



# Saint Regis Mohawk Tribe

Chief Ron LaFrance Jr.  
Chief Eric Thompson  
Chief Beverly Cook  
Sub-Chief Michael L. Conners  
Sub-Chief Cheryl Jacobs  
Sub-Chief Shelley Jacobs

## **TESTIMONY OF SUB CHIEF MICHAEL CONNERS Before the House Energy and Commerce Committee Subcommittee on Communications and Technology**

**March 21, 2017**

Hello, my name is Michael Conners. I am a Sub Chief of the Saint Regis Mohawk Tribe (“SRMT” or “Tribe”). Chairman Walden, Ranking Member Pallone, and Members of the Committee, it is my honor to be here with you today to discuss our Tribe’s successful efforts to build critical broadband infrastructure in New York, highlight our legislative priorities, and recommended best practices for deploying broadband services on tribal lands and throughout rural America.

SRMT is a federally recognized tribal government located in our traditional territory of Akwesasne in Northern New York. Our Tribe prides itself on being a good partner with our local, state, and federal leadership to promote the well-being of our community and to advance our collective legislative goals. Being one of the primary employers in our region, the Saint Regis Mohawk Tribe, Akwesasne Mohawk Casino Resort, Mohawk Networks, and Akwesasne TV provides more than 1,600 employment opportunities and over \$52 million in salaries annually for the residents of Northern New York. The success of our enterprises, allows our Tribe to further provide a number of critical services to our members and non-native neighbors including sustainable education, employment, and economic development opportunities, public safety and healthcare, and increased access to critical infrastructure.

In 2009, SRMT was awarded \$10 million through the American Recovery and Reinvestment Act (“ARRA”), U.S. Department of Agriculture’s Broadband Initiative Program to form Mohawk Networks, a tribally-owned telecom entity, in an effort to connect residential and commercial customers in the North Country with reliable and cost-effective broadband services. By 2015, Mohawk Networks connected roughly 80 percent of all homes in our territory to high-speed internet service.

The Tribe recognizes the importance of high speed broadband accessibility and what it has done for our own community. It is unfortunate that our non-native neighbors in the North Country do not have the same access we do. Mohawk Networks estimates more than 100,000 homes in our neighboring counties have been overlooked, 20 percent of homes are unable to access speeds greater than 6 Mbps, and 37 percent cannot afford the average monthly rate charged of \$59.99.

Because of the Tribe’s success within our own territory, Mohawk Network’s subsidiary, North Country Broadband, is making headway in expanding broadband service to our neighbors in surrounding, non-tribal counties. This expansion is made possible by a \$6.4 million grant received

in Round II of the New NY Broadband Program. Round II funding totals \$268 million in public-private investments to ensure that unserved and underserved New York households have access to high speed broadband services allowing rural communities to compete in a modern economy.

Through Mohawk Networks' subsidiary, North Country Broadband, the Tribe will immediately advance the expansion of our wireless technology in the Lewis County census block. The first stage of the grant will allow for the activation of five towers. Discussions are currently underway with Clinton County legislators regarding the expansion of Mohawk Network's broadband infrastructure to Clinton County by the end of 2018.

A primary component of what allows SRMT to be competitive and keep our costs low is our utilization of 16 towers throughout multiple, surrounding counties and the reliability of our innovative technology. Working in conjunction with the Development Authority of the North Country and the Federal Communications Commission, Mohawk Networks utilizes a DANC fiber ring allowing us to provide broadband services throughout the North Country and keep costs low. Currently, the average cost per household for the deployment of our wireless technology is \$1700, far less than the traditional method of laying miles of fiber.

## **Challenges**

While we are moving forward and making progress, several hurdles have presented themselves when expanding our broadband infrastructure. These include:

1. **Cumbersome grant requirements.** Because of the cumbersome nature of important grants for broadband infrastructure in tribal and rural areas, SRMT tribal leadership has questioned whether the process of applying for funding is worthwhile. It is understood by SRMT that we are not the only tribe that bears this concern.
2. **Grant funds are not enough and opportunities seem to be disappearing.** While the Tribe was fortunate to receive a \$10 million grant to launch Mohawk Network's efforts, these costs only covered the initial implementation of the program and were received as reimbursements rather than direct funding. Not only did we have to front the money for the project, the Tribe had to invest an additional \$2.9 million in the first 2 years to cover operation costs and an additional \$3.7 million for its current expansion operations. While the Tribe has been able to use revenues from its gaming enterprise to cover these additional costs, this financial investment is difficult for many rural, tribal communities who may lack successful economic development.

Furthermore, opportunities benefiting Indian Country and rural America tend to be hit the hardest by budget cuts and are inconsistently funded. We were disappointed to see that the tribal bidding incentive for the Connect America Fund Phase II Reverse Auction Order was not included in this year's funding application despite active outreach from members of this Committee and other allies in Indian Country (see attached). SRMT is also concerned that the President's budget attempts to zero out important programs that advance broadband deployment in rural America.

3. **There is lack of support and understanding about the capabilities of tribal telecom entities.** A primary problem for the Tribe, is the lack of understanding of the range of benefits

that supporting a tribal telecom entity can provide. For example, when SRMT applied for a Phase I of the New NY Broadband Program for the expansion of its broadband infrastructure into surrounding counties, SRMT was beaten out by large telecom companies. While the Tribe congratulates these companies on their successful applications, they have yet to expand broadband to our underserved communities. It was only by garnering the support of local, state, and federal representatives for Phase II funding that our application received serious consideration and our neighbors are being granted equal access to broadband.

## **Recommendations**

With these hurdles in mind, SRMT recommends that the House Energy and Commerce Committee consider the following:

1. **Provide set-asides for tribal and rural infrastructure projects.** As you move forward in forming the details of the much anticipated infrastructure package, it is important that you include set-asides for broadband infrastructure projects on tribal lands and in rural areas. This funding not only ensures that tribal communities advance, but it provides the opportunity to transform infrastructure projects into sustainable solutions that address a critical gap in our Nation's infrastructure.
2. **Support the passage of legislation that positively impacts Indian Country.** The Tribe requests that Congress enact H.R. 1581, the Tribal Digital Access Act, as introduced by Congressman Ruiz (D-CA). This Act amends the Communications Act of 1934 to increase access to telecommunications grants and services for programs in Indian country and rural, insular, and other high cost areas with a significant Native American population. As we are currently witnessing in New York, working in partnership with tribal governments can have a positive economic impact on our rural areas. This legislation would give more Tribes the opportunity to develop and expand important broadband infrastructure in the way that we have.
3. **Encourage partnerships to reduce costs and increase access.** Without support from Lewis County legislators who backed SRMT's pilot program, our state and federal representatives who introduced legislation to encourage the development of broadband in New York, the Development Authority of the North Country, and the Federal Communications Commission, our Tribe would not be as successful as we have been in expanding critical broadband infrastructure. It is important that we maintain these working relationships in order to achieve our shared goals of advancing the future of Indian Country and rural America.
4. **Build upon existing infrastructure.** A primary component of the success of our expansion has been the utilization of 16 existing towers and connecting into the DANC fiber ring. As Congress begins to improve and expand broadband services, we encourage you to utilize and invest in existing infrastructure. The relationships that have already been forged between telecom entities and tribal governments for existing infrastructure, allows for high success rates and simultaneously protects sacred sites and other potential areas of environmental concern. Additionally, building off of existing infrastructure allows greater connectivity for rural areas. We are happy to see the Committee's consideration of broadband conduit installation in certain highway construction projects. A primary component of our success is being able to connect into neighboring networks. This type of infrastructure will give a leg up to communities who

may be only accessible by road and greatly increase the potential for connectivity between rural towns.

### **Best Practices**

With these recommendations in mind, SRMT would like to leave you with a few best practices that we have identified in our efforts to provide affordable broadband to the North Country.

1. **Be a good partner, consult in a timely fashion, and promote transparency.** In an effort to be a good governmental partner, SRMT has worked extensively with our local, state, and federal legislators and agencies to expand our broadband infrastructure and wireless services. Without this meaningful engagement, much of the North Country would remain an underserved area.
2. **Think about the potential impacts.** Not only does broadband deployment ensure equal access to critical infrastructure, it also increases access to health care and creates new economic, education, training, and employment opportunities for tribal members and residents of rural America.

Thank you for taking the time to discuss broadband infrastructure on tribal lands and in rural America. SRMT looks forward to working with you to deploying broadband where we need it most.

Skén:nen – In peace,

**THE SAINT REGIS MOHAWK TRIBAL COUNCIL**

**Congress of the United States**  
**Washington, DC 20515**

February 22, 2017

The Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Dear Chairman Pai:

We are writing to urge the FCC to include a tribal bidding credit in its Connect America Fund (CAF) Phase II Reverse Auction Order, which we understand is on the agenda for the February 23 Open Meeting. This credit is critically needed to encourage broadband deployment in Indian Country, the most unserved and underserved regions in our nation in terms of broadband access. CAF II has the potential to be a game changer for Native Americans across our nation, but it needs structural support from the FCC to see this realized.

The Connect America Fund is the FCC's primary program to expand access to broadband and voice services in unserved and underserved areas of our country. Chief among these areas are tribal lands, where 68 percent of rural areas lack access to broadband internet services. High poverty rates, lack of infrastructure, and oftentimes rugged terrain all contribute to the increased cost of installing, maintaining, and upgrading broadband infrastructure on tribal lands.

Our nation has a trust responsibility to ensure the cultural survival, well-being, and sovereignty of tribes and tribal members. Broadband services are critical to fulfilling this trust responsibility, connecting Native youth in the classroom, improving access to health care services through telemedicine, and enabling tribal members to pursue higher education using online resources. Our treatment of tribes in the past has created some of the greatest disparities of any cultural group in our nation; we have a responsibility to turn course and finally honor our treaty and trust obligations of our forefathers.

Without a tribal bidding credit, Indian Country will continue to fall behind in access to broadband and telephone services as providers build out other lower cost rural areas. Past incentives, such as the bidding credit included in the Mobility Fund and Rural Broadband Experiments have proven successful at fostering investment on tribal lands. Therefore we urge you to include a tribal bidding credit in any updated CAF bidding rule Order approved by the Commission.

Sincerely,

  
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Raul Ruiz, M.D.  
Member of Congress (CA-36)

Tom Cole

Tom Cole

Frank Pallone, Jr.

Frank Pallone, Jr.

Keith Ellison

Keith Ellison

Jerry McNerney

Jerry McNerney

Derek Kilmer

Derek Kilmer

Raúl M. Grijalva

Raúl M. Grijalva

Gwen Moore

Gwen Moore

Tom O'Halleran

Tom O'Halleran

Darren Soto

Darren Soto

Earl Blumenauer

Earl Blumenauer

Jared Huffman

Jared Huffman

Ben Ray Lujan

Ben Ray Lujan

Stevan Pearce

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Betty McCollum

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Suzan K. DelBene

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Michelle Lujan Grisham

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