

**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 )

To: The Commission

**RESPONSE OF GENERAL COMMUNICATION INC.  
TO UNICOM’S PETITION FOR LEAVE TO FILE SUPPLEMENT TO  
PETITION FOR REVIEW**

General Communication Inc. (“GCI”) hereby responds to Unicom’s Petition for Leave to File a supplement to its petition for review. GCI has no objection to the Commission’s consideration of this memorandum because it in fact supports GCI’s argument that Section 7(b) of the Indian Self-Determination Education and Assistance Act (“ISDEAA”), 25 U.S.C. § 450e(b), is not applicable to universal service support provided pursuant to the Commission’s rural health care program. The rural health care program was not established “for the benefit of Indians because of their status as Indians.” Department of Justice Memo at 10. The rural health care program benefits Indians only incidentally, and it is not “intended to benefit Indians at least in part because of their Indian identity.” *Id.* at 11. Therefore, under the Department of Justice, Office of

Legal Counsel memo, the ISDEAA is inapplicable to the Commission's rural health care program.

Respectfully submitted,

**GCI COMMUNICATION CORP. d/b/a  
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d/b/a GCI**

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Dated: May 1, 2002

## CERTIFICATE OF SERVICE

I, Karen R. Stephens, hereby certify that the foregoing Response of General Communication, Inc. to Unicom's Petition for Leave to File Supplement to Petition for Review was served this 1st day of May, 2002, via first-class mail, unless otherwise indicated, to the following:

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