

TO REPEAL CR-13-24 AND APPROVE A RESOLUTION FOR THE CERTIFICATION OF UNSERVED AREAS FOR THE TRIBAL BROADBAND CONNECTIVITY PROGRAM GRANT

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL RESOLUTION

A COUNCIL RESOLUTION

TO REPEAL CR-13-24 and approve a certification of unserved areas within the Choctaw Nation Reservation with regard to appropriate internet/broadband access. This resolution and certification is in support of the Choctaw Nation application to the United States Department of Commerce National Telecommunications and Information Administration for the Tribal Broadband Connectivity Program Grant.

WHEREAS, the Choctaw Nation of Oklahoma (the “Nation”) realizes the need to expand broadband infrastructure on tribal lands increasing access to and adoption of broadband to increase quality of life and services to the Nation’s Tribal Members;

WHEREAS, the Tribal Council’s approval to repeal CB-09-24 and authorize the Choctaw Nation to apply to the United States Department of Commerce National Telecommunications and Information Administration (NTIA) for the Tribal Broadband Connectivity Program Grant (TBCP), Assistance Listing Number 11.029, Funding Opportunity Number NTIA-ICG-TBCPO-2023-2008098, is being sought in conjunction with this Resolution;

WHEREAS, The Tribal Council has determined it is in the best interest of the Nation to repeal CB-13-24 (“TO APPROVE A RESOLUTION FOR THE CERTIFICATION OF UNSERVED AREAS FOR THE TRIBAL BROADBAND CONNECTIVITY GRANT PROGRAM”) in order to approve a certification of unserved areas within the Choctaw Nation Reservation and support the Nation’s application to the United States Department of Commerce, National Telecommunications and Information Administration for the Tribal Broadband Connectivity Program Grant with the Funding Opportunity Number information included;

WHEREAS, this Council Resolution is necessary to fulfill a requirement of specified language in the TBCP Grant Application. Specific language is required to meet funding announcement requirements;

WHEREAS, the Nation will offer a complete fiber solution for the construction of 228.9 miles of fiber across the Choctaw Nation Reservation’s Project Service Area (PSA). The Nation is certifying the prioritization of the following:

- fiber to the homes of 984 Native households,
- Two community anchor institutions, and
- Three Native businesses;

WHEREAS, the Nation is certifying these as unserved by the Nation for this application and project. The total number of Native households within the PSA is 2,077;

WHEREAS, the Nation certifies the following:

- Areas where last mile service is proposed are not served by qualifying broadband service,
- Source data used to identify these numbers was acquired through a license used to request the fabric data that informs the Federal Communications Commission (FCC) broadband map layer reporting UNSERVED locations,
- Source data was then confirmed using mapping retained by the Nation to cross reference the unserved locations that were Native,
- A Temp agency was recruited to confirm locations via household visits that the homes were Native and unserved. Homes determined UNSERVED were found to have no electricity or registered speed tests of less than 25/3 when visited, and

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- These requirements meet the requirements specified by the language in the funding announcement for the grant provided by the NTIA;

WHEREAS, The Nation is aware of the presence of facilities capable of delivering Qualifying Broadband Service, (e.g., fiber facilities or other broadband technology), deployed on their Lands, and are disclosing this information to NTIA in the attachments and infrastructure narrative of existing fiber related to other funded projects in separate service areas; and

WHEREAS, the Nation is not submitting a formal challenge to the FCC regarding locations at this time as required by the funding announcement of the grant provided by the NTIA.

THEREFORE BE IT RESOLVED by the Tribal Council of the Choctaw Nation of Oklahoma that this Resolution be cited as approval to repeal CR-13-24, which is titled "TO APPROVE A RESOLUTION FOR THE CERTIFICATION OF UNSERVED AREAS FOR THE TRIBAL BROADBAND CONNECTIVITY GRANT PROGRAM," in order to support the Choctaw Nation's application to the United States Department of Commerce National Telecommunications and Information Administration for the Tribal Broadband Connectivity Program Grant, Assistance Listing Number 11.029, Funding Opportunity Number NTIA-ICG-TBCPO-2023-2008098.

BE IT FURTHER RESOLVED by the Tribal Council of the Choctaw Nation of Oklahoma that this Resolution be cited as Approval of the Certification of Unserved Areas to the United States Department of Commerce, National Telecommunications and Information Administration for the Tribal Broadband Connectivity Program Grant.


BE IT FURTHER RESOLVED by the Tribal Council of the Choctaw Nation of Oklahoma that this Resolution be cited as an acknowledgement that the Chief of the Nation, or his designee, is authorized to prepare, execute, deliver and file any and all agreements, certificates, instruments and documents, in such form and with such terms and provisions as the Chief of the Nation, or his designee, may approve, and to take such other action as he, she or they may deem proper or appropriate, to carry out the intent and purposes of the foregoing enactments.

CERTIFICATION


I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve (12) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma on May 11, 2024. I further certify that the foregoing Council Resolution CR- 20 -24 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.



Ronald Perry, Secretary
Choctaw Nation Tribal Council



Thomas Williston, Speaker
Choctaw Nation Tribal Council



Gary Battop, Chief
Choctaw Nation of Oklahoma

Date 5-16-24

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Purpose/Need of Council Resolution: This Resolution is necessary to fulfill a requirement of the Tribal Broadband Connectivity Program Grant Application. The Tribal Council previously authorized the Nation to apply for this grant in CB-09-24, and the language in this Resolution is required to continue the application process. This Resolution contains required language regarding the certification of unserved areas within the Choctaw Nation Reservation with regard to appropriate internet/broadband access and details the number of households, businesses, and community institutions that would be served by the expansion of internet access. This Resolution meets the Nation's strategic goals of supporting service delivery to increase quality of life for Tribal Members and achieving digital transformation. Further, CR-13-24 ("TO APPROVE A RESOLUTION FOR THE CERTIFICATION OF UNSERVED AREAS FOR THE TRIBAL BROADBAND CONNECTIVITY GRANT PROGRAM") was passed by the Tribal Council in November 2023, and was identical to this Council Resolution except for the fact that it did not include the Funding Opportunity Number information contained in this present Council Resolution. In order to move forward with the Nation's application, the federal agency requires that the Funding Opportunity Number be in the body of the legislation approving the Nation's application. Therefore, it is necessary to repeal CR-13-24 in order to approve a certification of unserved areas within the Choctaw Nation Reservation and support and move forward with the Nation's application for the Tribal Broadband Connectivity Program Grant, which is being considered by the Tribal Council in conjunction with this Resolution.

Title of Council Resolution: TO REPEAL CR-13-24 AND APPROVE A RESOLUTION FOR THE CERTIFICATION OF UNSERVED AREAS FOR THE TRIBAL BROADBAND CONNECTIVITY PROGRAM GRANT

Agency: United States Department of Commerce National Telecommunications and Information Administration

CNO Dept: Information Technology

Budget: Up to \$50,000,000.00

Match Required: N/A

Total Budget: Up to \$50,000,000.00

Request by Project Director/SEO: Rob Griffin, Tribal Broadband Coordinator; John Miller, Director of Information Technology – Government Services; Lance Browder, IT Senior Director of Service Delivery; David Ledford, Chief Information Officer; Kelly McKaughan, SEO Integrated Services