**Charter Member**

**Instructions to complete requirements to be included in the ATS NTIA application:**

There are two items for you to approve to authorize ATS to include your Tribe in its application to the NTIA.

**NOTE: With over 100 resolutions in our application, receiving your document by September 1st is essential for completing our application. Please make all efforts to return by then, but in any case by October 1st at the very latest.**

1. **Tribal Resolution**

Place the language below on your Tribal letterhead with proper Tribal resolution number and edit the date to match the date the resolution is approved. Return the signatured resolution document to [members@aktribalspectrum.org](mailto:members@aktribalspectrum.org)

1. **Charter Membership agreement Signature**

Fill out the information for your Tribe and sign on page 3 of the agreement. This is the exact same agreement that was previously authorized online during the FCC 2.5 GHZ Priority window. Return the signatured membership agreement document to [members@aktribalspectrum.org](mailto:members@aktribalspectrum.org)

**Note: The resolution and membership agreement are provided in word (Docx) format to make it easy for you to cut and paste onto your letterhead or add your contact information in the yellow highlighted areas. The wording of the resolution and the agreement is very specific to satisfy NTIA and FCC requirements. Please do not change the wording of the resolution or the membership agreement.**

**End of Instructions**

**DIRECTIVE AND AUTHORIZATION TO PARTICPATE IN ALASKA TRIBAL SPECTRUM BROADBAND FUNDING EFFORTS AS A CHARTER MEMBER**

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| **WHEREAS**: | Our community is a federally recognized Tribe which has an unserved population, with no possible access to at least 25/3 broadband speeds at affordable prices which qualifies our Tribe to be eligible for NTIA broadband related grant funding. |
| **WHEREAS**: | The mission of the nonprofit tribally controlled Alaska Tribal Spectrum (ATS) is to   1. Leverage the FCC awarded Tribal 2.5GHz spectrum to obtain last mile wireless infrastructure funding to create and expand a statewide Alaska Tribal Network (ATN) that will connect to any available middle mile to deliver sustainable, affordable "Broadband for All" everywhere in the State of Alaska. 2. Obtain funding to significantly reduce the cost of middle mile for all rural Alaskans NOW. |
| **WHEREAS**: | Alaska Tribal Spectrum (ATS) is currently writing and submitting a grant to the NTIA as a large Tribal entity under the TRIBAL BROADBAND CONNECTIVITY PROGRAM for “Broadband Infrastructure Deployment Project” funding and “Adoption and Use” funding. As an ATS member, our Tribe will be included in this NTIA ATS application. If awarded, ATS will supply funding for our Tribe to be used for the installation of last mile wireless network equipment in our member community, as part of an overall statewide Alaska Tribal Network (ATN) that will support speeds of 25/3 or greater. If awarded, our ATS member community will also receive significantly reduced pricing to offer affordable long-term satellite broadband at speeds of at least 25/3 to broadband enable our wireless network. |
| **WHEREAS**: | An NTIA application is required with our Tribe participation in order for our Tribe to qualify for at least $500,000 of Treasury funding that otherwise may not be available later. |
| **NOW THEREFORE BE IT RESOLVED:** | By this resolution we are directing the signature of the original ALASKA TRIBAL SPECTRUM MEMBER AGREEMENT that was agreed to online previously. This signature on the attached ATS membership agreement will confirm our Tribe’s membership in the Alaska Tribal Spectrum as a Charter member and our agreement to allow ATS to apply for 2.5 GHz spectrum during the FCC Tribal window. As an ATS member, our Tribe is entitled to be eligible for ATS benefits as listed at [aktribalspectrum.org/ats-benefits](http://www.aktribalspectrum.org/ats-benefits) .  We acknowledge our desire to be included as a member Tribe in the ATS application to NTIA for grant funding under the TRIBAL BROADBAND CONNECTIVITY PROGRAM for “Broadband Infrastructure Deployment Project” funding and “Adoption and Use” funding. We acknowledge that ATS will write and submit the NTIA grant on our behalf as a member of ATS.  By this resolution, we are agreeing to support the installation of the granted equipment for the Alaska Tribal Network for use on our Tribal Lands.  We believe our participation in this large statewide Tribal grant application will increase the overall value proposition to the NTIA for all participating Tribes to provide “Broadband for All” in rural Alaska NOW.  By this resolution, we are affirming that the wireless 2.5 GHz spectrum application local presence information our Tribe provided to ATS, that was submitted during the FCC 2.5GHz Tribal Priority Window on the ATS consortium application, defines the possible area for installing network equipment on our Tribal Lands.  By this resolution we are affirming the unserved broadband status of our community. We are affirming that we have no affordable access to reliable service at speeds of at least 25/3 within the proposed service area of our Tribal lands. We also are affirming that a GEO HTS or LEO satellite solution is the only possible middle mile to serve these unserved areas of our community to receive affordable broadband in the near future. We fully support the use of new wireless infrastructure for our community. We understand and accept that GEO will have a latency of over 100ms and LEO will have less than 100ms latency.  By this resolution, we are affirming that (a) our Tribe is not under any other Enforceable Buildout Commitment, and (b) our Tribe is not under any other grant program which includes a Tribal Government Resolution between our Tribal Government of our Tribal Lands in the proposed service area, or its authorized agent, and a service provider offering “qualifying broadband service of 25/3” to unserved households on our Tribal Lands.  We are also affirming that our Tribe is not applying for last mile wireless or satellite subsidies under any other NTIA application.  By this resolution, our Tribe is authorizing NTIA to provide its TRIBAL BROADBAND CONNECTIVITY PROGRAM application information and supporting documents as an ATS member to Treasury for consideration in connection with an award from Treasury’s Coronavirus Capital Projects Fund.  We are agreeing to assist ATS representatives in the collection of data related to completing the NTIA applications to the best of our ability. It is understood that there is no guarantee of a successful application award or exact timing or order for actual deployment, other than it will be as soon as possible in the near term after award.  ATS will be applying for many grants related to its mission to benefit its membership.  Our Tribe, by this resolution, is agreeing to work with ATS, as an ATS member, in support of all future ATS grant funding application efforts, in support of the ATS mission, for the next five years. |

Attachment - ALASKA TRIBAL SPECTRUM MEMBER AGREEMENT

**CERTIFICATION**

I hereby certify that this resolution was duly passed by the Full Board of Directors on \_\_\_\_\_\_\_\_\_\_, 2021 at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Alaska and a quorum was duly established.

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary/Treasurer

**ALASKA TRIBAL SPECTRUM MEMBER AGREEMENT**

THIS AGREEMENT is made and entered into by and between Alaska Tribal Spectrum, a non-profit Alaska corporation with an address of 717 Maple Street, Kenai, AK, 99611 (“ATS”), and our Alaskan Tribal Organization (“ATO”) that is seeking Alaska Tribal Spectrum membership for the purpose of allowing Alaska Tribal Spectrum to act as its ATO’s representative to apply for the Rural Tribal Priority Window as explained herein.

WHEREAS, ATS was formed as a non-profit with the intent to admit up to 229 possible ATO Members as listed at <https://www.fcc.gov/25-ghz-rural-tribal-maps>to enable a unified single consortium application to the Federal Communications Commission (“FCC”) for 2.5 GHz spectrum pursuant to the Rural Tribal Priority Window established by WT Docket No. 18-120, FCC 19-62 (“Rural Tribal Priority Window”); and

WHEREAS members who are admitted via this agreement to join the consortium by completing an on-line application have agreed to authorize the consortium to act as their representative to submit a unified application as a consortium to the FCC Rural Tribal Priority Window application.

NOW THEREFORE, the Parties agree as follows:

1. The ATO will be admitted into the Alaska Tribal Spectrum consortium as a Member, pursuant to recognition by the FCC as an ATO that is eligible to apply for the Rural Tribal Priority Window.
2. The Alaska Tribal Spectrum consortium will be applying on behalf of its ATO Member organizations to the Rural Tribal Priority Window. Alaska Tribal Spectrum will include a license request for all of its Member organizations as one consolidated application.
3. The ATO authorizes the Alaska Tribal Spectrum Consortium to, on the ATO’s behalf, submit an application for the for 2.5 GHz spectrum through the Rural Tribal Priority Window.
4. The ATO agrees to supply all required support documentation, per the online application. It is understood that Membership in the Alaska Tribal Spectrum Consortium will not be conferred if this information is not provided prior to the Rural Tribal Priority Window closure.
5. The ATO authorizes Alaska Tribal Spectrum to make the certifications required for application for the 2.5 GHz spectrum through the Rural Tribal Priority Window, including that the person signing online for this Agreement is authorized to do so on behalf of the ATO; and, to the best of their knowledge, information, and belief, all information provided to Alaska Tribal Spectrum Consortium for submission of an application to the to the Rural Tribal Priority Window is true.
6. Upon successful license obtainment, the Members of Alaska Tribal Spectrum shall elect Policy Board Directors of ATS pursuant to the Bylaws of Alaska Tribal Spectrum. These Member Directors will manage Alaska Tribal Spectrum affairs related to the licenses obtained, for the benefit of all Alaska Tribal Spectrum members.
7. Legal Status: The Alaska Tribal Spectrum Consortium is a voluntary, association of ATOs for the purposes set forth hereafter. The Alaska Tribal Spectrum Consortium will conduct its activities through the contractual powers of ATS and its Members. This Agreement is not intended to be, nor shall it be construed as a joint venture, partnership, or other formal business organization. No Member of the Consortium can bind any other Member or create any relationship of principal or agent except as specifically provided herein. Nothing in this Agreement shall grant to any Member the right to make future commitments of any kind for or on behalf of the other Members. No Member shall have any liability for any activities of any other Member of the Consortium.
8. Financial Obligations. No Member is obligated to pay any fee or membership dues to the Alaska Tribal Spectrum Consortium for membership.
9. Resignation: Any Member may resign at will from the Consortium after it has provided written notice to ATS ten (10) days in advance of the effective date of the resignation. Upon resignation from the Consortium, such Member shall (1) cease to be a member of ATS, and (2) be conveyed and disaggregated, to the extent such spectrum was granted by the FCC to the Consortium, and with approval of the FCC, the applicable spectrum within the Minimum Status Area defined by the FCC for such Member on the FCC’s Priority Window Rural Tribal Land Map. All disaggregation decisions will be made by the FCC. If a Member withdraws more than five days prior to the deadline for submitting applications to the Rural Tribal Priority Window, the Consortium will not include such Member in its application and such Member may apply on its own. If a Member withdraws less than five days prior to the deadline for submitting applications to the Rural Tribal Priority Window, the Consortium may continue to include such Member in its application but will, as soon as practicable, convey, to the extent such spectrum was granted by the FCC to the Consortium, and with approval of the FCC, the applicable spectrum within the Minimum Status Area defined by the FCC for such Member on the FCC’s Priority Window Rural Tribal Land Map, or the area awarded to the resigned member, if an individual application was filed and accepted by the FCC.
10. Publicity. Each Member acknowledges that the Consortium will be maintaining a website for the purpose of providing information to interested tribal entities and consents to the disclosure of its name on that website as a Member of the Consortium.
11. Confidentiality. Each Member agrees that, except as otherwise required by law, it will keep confidential any non-public information that it receives regarding ATS, or other Members as a result of its status as a Member in the Consortium. The Alaska Tribal Spectrum agrees that, except as otherwise required by law, it will keep confidential any non-public information that it receives regarding its Members.
12. No Warranty. ATS makes no warranty or representation that any application to the FCC will be granted or that the Consortium or any Member will receive any grant of spectrum pursuant to the Rural Tribal Priority Window. Alaska Tribal Spectrum and the Members expressly agree and waive any and all claims against Alaska Tribal Spectrum and each other arising out of or related to any failure or defect in any application submitted by the Consortium and ATS on the Members behalf. Alaska Tribal Spectrum and all Members further disclaim any warranties, including without limitation any implied warranty for merchantability or fitness for a particular purpose, to each other, to any agency, and to third parties for actions, omissions, products, non-conformities,

defects, liabilities or infringement arising out of the Consortium. No waiver of any breach of any agreement or provision herein contained shall be deemed a waiver of any preceding or succeeding breach thereof nor of any other agreement or provision herein contained.

1. Entire Agreement. This Agreement, its attachments, and the Bylaws of ATS constitute the entire agreement of the Parties and supersede all prior and contemporaneous agreements, understandings, negotiations and discussions among the Parties, whether oral or written, with respect to the subject matter hereof.
2. Amendments: No amendment or modification of this Agreement shall be valid unless made in writing and signed by the Member and ATS.

By Signature below I am certifying that to the best of my knowledge, information, and belief, all information provided to Alaska Tribal Spectrum Consortium by this agreement, is correct and that I am agreeing to all of the terms and conditions herein. I also certify that I am authorized to make this agreement for our ATO.

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| Tribal Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Alaska Tribal Spectrum  Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Title \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Title \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Phone Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| E-mail \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |
| Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |