

**Separate Statement of  
Commissioner Michael J. Copps**

**Re: *In the Matter of Extending Wireless Telecommunications Services  
To Tribal Lands; WT Docket No. 99-266***

According to the census a mere 54 percent of Americans living on tribal lands had basic telephone service in the 1990's. The Department of Commerce paints an even bleaker picture, stating that the average penetration rate for basic telephone service on reservations and trust lands in rural areas was 39 percent. Nationwide, in contrast, 94 percent of Americans have phone service.<sup>1</sup>

These numbers should shock us. They should be a clear call to action. It is unjust and unacceptable for one group of Americans' access to telecommunications to be radically inferior to the population as a whole. It also violates the clear policy and language of the Communications Act. The first sentence of the Act states that the purpose of the legislation is:

“[T]o make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation-wide, and world-wide wire radio communication service with adequate facilities at reasonable prices.”<sup>2</sup>

The Act also says that our competitive bidding system must seek to promote:

“[T]he development and rapid deployment of new technologies, products, and services for the benefit of the public, including those residing in rural areas”, and “to promote economic opportunity and competition and ensuring that new and innovative technologies are readily accessible to the American people by disseminating licenses among a wide variety of applicants, including small businesses, rural telephone companies, and businesses owned by members of minority groups and women.”<sup>3</sup>

The unacceptable disparity in access to telecommunications services between Americans living on tribal lands and those who do not means that the FCC is not currently meeting these mandates. We have a legal and a moral responsibility to improve the situation.

This item makes some progress. It keeps alive the possibility of our making significant changes to improve access. For example, we consider whether we need to increase the size of the tribal lands bidding credit, whether we should change the build-

---

<sup>1</sup> *In the Matter of Extending Wireless Telecommunications Services to Tribal Lands; WT Docket No. 99-266.*

<sup>2</sup> 47 U.S.C. § 151.

<sup>3</sup> 47 U.S.C. §309.

out requirements to account for the unique challenges encountered in Indian Country, and whether we should expand the bidding credit to underserved areas adjacent to tribal areas. While we decide not to expand the credit to non-tribal areas where penetration levels are below the national average, we only do so because the current bidding credit program is new and untested. The Commission does not find any substantive problem with this expansion, and leaves open the possibility of expanding the program to other areas in the future.

Time will tell whether this Commission will fulfill its responsibilities in Indian Country. How we conduct this proceeding and whether we can find creative ways to increase telephone penetration is the next test. I am also looking for action in the near future on making sure our universal service policies are effective for those in Indian Country, including those who live in near-reservation lands. But the responsibility is not the Commission's alone. Communities who want FCC policy changes to help spur development must participate in our process. Companies must look to tribal areas for business opportunities and help us determine how we can make investment more attractive. A decision made without you is often a decision made against you. So let's pull together and make progress.