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# Alaska Telephone Association

Ed Cushing  
President

201 E. 56<sup>th</sup> Avenue, Suite 114  
Anchorage, AK 99518  
(907) 563-4000  
www.alaskatel.org

Christine O'Connor  
Executive Director

May 2, 2016

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554

RE: Ex parte filing in WC Docket No. 10-90

Dear Ms. Dortch:

The Alaska Telephone Association (“ATA”) wishes to elaborate on how the Commission could identify which parts of Alaska rate-of-return carrier service areas are eligible for support pursuant to the Alaska Plan.

ATA proposes that eligible areas for incumbent LEC support under the Alaska Plan be identified using the same process that the Commission recently adopted for rate-of-return carriers that remain on legacy support, rather than electing model-based support. In the recent *Rate-of-Return Reform Order*,<sup>1</sup> the Commission decided not to provide CAF Broadband Loop Support (“CAF BLS”) in any census block found to be “served by a qualifying competitor.”<sup>2</sup> To identify such blocks, the Commission established a process. First, the Wireline Competition Bureau (“Bureau”) will release a Public Notice identifying competitors whose Form 477 data reflect that they serve relevant census blocks (not including competitive eligible telecommunications carriers receiving support and affiliates of incumbent local exchange carriers that those carriers are using to meet their public interest obligations).<sup>3</sup> If a competitor wishes a census block to be considered served and thus ineligible for CAF BLS, the competitor must come forward to certify that it offers, to at least 85 percent of the locations in the particular census block:

(1) broadband service

- a. at speeds of at least 10/1 Mbps,
- b. with a usage allowance of at least 150 GB,
- c. at latency of 100 milliseconds or less,
- d. at rates that are reasonably comparable to those in urban areas;<sup>4</sup> and

(2) fixed voice service at rates under the reasonable comparability benchmark that applies at the time, with the ability to port numbers.<sup>5</sup>

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<sup>1</sup> *Connect America Fund et al.*, Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 16-33 (rel. Mar. 30, 2016) (“*Rate-of-Return Reform Order*”).

<sup>2</sup> *Id.* ¶ 121.

<sup>3</sup> *See id.* ¶¶ 122, 129.

<sup>4</sup> *See id.* ¶¶ 27-28, 124 & n.262. The minimum usage allowance may be different if the Bureau has already made its annual announcement. *See id.* at ¶ 131 n.281.

<sup>5</sup> *See id.* ¶ 131.

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With their certifications, competitors must provide evidence showing the specific geographic area in which they offer qualifying service.<sup>6</sup>

For blocks for which a competitor made a filing, the incumbent LEC and any other party may contest the competitor's assertions. The burden of persuasion is on the competitor to show that it offers qualifying service to a sufficient number of locations.<sup>7</sup>

This process would work equally well for the Alaska Plan. By contrast, the standards and process the Commission adopted for the model-based support program, which would eliminate from eligibility an entire census block when one location is served, would be inappropriate in Alaska. As the Commission has recognized, an average census block in Alaska is more than 50 times the size of the average census block in the other 49 states and the District of Columbia, and "the large size of census areas poses distinctive challenges in identifying unserved communities and providing service."<sup>8</sup>

Finally, on Friday, April 29, 2016, John Nakahata, counsel to General Communication, Inc., spoke by telephone with Carol Matthey, Deputy Chief of the Wireline Competition Bureau, regarding the Alaska Plan, and specifically how the Commission would identify which parts of Alaska rate-of-return carrier service areas are eligible for support. Mr. Nakahata's comments were consistent with ATA's proposal as described above. Pursuant to Section 1.1206 of the Commission's rules, this ex parte letter is being filed via ECFS in WC Docket 10-90.

Respectfully submitted,

*Via ECFS 5/2/2016*

Christine O'Connor  
Executive Director

cc: Matt DelNero  
Carol Matthey  
Alexander Minard

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<sup>6</sup> See *id.* ¶¶ 122, 131.

<sup>7</sup> See *id.* ¶ 122.

<sup>8</sup> *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, 26 FCC Rcd. 17,663, 17,788 ¶ 347 (2011) (citations omitted), *aff'd sub nom. In re FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014).