

May 20, 2019

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Promoting Telehealth in Rural America, WC Docket No. 17-310
Notice of *Ex Parte* Communication

Dear Ms. Dortch:

On Thursday, May 16, 2019, on behalf of Alaska Communications, Richard Cameron of Cameron Law & Policy LLC, and I met with Trent Harkrader, Ryan Palmer, Liz Drogula, and Johnnay Schrieber of the Commission's Wireline Competition Bureau regarding the Commission's pending rulemaking in the above-captioned rulemaking. The discussion primarily focused on the reform proposals previously filed in this docket by Alaska Communications, including establishing an administratively manageable set of guidelines for the rural rate, eliminating cost-based justifications for competitively bid rates, codifying in the Commission's rules specific procedures governing USAC's processing of funding requests, and increasing the overall budget for the rural health care (RHC) program.¹

The enclosed report, "Tele-Health Requirements and Bandwidth Utilization: Evaluating Demands for Rural Health Care Support Over Time," further supports the need for increased support for the rural health care program. A larger budget for RHC support is justified not only because of inflation (as reflected in the Commission's adoption last year of inflationary increases in the RHC budget beginning with Funding Year 2017)² but also because of significant increases in demand for high-speed capacity, the need for more sophisticated services, new regulatory

¹ Letter from Karen Brinkmann, Counsel to Alaska Communications, to Marlene H. Dortch, FCC Secretary, in WC Docket No. 17-310 (filed May 7, 2017); Comments of Alaska Communications in WC Docket No. 17-310 (filed Feb. 2, 2018); Reply Comments of Alaska Communications in WC Docket No. 17-310 (filed March 5, 2018); Supplemental Comment of Alaska Communications in WC Docket No. 17-310 (filed Jan. 30, 2019); Supplemental Reply Comment of Alaska Communications in WC Docket No. 17-310 (filed Feb. 13, 2019); Letter from Karen Brinkmann, Counsel to Alaska Communications, to Marlene H. Dortch, FCC Secretary, in WC Docket Nos. 02-60, 17-310 (filed March 13, 2019).

² *Promoting Telehealth in Rural America*, Report and Order, WC Docket No. 17-310, FCC 18-82 (rel. June 25, 2018).

requirements for healthcare providers (HCPs), and the evolution in technologies employed in the delivery of tele-health services in remote areas such as rural Alaska. The enclosed report reflects these trends as experienced by Alaska Communications and the Alaska Native Tribal Health Consortium, and supports a substantial increase in the overall size of the RHC program.

The Commission has yet to account for developments such as these in its budget for the RHC program, but must do so under the mandate of the Communications Act to ensure that HCPs have access to the telecommunications services they need to deliver healthcare services in rural areas.³ Indeed, just today, the Commission confirmed that demand for rural health care support in Funding Year 2018 is once again bumping against the rural health care support mechanism's budget cap,⁴ and Commissioner Starks has called for the Commission to "evaluate and better understand the growth in demand for the Healthcare Connect Fund, so we can stay ahead of changes and enable the program to meet the needs of those it serves."⁵ The enclosed report addresses this important question.

Our discussion also focused on the problem of *pro rata* reductions in the RHC Telecommunications Program support in years in which demand exceeds the Commission's budget cap.⁶ Alaska Communications respectfully urges the Commission to fulfill the mandate of the Communications Act and fully fund all qualifying requests for support for the rural-urban rate difference under the Telecommunications Program.⁷ If the program budget is correctly sized to reflect realistic demand projections, and the rules are reformed to provide greater certainty as to whether and when funding commitments will be processed, pro-ration of Telecommunications Program support should cease to be a problem that drives rural HCPs from the program.

Finally, Alaska Communications urged the Commission to direct USAC to extend the Funding Year 2019 filing window by 30 days for all applicants, not only for those that are affected by the Commission's recent decision to fund only the first year of multi-year Funding Year 2018 funding requests under Healthcare Connect Fund including a grant of evergreen status to qualifying contracts.⁸ Alaska Communications is aware of some healthcare providers whose Form 465 or Form 461 requests for services were timely filed but posted by USAC fewer than 28

³ 47 U.S.C. §254(h)(1)(A).

⁴ *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, FCC 19-45 (rel. May 20, 2019), ¶6 (showing demand for support for upfront payments and Funding Year 2018 recurring charges of approximately \$560 million, just below the \$581 million cap for FY18, while gross demand including support for multi-year commitments reached \$648 million, well above the overall program budget cap).

⁵ *Id.*, Statement of Commissioner Geoffrey Starks.

⁶ 47 C.F.R. §54.675(f).

⁷ *See* 47 U.S.C. §254(h)(1)(A); 47 C.F.R. §54.602(a).

⁸ *Supra*, note 4.

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days before May 31, 2019, meaning that the Allowable Contract Signature Date will not pass until the funding window closes, absent action from the Commission.⁹

Alaska Communications applauds the work of the Commission to date in bringing these issues to resolution, and urges the Commission to update the rules governing the RHC program in time for implementation in the coming funding year.

Please direct any questions concerning this matter to me.

Respectfully submitted,



Karen Brinkmann

Counsel to Alaska Communications

cc:

Trent Harkrader
Ryan Palmer
Elizabeth Drogula
Johnnay Schreiber
Nicholas Degani
Preston Wise
Travis Litman
Jamie Carr
Arielle Roth
Randy Clarke

⁹ See, e.g., Hope Community Resources, HCP No. 67148, Form 465 No. 43195417 (electronically signed on May 2, 2019 by the healthcare provider, but not posted until May 20, 2019 by USAC, producing an Allowable Contract Signature Date of June 18, 2019).