



NAVAJO NATION  
TELECOMMUNICATIONS REGULATORY COMMISSION

Enclosed with filing instructions is the Application for a Navajo Nation Certificate of Public Convenience and Necessity (“CCN”) as required pursuant to 21 N.N.C. § 510 for a person to engage in providing all types of telecommunications services on the Navajo Nation except where such activities are expressly excepted pursuant to rule of the Navajo Nation Telecommunications Regulatory Commission (“NNTRC”). All filings must be submitted electronically in addition to hard copy. The Application is available at <http://www.nntrc.org>.

When filing the Application, 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.
- 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 \$500 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 one original executed copy and seven hard copies as well as one electronic copy of the Application, Exhibits, and any other attachments. 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-9 should be marked, "Exhibit A-9: 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 website: <http://www.nntrc.org>. Alternatively, e-mail the files to [ccnapp@nntrc.org](mailto:ccnapp@nntrc.org) or submit a Microsoft Windows formatted CD 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 [ccnapp@nntrc.org](mailto:ccnapp@nntrc.org).

**VI. GOVERNING LAW:** The granting of telecommunications CCNs on the Navajo Nation is governed by 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, unless otherwise excepted by 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 CERTIFICATE OF CONVENIENCE AND NECESSITY**

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

Stephen J. Nez, Chairperson  
Lynda Lovejoy, Vice-Chairperson  
Marlene A. Lynch, Second Vice-Chairperson  
Johnny T. Platero, Commissioner  
Bob Begaye, Commissioner  
Dr. Leland Leonard, Commissioner

**TYPE OF APPLICATION**

Check all that apply:

- Reseller
- Facilities-based
- Intrastate Toll service
- Incumbent Local Exchange Carrier (ILEC)
- Competitive Local Exchange Carrier (CLEC)
- Private Carrier
- Satellite
- Other \_\_\_\_\_

**A. APPLICANT INFORMATION**

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

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

Address: \_\_\_\_\_ Main Telephone: \_\_\_\_\_

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

Web site (if any): \_\_\_\_\_

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

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

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

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

**(A-4)** Applicant's contact for Annual Reports:  
*Name:* \_\_\_\_\_ *Company:* \_\_\_\_\_  
*Address:* \_\_\_\_\_  
*City, State, Zip:* \_\_\_\_\_  
*Telephone:* \_\_\_\_\_ *Fax:* \_\_\_\_\_  
*E-mail address:* \_\_\_\_\_

**(A-5)** Applicant's address and toll-free telephone number for customer service and complaints:  
*Name:* \_\_\_\_\_ *Title:* \_\_\_\_\_  
*Address:* \_\_\_\_\_  
*City, State, Zip:* \_\_\_\_\_  
*Toll-free Telephone:* \_\_\_\_\_ *Fax:* \_\_\_\_\_  
*E-mail address:* \_\_\_\_\_

**(A-6)** Applicant's Federal Employer Identification Number (FEIN): \_\_\_\_\_

**(A-7)** Applicant's Service Provider Identification Number (SPIN): \_\_\_\_\_

**(A-8)** Applicant's FCC Filer Identification Number: \_\_\_\_\_

**(A-9)** Applicant's legal form of ownership:  
 Corporation  
 LLC  
 LLP  
 Other: \_\_\_\_\_

**(A-10)** Applicant was formed or organized on MM/DD/YY in (State or Tribal Jurisdiction).

**(A-11) Exhibit A-11: 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-11 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-12) Exhibit A-12: Business Registration and Service of Process on the Navajo Nation.**

Provide a copy of any business registration on file with the Business Regulatory Department, Division of Economic Development and any business license from the Bureau of Indian Affairs issued under 25 C.F.R. Part 141. 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.

**(A-13) Exhibit A-13: 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 amendments.

**(A-14) Exhibit A-14: 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-15) Exhibit A-15: 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-15 hereto.  
 No

## **B. PROPOSED SCOPE OF SERVICE**

**(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. Applicant should be aware that pursuant to 21 N.N.C. § 505, the NNTRC is authorized to establish telecommunications tariffs on the Navajo Nation, and Applicant may become subject to such tariff pursuant to a future rulemaking of NNTRC.

**(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: \_\_\_\_\_

**(B-3) Exhibit B-3: Operations in Other Jurisdictions**

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

- Yes If yes, provide **Exhibit B-3: Operations 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

## **C. FINANCIAL CAPABILITY**

**(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) Exhibit C-3: Revenue Earned in Other Jurisdictions**

For the five other jurisdictions in which Applicant has offered the proposed services the longest, provide the total intra-jurisdictional revenue received from each service and the associated access charges paid to the local exchange company for the last calendar year.

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

For each service for which Applicant is seeking authorization from NNTRC, separately provide the estimated number of subscribers, residential and business, for the next three years. Also provide any forecasts filed with any state or tribal public utility commissions in any of the jurisdictions referenced in C-3 above relative to revenues, customers, minutes of use and access lines expected from these services.

**(C-5) 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-6) Timing of Provision of Local Service**

If Applicant is seeking to provide, or now providing local exchange service, state whether it will provide service to all customers in its service area requesting local exchange service within five years from the date of issuance of a CCN.

- Yes  
 No

**(C-7) 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-8) 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. TECHNICAL CAPABILITY

**(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: Facilities-Based Provider's Capital/Construction Plan and Budget**

If applying as a facilities-based provider, 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: Reseller's Underlying Carrier(s)**

If applying as a reseller, separately identify each underlying carrier the services/facilities of which Applicant proposes to resell or use in the provisioning of its services and summarize the status of Applicant's agreements/negotiations with those carriers regarding the provision of those services on the Navajo Nation. Indicate if each such carrier has a CCN to provide these services on the Navajo Nation.

**(D-4) Exhibit D-4: Reseller's Operator Service Agreements**

If applying as a reseller, what operator service agreements does Applicant have in place for calls originating on the Navajo Nation? If none, when does Applicant expect to have such agreements in place and with whom?

**(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

**(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

**(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 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

**(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) promote the development of effective competition as a means of providing customers with the widest possible choice of services; (3) utilize forms of regulation commensurate with the level of competition in the relevant telecommunications service market; (4) facilitate the efficient development and deployment of a telecommunications infrastructure, including open networks with maximum interoperability and interconnectivity; (5) encourage shared use of existing facilities and cooperative development of new facilities where legally possible, and technically and economically feasible; and (6) ensure that providers of telecommunications services on the Navajo Nation provide high quality customer service and high quality technical service.

**(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 the customer signs a release, where "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

**(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 \_\_\_\_\_