Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Request for Review by	)	Docket Nos. 96-45 and 97-21
Unicom, Inc. of Decision of	)	
Universal Service Administrator	)	

RESPONSE OF GENERAL COMMUNICATION, INC. TO SUPPLEMENT TO PETITION FOR REVIEW

General Communication, Inc. ("GCI"), by its undersigned counsel, hereby responds to the Supplement to Petition for Review filed by Unicom, Inc. ("Unicom") in the captioned matter. The Supplement consists of a letter filed by the Native Village of Hooper Bay with the Alaska Area Native Health Service ("Hooper Bay Letter"), challenging the telecommunications contract that the Yukon-Kuskokwim Health Corporation ("YKHC") awarded to GCI. The Unicom filing further supports that the Commission should deny Unicom's Petition for Review and affirm that Native American preferences are contrary to Section 54.604(b)(4) of the Commission's rules.[1]

First, the Hooper Bay Letter simply repeats the claims that Unicom made in its Petition for Review regarding YKHC's procurement process. As both GCI and YKHC have demonstrated, YKHC fully complied with the Commission's rules governing competitive bidding requirements, and nothing in the Hooper Bay Letter suggests otherwise. In this regard, the Supplement does not add anything to the existing record and requires no further response.

Second, the Hooper Bay Letter itself underscores that the Commission should not delay in concluding that Native American preferences are not permitted under Section 54.604(b)(4) of

[1] 47 C.F.R. § 54.604(b)(4).

the Commission's rules. The Hooper Bay Letter calls upon the Alaska Area Native Health Service to enforce a Native American preference in connection with the YKHC-GCI contract for services under the Rural Health Care Program ("RHCP"). The Alaska Area Native Health Service is an office of the Department of Health and Human Services ("HHS") that works with tribally operated service units to provide health care in Alaska. Apparently under Unicom's theory, the competitive bidding process governed by the Commission's rules implementing the RHCP is also subject to oversight by HHS simply by claiming that a Native American preference was due.

Of course, the Communications Act tasked the Commission and no other federal agency to promulgate the rules and oversee the administration of the RHCP.[2] Program oversight by multiple federal agencies surely was not intended under Section 254 of the Act and has not been contemplated in the five-year history of the program, but Unicom's Supplement plainly suggests that this result is appropriate. The resulting process, whereby parties could seek to have other agencies set aside RHCP-supported agreements when dissatisfied with decisions from the Administrator or the Commission, threatens the integrity of the program and is contrary to the goal of supporting telecommunications services to rural health care facilities for the benefit of rural America. A decision from the Commission affirming that the implementation of Native American preferences in connection with the RHCP is not permitted under the Commission's

[2] 47 U.S.C. § 254.

rules will forestall the unintended and ungainly process that is forecasted by Unicom's Supplement.

Respectfully submitted,

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Dated: February 21, 2002

CERTIFICATE OF SERVICE

I, Colleen A. Mulholland, hereby certify that the foregoing Response of General Communication, Inc. to Supplement to Petition for Review was served this 21st day of February, 2002, by first class mail, unless otherwise indicated, addressed to:

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