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August 6, 2009

Administrator
Rural Utilities Service
U. S. Department of Agriculture
Washington, D. C. 20250-1500

Assistant Secretary
National Telecommunications and Information Administration
U.S. Department of Commerce
Washington, D.C. 20230

**Re: Navajo Tribal Utility Authority
Broadband Initiatives Program; Broadband Technology Opportunities Program**

Dear Sirs:

I am general counsel for Navajo Tribal Utility Authority, (the "Applicant"). In such capacity, I acted as counsel to the Applicant in connection with its ability to apply to the Broadband Initiatives Program and/or the Broadband Technology Opportunities Program and in the review of the grant agreement, loan agreement, or loan/grant combination agreement, as referenced in the Notice of Funds Availability.

I am of the opinion that:

- (a) the Applicant is a duly organized and existing tribal enterprise of the Navajo Nation under the laws of the Navajo Nation.
- (b) the Applicant has the authority: (1) to execute and deliver the grant agreement, loan agreement, or loan/grant combination agreement; and (2) to perform all acts required to be done by it under said agreement(s).
- (c) no legal proceedings have been instituted or are pending against the Applicant, the outcome of which would adversely affect the Applicant's ability to perform the duties under the loan or loan/grant agreement, or adversely affect the security to be pledged under the loan agreement, and there are no judgments against the Applicant and no liens against any of the personal

property of the Applicant, which would adversely affect the security to be pledged under the loan or loan/grant agreement; and

- (d) The applicant has the power to own its property and carry out its business as now conducted.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Warren Denetsosie".

Warren Denetsosie

xc: Walter W. Haase, NTUA General Manager

**Uniform Relocation Assistance and Real Property Acquisition
Policies Act of 1970 Certification**

**U.S. Department of Agriculture
Broadband Initiatives Program**

We, Navajo Tribal Utility Authority (the Applicant) assure the U.S. government that we will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. §4601 *et seq.*, and with implementing federal regulations in 49 C.F.R. Part 24 and 7 C.F.R. Part 21.

Specifically, we assure that whenever Federal financial assistance is used to pay for any part of the cost of a program or Project which will result in the displacement of any person:

- (a) Fair and reasonable relocation payments and assistance shall be provided to or for displaced persons in accordance with sections 202, 203, and 204 of the Uniform Act;
- (b) Relocation assistance programs offering the services described in section 205 of the Uniform Act shall be provided to displaced persons; and
- (c) Within a reasonable period of time prior to displacement, comparable replacement dwellings will be available to displaced persons in accordance with section 205(c) (3) of the Uniform Act.

08/14/2009

(Date)



(Authorized Representative's Signature)

Walter W. Haase

Name:

General Manager

Title:

Certification Regarding Architectural Barriers

U.S. Department of Agriculture
Broadband Initiatives Program

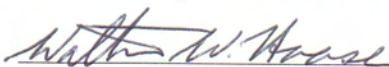
All facilities financed with Rural Development loans that are open to the public, or in which physically handicapped persons may be employed or reside, must be designed, constructed, and/or altered to be readily accessible to, and usable by, handicapped persons. Standards for these facilities must comply with the Architectural Barriers Act of 1968, as amended, 42 U.S.C. §4151 *et seq.*) and with the Uniform Federal Accessibility Standards (UFAS), (Appendix A to 41 C.F.R. subpart 101-19.6).

As a prospective primary participant recipient of financial assistance from Rural Development, this organization commits to carry out Rural Development's established policy to comply with the requirements of the above referenced law to the effect that all facilities must be readily accessible to and usable by handicapped persons.

We, _____ NTUA _____ (the Applicant) hereby certify that, as a prospective recipient under the Rural Broadband Access Loan and Loan Guarantee Program, we are in compliance, or will be in compliance upon completion of the Project, with the above referenced law.

08/14/2009

(Date)



(Authorized Representative's Signature)

Walter W. HAASE

Name: _____

GM

Title: _____

Equal Opportunity and Nondiscrimination Certification

U.S. Department of Agriculture
Broadband Initiatives Program

All loans and grants made under the Broadband Initiatives Program are subject to the nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, as amended, (7 C.F.R. Part 15); Section 504 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. 901 *et seq.*; 7 C.F.R. Part 15b); and the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 *et seq.*; 45 C.F.R. Part 90), and Executive Order 11375, Amending Executive Order 11246, Relating to Equal Employment Opportunity (3 C.F.R. 1966, 1970).

All recipients of financial assistance from Rural Development, the prospective primary participant commits to carry out Rural Development's established policy to comply with the requirements of the above laws and executive orders to the effect that no person in the United States shall, "on the basis of race, color, national origin, handicap, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Broadband Initiatives Program.

We Navajo Tribal Utility Authority (the Applicant) hereby certify that, as a prospective recipient under the said Broadband Initiatives Program, we will comply with the above referenced laws and executive orders.

08/14/2009

(Date)

Walter W. Haase

(Authorized Representative's Signature)

Walter W. HAASE

Name:

GM

Title:

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

<p>1. Type of Federal Action: a. contract <u> b </u> b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance</p>	<p>2. Status of Federal Action: a. bid/offer/application <u> a </u> b. initial award c. post-award</p>	<p>3. Report Type: a. initial filing <u> a </u> b. material change</p> <p>For material change only: Year _____ quarter _____ Date of last report _____</p>
<p>4. Name and Address of Reporting Entity: <u> Prime </u> <u> X </u> Subawardee Tier _____, if Known: Commnet Wireless, LLC Congressional District, if known: GA-6; CO-6; MA-6</p>	<p>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: Navajo Tribal Utility Authority Congressional District, if known: AZ-1; UT-1; NM-3</p>	
<p>6. Federal Department/Agency: NTIA, Department of Commerce</p>	<p>7. Federal Program Name/Description: BTOP CFDA Number, if applicable: 11.557</p>	
<p>8. Federal Action Number, if known: 0660-ZA28</p>	<p>9. Award Amount, if known: \$ approx. \$30-33M applied for (no award yet)</p>	
<p>10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI): Dutko Worldwide, LLC 412 First St., SE Suite 100 Washington DC 20003</p>	<p>b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI): Bayliss, Kim K. Donaldson, Nancy A. Painter, Sally A. Tramontano, Karen A.</p>	
<p>11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</p>	<p>Signature: <u>John D. Champagne</u> Print Name: <u>John Champagne</u> Title: <u>EVP</u> Telephone No.: <u>678-338-5960</u> Date: <u>Aug. 12, 2009</u></p>	
<p>Federal Use Only</p>	<p>Authorized for Local Reproduction Standard Form - LLL (Rev. 7-97)</p>	

CERTIFICATION REGARDING LOBBYING

Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 15 CFR Part 28, "New Restrictions on Lobbying." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Commerce determines to award the covered transaction, grant, or cooperative agreement.

LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 15 CFR Part 28, for persons entering into a grant, cooperative agreement or contract over \$100,000 or a loan or loan guarantee over \$150,000 as defined at 15 CFR Part 28, Sections 28.105 and 28.110, the applicant certifies that to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into.

Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above applicable certification.

NAME OF APPLICANT

Navajo Tribal Utility Authority

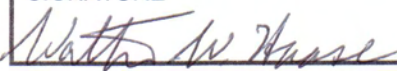
AWARD NUMBER AND/OR PROJECT NAME

Navajo Nation Middle/Last Mile Project: Quality Broadband for the Navajo People

PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Walter W. Haase - General Manager

SIGNATURE



DATE

08/14/2009

ASSURANCES - CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

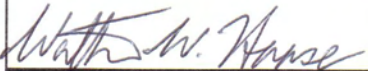
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

<p>1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.</p> <p>2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.</p> <p>3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.</p> <p>4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.</p> <p>5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.</p> <p>6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.</p> <p>7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.</p>	<p>8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM=s Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).</p> <p>9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.</p> <p>10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.</p>
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<p>11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.</p> <p>12. Will comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.</p> <p>13. Will comply, as applicable, with the provision of the Davis-Bacon Act (40 U.S.C. 276a to 276a-7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C.874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333) regarding labor standards of federally assisted construction subagreements.</p> <p>14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.</p> <p>15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the</p>	<p>National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).</p> <p>16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.</p> <p>17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).</p> <p>18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, A Audits of States, Local Governments, and Non-Profit Organizations.®</p> <p>19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.</p>
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SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE General Manager
APPLICANT ORGANIZATION Navajo Tribal Utility Authority	DATE SUBMITTED 08/14/2009

**U.S. Department of Commerce
Broadband Technology Opportunities Program**

(i) I certify that I am authorized to submit this grant application on behalf of the eligible entity(ies) listed on this application, that I have examined this application, that all of the information and responses in this application, including certifications, and forms submitted, all of which are part of this grant application, are material representations of fact and true and correct to the best of my knowledge, that the entity(ies) that is requesting grant funding pursuant to this application and any subgrantees and subcontractors will comply with the terms, conditions, purposes, and federal requirements of the grant program; that no kickbacks were paid to anyone; and that a false, fictitious, or fraudulent statements or claims on this application are grounds for denial or termination of a grant award, and/or possible punishment by a fine or imprisonment as provided in 18 U.S.C. §1001 and civil violations of the False Claims Act.

(ii) I certify that the entity(ies) I represent have and will comply with all applicable federal, state, and local laws, rules, regulations, ordinances, codes, orders and programmatic rules and requirements relating to the project. I acknowledge that failure to do so may result in rejection or deobligation of the grant or loan award. I acknowledge that failure to comply with all federal and program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

(iii) I certify that the entity(ies) I represent has and will comply with all applicable administrative and federal statutory, regulatory, and policy requirements set forth in the DOC Pre-Award Notification, published in the Federal Register on February 11, 2008 (73 FR 7696), as amended; DOC Financial Assistance Standard Terms and Conditions (Mar. 8, 2009); DOC American Recovery and Reinvestment Act Award Terms (April 9, 2009); and any Special Award Terms and Conditions that are included by the Grants Officer in the award."

08/14/2009

(Date)



(Authorized Representative's Signature)

Walter W. HAASE

Name:

GM

Title:

Certification Requirements for BTOP

U.S. Department of Commerce
Broadband Technology Opportunities Program

I certify that I am the duly authorized representative of the applicant organization, and that I have been authorized to submit the attached application on its behalf. A copy of the applicant organization's authorization for me to submit this application as its official representative is on file in the applicant's office, and I am identified as the applicant organization's Authorized Organization Representative (AOR) in the Central Contractor Registration database. By signing this certification, I certify that the statements contained in the application are true, complete, and accurate to the best of my knowledge, and that if an award is made, the applicant organization will comply with all applicable award terms and conditions.

08/14/2009

(Date)

Walter W. Haase

(Authorized Representative's Signature)

Walter W. HAASE

Name:

GM

Title:

Attachment H - Broadband Subscriber Estimates

Household Subscribers	YEAR 0	YEAR 1				YEAR 2				YEAR 3				YEAR 4				YEAR 5				
		QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4	
Service Type # 1																						
Residential Entry 4G Wireless																						
Net Add-Ons		118	118	118	118	222	222	222	222	296	296	296	296	395	395	395	395	444	450	455	448	
Cumulative Subscribers		118	237	355	474	696	918	1,140	1,362	1,658	1,954	2,250	2,546	2,941	3,336	3,731	4,126	4,570	5,020	5,475	5,923	
Service Type # 2																						
Residential Maximum 4G Wireless																						
Net Add-Ons		37	37	37	37	74	74	74	74	106	106	106	106	150	150	150	150	164	165	165	165	
Cumulative Subscribers		37	74	111	148	223	297	371	445	551	657	763	869	1,019	1,169	1,319	1,469	1,633	1,798	1,963	2,128	
Total Cummulative Subscriber		156	311	467	622	918	1,214	1,511	1,807	2,209	2,611	3,013	3,415	3,960	4,505	5,050	5,595	6,203	6,818	7,438	8,051	

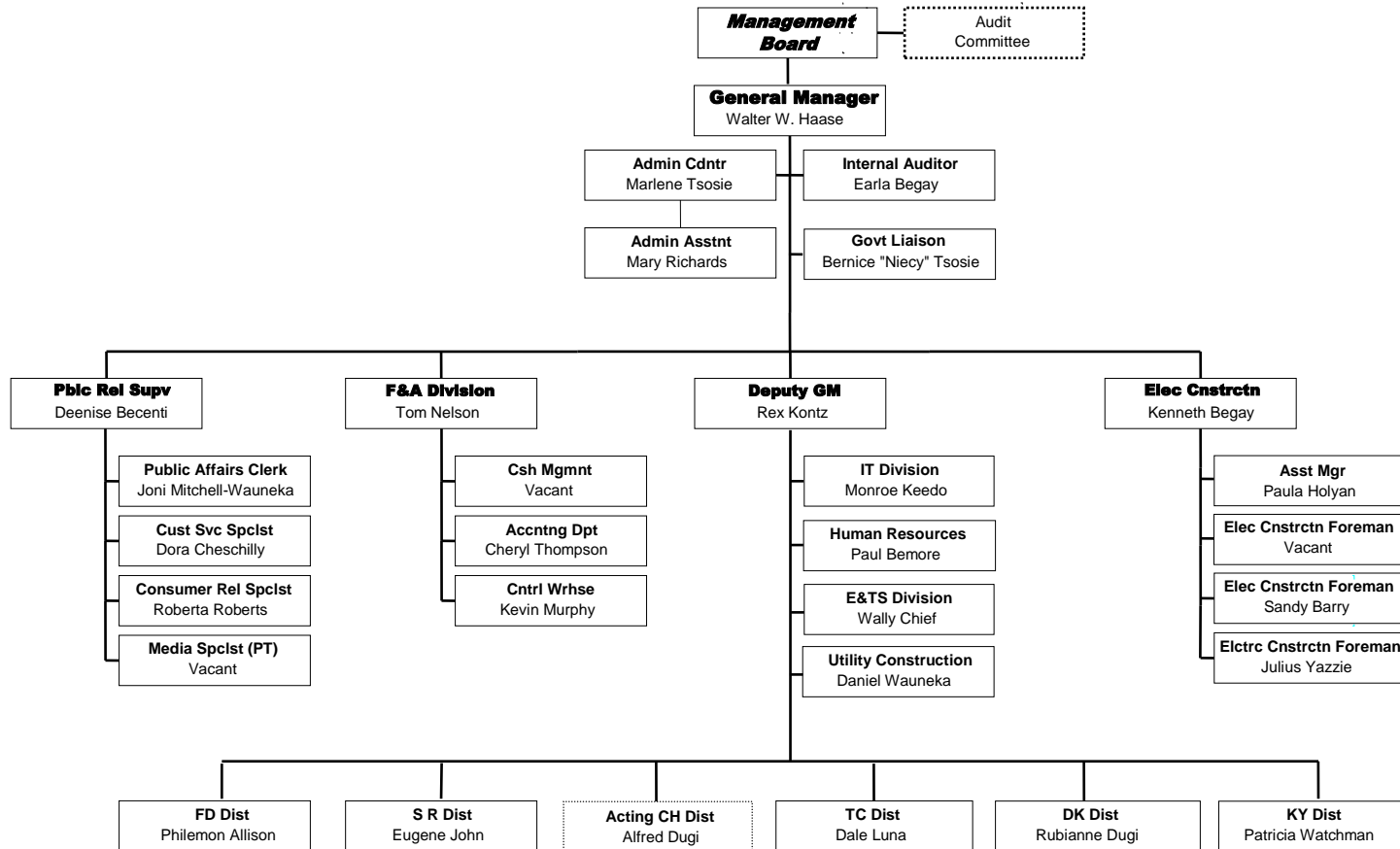
Business Customers	YEAR 0	YEAR 1				YEAR 2				YEAR 3				YEAR 4				YEAR 5				
		QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4	
Service Type # 1																						
Business Entry 4G Wireless																						
Net Add-Ons		15	15	15	15	25	25	25	25	65	65	65	65	70	70	70	70	15	15	15	15	
Cumulative Subscribers		15	30	45	60	85	110	135	160	225	290	355	420	490	560	630	700	715	730	745	2,112	
Service Type # 2																						
Business Maximum 4G Wireless																						
Net Add-Ons		5	5	5	5	10	10	10	10	20	20	20	20	25	25	25	25	33	33	33	33	
Cumulative Subscribers		5	10	15	20	30	40	50	60	80	100	120	140	165	190	215	240	273	306	339	572	
Total Cummulative Subs=		20	40	60	80	115	150	185	220	305	390	475	560	655	750	845	940	988	1,036	1,084	2,684	

Strategic Institution	YEAR 0	YEAR 1				YEAR 2				YEAR 3				YEAR 4				YEAR 5				
		QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4	
Service Type # 1																						
Strategic/Govt. Entry 4G Wireless																						
Net Add-Ons		35	35	35	35	45	45	45	45	53	53	53	53	60	60	60	60	74	75	75	75	
Cumulative Subscribers		35	70	105	140	185	230	275	320	373	426	479	532	592	652	712	772	846	921	996	1,683	
Service Type # 2																						
Strategic/Govt. Maximum 4G Wireless																						
Net Add-Ons		11	11	11	11	20	20	20	20	30	30	30	30	45	45	45	45	55	55	55	55	
Cumulative Subscribers		11	22	33	44	64	84	104	124	154	184	214	244	289	334	379	424	479	534	589	1,000	
Total Cummulative Subs=		46	92	138	184	249	314	379	444	527	610	693	776	881	986	1,091	1,196	1,325	1,455	1,585	2,684	

Grand Total Cummulative Subs=		222	443	665	886	1,282	1,678	2,075	2,471	3,041	3,611	4,181	4,751	5,496	6,241	6,986	7,731	8,516	9,309	10,107	13,418
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NAVAJO TRIBAL UTILITY AUTHORITY

Organizational Chart



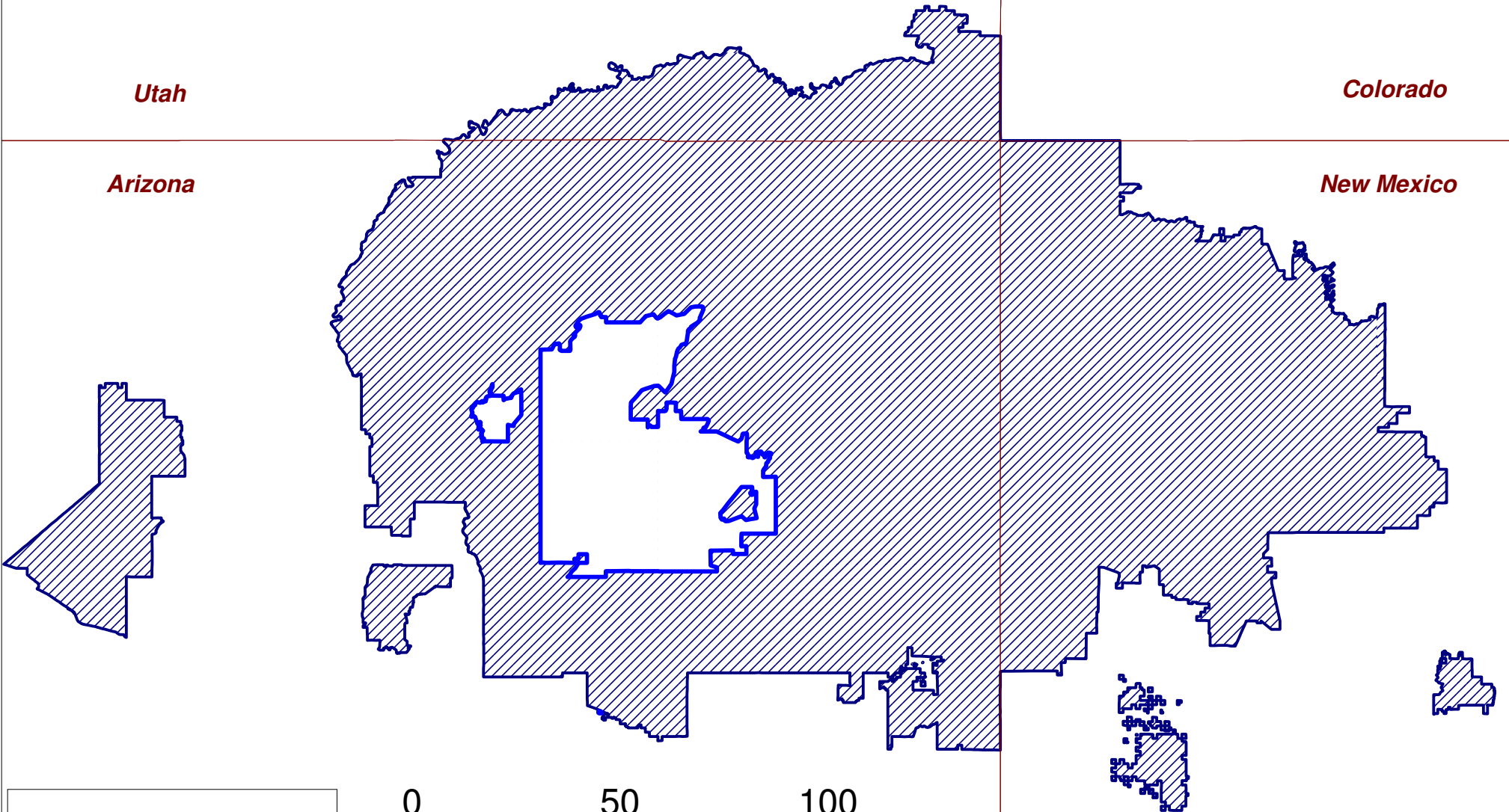
NAVAJO NATION AND TRIBAL AREAS - AUGUST 2009

Utah

Colorado

Arizona

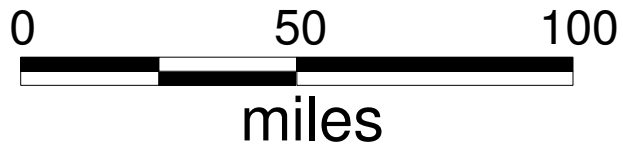
New Mexico



TRIBAL AREAS

 Hopi Land

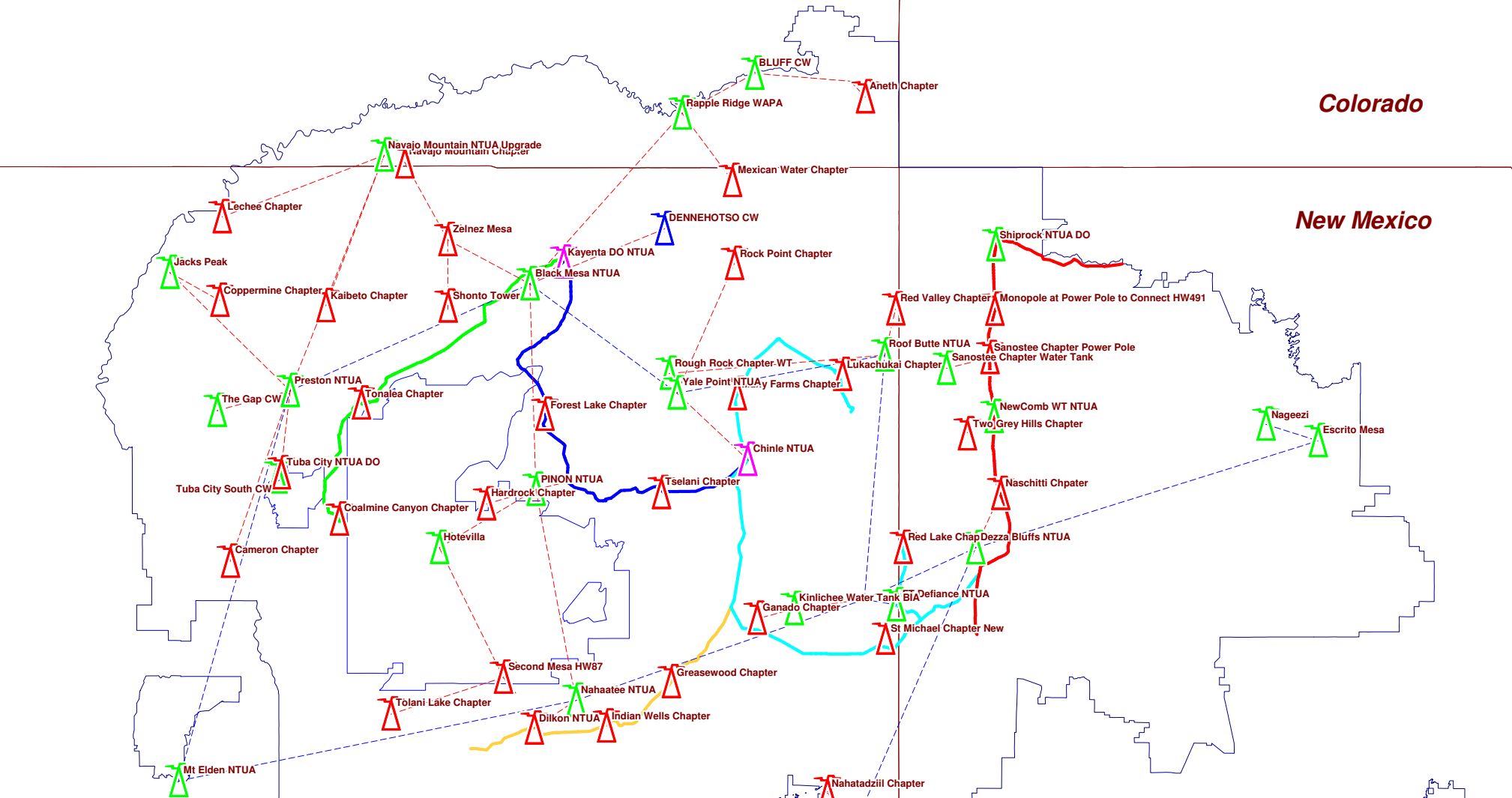
 Navajo Nation Land







NAVAJO NATION - NTUA - Status Structures (Tower, Water Tanks and Poles)

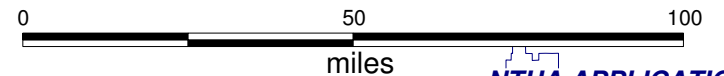
Colorado

New Mexico

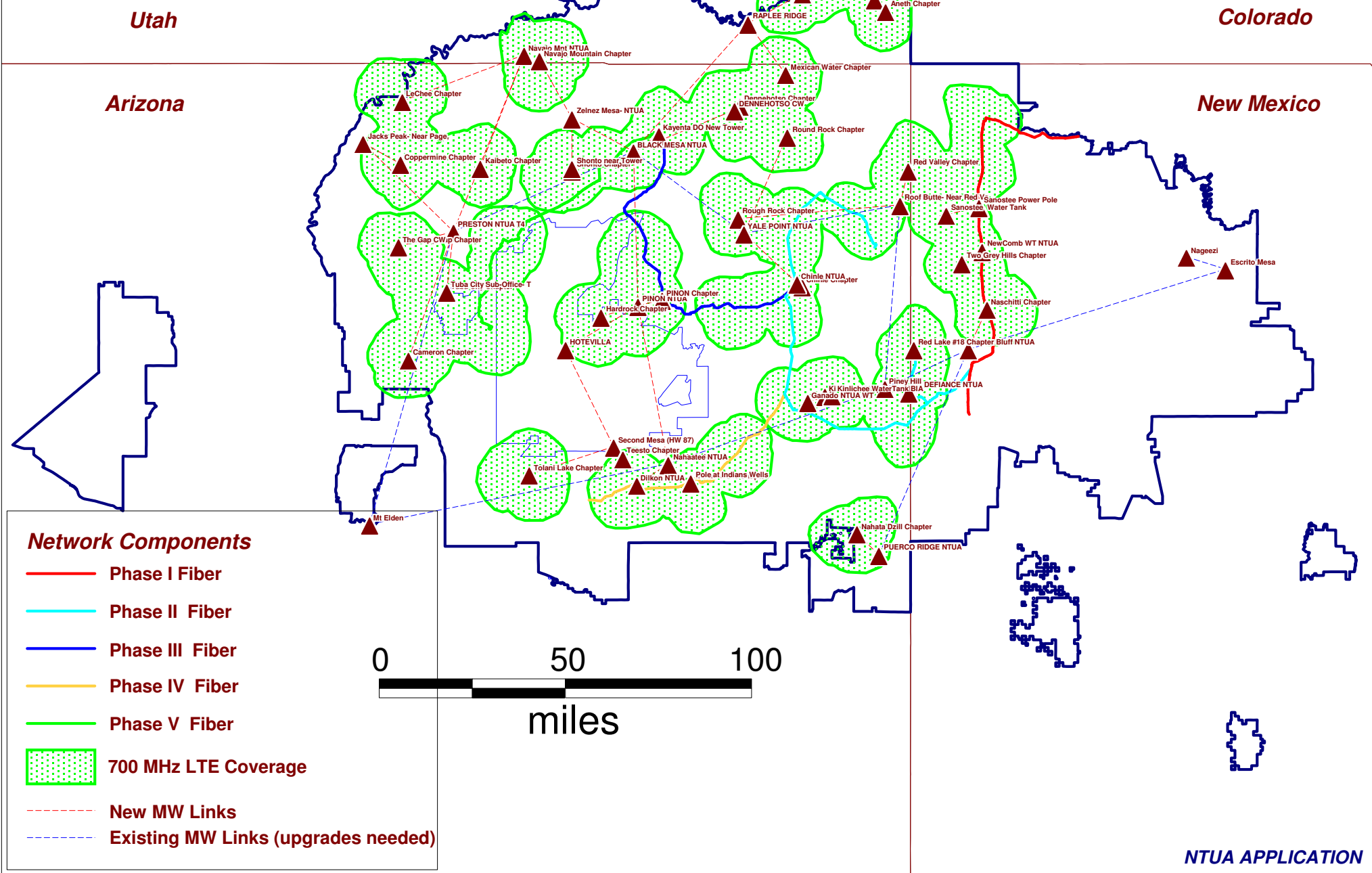


Status (Existing) Structures NTUA

-  NO (32)
-  Yes (24)
-  Yes (being built) (1)
-  Yes (will be built soon) (2)



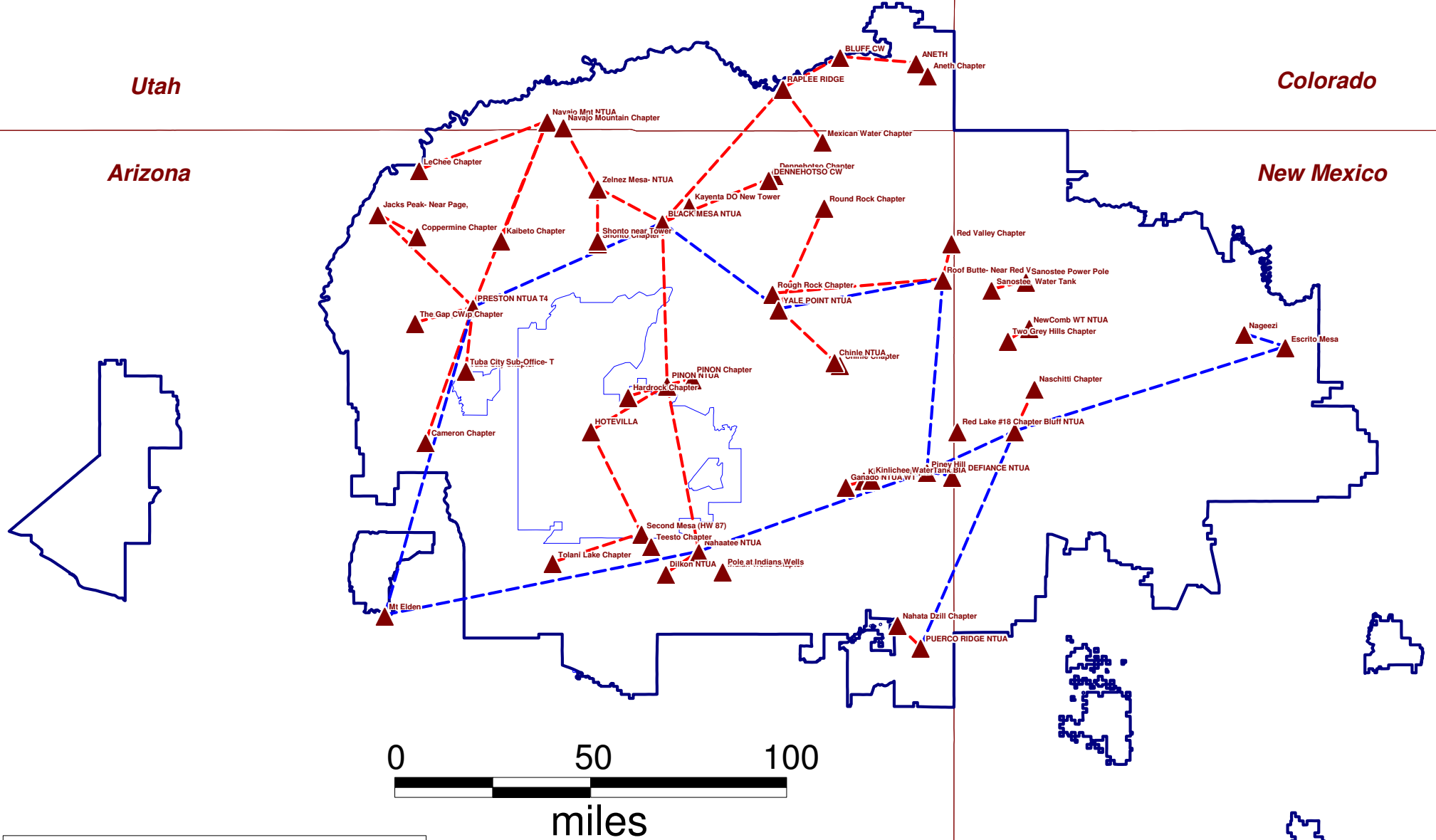
NAVAJO NATION - NTUA - New Network Overall Layout



Network Components

- Phase I Fiber
- Phase II Fiber
- Phase III Fiber
- Phase IV Fiber
- Phase V Fiber
- 700 MHz LTE Coverage
- New MW Links
- Existing MW Links (upgrades needed)

NAVAJO NATION - NTUA - Licensed Microwave Network



NTUA Licensed Microwave Network

- - - New Link
- - - Existing Link (Require upgrade)
- ▲ MW Site

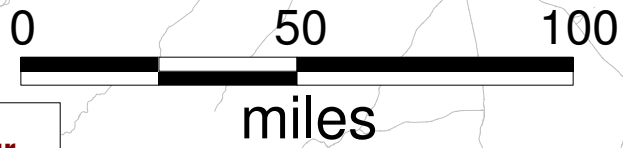
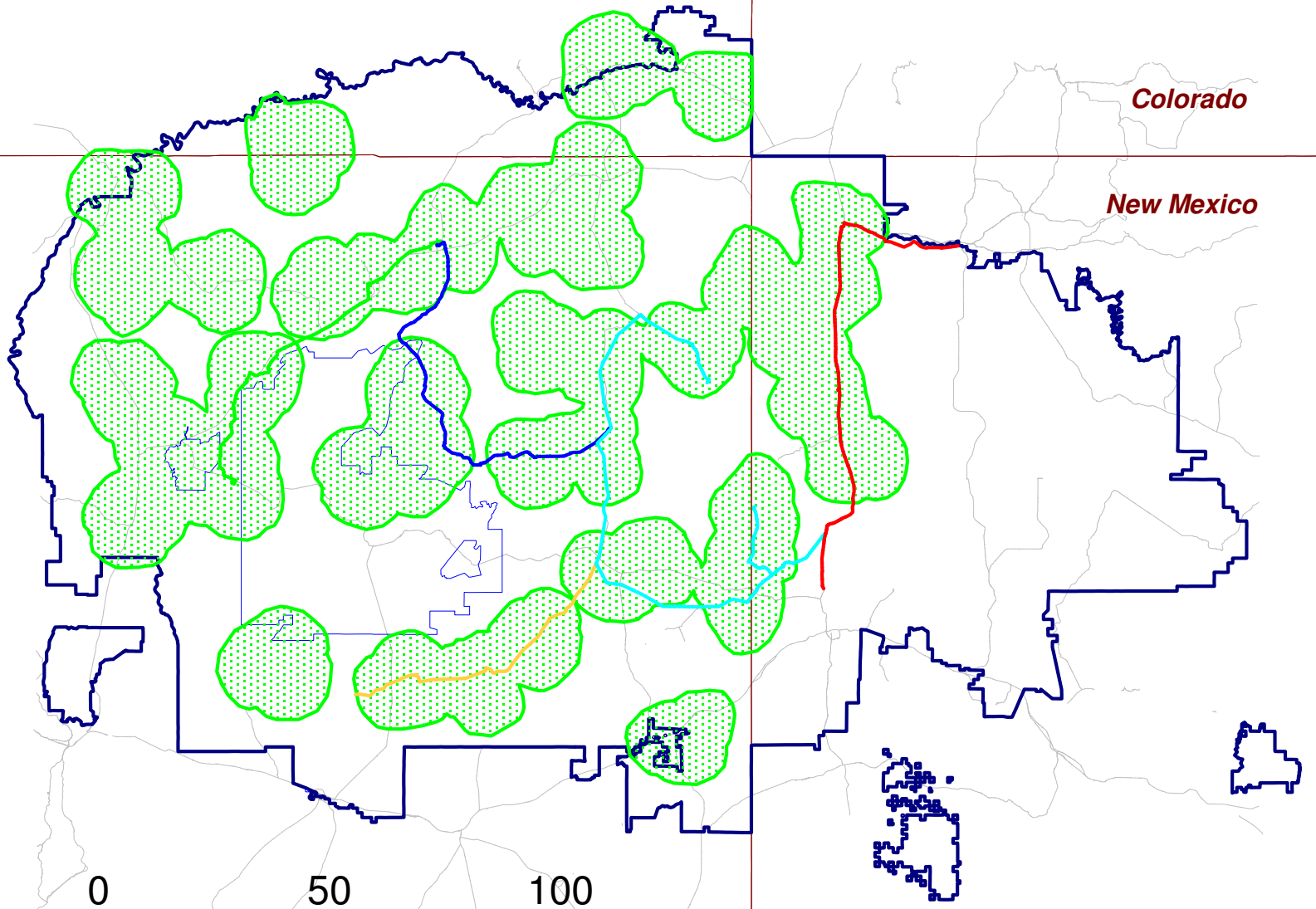
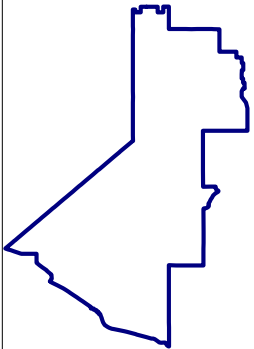
NAVAJO NATION - NTUA - Contour Mobile LTE Network Commnet Wireless

Utah

Colorado

Arizona

New Mexico



LTE 700 MHz - Coverage Contour

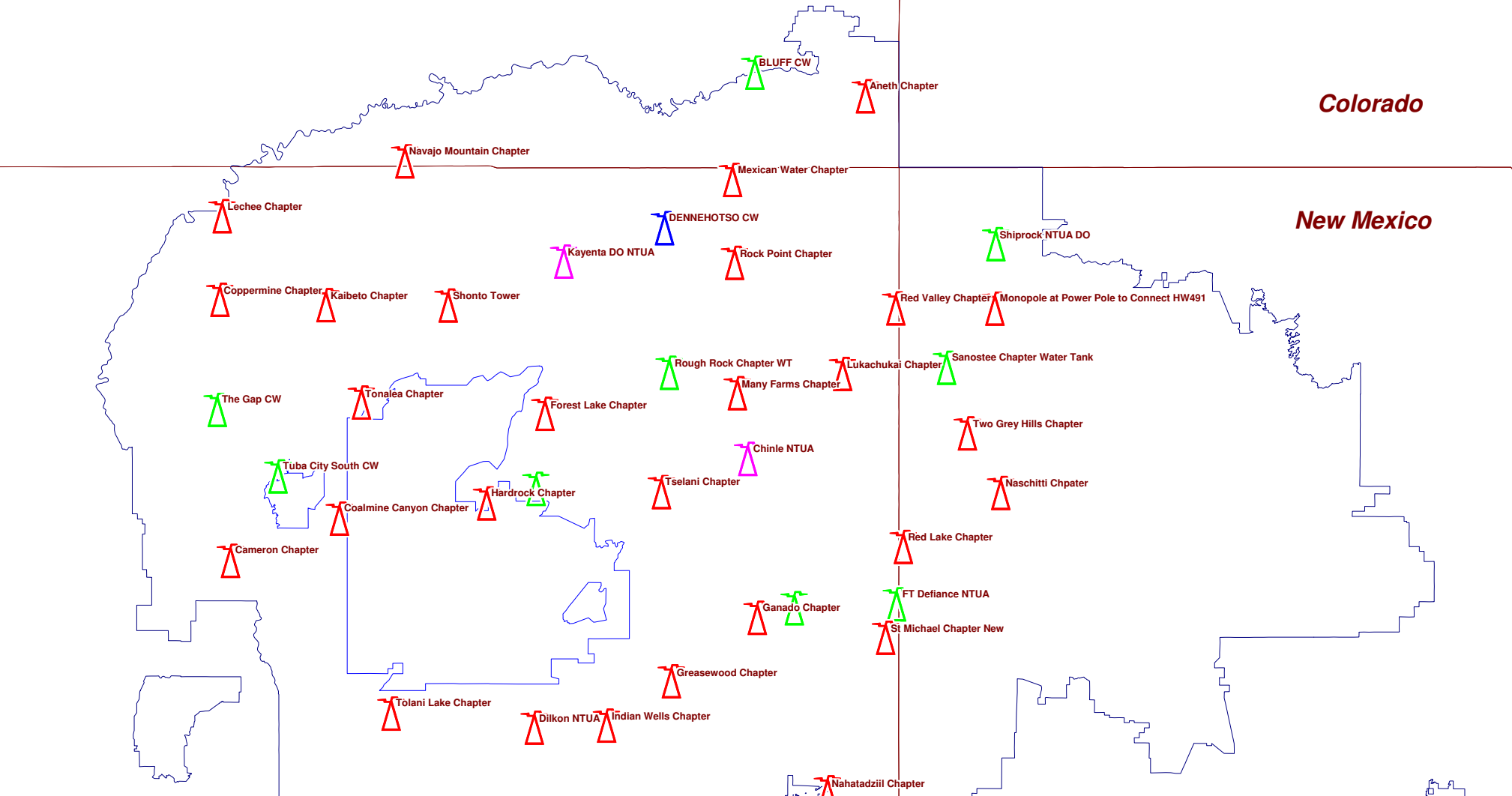


NTUA APPLICATION





NAVAJO NATION - NTUA - Mobile LTE Wireless Service Structures (Tower, Water Tanks and Poles)

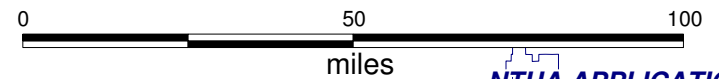
Colorado

New Mexico



LTE Wireless Structures (existing

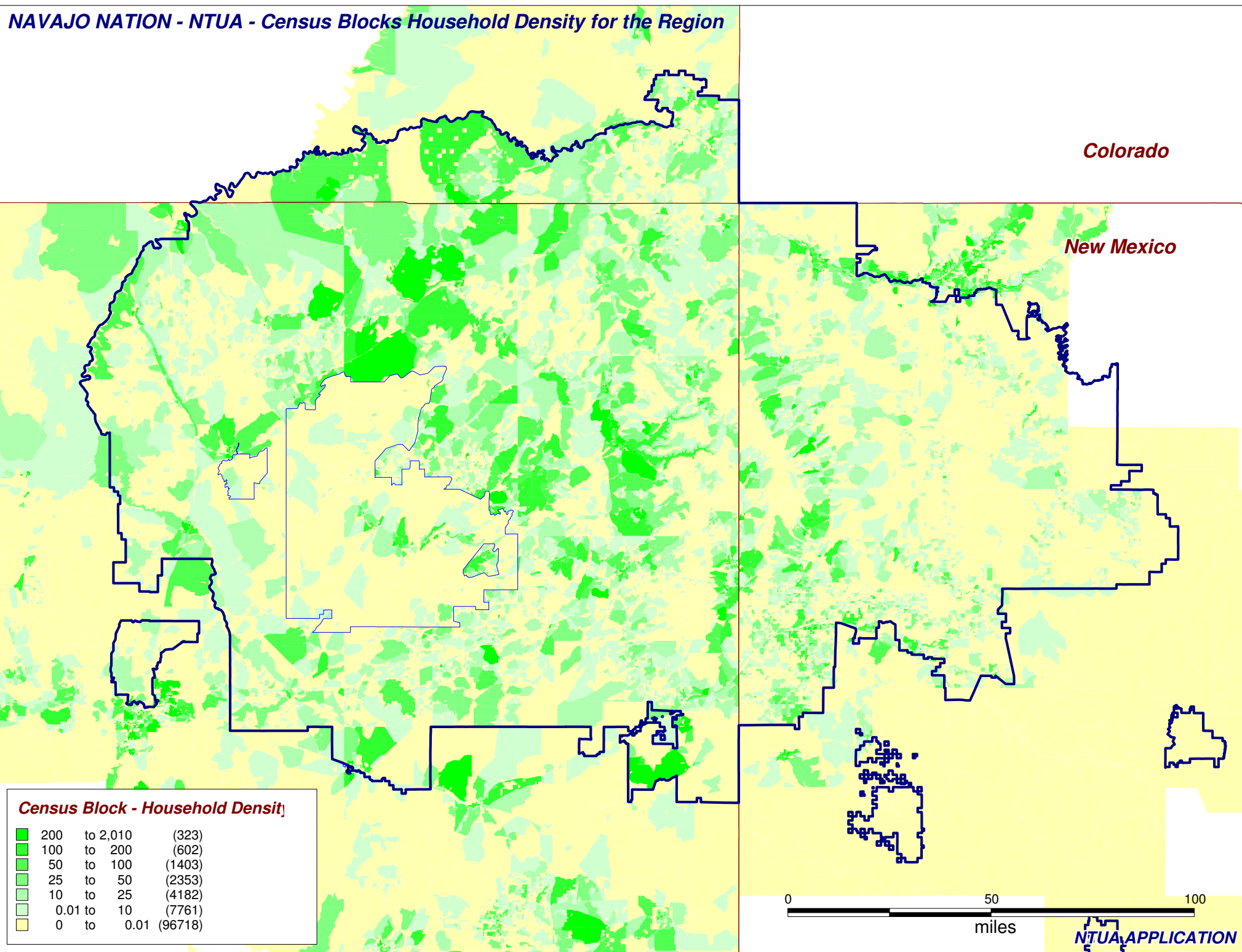
	NO	(28)
	Yes	(9)
	Yes (being built)	(1)
	Yes (will be built soon)	(2)



NAVAJO NATION - NTUA - Census Blocks Household Density for the Region

Colorado

New Mexico



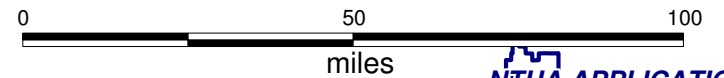
NAVAJO NATION - NTUA - Census Blocks Covered by LTE Service (Fully and Partially)

Colorado

New Mexico

Census Blocks LTE (Hopi Not Included)

- Covered Block (24843)
- Hopi Blocks Not Included (3750)



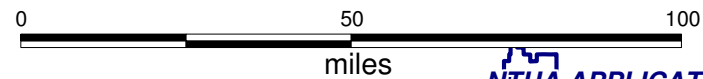
NAVAJO NATION - NTUA - Census Blocks Partially Covered by LTE Mobile Service

Colorado

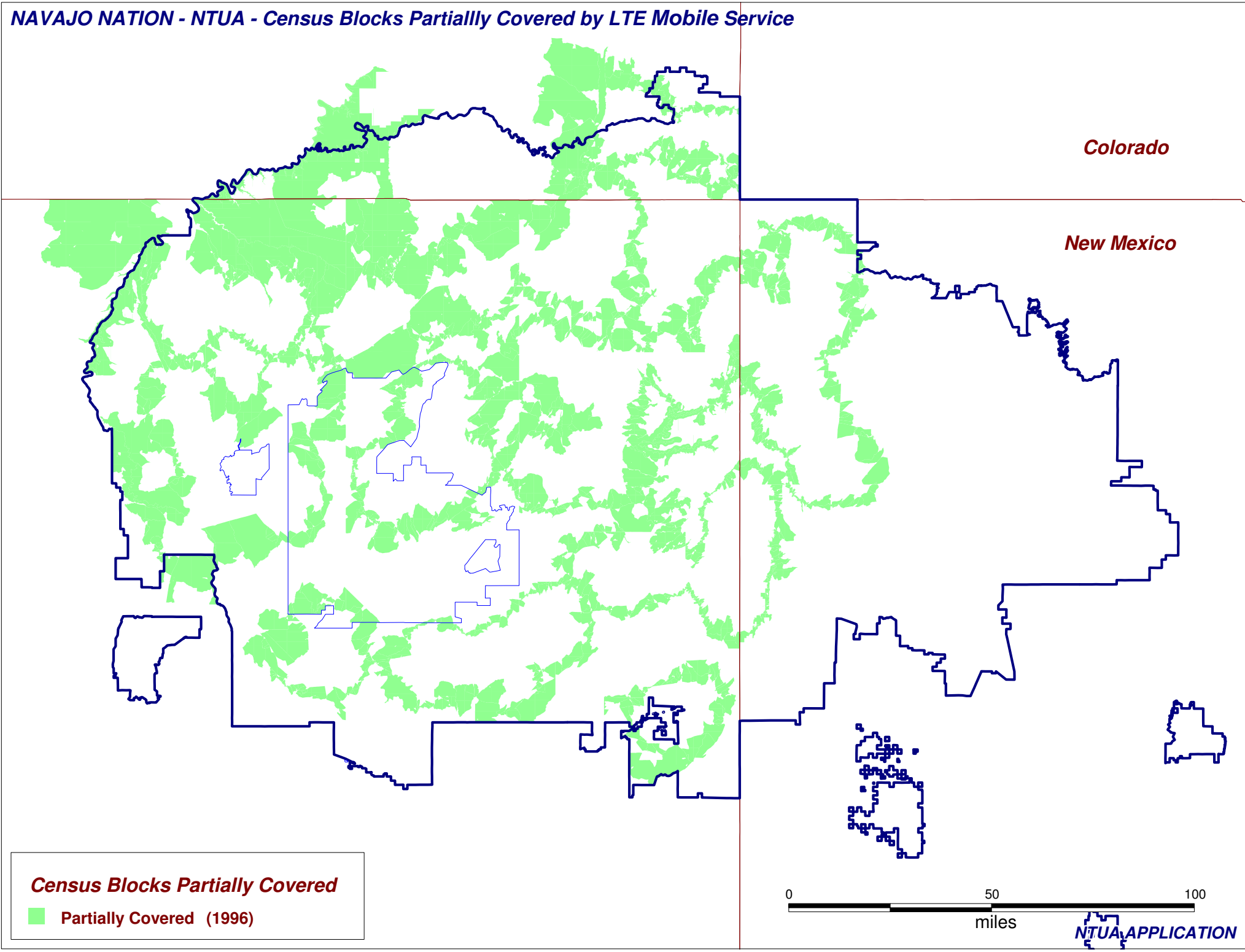
New Mexico

Census Blocks Partially Covered

■ Partially Covered (1996)



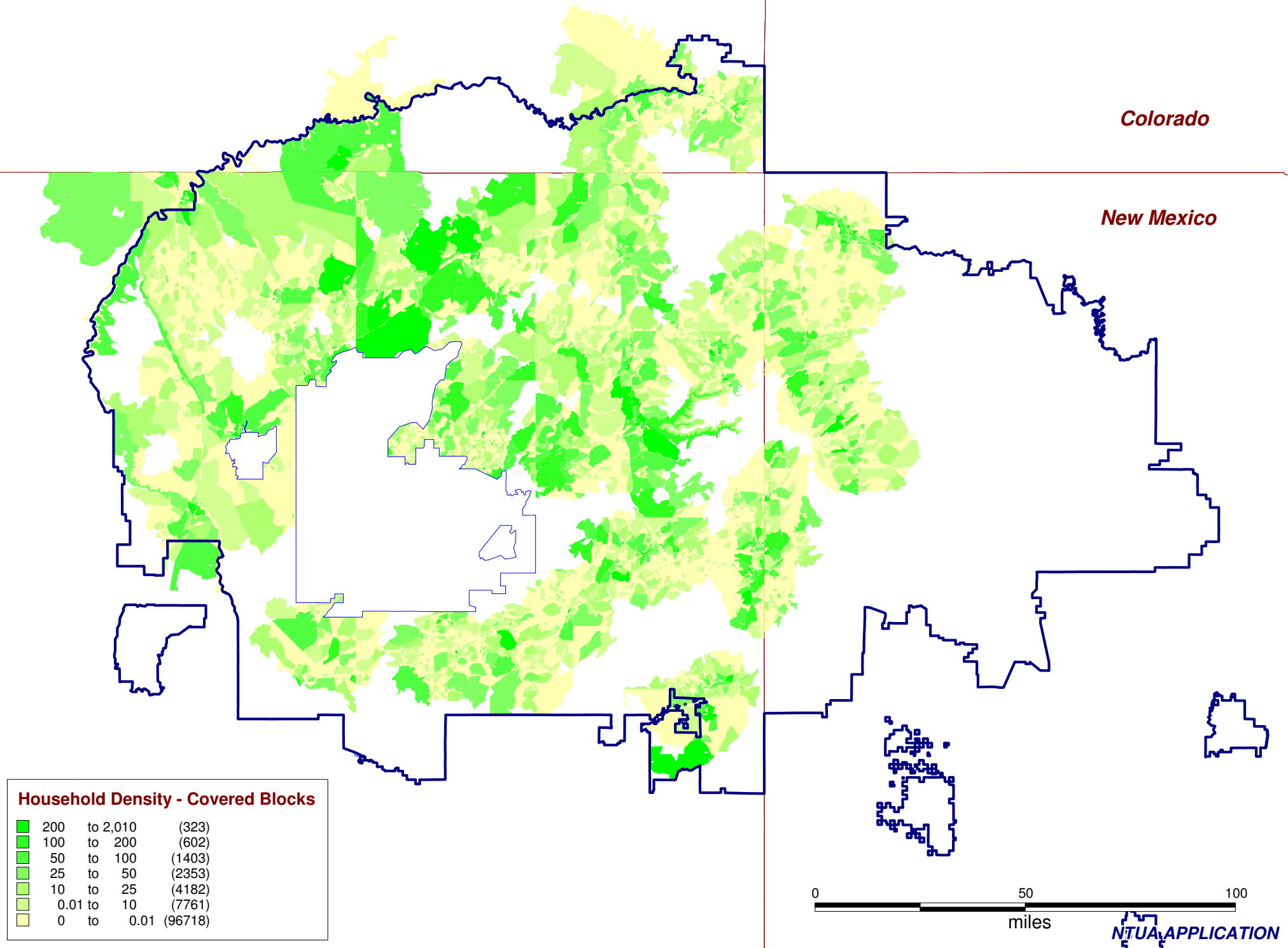
NTUA APPLICATION



NAVAJO NATION - NTUA - Census Blocks Household Density (of Covered Blocks by LTE Service - Fully and Partially)

Colorado

New Mexico



Household Density - Covered Blocks

200 to 2,010	(323)
100 to 200	(602)
50 to 100	(1403)
25 to 50	(2353)
10 to 25	(4182)
0.01 to 10	(7761)
0 to 0.01	(96718)

0 50 100
miles

NTUA APPLICATION

Attachment A - Proposed Last Mile Service Offerings

Please complete the attached chart for each proposed funded service area modifying the chart as necessary to detail the service offerings. For BIP applicants only: for all other service areas where funds are not being requested, complete a chart that aggregates the service offerings.

Name of Tier*	Advertised Speeds		Average Speeds		Average Latency (BTOP only)			Pricing Plan \$ Per Month
	Downstream Mbps	Upstream Mbps	Downstream Mbps	Upstream Mbps	at End User CPE miliseconds			
Residential								
Entry Level Speed	1.0	0.512	0.512	0.128	no greater than 30 miliseconds			\$ 27.95
Maximum Speed	2.0	2.0	0.768	0.512				\$ 44.95
Business or Institutions								
Entry Level Speed	2.0	2.0	0.768	0.768	no greater than 30 miliseconds			\$ 49.95
Maximum Speed	3.0	2.0	1.128	0.768				\$ 79.95
Government/Public/ Institution** (25% Discount)								
Entry Level Speed	2.0	2.0	0.768	0.768	no greater than 30 miliseconds			\$ 36.95
Maximum Speed	3.0	2.0	1.128	0.768				\$ 59.95

* Note: Service based upon wireless 4G LTE technology utilizing mobile aircards or internal PC modems. See technology section for further details.

** Plan available to tribal government and authorized public agencies operating on Navajo Lands.

NTUA/Commnet ARRA Application for Funding
August, 2009
Item 16; Request for Waiver of Service Area Coverage
Description of Proposed Service Area

For the Commnet last-mile portion of this funding application, there is being filed a list of all of the contiguous census blocks within Commnet's single proposed service area. The list is long, as it covers over 24,000 census blocks. This is a rural area, with many census blocks having a population of "zero" according to the 2000 census. To serve the households which live in this area is a challenge, especially when the goal is to offer speeds of at least 2 MB in each direction, which Commnet is committed to providing to the residents of the area. Commnet will be able to accomplish this goal thanks to ARRA funding assistance and to the fact that Commnet would be able to use the NTUA middle-mile backbone which is also a part of this ARRA funding application.

I. Notwithstanding Map, Most Census Blocks Will Be 100% Covered

By way of explanation, the map provided to NTIA in response to item 12 of this application is not entirely accurate. That map shows the extent of the area to which Commnet will provide *mobile* broadband coverage. There are a number of census blocks in the proposed last-mile service area which lie partly inside and partly outside the coverage contours on that map ("Intersected Blocks"). However, except as otherwise indicated in Part II of this exhibit below, the portions of Intersected Blocks which lie outside the map's mobile coverage contours will be covered by Commnet and will receive the same level of broadband service, except that in those areas only *fixed* wireless broadband service will be offered.

Commnet will use many of the same techniques which it successfully uses in other parts of the Southwest to provide fixed voice services to rural residents lying beyond the reliable coverage areas of wireless voice cell sites: (a) Commnet will determine whether the customer's equipment can be modified or replaced (at Commnet's expense) to provide service in a desired location; (b) Commnet will determine whether the customer could be provided with other premises equipment (booster, external fixed antenna, or more powerful unit) to provide service in the requested location; (c) Commnet will determine whether adjustments at the nearest cell site can be made to provide service; (d) Commnet will determine whether there are any other adjustments to either the network or the customer facilities that can be made to provide service; and (e) Commnet will determine whether additional network facilities (additional cell site, extender or repeater) could be constructed to serve a number of customers requesting service in the area. These techniques have worked well in providing fixed voice services to households living outside the reliable service area for mobile operations, and they should work equally well here. In particular, placing external fixed antennas on utility poles or rooftops should be very effective.

II. Request for Waiver of Requirement to Cover Entire Census Block

There are ten specific census blocks, block numbers 1004A (161.5 sq. mi.), 1075A (136.2 sq. mi.), 1087 (239.6 sq. mi.), 1113A (121.4 sq. mi.), 1273 (114.3 sq. mi.), 1566 (114.3 sq. mi.),

1737 (166.8 sq. mi.), 2010 (233.7 sq. mi.), 2054A (134.0 sq. mi.), and 3001A (367.2 sq. mi.), which are Intersected Blocks, but where Commnet cannot commit to providing fixed wireless service beyond the mobile coverage area, even using the techniques outlined in Part I above. As set forth in the preceding sentence, each of these ten census blocks is over 100 square miles in size. For a census block of that size, using alternative techniques to provide fixed service is not feasible. While Commnet will certainly attempt to reach those who reside in the census block but outside the mobile coverage area and who request service, Commnet could not commit to succeeding in that attempt without adding millions and millions of dollars to the proposed budget, all to serve literally a handful of households. For some of these blocks, specifically, census blocks numbers 1273, 1566, 1737 and 3001A, much of the area beyond the mobile coverage footprint is also outside the boundaries of the Navajo Reservation.

Even with a 70% grant for the additional funding, Commnet would have no reasonable chance of ever recouping its additional 30% cash investment, or of covering its additional operating expenses involved. Such additional expenditures would not be a prudent use of ARRA funds.

Accordingly, good cause exists for waiver of the requirement to serve 100% of the census block if that block is in the proposed funded service area, in the case of these ten identified census blocks. First, the NOFA itself, at Section V.C.2.d., page 31, lines 669-70, specifically says that an applicant can “be relieved of this requirement if the census block exceeds 100 square miles . . .” Moreover, refusing a waiver here would severely deplete Commnet’s personnel and financial resources devoted to the project, and thereby harm the vast majority of the proposed service area’s residents, without any material benefit. In any event, if this waiver cannot be granted, Commnet requests that NTUA and Commnet be allowed to amend this application rather than be disqualified.

III. No Overlap with Complementary Last-Mile Applications

The last-mile portion of this NTUA/Commnet application has been specifically designed to be complementary with, and not to overlap geographically, the proposed funded last-mile service areas of the applications being submitted by each of Sacred Wind Communications, Inc. (“Sacred Wind”) and Hopi Telecommunications, Inc. (“HTI”). Attached to this funding application are copies of the agreements among the parties to that effect. Commnet, Sacred Wind and HTI intend to collectively cover the Navajo and Hopi Reservations without overlapping each other.

Accordingly, if, by accident, there are any census blocks which are listed for last-mile service in more than one of these three last-mile applications, Commnet requests that NTIA notify the parties so that the involved census block can be deleted from one of the applications. Given the thousands of census blocks involved, any inadvertent inclusion of a census block in two applications would be an understandable mistake and should not be the basis for disqualification of any application.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters –

Primary Covered Transactions

U.S. Department of Agriculture

Broadband Initiatives Program

This certification is required by the regulations implementing Executive Order 12549, *Debarment and Suspension*, 7 C.F.R. § 3017.510, *Participants' Responsibilities*.

- (1) We, Navajo Tribal Utility Authority (the Applicant) (hereinafter the "Company") hereby certify to the best of our knowledge and belief that neither the Company, nor any of its principals:
- (a) are presently debarred, suspended, proposed for Debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) have within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) are presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) have within a 3-year period preceding this Application had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) If we are unable to certify to any of the statements in this certification, we shall attach an explanation hereto.

08/14/2009

(Date)

Walter W. Haase
(Authorized Representative's Signature)

Walter W. HAASE
Name:

GM