

**BEFORE THE
NAVAJO NATION TELECOMMUNICATIONS REGULATORY COMMISSION**

**Navajo Nation Telecommunications
Regulatory Commission (NNTRC)
Notice of Proposed Rulemaking in the
Matter of Application for Certificate of
Convenience and Necessity (CCN)**

Docket No. NNTRC-11-001

**COMMENTS OF NAVAJO COMMUNICATIONS, INC. (NCC) ON NOTICE OF
PROPOSED RULEMAKING IN THE MATTER OF APPLICATION FOR
CERTIFICATE OF CONVENIENCE AND NECESSITY**

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October 14, 2011

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Navajo Communications Company, Inc. (“NCC”) provides these comments in response to above-captioned Notice of Proposed Rulemaking in the matter of Application for Certificate of Convenience and Necessity (“Notice”) released July 28, 2011. These comments are timely filed in accordance with the extended comment date of October 14, 2011. NCC has a longstanding presence in the Navajo region. NCC has been a telecommunications provider on the Navajo Nation since 1970 in Arizona, Utah and New Mexico. NCC currently is regulated by the state entity regulating public utilities in Arizona, Utah and New Mexico, and also by the Federal Communications Commission (“FCC”) for interstate services provided in the region. As a longstanding telecommunications provider familiar with the region and the industry, NCC is well qualified to provide meaningful comments in this rulemaking proceeding. NCC below provides comments on the proposed rules, along with additional suggestions for consideration.

Background and Existing Regulation

As noted, NCC takes pride in its role of providing telecommunications services to the Navajo Nation for over 40 years, and seeks to maintain a positive relationship with the Navajo Nation and all its customers in the region. NCC was authorized by the Bureau of Indian Affairs

(BIA) on July 31, 1970 to purchase the telephone system, rights of properties used and useful by it in the operation of the systems, free and clear of encumbrances. In the BIA contract agreement, the Navajo Tribe agreed that the purchase for the system included the right to do business on the Reservation and all rights of way already granted and to be granted in the future. NCC received authority and certificates of convenience and necessity (CC&N) in 1970 from the Public Service Commission of Utah, State Corporation Commission of New Mexico and the Arizona Corporation Commission, the entities that regulate public utility service in each jurisdiction. NCC is regulated by these three state commissions for rates, services and earnings, and NCC has approved tariffs on file with each commission. NCC also is subject to the rules and regulations of the FCC for interstate services and subject to rates and terms contained in its Interstate tariff on file with the FCC.

Additional Regulatory Oversight

NCC's paramount concern with additional regulatory authority, should the NNTRC decide to assert authority different from, or conflicting with, current regulations, is that NCC's services already are regulated at the state and federal levels. Additional or conflicting regulation is not necessary to assure quality of service, affordable and reasonable rates and available services, essentially the goals of the proposed rules. Additional regulation could cause confusion and potential conflicts for all parties concerned. Customers have benefitted by NCC's relationship existing regulatory oversight, rules and regulations, and NCC will work with the NNTRC to assure continuity of good service to customers in the Navajo Nation.

Providers with CC&N's Should Be Exempt

As stated in Section C., page 2, of the Notice of Proposed Rulemaking, "The Act further provides that "the commission may by rule or regulation exempt certain telecommunications

services from the requirement of a certificate of convenience and necessity”. NCC agrees with this exclusion for all current state and FCC certified providers holding a CC&N and suggests that the rules provide clear language in that regard. NCC suggests that the rules state that existing providers with a CC&N are exempt.

CC&N Providers Could Provide Copies of Authority and Complete Information Sheet

NCC will provide to the NNTRC copies of its existing CC&N authority and copies of existing tariffs, and will work with the NNTRC to provide basic contact information. NCC will discuss with NNTRC the contents of the information sheet, to make sure the information provided is relevant and necessary.

Conclusion

NCC appreciates the opportunity to file comments with the NNTRC and will work with NNTRC in this proceeding, and any related proceedings or meetings to provide information and input. As stated above, NCC believes that providers with CC&Ns should be exempt from separate certification requirements. NCC will work with NNTRC on developing a basic information sheet for existing CC&N providers.

Dated October 14, 2011

Respectfully submitted,

NAVAJO COMMUNICATIONS, INC. (NCC)



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