

**BEFORE THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

Application of North American Local, LLC)	
For Designation as an Eligible)	
Telecommunications Carrier for Purposes)	Docket No. TC19-009
of Lifeline Only in the State of South Dakota)	
)	
)	

COMMENTS OF THE OCETI SAKOWIN TRIBAL UTILITY AUTHORITY

The Oceti Sakowin Tribal Utility Authority (“OSTUA”) hereby submits these Comments on the Application of North American Local, LLC for Designation as an Eligible Telecommunications Carrier for Purposes of Lifeline Only in the State of South Dakota (“Application”). For the reasons explained herein, OSTUA supports the designation of North American Local, LLC (“NAL”) to provide much needed Lifeline service on Tribal lands in South Dakota.

The OSTUA represents a coalition of Indian Tribes that support the advancement of Tribal sovereignty by protecting the rights of Tribal Nations and its members through inter-government coordination and enforcement of laws and requirements on Tribal Lands. The OSTUA was formed to provide a coordinated and united approach to addressing common utility and economic development issues of importance to Indian Tribes. Recognizing the important role of the OSTUA, on September 5, 2014, the Great Plains Tribal Chairman’s Association passed Resolution No. 1-9-5-14, “Support for Oceti Sakowin Utility Authority to assist tribal governments through a multi- tribal collaborative effort on (i) addressing jurisdiction and sovereignty issues, (ii) establishing tribal utility commissions, and (iii) resolving conflicts, disputes and issues with entities providing service on Tribal lands.”

Over the years, OSTUA has sought to advance the interests of Tribes and residents of Tribal lands. The majority of residents of Tribal lands suffer from lack of access to affordable telephone and broadband service, which makes Lifeline service a true “lifeline” for many residents, but, unlike most areas of the country, Lifeline service is not available on many Tribal

lands in South Dakota from wireless service providers. By comparison, in Oklahoma, there are more than 10 wireless Lifeline service providers on many Tribal lands, whereas on the Rosebud reservation in South Dakota there are none. While Lifeline service may be available on Tribal lands from the incumbent local exchange carriers, over the years, many Tribal residents have cut-the-cord and rely on wireless service for the telephone and Internet needs. Without an affordable option, like Lifeline service, wireless service can be unaffordable for many Tribal residents.

The Application of NAL represents an opportunity to provide Tribal residents, for the first time, access to affordable broadband Internet service, which is critical in today's world. OSTUA's support for the Application is based upon the following critically important elements of NAL's Application and the Stipulation reached between NAL and the South Dakota Telecommunications Association ("SDTA"):

1. "Applicant shall engage with the Tribal government authorities for each Tribal land consistent with applicable Federal Communications Commission (FCC) Office of Native Affairs and Policy ("ONAP") Tribal Engagement Guidelines and shall not serve (*e.g.*, provide Lifeline service) any Tribal lands in South Dakota where Tribal governments oppose Applicant's provision of service on Tribal lands." Stipulation at p. 5.
2. "Applicant shall comply with all applicable universal service and Lifeline requirements established by the FCC, the South Dakota Public Utilities Commission, and Tribal governments." Stipulation at p. 6.

These two stipulations are critically important from a Tribal standpoint because:

- (i) NAL is recognizing and agreeing to comply with Tribal jurisdiction and applicable requirements for operating and providing Lifeline service on each and every Tribal land served;
- (ii) NAL is agreeing not to serve any Tribal land if a Tribal government opposes its entry upon Tribal lands and provision of Lifeline service; and
- (iii) NAL is willing to comply with FCC ONAP Tribal Engagement Guidelines, even though these guidelines are not requirements for providing Lifeline service.

For these reasons, OSTUA supports the designation of NAL as an ETC for purposes of providing Lifeline service on Tribal lands in South Dakota and strongly believes the public interest will be greatly served by the designation of NAL as an ETC, which will enable residents of Tribal lands to have access to affordable Internet and telephone service.

Dated: September 17, 2021

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Joe Red Cloud", is written over the typed name.

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Certificate of Service

I, Joe RedCloud, certify that a copy of these Comments has been sent by email to the following individuals on September 17, 2021.



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