
APPENDIX II

Maps of Overlapping Auction 113 License Areas and Tribal Reservations and Hawaiian Home Lands

Map 1



Map 2



APPENDIX III

Overlap Between the Siletz Reservation and Auction 113

