



## NAVAJO NATION TELECOMMUNICATIONS REGULATORY COMMISSION



Enclosed with filing instructions is the Application for Registration and Authorization by the Navajo Nation Telecommunications Regulatory Commission for Small Operators and General Operators to provide telecommunications services on the Navajo Nation, and for a Navajo Nation Certificate of Convenience and Necessity (“CCN”) for Public Interest Operators and Negotiated Agreement Operators, issued pursuant to 21 N.N.C. § 510. The Application must be submitted electronically in addition to hard copy and is available at <http://www.nntrc.org>.

When filing the Application for a Small or General Operator, the following must be provided:

- Hard copy: one (1) original executed copy, including all Exhibits, Affidavits and any attachments; and
- Electronic: one (1) copy of the Application, including all Exhibits, Affidavits and any attachments that the Applicant has in electronic form; and
- The filing fee for Small Operators is \$750 made payable to the Navajo Nation Telecommunications Regulatory Commission. Small Operator filers may petition for a waiver by submitting a written request stating the reasons and appearing before the Commission to answer questions by the Commission.
- The filing fee for General Operators is \$2500 made payable to the Navajo Nation Telecommunications Regulatory Commission.

When filing the Application for a CCN as a Public Interest Operator or Negotiated Agreement Operator, the following must be provided:

- Hard copy: one (1) original executed copy and seven (7) copies of the Application, including all Exhibits, Affidavits and any attachments; and
- Electronic: one (1) copy of the Application, including all Exhibits, Affidavits and any attachments that the Applicant has in electronic form; and
- A filing fee of \$2500 made payable to the Navajo Nation Telecommunications Regulatory Commission.

The completed Application shall be sent to:

Executive Director  
Navajo Nation Telecommunications Regulatory Commission  
Morgan Blvd, Bldg. 2740  
PO Box 7440  
Window Rock, AZ 86515

If you need further information, please call 928-871-7854.

## FILING INSTRUCTIONS

- I. **WHERE TO FILE:** Send hard copies via U.S. mail to: Executive Director, Navajo Nation Telecommunications Regulatory Commission, PO Box 7440, Window Rock, AZ 86515, or via courier to: Executive Director, Navajo Nation Telecommunications Regulatory Commission, Morgan Blvd, Bldg. 2740, Window Rock, AZ 86515.
  
- II. **WHAT TO FILE:** Submit required copies of the Application, Exhibits, and any other attachments to the Office of the NNTRC. The NNTRC will accept electronic filings that are not complete where not all documents are available electronically.  
  
All attachments, including Exhibits, should be clearly identified. For example, Exhibit A-12 should be marked, "Exhibit A-12: Director, Officer and Major Stockholder Information." All pages should be numbered and attached in sequential order, except for material for which protected treatment is sought (see below).
  
- III. **PROTECTED MATERIAL:** Place hard copies of any documents for which the applicant is seeking confidential treatment in a separate envelope marked "confidential," and include a motion for protective order, a proposed protective order, and an affidavit. Do not submit protected material in electronic form.
  
- IV. **ELECTRONIC FILING.** The preferred method for filing electronically is via upload at our secure file website: <http://nntrc.sharefile.com>. Passwords for e-filing may be obtained by requesting a password to [btagaban@nntrc.org](mailto:btagaban@nntrc.org). The e-mail address for the Applicant should be the same as provided in the Application at Section A-4. Alternatively, the files may be submitted on a Microsoft Windows formatted USB Drive or CD-ROM labeled with the company name, filing date, and if more than one, the number of the diskette (e.g., 1 of 1, 1 of 2, etc.).
  
- V. **QUESTIONS:** Questions regarding filing procedures should be directed to the NNTRC at (928) 871-7854 or current Directors email address currently [btagaban@nntrc.org](mailto:btagaban@nntrc.org).
  
- VI. **GOVERNING LAW:** Filing requirements for telecommunications providers are determined by the NNTRC pursuant to 21 N.N.C. § 510 of the Navajo Nation Code and no person shall engage in providing telecommunications services within the Navajo Nation, nor shall exercise any right or privilege under any franchise or permit, without first having obtained a CCN from the NNTRC, or registering with the NNTRC as a Small or General Provider pursuant to rule of the NNTRC. Telecommunications service providers on the Navajo Nation are subject to the Navajo Telecommunications Regulatory Act, 21 N.N.C. §§ 501 *et seq.*, and other Navajo Nation law and federal law.



NAVAJO NATION  
TELECOMMUNICATIONS REGULATORY  
COMMISSION



**APPLICATION FOR AUTHORIZATION TO PROVIDE TELECOMMUNICATIONS  
SERVICES ON THE NAVAJO NATION**

Navajo Nation Telecommunications Regulatory Commission  
Morgan Blvd, Bldg 2740  
PO Box 7440  
Window Rock, AZ 86515  
Phone: (928) 871-7854; Main Fax: (928) 871-7856  
<http://www.nntrc.org>

Brian Tagaban  
Bob Begaye  
Bill Alex Montoya  
Wilbert Tsosie  
Norbert Nez  
Harry Moore  
Everett Davis

Executive Director  
Chairperson  
Vice Chairperson  
Commissioner  
Commissioner  
Commissioner  
Commissioner

**TYPE OF APPLICATION**

Check only one:

- Small Operator (SO)
- General Operator (GO)
- Public Interest Operator (PIO)
- Negotiated Agreement Operator (NAO)

**A) APPLICANT INFORMATION**

**FOR ALL APPLICANTS:**

**(A-1)** Applicant's legal name, address and web site:

*Name:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*City, State, Zip:* \_\_\_\_\_

*Telephone:* \_\_\_\_\_ *Fax:* \_\_\_\_\_

*Web Site (if any):* \_\_\_\_\_

**(A-2)** (If any), Applicant's principal office on the Navajo Nation:

*Address:* \_\_\_\_\_

*City, State, Zip:* \_\_\_\_\_

*Main Telephone:* \_\_\_\_\_ *Fax:* \_\_\_\_\_

**(A-3)** Contact person for regulatory matters:

*Name:* \_\_\_\_\_ *Title:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*City, State, Zip:* \_\_\_\_\_

*Telephone:* \_\_\_\_\_ *Fax:* \_\_\_\_\_

*E-mail Address:* \_\_\_\_\_

**(A-4)** Applicant's agent for service of process in the Navajo Nation:

*Name:* \_\_\_\_\_ *Company:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*City, State, Zip:* \_\_\_\_\_

*Telephone:* \_\_\_\_\_ *Fax:* \_\_\_\_\_

*E-mail Address:* \_\_\_\_\_

Exhibit A-4. Pursuant to 5 N.N.C. § 4181, prior to transacting business on the Navajo Nation a foreign corporation is required to register with the Business Regulatory Department. Attach a copy of such registration as Exhibit A-4 if applicable.

**(A-5)** Applicant's FCC Registration Number (FRN): \_\_\_\_\_

**FOR GO, PIO AND NAO ONLY:**

(A-6) Applicant's address and toll-free telephone number for customer service and complaints:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Toll-free Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email address: \_\_\_\_\_

(A-7) Applicant's Federal Employer Identification Number (FEIN): \_\_\_\_\_

(A-8) Applicant's Service Provider Identification Number (SPIN): \_\_\_\_\_

(A-9) Applicant's FCC 499 Filer Identification Number: \_\_\_\_\_

(A-10) Applicant's Arizona Corporation Commission File Number: \_\_\_\_\_

New Mexico Public Regulatory Commission NM PRC #: \_\_\_\_\_

Utah Public Service Commission UCC File Number: \_\_\_\_\_

(A-11) **Facilities:** Provide the location of any telecommunications infrastructure on the Navajo Nation that the Applicant owns, operates, leases or subleases, copies of all leases, permits or rights-of-way authorizing such use of Navajo tribal lands, and the Applicant's general service delivery systems information. For wireline carriers, this information would include the location of all central office equipment and backhaul routes. For wireless carriers, this information would include the location of all towers, central office equipment, and backhaul routes. Carriers may submit data from their FCC Form 477 for all census blocks located within the Navajo Nation as part of their response to this question.

(A-12) **General Service Description:** Describe the type of services provided, e.g., the technologies utilized, whether wireline or wireless or both, provision of broadband, Lifeline or E-Rate services, etc.

**FOR PIO AND NAO ONLY:**

(A-13) Applicant's contact for Annual Reports:

Name: \_\_\_\_\_ Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

(A-14) Applicant's legal form of ownership:

- Corporation
- LLC
- LLP
- Other: \_\_\_\_\_

(A-15) Applicant was formed or organized on MM/DD/YY in (State or Tribal Jurisdiction)

(A-16) **Exhibit A-16: Director, Officer, and Major Stockholder Information**

Provide a complete list of Applicant's officers, directors, partners or similar officers, and all stockholders with ownership exceeding five percent, including: (a) name; (b) job title; (c) business address; (d) business telephone number, and (e), percentage of stock owned. If Applicant is a subsidiary of another company, provide ownership information on the Parent.

Is Applicant an alien or a representative of any foreign government?

- Yes If yes, provide a detailed explanation as part of Exhibit A-16 hereto.
- No

Is Applicant or any Director, Officer, or Major Stockholder, a member of the Navajo Nation?

- Yes If yes, provide information on the percentage ownership and/or control of such person and attach copy of his or her Certificate of Indian Blood.
- No

**(A-17) Exhibit A-17: Articles of Incorporation or Organization and Bylaws**

Provide the following: (a) The articles of incorporation filed with the state or jurisdiction in which Applicant is incorporated and any amendments thereto; and (b) Applicant's bylaws and any amendments thereto. For LLCs and LLPs, provide the analogous Articles of Organization and bylaws, with any amendmentsS

**(A-18) Exhibit A-18: Corporate Structure**

Provide a chart or any similar graphical depiction of Applicant's entire corporate structure to clearly show: (a) the names of all Applicant's affiliates; (b) the relationship between all the affiliates; and (c) the names of all holding companies affiliated with Applicant

**(A-19) Exhibit A-19: Violation of Consumer Protection Law**

Is Applicant currently under investigation, or has Applicant ever been fined, sanctioned or penalized, in any state or tribal jurisdiction for violation of any consumer protection law or regulation?

- Yes If yes, provide a detailed explanation as Exhibit A-19 hereto.  
 No

**(A-20) Exhibit A-20: Violations or Denials in Other Jurisdictions**

Does Applicant currently provide, or has Applicant ever provided, telecommunications services in another jurisdiction?

- Yes If yes, provide **Exhibit A-20: Violations or Denials in other Jurisdictions**. For each jurisdiction in which Applicant currently operates or has previously operated, provide all of the following: (a) status of Applicant's operations (e.g., active, inactive, pending); (b) copy of all decisions or orders of the agencies denying Applicant the authority to offer telecommunications services; (c) reasons for the cessation of Applicant's operations, if applicable; and (d) any other relevant information or materials.  
 No

**B) PROPOSED SCOPE OF SERVICE: FOR PIO AND NAO ONLY**

**(B-1) Exhibit B-1: Description of Proposed Services**

Provide a brief description of the services proposed to be provided. In addition, provide any tariffs now set by any state in which the Applicant provides the same or similar services.

**(B-2) Service Area**

Specify the geographic area for which authority to serve is sought:

- The ENTIRE territorial jurisdiction of the Navajo Nation.  
 Other Service Area(s)/Portion(s) of the Navajo Nation: Attach Map as Exhibit B-2M  
 Chapters to be served: Attach as Exhibit B-2CH

**(B-3) Exhibit B-3: Under/Unserved Areas**

For the geographic area(s) for which Applicant is seeking authorization from NNTRC, identify all underserved and unserved areas

**(B-4) Exhibit B-4: Projected Number of Subscribers and Related Data**

For the geographic area(s) for which Applicant is seeking authorization from NNTRC, separately provide the estimated number of subscribers, residential and business, which will be added over the next three years.

**C) FINANCIAL CAPABILITY: FOR PIO AND NAO ONLY**

**(C-1) Exhibit C-1: "Applicant's Financial Statements"**

- Applicant is a publicly-held company. Provide at least one of the following:
- (a) Applicant's two most recent annual reports to stockholders, which shall include balance sheet, income statement, cash flow analysis and notes to financial statements; or
  - (b) Applicant's two most recent filings made with the Securities and Exchange Commission, such as 10-K or 10-Q and 8-K filings. Also provide a complete copy of the Parent Company's last Form 10K as filed with the SEC, if applicable.
- Applicant is a privately-held entity. Provide each of the following:
- (a) Two most recent annual financial statements (audited if available), which shall include balance sheet, income statement, cash flow analysis and notes to financial statements; and
  - (b) Most recent quarterly financial statement, if available.

**(C-2) Exhibit C-2 Tax Returns**

Provide copies of all tax returns or equivalent tax documents filed by Applicant during the last two years with the United States Internal Revenue Service, the Navajo Tax Commission, and the states of Arizona, New Mexico, Utah, and any state of incorporation.

**(C-3) Prior Provision of Service**

If Applicant is currently providing telecommunications services on the Navajo Nation, provide the date service began and the total revenues accrued in the period prior to applying for a CCN from the NNTRC.

Date service began: \_\_\_\_\_

Revenues accrued: \_\_\_\_\_

**(C-4) Separate Books and Records**

If granted a CCN to provide telecommunications services, will Applicant maintain separate books and records for Navajo operations?

- Yes
- No

**(C-5) Required Insurance**

If granted a CCN, will the Company provide proof of commercial liability coverage (1SO CG 001 form or equivalent) of no less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate; auto Liability coverage of no less than \$1,000,000 per accident which covers non-owned autos; and Worker's Compensation coverage with statutory benefits and employers liability coverage of no less than \$500,000?

- Yes
- No

**D) TECHNOLOGY: FOR PIO AND NAO ONLY**

**(D-1) Exhibit D-1: Technical Qualifications**

All applicants should provide an exhibit demonstrating Applicant's technical qualifications and include a general business plan.

**(D-2) Exhibit D-2: Capital/Construction Plan and Budget**

If planning to acquire or build telecommunications infrastructure or facilities, provide a one year capital/construction plan and budget explaining Applicant's plans to construct and/or lease facilities on the Navajo Nation. Detail the equipment, labor, and associated expenses that will be involved, and any steps taken to obtain the necessary land and environmental clearances.

**(D-3) Exhibit D-3: Use of Third Party Infrastructure and Networks**

Separately identify any services, infrastructure, facilities or networks of a third party which Applicant is using or proposes to use in the provisioning of its services and summarize the status of Applicant's agreements/negotiations with those parties regarding such use.

**(D-4) Exhibit D-4: Delivery Technology & Spectrum**

If providing last mile services, identify the delivery technology and spectrum that Applicant will use to provide services to the end user within the geographic service area.

**(D-5) Exhibit D-5: Other Relevant Information Concerning Technical Capability**

Provide any other information that would demonstrate Applicant's technical ability or fitness to provide the proposed services.

**E) MANAGERIAL CAPABILITY: FOR PIO AND NAO ONLY**

**(E-1) Exhibit E-1: Background in Telecommunications Industry**

Provide a detailed summary of Applicant's background in the telecommunications industry.

**(E-2) Exhibit E-2: Resumes of Officers**

Provide the following: (a) a list of the names of all officers directly responsible for Applicant's operations, including a description of each officer's job title and duties and responsibilities; and (b) each officer's professional resume.

**(E-3) Exhibit E-3: Other Relevant Information Concerning Managerial Capability**

If available, provide any other information or documentation that would demonstrate Applicant's managerial ability or fitness to provide the services proposed.

**F) CUSTOMER SERVICE: FOR PIO AND NAO ONLY**

**(F-1) Exhibit F-1: Customer Service Plan**

Provide a copy of Applicant's customer service plan for the Navajo Nation, which shall address each of the following:

- (a) customer security deposit procedures and requirements;
- (b) customer complaint handling and dispute resolution procedures;
- (c) customer termination procedures;
- (d) customer rights and responsibilities;
- (e) accommodation of Navajo culture and language;
- (f) locale of customer service or business centers; and
- (g) procedures for disclosure of customer information

**(F-2) Exhibit F-2: Affirmative Customer Selection Procedures**

Provide a description of how Applicant will ensure that new customers freely and affirmatively select the services of the Applicant, confirming paperwork and description of sales agents' training and supervision, and taking into account Navajo culture and any potential language barriers.

**(F-3) Exhibit F-3: Customer Complaint Data**

For each jurisdiction in which Applicant provides service, indicate the number of complaints (by type) that have been filed against Applicant with a state or tribal public utility commission or equivalent, or with the FCC, annually for the last four calendar years.

**(F-4) Exhibit F-4: Sample Contract**

If applicable, provide a sample contract for a service arrangement for a customer on the Navajo Nation.

**(F-5) Exhibit F-5: Sample Bill**

Provide a sample copy of Applicant's bill as it would be sent to a customer on the Navajo Nation which must include the applicable Navajo sales tax and any Navajo Nation telecommunications taxes and/or fees **and an example of the Notice to be provided to Navajo customers receiving services on Navajo trust or allotted lands that they are exempt from state and county telecommunications taxes.**

**(F-6) Customer Inquiries and Complaints**

Will Applicant provide a toll free number for customer inquiries and complaints?

- Yes
- No

**(F-7) Bill Message**

Will the company inform customers on their bill that if the company is unable to resolve a customer complaint, customers may contact the Navajo Nation Telecommunications Regulatory Commission, PO Box 7440, Window Rock, AZ 86515, <http://www.nntrc.org/complaint> for assistance in resolution of the matter?

- Yes
- No

**G) PUBLIC POLICY: FOR PIO AND NAO ONLY**

**(G-1) Exhibit G-1: Public Interest**

Explain how the issuance of a CCN to the Applicant is in the public interest and how Applicant will: (1) ensure the universal availability and accessibility of high quality affordable telecommunications services to all residents and businesses in the Applicant's service area on the Navajo Nation; (2) facilitate the efficient development, deployment and utilization of all telecommunications infrastructure, including where controlled by third parties, and keeping its networks open with maximum interoperability and interconnectivity; (3) encourage shared use of existing facilities and cooperative development of new facilities where legally

possible, and technically and economically feasible; (4) ensure that it provides high quality customer service and high quality technical service; (5) set and meet goals for penetration of service with the goal of universal service, especially in underserved and unserved areas; (6) engage and cooperate fully with the NNTRC to secure meaningful statistics and data on phone service; and (7) demonstrate reasonable revenue by infrastructure without unjust enrichment

**(G-2) Exhibit G-2: Regulation and Navajo Nation Law**

Does the Applicant expressly consent to the full territorial, regulatory and adjudicatory jurisdiction of the Navajo Nation for Applicant's provision of services on the Navajo Nation as defined under the Navajo Telecommunications Regulatory Act, 21 N.N.C. §§ 501 *et seq.*, and promise to comply with all Navajo Nation laws and regulations, including but not limited to the Navajo Telecommunications Regulatory Act, the Navajo Business Opportunity Act, 5 N.N.C. §§ 201 *et seq.*, and the Navajo Preference in Employment Act, 15 N.N.C. §§ 601 *et seq.*?

- Yes
- No If no, provide a detailed description as Exhibit G-2 explaining why the Applicant believes that any particular Navajo Nation law or regulation is not applicable to the Applicant in its provision of telecommunications services on the Navajo Nation, including the legal basis for such exception

**(G-3) Navajo Nation Taxes and Fees**

Does the Applicant expressly acknowledge that it is subject to taxation and/or fees to be collected by the Navajo Nation and/or the Navajo Nation Tax Commission for the provision of telecommunications services on the Navajo Nation, that it will register or has already registered with the Navajo Nation Tax Commission, and that it will pay or collect, as applicable, all taxes or fees for which it or its customers are subject to for providing or receiving telecommunications services on the Navajo Nation?

- Yes
- No

**(G-4) Emergency Cooperation**

Will the Applicant cooperate fully with the NNTRC, the Navajo Nation Division of Public Safety, the Navajo Tribal Utility Authority, and other telecommunications providers in the event of an emergency condition that may jeopardize the safety and reliability of telecommunications service in accordance with emergency plans and other procedures as may be determined appropriate by the NNTRC or the Navajo Nation?

- Yes
- No

**(G-5) Requirement for Customer Release**

Does the Applicant attest that it will not release customer information to any person unless required to do so under Federal law or the customer signs a release? "Customer information" means customer-specific information that the provider acquired or developed in the course of providing services and includes, but is not limited to information that relates to the quantity, time of use, type and destination of telecommunications service, information contained in bills and other customer-specific data.

- Yes
- No

**H) OTHER INFORMATION OR MOTIONS : FOR PIO AND NAO ONLY**

**(H-1)** Does this application contain material that the Applicant seeks to keep confidential pursuant to the Navajo Privacy Act, 2 N.N.C. §§ 81 *et seq.*?

- Yes Do not file any such material electronically, place all such materials in a separate, sealed envelope marked "confidential and proprietary," file a motion for a protective order according to the procedures provided in the NNTRC Hearing Procedures available at <http://nntrc.org>, and include a proposed protective order and affidavit for the basis for such order.
- No

**(H-2)** Does this application contain requests for waivers of any requirements?

- Yes Attach an original and 7 copies of a motion for such waiver separately collated from the application.
- No

**(H-3)** Is additional information attached?

- Yes If so, explain \_\_\_\_\_.
- No



**Under penalty of perjury under Navajo Law, and subject to exclusion of Applicant from the Navajo Nation, I swear that to the best of my knowledge, information, and belief the facts above set forth and all statements made in this application for a Certificate of Convenience and Necessity are true, correct, and complete and that that Applicant can prove the same at any hearing conducted hereof.**

\_\_\_\_\_  
**Signature of Applicant**

\_\_\_\_\_  
**Print Name and Title**

\_\_\_\_\_  
**Date**