TITLE: An Action Relating to an Emergency; Authorizing Diné College and the Navajo Technical University to make application for a Special Temporary Authority with the Federal Communications Commission under and order issued July 11, 2029, Wt Docket No. 18-120, In The Matter Of Transforming The 2.5. Ghz Band

Date posted: April 10, 2020 at 7:39 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 et. seq.
DATE: April 10, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY; AUTHORIZING DINÉ COLLEGE AND THE NAVAJO TECHNICAL UNIVERSITY TO MAKE APPLICATION FOR A SPECIAL TEMPORARY AUTHORITY WITH THE FEDERAL COMMUNICATIONS COMMISSION UNDER REPORT AND ORDER ISSUED JULY 11, 2029, WT DOCKET NO. 18-120, IN THE MATTER OF TRANSFORMING THE 2.5 GHZ BAND

PURPOSE: This resolution, if adopted, would authorizing Diné College and the Navajo Technical University to make application for a Special Temporary Authority with the Federal Communications Commission under Report and Order issued July 11, 2029, Wt Docket No. 18-120, In The Matter Of Transforming The 2.5 Ghz Band.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.
PROPOSED NAVAJO NATION STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL -- Second Year, 2020

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0092-20

AN ACTION

RELATING TO AN EMERGENCY; AUTHORIZING DINÉ COLLEGE AND THE
NAVAJO TECHNICAL UNIVERSITY TO MAKE APPLICATION FOR A SPECIAL
TEMPORARY AUTHORITY WITH THE FEDERAL COMMUNICATIONS
COMMISSION UNDER REPORT AND ORDER ISSUED JULY 11, 2029, WT
DOCKET NO. 18-120, IN THE MATTER OF TRANSFORMING THE 2.5 GHZ BAND

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §
102(A).

B. Pursuant to 2 N.N.C. §164(A)(16):

"Matters constituting an emergency shall be limited to the cessation of law enforcement
services, disaster relief services, fire protection services or other direct services
required as an entitlement under the Navajo Nation or Federal law, or which directly
threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise
due to the pressing public need for such resolution(s) and must be a matter requiring
final action by the Council." 2 N.N.C. §164 (A) (16).

C. Ensuring the continuation of higher education within the Navajo Nation and protecting
the health of all residents of the Navajo Nation are inherent attributes of sovereignty.
SECTION TWO. FINDINGS

A. On July 11, 2019, the Federal Communications Commission issued its Report and Order under WT Docket No. 18-120, concerning “THE MATTER OF TRANSFORMING THE 2.5 GHZ BAND.” See, https://docs.fcc.gov/public/attachments/DOC-358065A1.pdf. Rule and Order incorporated herein by this reference. This ruling and order grants Special Temporary Authority (STA) to permit immediate or temporary operation of certain radio facilities during emergencies or other urgent conditions.” 47 C.F.R. § 1.931. See also, https://www.fcc.gov/research-reports/guides/special-temporary-authority-licensing. According to the commission, the Report and Order “allows for more efficient and effective use of 2.5 GHz spectrum by increasing flexibility for existing EBS licensees and providing new opportunities for rural Tribal Nations and other entities to access unused portions of the band.” Rule and Order. It explained,

“In order to move this spectrum into the hands of those who will provide service, including 5G, to Americans across the country, and particularly in rural and Tribal areas, we are replacing an outdated regulatory regime, developed in the days when educational TV was the only use envisioned for this spectrum, with one that not only gives incumbent users more flexibility in how they use the spectrum, but also provides opportunities for additional entities to obtain access to unused 2.5 GHz spectrum.” Rule and Order.

B. On February 3, 2020, the Federal Communications Commission issued notice entitled “2.5 GHz Rural Tribal Window.” The notice covers the period February 3, 2020 to August 3, 2020 and it provides:

“This window is a unique opportunity for Tribes in rural areas to directly access unassigned spectrum over their Tribal lands, subject to buildout requirements. The 2.5 GHz band is suitable for both mobile coverage and fixed point-to-point uses, and is currently used to provide broadband service by legacy educational licensees and commercial providers that lease the spectrum.” See, https://www.fcc.gov/25-ghz-rural-tribal-window (incorporated herein by this reference).

C. The 6-month window of opportunity is exclusive to Indian tribes and its entities. The Federal Communications Commission provides:
“Through this Rural Tribal Priority Window, the FCC is establishing a process for federally recognized Tribes and eligible Tribally owned entities to apply for overlay licenses for unassigned eligible 2.5 GHz spectrum, before any remaining unassigned spectrum will be made available for commercial use by competitive bidding.” See, https://www.fcc.gov/25-ghz-rural-tribal-window.

D. Diné College and Navajo Technical University are entities of the Navajo Nation, located on the Navajo Nation. Because of the COVID-19, pandemic, and the crisis faced by residents of the Navajo Nation, including students, these tribal entities are seeking authorization from the Navajo Nation to seek and make application for a Special Temporary Authority with the Federal Communications Commission under Report and Order Issued July 11, 2029, In The Matter Of Transforming The 2.5 GHZ, Wt Docket No. 18-120. See attached Exhibit A.

SECTION THREE. AUTHORIZING SUBMISSION OF APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

A. The Navajo Nation hereby authorizes Diné College and Navajo Technical University, entities of the Navajo Nation, to apply for Special Temporary Authority with the Federal Communications Commission under Report and Order Issued July 11, 2029, In The Matter Of Transforming The 2.5 GHZ, Wt Docket No. 18-120.

B. Except as provided by this emergency action of the Navajo Nation Council, the Diné College and Navajo Technical University shall comply with comply with all Navajo Nation law. It shall also coordinate all matters relative to this application process with the Navajo Nation Telecommunications Regulatory Commission.