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NCAI HEADQUARTERS  
1301 Connecticut Avenue, NW  
Suite 200  
Washington, DC 20036  
202.466.7767  
202.466.7797 fax  
www.ncai.org

## THE NATIONAL CONGRESS OF AMERICAN INDIANS

### RESOLUTION #SD-02-087

#### **Title: A Resolution Supporting Universal Service Funding as Established Under the 1996 Telecommunications Act for Rural Telephone Companies**

**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people and their way of life, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, rural telephone companies receive support pursuant to funding mechanisms established in the 1996 Telecommunications Act; and

**WHEREAS**, one of the support mechanisms established under the Act was the Universal Service Fund (USF) which provides support for high cost "loops" or connections between the subscriber and the telephone companies central office; and

**WHEREAS**, Native Americans rank far below the national average in their access to telephones, computers, and the Internet and Rural Native American households are particularly lagging in connectivity; and

**WHEREAS**, rural telecommunications carriers have relatively high loop costs because of the lack of economies of scale, low density, high cost in moving personnel, equipment and supplies to remote communities and geographic surface conditions that require expensive, specialized outside plant construction practices including duplicate facilities and backup equipment that are required to protect network reliability; and

**WHEREAS**, any universal service solution implemented in Indian Country must be capable of meeting future demands for more advanced services as they are made available by the telecommunications industry at large.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby support that rural carriers should continue to receive universal service support based on the actual cost of rural service; and

**BE IT FURTHER RESOLVED** that the NCAI supports pricing network elements, either for competitive or universal service purposes, should be based on the actual cost of providing service; and

**BE IT FURTHER RESOLVED** that the NCAI supports that no carrier, large or small, should be required to sell or provide network elements below actual cost; and

**BE IT FURTHER RESOLVED** that the NCAI supports rural carriers should not be required to incur the costs of unbundling their networks unless there is a *bona fide* request from a carrier capable of providing high-quality service; and

**BE IT FURTHER RESOLVED**, that the NCAI encourages the FCC to be prudent in its unbundling mandates to ensure that what is required is only what is necessary to provide competitive service; and

**BE IT FURTHER RESOLVED**, that the NCAI supports universal service payments for rural areas should be tied to the cost of the carriers providing the service and should be used exclusively to reduce the high cost of service, not to create a windfall for low cost carriers; and

**BE IT FURTHER RESOLVED**, that the NCAI supports only carriers capable of providing high-quality service to all customers in a service area over their own networks, or in combination with another network, should be eligible for universal service; and

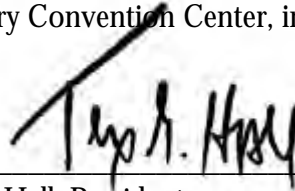
**BE IT FURTHER RESOLVED**, that the NCAI supports, that universal support contributions should be broadly based, and the burdens should be shared by all providers of telecommunications service; and

**BE IT FURTHER RESOLVED**, that the NCAI supports that the cap on high cost support should be reviewed to ensure that sufficient support is received by qualified carriers; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of the NCAI until it is withdrawn or modified by subsequent resolution; and

**CERTIFICATION**

The foregoing resolution was adopted at the 2002 Annual Session of the National Congress of American Indians, held at the Town and Country Convention Center, in San Diego, California on November 10-15, 2002 with a quorum present.



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Tex Hall, President

**ATTEST:**



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Juana Majal, Recording Secretary

Adopted by the General Assembly during the 2002 Annual Session of the National Congress of American Indians, held at the Town and Country Convention Center, in San Diego, California on November 10-15, 2002.