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VIA ELECTRONIC FILING

Roger Sherman, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: The Alaska Wireless Network, LLC
WT Docket No. 12-187; WC Docket No. 09-197

Dear Mr. Sherman:

In the above-referenced proceedings, the Commission permitted GCI Communication, Inc. (“GCI”) and ACS Wireless, Inc. (“ACS”), acting through various subsidiaries, to transfer substantially all of their spectrum licenses and wireless spectrum infrastructure to The Alaska Wireless Network, LLC (“AWN”), in which GCI held a 66 2/3 percent interest and ACS held a 33 1/3 percent interest.¹ AWN used these assets to develop and sell wireless service plans on a wholesale basis to GCI and ACS, each of which provided retail wireless services to Alaska consumers. Because GCI and ACS would be competing at the retail level, GCI, ACS and AWN voluntarily agreed to abide by a set of policies and procedures (the “CSI Policies”) to protect against the potential disclosure of non-public, commercially sensitive information between GCI and ACS.² The Commission conditioned its approval of the transaction on compliance with the CSI Policies.³

A change in circumstances has now rendered the CSI Policies moot. ACS has exited the retail wireless business through sale of its retail wireless customers to GCI. ACS also has relinquished its minority interest in AWN, which is now a single member LLC solely owned and controlled

¹ Applications of GCI Communication Corp., ACS Wireless License Sub, Inc., ACS of Anchorage License Sub, Inc. and Unicom, Inc. for Consent to Assign Licenses to the Alaska Wireless Network, LLC, ULS File Nos. 0005257725, 005257737, 0005259928 and 0005260034 filed June 18, 2012; *see also Memorandum Opinion and Order and Declaratory Ruling*, FCC 13-96, released July 16, 2013 (“*MO&O*”).

² *MO&O*, para. 71.

³ *MO&O*, para. 71, 77. The CSI Policies, as amended in discussions with the Commission, were memorialized in Exhibit L of the AWN Joint Operating Agreement.

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by GCI. ACS is no longer a member of AWN, has no members on AWN's Board, has no ongoing involvement with AWN, and neither provides nor has access to non-public commercially sensitive information through AWN. As a result, there is no reason to fear that AWN will act as a conduit of commercially sensitive information between GCI and ACS.⁴ In sum, because GCI and ACS are no longer retail wireless service competitors, and ACS will not gain access to information via the AWN Board, and vice versa, the underlying reason for the CSI Policies no longer exists.

Based on this material change in circumstances, GCI and AWN respectfully ask the Wireless Telecommunications Bureau to confirm that they need no longer comply with the CSI Policies. A prompt ruling is requested because the CSI Policies place restrictions on the collection and dissemination of information between AWN and its member GCI. These cumbersome restrictions hinder business and network planning and have no continuing utility now that AWN is a single member LLC.⁵

Respectfully submitted,



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⁴ AWN continues to obtain transport from ACS on an arms-length basis pursuant to IRUs, term leases, or options to acquire additional capacity at prescribed terms, none of which raises concerns regarding improper information exchanges.

⁵ Precedent establishes that the Commission may remove conditions from an approved assignment or transfer upon request without public notice and comment when "the pertinent bases for these conditions . . . are no longer present." *See* Letter of Roger C. Sherman to Joan Marsh, DA 14-1399, released September 26, 2014 (removing conditions from the AT&T Inc./Centennial Communications Corp. transfer in WT Docket No. 08-246 based upon the changed circumstance that AT&T no longer had any representative on the America Movil board of directors and ceased having an equity interest therein).