

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Establishing a 5G Fund for Rural America	)	GN Docket No. 20-32
	)	
Office of Economics and Analytics and	)	
Wireline Competition Bureau Seek Comment	)	
on Adjustment Factor Values for the 5G Fund	)	

**REPLY COMMENTS OF SMITH BAGLEY, INC.**

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## SUMMARY

Smith Bagley, Inc. (“SBI”) commends the Commission for its longstanding commitment to bring advanced broadband services to citizens living on Tribal lands, especially those Tribal lands located in remote areas that are difficult and costly to serve. There is a strong basis for the Commission’s commitment, since Smith Bagley, in numerous submissions to the Commission, has documented the struggles faced by families living in Tribal communities, compounded by poverty and their lack of access to educational, cultural, and economic opportunities—a discouraging picture that is being made worse daily by the COVID-19 pandemic.

The issue the Commission must now address is whether its 5G Fund Phase I auction, with its adjustment factor for higher-cost Tribal lands, will be effective in meeting its commitment to bring advanced broadband to these remote Tribal areas. In SBI’s view, the adjustment factor mechanism would fall short. It is little more than a gamble, rather than a reliable means of ensuring that carriers are able to make the investments that, augmented by universal service support, will result in the deployment of advanced broadband in remote Tribal lands.

If the Commission proceeds down this path, then the result of the 5G Fund auction, in all likelihood, will be a significant reduction or complete elimination of the already inadequate levels of support being provided for broadband in remote Tribal lands. The “best case” scenario, under the Commission’s adjustment factor approach, would likely be the allocation of funds to lower-cost Tribal areas, but not to higher-cost Tribal areas.

SBI urges the Commission to take a more direct approach to solving the broadband gap on remote Tribal lands. Specifically, SBI has proposed in previous comments a Remote Tribal Lands Plan, relying on the Commission's Alaska Plan and its Lifeline Tier 4 support mechanism as precedent. The Plan would carve out a small portion of the 5G Fund to maintain support for remote Tribal areas at levels that allow investments to maintain existing services throughout Tribal areas currently being served, and also allow for steady upgrades to 4G LTE/5G technologies. There is ample evidence available from the Census, from Tribal governments, and other academic and commercial sources, to measure geographic and demographic factors, as well as telephone/broadband penetration on Tribal lands, to inform the Commission as to where special case treatment is most needed. The Commission should consider this approach, because it is a better means of ensuring support for remote Tribal lands that is sufficient to bring advanced broadband to these areas.

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Smith Bagley, Inc. (“SBI”), by counsel, hereby submits these Reply Comments in response to the Public Notice released by the Commission in the above-captioned proceeding.<sup>1</sup> These comments focus on issues specific to SBI’s operations on five Tribal lands in the southwest United States.

**I. INTRODUCTION.**

As detailed in its Comments filed June 25, 2020 in this proceeding, SBI provides fixed and mobile voice and broadband service to the Navajo Nation, Hopi Tribe, White Mountain Apache Tribe, the Pueblo of Zuni, and Ramah Navajo, as well as surrounding non-Tribal lands in

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<sup>1</sup> *Office of Economics and Analytics and Wireline Competition Bureau Seek Comment on Adjustment Factor Values for the 5G Fund*, GN Docket No. 20-32, Public Notice, DA 20-594 (rel. June 5, 2020) (“*Public Notice*”) (setting August 6, 2020, as the deadline for filing reply comments). The Office of Economics and Analytics (“OEA”) and the Wireline Competition Bureau (“WCB”) seek comment on values for an adjustment factor the Commission proposes to apply to make the most difficult areas to serve more attractive at the 5G Fund Phase I auction in order to encourage more bidding for these areas. *Id.* at ¶ 1. The Commission proposed the adjustment factor in the *5G Fund NPRM*. See *Establishing a 5G Fund for Rural America, Universal Service Reform – Mobility Fund*, GN Docket No. 20-32, WT Docket No. 10-208 (closed), Notice of Proposed Rulemaking and Order, 35 FCC Rcd 3995, 4015-16 (¶¶ 66-67) (2020) (“*5G Fund NPRM*”).

Arizona, New Mexico, and Utah.<sup>2</sup> The majority of SBI's 108,000 subscribers are Tribal residents, and over half of these subscribers are eligible for benefits under the FCC's Lifeline program.<sup>3</sup> Apache County, Arizona, and McKinley County, New Mexico, are two counties SBI serves that appear on the FCC's list of counties published in *Critical Need Counties in Broadband & Health – Rural 2017*.<sup>4</sup> Navajo County, Arizona, would also likely appear on the list, but for the small demographic boost it gets from the town of Show Low (population of 11,600) and surrounding area.<sup>5</sup>

In its Comments, SBI explained the extraordinary challenges it and other carriers face in delivering broadband to remote Tribal lands. The Commission's High-Cost,<sup>6</sup> Lifeline, and E-Rate<sup>7</sup> programs have all been instrumental in SBI's ability to build and maintain infrastructure in areas that never had service when the Telecommunications Act of 1996 ("1996 Act")<sup>8</sup> was enacted. Yet, today, many or even most Tribal lands that are properly characterized as "remote"

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<sup>2</sup> Comments of Smith Bagley, Inc., GN Docket No. 20-32 (filed June 25, 2020) ("SBI Comments"), accessed at <https://ecf-sapi.fcc.gov/file/106250023905491/2020%200625%20SBI%205G%20Fund%20Comments%20FINAL.pdf>. The SBI Comments, including the materials submitted for the record, are incorporated by reference into these Reply Comments.

<sup>3</sup> Sections 54.400 through 54.423 of the Commission's Rules, 47 CFR §§ 54.400–54.423.

<sup>4</sup> FCC, *Critical Need Counties in Broadband & Health – Rural 2017*, accessed at [https://www.fcc.gov/sites/default/files/rural\\_priority\\_counties\\_in\\_broadband\\_and\\_health\\_2017.pdf](https://www.fcc.gov/sites/default/files/rural_priority_counties_in_broadband_and_health_2017.pdf).

<sup>5</sup> SBI Comments at p. 2.

<sup>6</sup> Sections 54.302 through 54.321 of the Commission's Rules, 47 CFR §§ 54.302–54.321.

<sup>7</sup> Sections 54.500 through 54.523 of the Commission's Rules, 47 CFR §§ 54.500–54.523.

<sup>8</sup> P.L. 104-104, 110 Stat. 56 (Feb. 8, 1996).

lack mobile 4G LTE services. The severely underdeveloped infrastructure, including especially the lack of fiber to remote towers, is impeding broadband development on these lands.<sup>9</sup>

In order to advance universal service in these areas, a leap forward is needed. The Commission must continue to develop policies, as it did when it adopted Tier 4 Lifeline support, that recognize the special circumstances and challenges present on remote Tribal lands throughout the nation. With the onset and spread of the COVID-19 pandemic, Tribal lands may fall further behind without a targeted and well financed effort to improve telecommunications infrastructure serving Tribal communities.

These Reply Comments include requests for special case treatment for Tribal lands.<sup>10</sup> The Commission should not conduct a 5G Fund Phase I reverse auction to provide service to the most remote, highest-cost, and difficult-to-serve Tribal lands in the nation. Instead, a special case mechanism should be adopted, as the best means of fulfilling the FCC's objective of ensuring that Tribal lands are not left behind.

## **II. THE COMMISSION'S PROPOSED ADJUSTMENT FACTORS CANNOT BE COUNTED ON TO DELIVER SUFFICIENT SUPPORT TO REMOTE TRIBAL LANDS.**

As referenced in its Comments, SBI has previously entered into the record abundant evidence that the challenges present on the Tribal lands the company serves are extraordinary in

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<sup>9</sup> See SBI Comments at pp. 2-5.

<sup>10</sup> SBI has also advanced these requests in its Comments in response to the *5G Fund NPRM*. See *id.* at pp. 9-12.

almost every respect, requiring special treatment.<sup>11</sup> For example, in 2016 and 2017, SBI explained in detail its projected costs to develop a high-quality 4G LTE network throughout the Tribal lands that it serves and the demographic challenges.<sup>12</sup> Since then, nothing about either the costs or the demographics has improved; if anything, matters have gotten worse due to the ongoing COVID-19 emergency.

The extraordinary broadband deployment costs and challenging demographics make it quite possible that the outcome of the 5G Fund reverse auction—even if the Commission adopts its proposed adjustment factor—will be a significant reduction or complete elimination of the already inadequate levels of support being provided for remote Tribal lands. SBI characterizes current support levels as inadequate, because they are not sufficient for any carrier to deliver mobile voice and broadband services, and service quality, at a level considered to be reasonably comparable with those in America’s urban areas, as envisioned by Congress in the

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<sup>11</sup> *Id.* at pp. 2-9.

<sup>12</sup> See Letter from David LaFuria, Counsel for SBI, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 10-90 and 10-208, (filed Oct. 26, 2016), *accessed at* <https://ecf-sapi.fcc.gov/file/10261682207349/2016%201026%20SBI%20MFII%20Presentation%20PUBLIC%20VERSION.pdf>; Letter from David LaFuria, Counsel for SBI, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 10-90 and 10-208 (Nov. 3, 2016), *accessed at* <https://ecf-sapi.fcc.gov/file/11041748419518/2016%201103%20ex%20parte%20letter.pdf>; Letter from David LaFuria, Counsel for SBI, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 10-90 and 10-208 (Nov. 7, 2016), *accessed at* <https://ecfsapi.fcc.gov/file/110771775661/2016%201107%20SBI%20Letter.pdf>; Letter from David LaFuria, Counsel for SBI, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 10-90 and 10-208 (Feb. 13, 2017), *accessed at* <https://ecf-sapi.fcc.gov/file/1021446510190/2017%202013%20ex%20parte%20letter%20FINAL.pdf>. These materials were submitted into the record as Exhibit A to the SBI Comments.

1996 Act.<sup>13</sup> With only a small fraction of its towers served by fiber facilities, SBI is unable to deliver high-quality 4G LTE services to a substantial portion of its Tribal service areas.

Without an increase in the level of universal service support available to help cover the cost of bringing fiber to its towers, SBI will never be able to deliver 5G services to any Tribal lands located beyond the existing fiber networks that serve major towns and traverse major roads. Put simply, bids in remote Tribal lands are likely to far exceed those in other areas where fiber is available, quite possibly making bids in a reverse auction noncompetitive by such a wide margin that no support will be allocated to the areas and people where it is most needed.

Support for the proposed adjustment factor<sup>14</sup> and the proposed adjustment factor values<sup>15</sup> among commenters responding to the *Public Notice* is minimal. CTIA, for example, recommends deferring consideration of the reasonableness of adjustment factors.<sup>16</sup> CCA notes

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<sup>13</sup> See 47 U.S.C. § 254(b)(3).

<sup>14</sup> The Commission notes in the *5G Fund NPRM* that “[w]e do not intend to have an adjustment factor capture the full differences between the costs and benefits of providing service to different types of geographic areas. We propose to cap the adjustment factor if needed to ensure the funding allocation determined by the auction is both equitable and efficient.” *5G Fund NPRM*, 35 FCC Rcd at 4016 (¶ 66).

<sup>15</sup> OEA and WCB, in the *Public Notice*, propose specific adjustment factor values for purposes of bidding in the 5G Fund auction as well as for disaggregating legacy support. *Public Notice* at ¶ 5. The proposed values are intended to “increase the likelihood that 5G Fund support is distributed to geographically and economically diverse areas by taking into account the differences among such areas in the costs and benefits of providing services.” *Id.* at ¶ 12 (footnote omitted).

<sup>16</sup> CTIA Comments at pp. 2-3. CTIA argues that:

While adjustment factors may prove to be an important tool to identify or direct support to costlier areas or manage the transition from legacy support, [various] issues raised in the broader proceeding strongly suggest that consideration of the specifics of any adjustment factors for use in the 5G Fund would be premature at this time.

*Id.* at p. 2.

the untested nature of the nine factors proposed to be used by the Commission and suggests that accurate mapping data should be developed first.<sup>17</sup> Other commenters are also critical of the proposed methodology.<sup>18</sup>

From SBI's perspective, the *Public Notice* fails to provide sufficiently clear information to enable stakeholders to understand what the effects of the adjustment factors and adjustment factor values would be. Even if it were clear that application of the proposed adjustment factors, with the proposed adjustment factor values, would create a level playing field for higher-cost areas and lower-cost areas generally, nothing in the Commission's proposals or the proposals made by OET and WTB in the *Public Notice* would or could ensure that 5G Fund support allocated for Tribal lands would not be largely consumed by lower-cost Tribal areas in an auction (as happened in the case of Mobility Fund Phase I support) to the detriment of higher-cost Tribal areas.

On remote Tribal lands, this is a critical issue. As detailed in the SBI Comments and prior pleadings, remote Tribal lands in the southwest United States have deficient infrastructure (electricity, running water, fiber), are among the most difficult to serve, have less than ten people per square mile, and have among the highest levels of poverty and unemployment in the

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<sup>17</sup> Competitive Carriers Association ("CCA") Comments at pp. 2-4.

<sup>18</sup> See NTCA – The Rural Broadband Association ("NTCA") Comments at pp. 2-3 (arguing that an adjustment factor would be counterproductive in the initial phase of the 5G Fund proposed by NTCA, which "would transition current small legacy wireless providers serving rural areas from legacy support to 5G Fund support in exchange for a commitment to upgrade facilities to 5G"); cf. Rural Wireless Association, Inc., Comments at pp. 1-8 (arguing that the adjustment factor should not be applied to the disaggregation of legacy support, and that, if the Commission does use its proposed adjustment factors, it should disregard the Auction Bidding Model, one of the three models upon which the proposed factors are based).

nation, far beyond typical non-Tribal rural and urban areas.<sup>19</sup> Accordingly, the one thing that citizens living on these Tribal lands cannot afford is for existing support to be cut off while at the same time getting no support from the 5G Fund auction.

Nothing in either the *5G Fund NPRM* or the *Public Notice* provides any assurance that these remote lands will not be left out in the cold. For this reason, the Commission must do more. It must adopt a special case plan for remote Tribal lands.

### **III. A SPECIAL CASE MECHANISM MUST TAKE INTO ACCOUNT THE CURRENT STATE OF INFRASTRUCTURE AND MATCH FUNDING LEVELS TO PERFORMANCE GOALS.**

As currently structured, the minimum table stakes for carriers seeking 5G Fund support will be services “that meet at least the 5G-NR (New Radio) technology standards developed by the 3rd Generation Partnership Project (3GPP) with Release 15 (or any successor release that may be adopted by OEA and WCB after notice and comment).”<sup>20</sup> There are no exceptions proposed for areas that may require extraordinary investments to develop a 5G service level meeting the minimum requirements.

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<sup>19</sup> See, e.g., SBI Comments at pp. 3-4 (footnotes omitted) (explaining that, “[o]n the Navajo Nation, the unemployment rate is 39.9% compared to 11.2% statewide; 67.1% of the population is below 200% of the federal poverty level, compared to 35.8% statewide; 23.9% of the population is medically uninsured, compared to 11.0% statewide; and the median household income stands at \$26,156, compared to \$56,454 statewide. Approximately 60,000 people living on Navajo lands lack access to the electric grid from their homes, and 52,000 do not have running water.”). In addition, as SBI has also documented, citizens living on Navajo Nation lands are being disproportionately victimized by the COVID-19 pandemic, likely worsening all of these statistics. *Id.* at p. 6.

<sup>20</sup> *5G Fund NPRM*, 35 FCC Rcd at 4001 (¶ 19).

This proposed approach places Tribal lands such as Navajo, Hopi, White Mountain Apache, and Zuni, at a tremendous and perhaps insurmountable disadvantage. As SBI demonstrates in the record, it anticipates a nine-figure investment to build and maintain a 4G LTE network on its Tribal lands.<sup>21</sup> Because of the very sparse population density and the high cost of extending fiber connections to towers needed to achieve 5G service quality, the cost per square kilometer on Tribal lands is likely to be among the highest in the nation. In addition, the extraordinarily high levels of poverty and unemployment in these areas mean that the investments will generate few incremental dollars in the early years, that would otherwise justify an investment without 5G Fund support.

SBI acknowledges and appreciates that the Commission is attempting to ensure that carriers serving the nation's highest cost areas can compete effectively and fairly in the 5G Fund auction.<sup>22</sup> Yet, nothing in the *Public Notice* provides any comfort that proposed adjustments will ensure that these Tribal areas, with exceptionally high costs, will have a realistic opportunity to succeed at the auction. And to be fair, in a typical auction of goods, it is not the auctioneer's job to ensure that any given party succeeds. In other words, there can be limitations that constrict the Commission's options for "ensur[ing] that carriers bidding to serve the hardest-to-serve parts of the country can compete efficiently and fairly in the auction"<sup>23</sup> while at the same time meeting the overall objectives for the auction.

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<sup>21</sup> See SBI submissions to the Commission cited at p. 4, n.12, *supra*.

<sup>22</sup> See *5G Fund NPRM*, 35 FCC Rcd at 4014 (¶¶ 57-58).

<sup>23</sup> *Id.* at 4014 (¶ 57).

Moreover, this is not a typical auction. For twenty years, SBI has demonstrated that Tribal lands in the southwest, and elsewhere in the continental United States, are a special case that requires special treatment by the Commission to ensure that carriers are able to provide services that are comparable to services available to other American consumers. There is no disagreement that any removal of universal service support to remote Tribal lands would exacerbate the Digital Divide by freezing networks in place, or worse yet, reducing services.

The unavoidable fact is that SBI currently operates many towers that do not generate sufficient revenues for SBI to continue to maintain them, absent the provision of universal service support. It is useful to pause for a moment to reflect on what this means and what is at stake: Many citizens on Tribal lands struggle daily with deprivation and poverty. Making affordable advanced broadband services available to these citizens will not, by itself, cure these problems, but it will nonetheless provide these citizens with a path to pursue educational, economic, and cultural opportunities that will improve and enhance their lives and the lives of their children.

Accordingly, before adopting final rules for the 5G Fund Phase I auction,<sup>24</sup> the Commission should receive evidence in addition to what SBI has provided, assessing the infrastructure

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<sup>24</sup> Under the Commission's proposed rules, a Tribal reserve budget would be established, and bidding for funding under the Tribal reserve budget and bidding for support under the unreserved portion of the budget would take place simultaneously as part of a single 5G Fund auction. *5G Fund NPRM*, 35 FCC at 4011 (¶ 48). SBI's suggested Remote Tribal Lands Plan would operate separately from the Commission's proposed structure for a Tribal reserve budget and an unreserved portion of the budget. The Plan would separately provide funding to eligible carriers "serv[ing] a rural Tribal land having metrics that evidence a wide gap when compared to those metrics for urban, suburban, and other rural areas in the rest of the nation." SBI Comments at p. 10 (footnote omitted).

deployed on remote Tribal lands at a more granular level, to determine whether a special case mechanism should be employed to ensure that specific and definable remote Tribal lands are not left behind by the Commission's proposed 5G Fund auction structure. In addition, as set forth in its Comments, SBI suggests exploring a Remote Tribal Lands Plan, which would carve out a small portion of the 5G Fund to maintain support at levels that allow investments to, (i) maintain existing services throughout areas currently being served, and (ii) allow for a steady upgrade path to 4G LTE/5G technologies, based on the amount of support provided in the plan and commitments made by carriers subject to it.<sup>25</sup> A copy of the rule proposed in Exhibit B of the SBI Comments is attached for the Commission's reference.

SBI can make significant progress in upgrading its network to 4G LTE based on current levels of universal service support being provided. With certainty that this level of support will remain in place, SBI can provide the Commission with enforceable commitments regarding the expansion of 4G/5G technology on Tribal lands according to cost estimates that it is willing to provide. For any increased level of support that the Commission may provide, SBI will be able to accelerate investment and deployment of higher-speed broadband services. At lower levels of support, the amount of investment in fiber backhaul and new technologies will be correspondingly reduced.

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<sup>25</sup> SBI Comments at pp. 9-12. There is ample evidence available from the Census, from Tribal governments, and other academic and commercial sources, to measure geographic and demographic factors, as well as telephone/broadband penetration on Tribal lands, to inform the Commission as to where special case treatment is most needed.

In sum, the Commission has ample record evidence of the hardships facing citizens living on Tribal lands, as reflected in SBI’s submissions dating back many years, as well as the FCC’s broadband progress reports released each year, which need not be recounted here. There is a much greater gap between Tribal lands and non-Tribal lands than there should be or needs to be. Because of the COVID-19 emergency, this gap—especially for remote Tribal lands—is going to get wider unless resources are increased and targeted to the areas most in need.

The Commission needs to ensure support to these remote Tribal lands because its adjustment factor methodology provides no assurance that, at the conclusion of the Tribal lands portion of the 5G Fund auction, citizens living on Tribal lands in the most sparsely populated and difficult to serve areas will be able to count on gaining access to advanced broadband services. Any denial of support to these Tribal areas would represent a fundamental failure to meet the Commission’s obligation to make services in rural areas reasonably comparable to services available in urban and suburban areas,<sup>26</sup> and to provide support that is sufficient to accomplish statutory universal service goals.<sup>27</sup>

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<sup>26</sup> 47 U.S.C. § 254(b)(3).

<sup>27</sup> 47 U.S.C. § 254(e).

**IV. CONCLUSION.**

SBI appreciates the opportunity to provide these reply comments to the Commission and looks forward to continuing to participate in the ongoing process of seeking to improve telecommunications and broadband infrastructure on Tribal lands.

Respectfully submitted,  
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By:  \_\_\_\_\_

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## ATTACHMENT

### PROPOSED REMOTE TRIBAL AREAS PLAN RULE

**§54.\_\_\_\_ Remote Tribal Areas Plan for competitive eligible telecommunications carriers serving remote Tribal Lands.**

(a) *Election of support.* Subject to the requirements of this section, competitive eligible telecommunications carriers serving Tribal Lands as defined in § 54.400(e) of this chapter, shall have a one-time option to elect to participate in the Remote Tribal Areas Plan. Carriers exercising this option with approved performance plans shall have their support frozen for a period of ten years beginning on or after January 1, \_\_\_\_\_, at a date set by the Wireless Telecommunications Bureau.

(b) *Carriers eligible for support.* A competitive eligible telecommunications carrier shall be eligible for frozen support pursuant to the Remote Tribal Areas Plan if that carrier serves Tribal Lands having a [household telephone or mobile broadband] penetration rate of less than \_\_\_\_\_%, as shown in the 2010 U.S. Census, and if that carrier certified that it served Covered Locations in its September 30, 2011 filing of line counts with the Administrator, and submits a performance plan by \_\_\_\_\_, 2021.

(c) *Support amounts and support term.* For a period of 10 years beginning on or after January 1, \_\_\_\_\_, at a date set by the Wireless Telecommunications Bureau, each Remote Tribal Areas Plan participant shall receive monthly Remote Tribal Areas Plan support in an amount equal to the annualized monthly support amount it received for \_\_\_\_\_.

(d) *Use of frozen support.* Frozen support allocated through the Remote Tribal Areas Plan may only be used to provide mobile voice and mobile broadband service in those census blocks on covered Tribal Lands within the carrier's ETC service area that did not, as of \_\_\_\_\_, receive 4G LTE service directly from providers that were unsubsidized and covering, in the aggregate, at least 85 percent of the population of the block. Nothing in this section shall be interpreted to limit the use of frozen support to build or upgrade middle-mile infrastructure outside covered Tribal Lands if such middle mile infrastructure is necessary to the provision of mobile voice and mobile broadband service on covered Tribal Lands. Remote Tribal Areas Plan participants may use frozen support to provide mobile voice and mobile broadband service on cov-

ered Tribal Lands served by competitive eligible telecommunications carrier partners of ineligible carriers if those areas are served using the competitive eligible telecommunications carrier's infrastructure.

(e) *Performance plans.* In order to receive support pursuant to this section, a competitive eligible telecommunications carrier must be subject to a performance plan approved by the Wireless Telecommunications Bureau. The performance plan must indicate specific deployment obligations and performance requirements sufficient to demonstrate that support is being used in the public interest and in accordance with paragraph (d) of this section and the requirements adopted by the Commission for the Remote Tribal Areas Plan. For each level of wireless service offered (2G/Voice, 3G, 4G LTE, and 5G) and each type of middle mile used in connection with that level of service, the performance plan must specify minimum speeds that will be offered to a specified population by the end of the fifth year of support and by the end of the tenth year of support. Remote Tribal Areas Plan participants shall, no later than the end of the fourth year of the ten-year term, review and modify their end-of-term commitments in light of any new developments, including newly available infrastructure. The Wireless Telecommunications Bureau may require the filing of revised commitments at other times if justified by developments that occur after the approval of the initial performance commitments. If the specific performance obligations are not achieved in the time period identified in the approved performance plans the carrier shall be subject to § 54.320(c) and § 54.320(d) of this chapter.