

**NAVAJO NATION CODE**  
**TITLE 2. NAVAJO NATION GOVERNMENT**  
**CHAPTER 5. EXECUTIVE BRANCH**  
**SUBCHAPTER 43. NAVAJO TELECOMMUNICATIONS REGULATORY COMMISSION**

**§ 3451. Establishment**

There is hereby established under the Office of the President and Vice-President within the Executive Branch of the Navajo Nation government, and in accordance with Resolution ACMA-36-84 of the Advisory Committee of the Navajo Nation Council, the Navajo Telecommunications Regulatory Commission, hereinafter called the “Commission”.

**§ 3452. Purpose**

The purpose of the Commission shall be to act upon and regulate any and all matters of the telecommunications industry on the Navajo Nation, including but not limited to computer, video, television, telegraph, radio, cable television, satellite dishes, two-way radio, and other related telecommunication services transmitted by electricity, wire land lines, wireless technology, cable, fiber optics, microwave, satellite or radiowave, to provide for the orderly growth and development of the telecommunications industry, and the operations thereby. A further purpose of the Commission shall be the implementation of a 911 emergency response system within the Navajo Nation.

**§ 3453. Powers, Authorities and Duties**

- A. The Commission shall have all the powers necessary and appropriate as delegated through legislative enactments by the Government Services Committee of the Navajo Nation Council pursuant to the inherent power of a government to impose restrictions on private rights to protect public welfare, order and security, to carry out the purpose and goals set forth in § 3452. This delegation of authority shall be inclusive of the entire regulatory scheme, but exclusive of any telecommunications services or development activity, except where telecommunications regulatory may apply to such activities.
- B. The Enumerated powers of the Commission are:
  - 1. To establish and adopt a regulatory policy subject to Navajo Nation Council enactment which will govern any and all Navajo Nation telecommunications activities, not inconsistent with Federal Communications Commission regulation.
  - 2. To establish, promulgate, and enforce rules, regulations, policies, and issue orders and resolutions, which are consistent with the Navajo regulatory code and this Plan of Operation, as necessary for the accomplishment of its purpose, authority, functions, and responsibilities.
  - 3. To establish methods, procedures, schedules, and conditions of accessing permits, respective fees, and reasonable rates of compensation for particular telecommunication services on the Navajo Nation.
  - 4. To approve and enter into such agreements, contracts, or written understandings as necessary or appropriate in accomplishing the duties and purpose of the Commission. All such contracts and agreements shall be in the name of the Navajo Nation and shall be subject to normal procedures established for contracts and agreements.

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**SUBCHAPTER 43. NAVAJO TELECOMMUNICATIONS REGULATORY COMMISSION**

5. To establish procedures and requirements for hearings and investigations pertinent to the functions and powers of the Commission, consistent with normal due process; to hear complaints concerning noncompliance with regulations established as the conditions of engaging in any telecommunications activities on the Navajo Nation, or any valid complaint from any entity which is aggrieved by any action by the Commission or staff.
6. The Commission in furtherance of its powers shall have the authority to recommend and impose fines or other sanctions according to established schedules, on any entity for violation of all telecommunications laws, regulations, rules, orders and policies.
7. The Commission shall implement an effective 911 emergency response system within the Navajo Nation. In implementing such a system, the Commission shall seek the assistance of the federal and state governments and shall be authorized to develop Service Plans meeting the requirements of such jurisdictions if necessary. Cooperative intergovernmental agreements in furtherance of implementing a 911 system shall be approved pursuant to Navajo Nation law, including 21 N.N.C. §508.
8. In executing the power of implementing and managing an effective 911 emergency response system, the Commission shall be authorized to adopt rules and regulations.
9. In managing a 911 emergency response system, the Commission shall be authorized to recommend to appropriate entities of the Navajo Nation the establishment of a fund management plan and/or revolving fund accounts (funded through sources such as surcharges establishment by the Commission on telephone bills). Consistent with Navajo Nation law, the Commission shall also be authorized to seek federal and state funding in managing the Navajo Nation's 911 emergency response system.

**§ 3454. Membership of the Commission**

- A. The Commission shall consist of seven Commissioners, all of whom shall be appointed by, and serve at the pleasure of the President of the Navajo Nation, and confirmed by the Government Services Committee of the Navajo Nation Council, and shall serve their terms of office according to their appointments.
- B. Each appointment shall be for a period of four years, with the exception of those appointments made in 2002, which appointments shall be made at the discretion of the President of the Navajo Nation as follows, two appointments for a period of two years, two appointments for a period of three years and three appointments shall be for a period of four years.
- C. No Commission member shall have a financial, political or any other interest or motive in any sector of the telecommunications industry on the Navajo Nation, as provided for in the Navajo Nation Ethics in Government Law. The Commission members shall carry out their duties and responsibilities in a manner which protects and promotes the best interests of the Navajo Nation.

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D. The Chairperson and Vice-Chairperson of the Commission shall be selected by the Commission from its membership by majority vote, for such term as is determined appropriate. The Chairperson and the Vice-Chairperson shall have the following duties and responsibilities:

1. To call meetings, special sessions, hearings, or inquiries; and to preside at all these events.
2. To represent the Commission in all matters relating to telecommunications activities.

**§ 3455. Staff Personnel**

The President of the Navajo Nation shall employ an Executive Director of the Commission who shall serve at the pleasure of the President of the Navajo Nation and be subject to confirmation by the Government Services Committee of the Navajo Nation Council. All other staff shall be employed by the Executive Director in accordance with the Personnel Policies Manual of the Navajo Nation.