

October 30, 2009

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Genachowski:

I am writing to express grave concern with the state of basic telephone service on Tribal lands, including those in New Mexico.

Most Americans probably cannot imagine life without a telephone. Yet today more than 30 percent of households in Indian Country do not have access to basic telephone service. For members of the Navajo Nation in particular, the situation is even more appalling – with two out of three people unable to receive telephone service in their homes.

As troubling as these statistics are, they still do not adequately convey the hardships created by this lack of telephone service. In addition to the daily inconveniences, not having a landline or cell phone reception can mean the difference between life and death. Imagine not being able to call an ambulance when you or your loved one is in medical danger. Or consider the heartbreak of a man outside Gallup, New Mexico, who missed two opportunities for a life-saving kidney transplant because he lacked telephone service at home and could not be contacted in time.

In 2000, Federal Communications Commission Chairman William Kennard visited New Mexico and described the lack of telephone service on Tribal lands as “disgraceful.” He observed that although the United States has “a telephone system that is the envy of the world, basic telecommunications services are not widely enjoyed by our land’s oldest people.” Chairman Kennard then introduced the Enhanced Lifeline program to help ensure that Indian Country would have the same access to telephone services available in every other community.

Nearly a decade later, despite these well-intended efforts, it is clear that the Commission’s policies have failed too many people on Tribal lands. Furthermore, I am concerned that the Commission’s continued management of more than \$7 billion in annual universal service funds misses the mark if it cannot ensure that all people in the United States have access to basic telephone service. This situation suggests that the agency has failed to live up to its duties under Section 254 of the Communications Act. As you know, this law charges the Commission with ensuring that “Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas” have access to telecommunications and information services “that are reasonably comparable” to those in urban areas.

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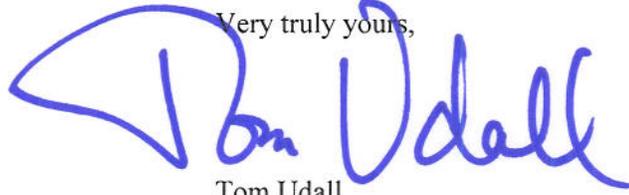
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I know from our discussions and your Senate confirmation hearing that you share my concerns about the digital divide in Indian Country. I am also optimistic that the Commission's forthcoming national broadband plan will help address these issues. Yet I caution that your efforts will be received with skepticism if the Commission neglects to address the communities in Indian Country that still lack basic telephone service. This situation requires your urgent attention, and I ask that you describe to me your plans to finally—and successfully—resolve the problem of access to basic telephone service on Tribal lands.

I look forward to your response.

Very truly yours,

A handwritten signature in blue ink that reads "Tom Udall". The signature is stylized, with a large, sweeping initial "T" and "U".

Tom Udall
United States Senator