



Choctaw Nation of Oklahoma

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Submitted electronically via broadbandusa@ntia.gov

Douglas W. Kinkoph, Associate Administrator
U.S. Department of Commerce, Office of NTIA
1401 Constitution Avenue, N.W.
Washington, D.C.20230

RE: Choctaw Nation Comments Regarding TBCP

Halito!

On behalf of the Choctaw Nation, we welcome the opportunity to provide these comments in response to your Dear Tribal Leader letter dated February 2, 2021.

- For the purposes of funding allocations by tribal population, the Choctaw Nation of Oklahoma would like to reiterate earlier comments that tribal population determination be provided by each tribal government using the tribes' own membership data. Census block data has proven to be inaccurate and undercount native populations. The rigorous validation of tribal membership for the purposes of service provisioning and tribal elections makes the tribal membership data a far superior source that accurately reflects the population with the most up to date information.
- For the foregoing reasons, Choctaw Nation strongly supports an allocation based on people and area. The number of people served should be based on each tribe's certification of its tribal enrollment wherever located, since the Choctaw Nation and any tribe may choose to –
 - (1) give members residing on and off-reservation access vouchers to purchase broadband service from available networks they cannot otherwise afford, and
 - (2) build network connections on-reservation to make broadband access possible for members residing in areas without available networks.
- Areas in rural Oklahoma, specifically discussing areas within the service boundaries of the Choctaw Nation of Oklahoma, lack middle mile fiber for backhaul. This is a critical need to bring service to our most disconnected citizens. Timelines within the statutes continue to make it difficult if not impossible to address this most critical need. Permitting processes within the state, be it Oklahoma Department of Transportation, National Forest Service or others take 6 months or longer for approvals. Factoring in the difficulty of rocky terrain and weather, the ability to meet expenditure deadlines that are less than one year in duration are unlikely and deter tribal entities from pursuing funds for projects with a high risk of liability to the tribe.

- Federal authority over federal lands for rights of way permitting within the Choctaw Nation Reservation should be delegated to the Choctaw Nation for purposes of broadband infrastructure deployment (e.g., National Forest Service). The Choctaw Nation should be granted piggyback rights by the U.S. Department of Transportation (USDOT) on existing rights of way along all roadways within the Choctaw Nation Reservation, for purposes of deployment of broadband infrastructure. USDOT assistance to Oklahoma DOT should be conditioned on the Oklahoma DOT delegating permitting authority for broadband infrastructure deployment within the Choctaw Nation Reservation to the Choctaw Nation, and granting to the Choctaw Nation the same piggyback rights along all roadways within the Choctaw Nation Reservation.
- Determination of unserved areas is a challenge. As has been discussed in several forums mapping information is highly inaccurate, especially within rural areas. Many areas within our reservation are mapped as having available services yet inquiries to residents determines no provider will service the residence. Funds should be available for use in areas previously mapped as having service with a minimal burden of proof to demonstrate those services do not exist. Efforts should continue to have accurate mapping of service availability at a federal level so a better understanding of underserved/unserved areas can be determined.
- FCC mapping is particularly lacking in detail. However, it is sufficiently detailed to show that where at least one-half of a Reservation area is without access to fixed broadband service above threshold levels, then the entire Reservation area should be deemed an unserved area and given priority status in funding.

Thank you for this opportunity to share with you our thoughts regarding this important matter. If you have questions, please reach out to Jimmy Williams, Executive Officer of I.T. for the Choctaw Nation at jdwilliams@choctawnation.com

Yakoke (Thank you),



Gary Batton, Chief
Choctaw Nation of Oklahoma