

Broadband Initiative on Navajo Nation Notes Summary

Thursday, October 27, 2022
9 a.m. – 3 p.m. (Arizona Time)
In-Person and Zoom Meeting
NAU Native American Cultural Center
318 W. McCreary Drive | Flagstaff, AZ

Welcome and Introduction – Supervisor Lena Fowler & NN Council Delegate Kee Allen Begay Jr.:

- Ms. Fowler gave an overview the broadband objectives, agenda overview, and a brief update with her office. Ms. Fowler also had Sandip Bhowmick introduce himself as the AZ Commerce Authority Broadband Assistant Director. Mr. Bhowmick notes Jeff Sobotka has left the AZ Commerce Authority as the director.
- Mr. Begay gives his introduction and overviews the broadband issues that are ongoing. Gives his appreciate to everyone's efforts and the accomplishments done so far.

Welcome/Presentation – Ann Marie Chischilly, Vice President, Office of Native American Initiative:

- Ms. Chischilly gives an introduction of herself and welcomes all those attending today's meeting. She overviews the goals of her program and is glad to hear about the improvements of broadband on the Navajo Nation.

Navajo Nation Legislative Update – Kee Allen Begay Jr., NN Council Delegate:

- Mr. Begay updates on approved Resolution CJN-29-22 by the council and signed into law by the NN President. Under section four of the resolution, \$40 million of the funds was allocated to public safety, rural addressing, and cyber security. Tom Platero will have more detail information on the money's allocation for the \$40 million. Mr. Begay indicates that FirstNet has some towers and is in operation, but the oversight committee is trying to request for a central calling center. AT&T continues to work with NTUAW and Cellular One with the regulatory office able to provide more information. FirstNet is still in the process of being set up. The council approved the biggest amount of funds of \$120 million located in section eight for telecommunications. The funding is allocated to the "Middle Mile" plan, "Last Mile" plan, and for matching funds. An estimate of \$4.1 million is to be disburse to the different chapter regions. For Mr. Begay who represents five chapters, the funds will be disbursed equally among his chapters for tower construction. The NN council added on to the resolution requesting the Arizona government of their initiative for the Smart Highway to include state right-of-way for highway 191 onto the Navajo Nation. Mr. Begay notes that he made a recommendation for \$10 million to be set aside for the Smart Highway project. They continue to work with local, county, and state officials to best utilize the funds to better the current broadband infrastructure. The Resource and Development Committee granted authorization to certain programs to work on expediting the process of rights-of-way approval, the One Stop Shop. The One Stop Shop will be under the Division of Natural Resources under the land department. He looks forward to the continued collaboration with all those involved. Mr. Begay notes on a question asked that the funds awarded to each chapter region is up to the delegate representative to disburse according to each chapter's known needs. Mr. Gerald Keetso comments that NTUA has a monopoly for the Tuba City region and their fiber optics are expensive. He would like the community to be able voice their concerns on the fund disbursement and to have other lower cost options for

broadband since Tuba City is one of the major hubs on the Navajo Nation. Mr. Begay indicates that it would be best that they work with the council delegate that represents their region to address their concerns. Delegate Elmer Begay agrees with Mr. Begay and strives for more funding to better help his chapters with their infrastructure.

Navajo Nation Broadband Update:

- **Sonia Nez, NN Broadband Office Manager** – Ms. Nez thanks everyone who is in attendance today and does a quick overview of the location of the broadband office within the Navajo Nation departments. She addresses the broadband's office lack of full information sharing due to the trust of shareholders they currently have with proprietary information. Due to this they will be utilizing the broadband initiative meetings to provide general information and in the future additional information will be available online. Regarding ARPA funds, they have met with several council delegates and regional leadership. They will continue to meet with others as much as possible. Last week, the ARPA accounts were set up and they have moved to the procurement phase. Most of the funds will be RFP (request for proposal) out and they will be posting an RFP in mid-November for allocation of the funds. Ms. Nez notes \$10 million has been set aside for the Smart Highway and their office has been in communication with Sandip B. of the Arizona State Broadband Office. Once a bid is accepted and contracts drawn, they will have to go through several Navajo Nation departments/divisions for approval before it can be awarded. Despite their office being small staffed they continue to work with other state broadband offices to challenge the FCC fabric of the broadband data collection. Recently, they have applied for grants with the Coronavirus Capital Projects Fund and the BIA's National Tribal Broadband Grant. They will let service providers apply for the IJA Middle Mile grant and the ReConnect grant. They continue to work with the state broadband office on the BEAD grant and Digital Equity. The broadband office will oversee E-Rates on the Navajo Nation and has the project as a plan of operations. They are working with an E-Rate consortium to work out the issues they have. A more comprehensive update will be presented at the November meeting.
- **Tico Charlee, NN Telecommunication Regulatory Commission Director** – Mr. Charlee presents a PowerPoint Presentation. He overviews the status of the broadband infrastructure beginning with a feasibility study to indicate where it's needed. They have around 300 miles of fiber on the Navajo Nation with five different service providers. With collaboration as his main goal, he hopes to avoid the complications of duplicity with providers and grants. Mr. Charlee is also working on the expediting the right-of-way process to help resolve issues and start moving forward. He notes he welcomes competitive pricing among service providers, and he will start to regulate the price of broadband as the infrastructure expands. Due to their progress, the NN Telecommunications Regulatory Commission is now recognized nationwide with the NTIA with bi-weekly meetings. The 2.5 ghz EBS has been awarded to the NTUA Choice Wireless for Arizona and Scared Wind for the New Mexico portion who now own them. Rural addressing is another issue they are trying to address as it affects the 911 system. When FirstNet first started set up on the Navajo Nation, they requested 106 towers, and 91 sites are now complete. Mr. Charlee moves onto the accomplishments of the broadband office so far. They are making sure the network buildout can be supported and is sustainable for in the past, they weren't regulated properly. They have inspired key stakeholders to work with the NNTRC which has brought service providers to work together despite the complexities of the Navajo Nation. Currently, they are working on addressing with the Navajo Nation Police Department and the rural

addressing group to better apply the funds to deal with the issues of rural addressing with the 911 system. Their office is also looking to have FCC update their maps to reflect the most accurate information about the situation on the Navajo Nation. The office strived to identify the underserve and non-served areas and to work with neighboring states to get the grant funds used before their deadlines. One of the issues for grant spending is the rising cost of labor and supplies. As the broadband office has taken over the E-Rate Programs they are addressing the issues it has and has made it a top priority with a request submitted to the FCC to extend E-Rates for another year.

- **Mike Halona, NN Land Department Director – NN Right of Way One-Stop Shop**

- **PART 1 with Mike Halona** – Mr. Halona has been working on updating the rules and regulations of telecommunications since several years ago especially with the rapid network buildout in recent years. The Navajo Nation obtained authority to approve all its own surface sources with only a document submission to BIA, but not requiring BIA approval. Non-native right-of-way on the reservation must go through a different process which is currently a long procedure. Telecommunications had expanded at a rate faster than BIA could keep up with. Service providers required a land lease and not a permit before they could build, and equipment moved from analog to digital. As the tribe started to implement these new rules and regulations, they still needed help with technicalities and so they developed a relationship with Vertical Bridge. With the help of Vertical Bridge, they have identified all the towers with the tower information and especially with finding the blackout areas. Due to this information, they have found out that out of 1,400 towers on the reservation, only about 250 are complying. Back rent and taxes, in the millions, are still owed on the non-compliant towers. The current network buildout has stalled in some areas due to towers other service providers want to use that are non-compliant until they fully pay what they owe or have a lease for the land. This includes any fiber the tower owner has installed that was conducted without a right-of-way. As the telecommunications rules and regulations are still being drafted and changed, other concerns from providers are the cost of land rent and paying the amount. Mr. Halona notes that services providers need to ask themselves what they need to do before they start. One of the key items Navajo Nation is doing is taking the authority out of BIA's hands and keeping it with the tribe. They have been working on a collaboration between the different Navajo Nation departments to help expediate the approval process not only for telecommunications but for other departments as well. One idea that has not been suggested is the Navajo Nation to become the landowner of the reservation and this would eliminate the need for the right-of-way approval.
- **PART 2 with Ettie Anderson Abasta** – Ms. Abasta, NN General Land Dept. Department Manager, presented a PowerPoint Presentation on the One Stop Shop (OSS). The OSS was recently implemented and approved by the resource development committee is a cloud based system that allows a streamline process. Through a 3-tiered system, the process allows a review period of 10 business days with a total processing time of 30-40 business days. The OSS electronic review starts with an email submission that gets sent to the different NN departments for the 10-day review period, it is then submitted to the NN Department of Justice, and after NN DOJ it is then sent for approval by the Navajo Land Department Director. Once approved, construction can begin, and a copy is

sent to the BIA for final archiving. Available on their website (www.gldd.org) are the project packages that lists the items required for submission. There are two different applications that infrastructure developers can use. The TAA (Tribal Authorization Access) for Navajo Nation entities (EX. NTUA) and the ROW (Right-of-Way) application for non-Navajo Nation entities which will use the OSS. The goal of the One Stop Shop is the efficient streamlining of major infrastructure. The overall benefit of the OSS is to keep the process moving forward swiftly and efficiently, and as a web-based application the process is viewable online. They are still in the setup process of the OSS and addressing the issues of the online application. Any current ROW submissions will be converted to the new OSS process.

Presentation:

- **Beyond Connectivity: Planning to Achieve Digital Equity in Arizona – Erin Carr-Jordan, Ph.D., Digital Equity Institute Managing Director** – Ms. Carr-Jordan introduces herself and the institute. The institute works to help the state provide digital equity and sustainability that allows all voices to be heard during the planning process. Digital equity is defined as everyone having the opportunity to fully participate in every aspect of society, democracy, and the economy. Digital inclusion is having access to the digital technology. They are currently helping the state with the NTIA IJA concerning digital equity. They are traveling across the state to meet with people, officials, and organizations to gather community voices and make sure they are being heard as the state begins their planning. As part of the IJA that serves the covered people (people of low economic status, ethnic minority, disabled, veterans, elderly, etc.), the underserved, and the unserved, they need to understand the full dynamics of their situation to better decide how to implement digital equity. The gathering of information is a big undertaking, and they will begin by knowing what has already been done to help the state prioritize. As part of their land assessment, they determined that there is 1.2 million people within the state that don't have internet access. As the institute continues toward their goal, they have broken down digital equity into several categories that includes having devices with access to the internet. Without an internet connectable device, there can be no digital equity. This means having the right device for each person, with access to new technology, and support systems. Another category are the people who have internet available in their area but for reasons don't connect. This can include the cost of accessibility as being the reason for those in the lower income bracket. Trust needs to be established between the service provider and the communities through collaboration to help address their needs. The institute's goal is to be of service, to listen and understand the barriers, the challenges, what's being done and what can be done to achieve a sustainability.
- **Community Collaboration, A Service Provider's Perspective – Margaret Merrill, Oso Internet Solutions Co-Owner** – Ms. Merrill introduces herself and how she began her journey when she was stationed on the Ramah Navajo Reservation in New Mexico as an educator. She experienced the lack of internet accessibility and quality during this time and decided a change was needed. Many local service providers were not interested in establishing service in the remote region, but through collaborative efforts and outreach the company was able to start in 2015 and now has a network area of over 500 miles. Their company views their clients as community members rather than a customer. A customer is about a monetary transaction, whereas a community member is viewed as family. The company would give back to the

community as much as possible. During the pandemic they helped provide community hotspots. They are doing partnerships to get ACP (Affordable Connectivity Program) into the community and recently completed an E-Rate project. With the Emergency Connectivity Fund and local school collaboration they were able to help bring infrastructure to the communities that were unserved. Ms. Merrill notes that due to the complexity of the Ramah Navajo reservation, each of the land designations has a different right-of-way process. After recruiting a former Superintendent with the BIA Ramah Agency and other consultants, they were able to navigate the process better. In-person collaboration and having a trust established with the community helped them address the issues, including meeting with the BIA regional director. She notes that sometimes doing things differently is the fastest path. Within their company they value the community first before profit and communication is key.

State Updates:

- **Arizona Commerce Authority Broadband Office – Sandip Bhowmick, AZ State Broadband Assistant Director:**
 - Mr. Bhowmick indicates that the state has submitted their letter of intent for BEAD and Digital Equity. They are currently in the decision-making phase with the application submitted and are waiting on the planning money. Once the funds are available, they will have around 270 days for BEAD planning. This will include correcting their maps, covering the Last Mile, and other items along with digital equity. They have a plan to update the state map as their priority with the FCC due to release their map soon. Mr. Bhowmick noted that the last FCC map showed discrepancies in the areas these broadband meetings are trying to address. Addressing needs to be done to show the underserved and unserved areas that will help get better funding. For example, Texas is the most well mapped state to show their broadband status and they may receive as much as \$1 billion in funds. He hopes working in collaboration with everyone especially the carriers that they can help provide an accurate map.
- **Utah Broadband Center – Rebecca Dilg, Director:**
 - Ms. Dilg presents a quick PowerPoint Presentation of Connecting Utah. The state of Utah has funds, and they are putting together some plans. Majority of their funding is from the BEAD Program that has not been received yet but they have a consulting firm that is getting a plan in place. With the speed test that was launched last March, they have identified the specific areas of need. They are trying to get the latest mapping done and have been reaching out to tribes since most tribes have their own maps but addressing continues to be a challenge. The Statewide Digital Connectivity Plan's goal is to get out and gather information. They have an anticipated scheduled up to fall 2023 to achieve their goal. Ms. Dilg shows a map of fiber construction status for the Utah portion of the Navajo Nation. Most of the construction is on hold for an approved permit. If the One Stop Shop is able to process the right-of-way permits, construction can start within a month once approved. Sonia Nez notes that New Mexico has a new broadband director, Kelly Schlegel.
 - Lynne Yocom, UDOT, states that due to the recent connectivity of Whitehorse High School and San Juan High School, they were able to compete athletically with other schools this year. The Whitehorse High School were able to place first and advance to the state championship.

Next Steps:

- PJ Way, Coconino County, overviews his next meeting's presentation. He notes that each of the counties are working on digital equity and inclusion with their own approach. Mr. Way is hoping to have a list of solutions other counties are seeking to provide us ideas and find our own solutions.
- Next meeting November 29, 2022. Virtual only by ZOOM.

MEETING ENDS