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09/30/21
04:59 PM

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

*Order Instituting Rulemaking Regarding
Broadband Infrastructure Deployment and
to Support Service Providers in the State
of California.*

Rulemaking 20-09-001
(Filed September 10, 2020)

**OPENING COMMENTS OF THE YUOK TRIBE
ON THE REQUEST FOR ADDITIONAL COMMENTS
AS PART OF MIDDLE-MILE DATA COLLECTION**

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September 30, 2021

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I. Introduction

Pursuant to the Administrative Law Judge's Email Ruling Ordering Additional Comments as Part of Middle-Mile Data Collection issued on September 9, 2021, the Yurok Tribe submits these opening comments.

The Yurok Tribe is a sovereign nation and federally recognized tribe, the largest within California with over 6,300 enrolled members. The Yurok Tribe's government is made up of many different departments, committees, and programs that implement and enforce Yurok law, manage the day-to-day operations of the government, and interact with state, local, and federal governments and entities on behalf of Yurok tribal members.

The Yurok Tribe also has various wholly owned Yurok corporations, utility districts, and other public and private entities that serve as arms of the Yurok tribal government. The Tribal government, its corporations, utility districts, and other tribal entities combined are one of the largest employers in the area and provide a wide variety of services to both Indian and non-Indian community members, including, but not limited to, health and human services, emergency services, legal, environmental and natural resource management, internet, and education.

The Yurok Reservation (“Reservation”) is home to Yurok tribal members, other tribal members, and non-Indians. The Reservation spans approximately forty-five (45) miles from the Pacific Ocean along both sides of the Klamath River to the convergence of the Klamath River and Trinity River near Weitchpec. The Yurok ancestral territory is substantial and includes large portions of California’s Del Norte and Humboldt counties. The Yurok Tribe operates Yurok Connect, a Wireless Internet Service Provider (“WISP”), that provides broadband services to Reservation residents within Del Norte and Humboldt counties. The Yurok Tribe also wholly owns the Yurok Telecommunications Corporation.

II. Public Comment Issue 1: Open Access

1(a) How can the Commission use its regulatory authority to assure durable and enforceable open-access and affordability requirements in perpetuity?

The Yurok Tribe does not have a comment at this time and reserves the right to comment in reply.

1(b) Should the Commission adopt a tariffing requirement for open-access networks?

The Yurok Tribe does not have a comment at this time and reserves the right to comment in reply.

1(c) In October 2020, the Federal Communications Commission (FCC) eliminated a number of network unbundling and resale requirements placed on Incumbent Local Exchange Carriers, including requirements for DS1 and DS3 loops, and dark fiber transport provisioned from wire centers within a half-mile of competitive fiber networks. (See In the Matter of Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services, WC Docket No. 19-308, FCC 20-152) How will this impact Competitive Local Exchange Carriers in California that currently utilize these services to provide telecommunications services, including last-mile broadband Internet access service?

The Yurok Tribe does not have a comment at this time and reserves the right to comment in reply.

III. Public Comment Issue 2: Additional Factors to Consider

2(a) What additional criteria should the Staff Report take into consideration and to what extent [...]

The Yurok Tribe believes the Staff Report should take into consideration: affordability; redlining, including redlining of Native populations and tribal lands; route redundancies; hardening, undergrounding, deployment in high fire threat areas; deployment that avoids harm to tribal sacred sites and cultural resources; labor and economic development benefits for tribes and tribal members/citizens; impact on tribal lands/reservations; impact on tribal internet providers.

As to impact on tribal lands and tribal reservations, the Staff Report should consider routes and connection points that will ensure the middle-mile network intersects, or is closely adjacent to, tribal reservations and allows for last-mile service on tribal lands, tribal reservations and service to tribal anchor institutions. With at least 30% of tribal lands unserved, and even more underserved, appropriate evaluation of tribal lands and reservations must occur to ensure Tribes will not be left behind.

IV. Public Comment Issue 3: Middle-Mile Network Services for ISPs.

3(a) What specific locations, routes, interconnection points, regeneration points, and tie-ins should the Commission consider in order to increase the attractiveness and usefulness of the statewide open-access middle-mile broadband network for commercial internet service providers?

As discussed previously and in other comments in this proceeding, the middle-mile network should serve the Yurok Reservation via routes identified in previous comments and work with Yurok Connect and the Yurok Telecommunications Corporation on specific interconnection points, where appropriate.

3(b) How can existing interconnection points or the creation of new interconnection points improve access for communities?

For various reasons, Tribes have broader infrastructure deployment capacity on tribal lands and if the state middle-mile network is deployed strategically and in collaboration with

tribes and tribal internet providers, it can improve access for tribal communities. Recent and prospective federal funding opportunities for tribes have created a historical opportunity for broadband infrastructure development on reservations, interconnections with such tribal networks/infrastructure could be mutually beneficial—particularly when (like in our region) tribal reservations developing separate networks are adjacent to each other.

If the middle-mile network is deployed along routes previously identified by the Yurok Tribe (along with interconnection points previously identified) last-mile deployments on any existing Yurok Tribe infrastructure or network, and opportunities for network expansions, become much more feasible and would improve access for the community. Interconnection with a developed Yurok Tribe network could create links to other tribal networks and their interconnection points further north/east. One analogous example is the recent creation of a 2.5ghz license process for tribes. The Yurok Tribe was able to use a mix of funding sources to quickly deploy infrastructure that utilized the 2.5ghz license which has resulted in our WISP nearly doubling the number of households it serves on the reservation—households that were previously unserved by any provider.

3(c) What technical performance characteristics will increase the attractiveness and usefulness of the statewide open-access middle-mile broadband network for commercial internet service providers?

The Yurok Tribe does not have a comment at this time and reserves the right to comment in reply.

3(d) What network design and other design, technical, business, and operational considerations will increase the attractiveness and usefulness of the statewide open-access middle-mile broadband network for commercial Internet service providers?

Special considerations for Tribes and tribally-owned entities will increase the usefulness of the state's middle-mile network. Affordable pricing, infrastructure co-management agreements, infrastructure co-location agreements, MOUs, and deference to tribal jurisdiction on tribal lands will greatly increase the usefulness of the network and will allow tribes and tribally-owned internet service providers to work collaboratively with the state to achieve broadband

access for all. An adaptable approach to working with tribes and tribally-owned internet providers is necessary. The Yurok Tribe, like all tribes in California, has specific needs that may be more appropriately addressed through an MOU as opposed to a one-size-fits-all policy. Generally, the Yurok Tribe does not have the resources or profits of a large internet service provider and our ability to provide or manage last mile service to Yurok Reservation residents and individuals within Yurok Ancestral Territory and the Yurok Service Area will be impacted by the costs and feasibility of connecting to the middle-mile network.

3(e) What services should the network provide commercial providers (e.g., dark fiber, lit fiber, colocation, wireless backhaul, etc.)?

The Yurok Tribe does not have a comment at this time and reserves the right to comment in reply.

3(f) If the network offers dark fiber, how many strands of dark fiber should the network make available on each route? What should the lease terms be?

The Yurok Tribe does not have a comment at this time and reserves the right to comment in reply.

V. Public Comment Issue 4: Middle Mile Network Consumers

4(a) The middle mile network must prioritize connections to anchor institutions that lack sufficient high-bandwidth connections. Should the statewide middle mile network provide direct service to anchor institutions?

Yes, the statewide middle-mile network should provide direct service to anchor institutions on tribal lands, if the respective tribe wishes. Even with a middle-mile network, last mile service to low-income households on rural tribal lands, including the Yurok Reservation, may not be appealing to the large internet providers and direct service to anchor institutions on tribal lands will ensure at least minimum connectivity for tribes and reservation residents. Further, direct service to tribal anchor institutions can serve as: 1) a reliable internet access point that will enable tribes to more efficiently work on (or wait on) short-term last-mile buildouts; 2) a solid starting point for tribal wireless service; and/or, 3) the only

internet access in the area, providing a crucial resources while tribes build capacity to deploy last-mile or wireless internet service.

4(b) Should the middle-mile network directly provide broadband Internet access service, voice service, etc.?

The Yurok Tribe does not have a comment at this time and reserves the right to comment in reply.

4(c) The Commission's 72-hour backup power requirements apply to all facilities based wireline and wireless communications service providers that provide service in Tier 2 and Tier 3 High Fire Threat Districts. Should the Commission consider additional requirements?

The Yurok Tribe does not have a comment at this time and reserves the right to comment in reply.

VI. Public Comment Issue 5: Last-Mile Providers

5(a) How can the middle-mile network enable last mile connections in unserved, underserved and served areas of the state?

By ensuring there are sufficient routes and redundancies serving tribal lands, which are disproportionally unserved and underserved. Specifically, the middle-mile network must reach the Yurok Reservation and Yurok Ancestral Territory. Further the middle-mile network must be deployed strategically to enable interconnections with tribal internet providers and support affordable last-mile service on tribal lands.

5(b) How can the middle mile network assist the operation and development of public broadband networks? Are there opportunities to aggregate network monitoring, provide a managed voice service, security services, call center, and other back-office services among public networks?

The Yurok Tribe does not have a comment at this time and reserves the right to comment in reply.

VII. Public Comment Issue 6: Network Route Capacity

6(a) Are there any successes or pitfalls the State of California should take into consideration from other statewide open-access networks or even from other countries?

The Yurok Tribe does not have a comment at this time and reserves the right to comment in reply.

VIII. Public Comment Issue 7: Other Issues Not Covered

7(a) Are there any issues the State of California should take into consideration as it develops the statewide middle mile network?

Any funds available for last-mile infrastructure deployment should be deployed on unserved tribal lands in collaboration with the respective tribe. As to labor and economic benefits to tribes, the Yurok Tribe recommends exploring options for tribal programs that would result in collaboration with the Yurok Tribe and its Tribal Employment Rights Office with a goal of providing training to Yurok Tribal members so they are equipped to assist with infrastructure deployment in the region.

IX. Conclusion

The Yurok Tribe appreciates consideration of these comments.

Respectfully submitted at Sacramento, California,

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Dated: September 30, 2021