

In the Matter of)
)
Connect America Fund) WC Docket No. 10-90

WTA – Advocates for Rural Broadband (“WTA”), a national trade association representing more than 325 rural telecommunications providers offering voice, broadband and video-related services in Rural America, hereby submits its comments in support of the “Petition for Reconsideration” filed by Adak Eagle Enterprises, LLC (“Adak”) in the captioned proceeding on January 19, 2017. Adak sought reconsideration of the determination in Paragraph 16 of the Commission’s *Connect America Fund* (Report and Order and Further Notice of Proposed Rulemaking), WC Docket No. 10-90, FCC 16-178, released December 20, 2016 (“*December ACAM Order*”), not to extend a second Alternative Connect America Cost Model (“ACAM”) offer to Adak for the stated reason that “Adak is unable to meet a 4/1 Mbps service obligation.”

Adak sought reconsideration for the following reasons: (1) as of December 13, 2016, Adak has finalized a three-year agreement with a new satellite middle mile service provider, Eutelsat, that is enabling it to develop 4/1 Mbps service packages for its residential and business customers; (2) the Commission's rules and deadlines do not require Adak to meet its ACAM build-out and service obligations at the beginning of the program but rather only at the end of the 10-year term (plus some interim deployment milestones); and (3) the Commission erroneously based its evaluation of Adak upon an unrelated and superseded proposal in the Alaska Plan.

WTA agrees that these premises, taken either separately or in the aggregate, warrant reconsideration and the extension of a second, revised ACAM offer (plus associated build-out obligations) to Adak.

First, as Adak detailed in its reconsideration petition, it has entered into a three-year agreement on December 13, 2016, with an alternative satellite middle mile provider, Eutelsat, that enables it to provide its residential and business customers with 4/1 Mbps broadband services. It will be able to meet its original August 3, 2016 ACAM service obligation of providing 4/1 Mbps or better service to 118 locations at an early date well before the end of the 10-year ACAM term, and can readily comply with any reduced, revised 4/1 Mbps service obligations. Therefore, Adak is NOT “unable to meet a 4/1 Mbps service obligation.”

Second, Sections 54.308(a)(1)(i) and 54.308(a)(1)(ii) of the Commission’s Rules clearly and explicitly require carriers to offer service to both fully-funded locations and capped locations at stated speeds “*at the end of the ten-year period* [emphasis added].” Likewise, the interim deployment milestones of Section 54.311(d) of the Rules expressly apply “by the end of” calendar years 2020 to 2026. WTA knows of no indication in any of the Commission’s orders or rules regarding ACAM that any 4/1 Mbps or other build-out obligation was required to have been met as of December 2016 or any other time prior to or at the beginning of ACAM implementation.

Finally, Adak provided information to the Alaska Telephone Association (“ATA”) in May 2016 in connection with its then-current service plans and capabilities, including the satellite middle mile service it was then using. By the time that the Wireline Competition Bureau issued its August 3, 2016 Public Notice setting forth the initial ACAM support offers and

associated build-out obligations,¹ Adak had already proceeded far along in its discussions and negotiations with Eutelsat, its new satellite middle mile service provider. When Adak subsequently prepared and submitted its October 28, 2016 letter that accepted the initial offer of ACAM support, it was able to confirm explicitly that it could and would commit to broadband deployment obligations over the 10-year period that would include “speeds of at least 4/1 Mbps to 118 locations in support-eligible census blocks.” Adak’s October 28, 2016 ACAM commitment letter not only postdated and superseded its May 2016 correspondence with the ATA, but also was specifically addressed to the Commission and its ACAM mechanism and clearly accepted the relevant 4/1 Mbps capabilities and obligations.

For any and all of these reasons, the Commission should reconsider its action in its *December ACAM Order*, and extend a second, revised ACAM offer (plus associated build-out obligations) to Adak.

Respectfully submitted,
WTA – Advocates for Rural Broadband

By: /s/ Derrick B. Owens

Derrick B. Owens
 Vice President of Government Affairs
 400 7th Street NW, Ste. 406
 Washington, DC 20004
 (202) 548-0202

Date: March 6, 2017

By: /s/ Gerard J. Duffy

Gerard J. Duffy, Regulatory Counsel
 Blooston, Mordkofsky, Dickens, Duffy &
 Prendergast, LLP
 2120 L Street NW, Suite 300
 Washington, DC 20037
 (202) 659-0830

¹ Public Notice (*Wireline Competition Bureau Announces Support Amounts Offered to Rate-of-Return Carriers to Expand Rural Broadband*), WC Docket No. 10-90, DA 16-869, released August 3, 2016.