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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

To: The Commission

REPLY TO RESPONSE OF GENERAL COMMUNICATION, INC.

Unicom Inc., ("Unicom"), by its counsel, hereby submits this Reply to the Response of General Communication, Inc. ("GCI"). The GCI pleading was in response to Unicom's Supplement to Petition for Review in the above-captioned matter. In particular, Unicom briefly responds to GCI's argument that the Commission is the only federal agency with authority over issues arising from Yukon-Kuskokwim Health Corporation's ("YKHC's") telecom procurement process and subsequent contract award to GCI, and that the Commission should issue a ruling denying the preference request in order to "forestall" action by other agencies. Id. at 3.

The Commission is not, in fact, the only agency with responsibilities in this matter. The Alaska Tribal Health Compact ("Compact"), to which the Native Village of Hooper Bay and YKHC are signatories, requires compliance with certain provisions of the Indian Self-Determination and Education Assistance Act ("ISDEAA"), 25 U.S.C. Section 450 *et seq*. The Alaska Area Native Health Service, as part of the Indian Health Service ("IHS"), has responsibility to assure YKHC's compliance with the Compact and the ISDEAA.

By contrast, the Commission's public interest responsibilities derive from Section 254 of the Communications Act and its Rules for the Rural Health Care Program. The Commission has

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responsibility to determine whether YKHC's failure to consider Unicom's Native-owned status contravened those Rules, *e.g.*, Section 54.603.

In other words, the two agencies have separate, but overlapping, legal responsibilities based on the same set of facts. There is nothing untoward or unusual in this -- any more than there is anything untoward or unusual in the fact that the Department of Justice reviews a proposed telecom merger from the antitrust perspective, while the Commission reviews the same merger from the standpoint of the "public interest" under the Communications Act. The agencies have concurrent jurisdiction, just as do the FCC and IHS here.

Moreover, as a signatory to the Compact, the Native Village of Hooper Bay has interests separate and distinct from those of Unicom. These interests raise issues well beyond the scope of Unicom's Petition for Review.

Thus, the Commission need not rush to "forestall" action by the IHS as GCI would have it do -- something the Commission has no authority to do in any event.

Respectfully submitted,

UNICOM, INC.

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March 5, 2002

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CERTIFICATE OF SERVICE

I, Yvette Morgan, hereby certify that the foregoing "Supplement to Petition for Review" was served this 5th day of March, 2002, by depositing a true copy thereof with the United States Postal Service, first class postage prepaid, addressed to:

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