



DEPARTMENT OF  
**COMMERCE**  
COMMUNITY AND  
ECONOMIC DEVELOPMENT

Regulatory Commission of Alaska

RECEIVED & INSPECTED

SEP 17 2007

FCC - MAILROOM

*Sarah Palin, Governor*  
*Emil Notti, Commissioner*  
*Anthony A. Price, Chairman*

September 10, 2007

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Karen Majcher  
Vice President, High Cost & Low Income Division  
Universal Service Administrative Company  
2000 L Street, NW, Suite 200  
Washington, DC 20036

RE: **CC Docket No. 96-45**  
**Alaska Supplemental Certification of Support for Rural and Non-  
Rural High-Cost Carriers Pursuant to 47 C.F.R Sections 54.313-314**

Dear Ms. Dortch and Ms. Majcher:

The Regulatory Commission of Alaska (Alaska Commission) hereby certifies that to the best of our knowledge and belief, all federal high cost support that may be provided in 2007 to GCI Communication Corp. d/b/a General Communication, Inc., and d/b/a GCI (GCI) for the Ketchikan study area (613013) will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with section 254(e) of the Communications Act of 1934, as amended. This includes High Cost Loop (HCL) support and Local Switching Support (LSS), and high cost support received pursuant to the purchase of exchanges.<sup>1</sup> GCI does not receive High Cost Model (HCM) support.

On August 28, 2007, GCI requested that we file this certification letter in hopes that it would be accepted under 47 CFR 54.314(d)(6). That provision indicates that if certification is received by the Federal Communications Commission (FCC) "within 60 days of the effective date of the carrier's designation as an eligible telecommunications carrier" then a carrier such as GCI would be eligible for funding as of its ETC effective date.<sup>2</sup>

<sup>1</sup> To the best of our knowledge, no support related to purchased exchanges is applicable to the Ketchikan study area.

<sup>2</sup> 47 CFR 54.314(d)(6).

Letter to Dortch/Majcher  
Page 2 of 2

On June 29, 2007, the Alaska Commission issued an order "designating GCI as an eligible telecommunications carrier for the Ketchikan study area, subject to conditions."<sup>3</sup> See enclosed order U-06-132(2) as **Exhibit A**. GCI's obligation to serve as an ETC in the Ketchikan study area also began on June 29, 2007.<sup>4</sup> This raises the question of whether the FCC will accept this letter as timely filed.

GCI believes that the "effective date" of its ETC designation was "when GCI fulfilled the condition on its ETC designation by filing a Certificate and Affidavit on July 16, 2007".<sup>5</sup> Using the July 16, 2007 date, GCI determined a September 14, 2007 deadline for filing a certification letter under the 60 day provision. Our letter is being filed before September 14, 2007.

Only the FCC can determine whether it will allow GCI universal service funding in 2007 in light of 47 CFR 54.314(d)(6) and GCI's arguments concerning the effective date. We would support a waiver of the 60 day deadline under 47 CFR 54.314(d)(6), if necessary, to allow GCI to receive funding in 2007 given GCI became obligated to serve as an ETC in 2007.

Our certification does not preclude us from reviewing in further detail how GCI has employed its federal universal service funds and ordering that use of funds comply with our directives or policies.

Sincerely,

REGULATORY COMMISSION OF ALASKA



Anthony A. Price  
Chairman

cc: James R. Jackson, GCI

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<sup>3</sup> Order U-06-132(2), dated June 29, 2007, at 1, (capitalization of title omitted).

<sup>4</sup> Our order specified that GCI's obligations as an ETC began once it provided service for compensation to any customer anywhere in the Ketchikan area using its own facilities but was also subject to conditions. Order U-06-132(2), at 12. At the time of our order we assumed incorrectly that GCI had yet to serve in the Ketchikan area. GCI began service on June 18, 2007, before the date of our order. U-06-132, Affidavit of Benita Washburn, filed July 16, 2007, at 1. It was never our intent to obligate GCI to serve as an ETC prior to our designation of it as an ETC. We clarify that GCI's obligations as an ETC began no sooner than June 29, 2007, when GCI was designated as an ETC in the Ketchikan area.

<sup>5</sup> U-07-106, *GCI motion for certification of GCI's use of federal high cost universal service support in the Ketchikan area for calendar year 2007 and motion for expedited consideration*, filed August 28, 2007, at footnote 1.

**Exhibit A**

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STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Kate Giard, Chairman  
Dave Harbour  
Mark K. Johnson  
Anthony A. Price  
Janis W. Wilson

In the Matter of the Application by GCI )  
COMMUNICATION CORP. d/b/a GENERAL )  
COMMUNICATION, INC. and GCI for )  
Designation as an Eligible Telecommunications )  
Carrier in the Study Area Served by CITY OF )  
KETCHIKAN d/b/a KETCHIKAN PUBLIC )  
UTILITIES )

U-06-132

ORDER NO. 2

**ORDER DESIGNATING GCI AS AN ELIGIBLE TELECOMMUNICATIONS  
CARRIER FOR THE KPU STUDY AREA, SUBJECT TO CONDITIONS,  
REQUIRING FILINGS, AND CLOSING DOCKET**

BY THE COMMISSION:

Summary

We designate GCI Communication Corp. d/b/a General Communication, Inc. and GCI (GCI) as an eligible telecommunications carrier (ETC) for purposes of receiving federal and state universal service funding throughout the study area served by City of Ketchikan d/b/a Ketchikan Public Utilities (KPU), subject to conditions. We require GCI to file information with us annually describing its use of universal service funds (USF). We direct GCI to report any instance in which it is incapable of providing service to any customer upon reasonable request. We require GCI to notify us when its own facilities are being used to provide local exchange service in any portion of the KPU study area and require compliance with our minimum advertising requirements. We close this docket.

Regulatory Commission of Alaska  
701 West Eighth Avenue, Suite 300  
Anchorage, Alaska 99501  
(907) 276-6222; TTY (907) 276-4533

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Background

GCI requested<sup>1</sup> designation as an ETC in the study area served by KPU. We issued public notice of GCI's Request with comments due by January 18, 2007. We received no comments.

Discussion

ETC status allows a carrier to receive support from federal and state universal service funding to provide, maintain, and upgrade the facilities and services for which the support is intended.<sup>2</sup> Under the Telecommunications Act of 1996 (the Act),<sup>3</sup> a state commission designates a common carrier as an ETC.<sup>4</sup> Under federal law, an ETC must provide the supported universal telecommunications services throughout a defined service area.<sup>5</sup> In addition, the requesting carrier must meet the following criteria for ETC status: (a) demonstrate that it owns some facilities; (b) demonstrate that it is capable of and committed to providing the nine basic services required by Federal Communications Commission (FCC) regulation;<sup>6</sup> (c) reasonably show that granting designation as an ETC is in the public interest; and (d) show that upon

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<sup>1</sup>*Application of GCI Communication Corp. for Designation as an Eligible Telecommunications Carrier*, filed November 28, 2006 (Request).

<sup>2</sup>47 U.S.C. § 254(e).

<sup>3</sup>Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996), amending the Communications Act of 1934, 47 U.S.C. §§ 151 *et seq.*

<sup>4</sup>47 U.S.C. § 214(e)(2); 47 C.F.R. § 54.201(b).

<sup>5</sup>47 C.F.R. § 54.201(d).

<sup>6</sup>47 C.F.R. § 54.101.

1 obtaining ETC status, the requesting carrier will be able to offer and will advertise the  
2 availability of the services supported by the federal USF.<sup>7</sup>

3 Ownership of Facilities

4 GCI owns cable facilities in the KPU study area, which reaches about 97  
5 percent of the housing units in Ketchikan.<sup>8</sup> GCI indicates that it will upgrade its cable  
6 plant facilities to provide cable telephony.<sup>9</sup> GCI filed a map showing the KPU study  
7 area with the locations it plans to serve using its own facilities and through resale of  
8 KPU or other wireless carrier's services.<sup>10</sup> The map also shows the location of GCI's  
9 current cable facilities in the KPU study area. Further, GCI indicates it will provide  
10 service in the KPU study area using its upgraded cable facilities, wholesale resale of  
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12

13 <sup>7</sup>47 U.S.C. § 214(e)(1) and (2) of the Act provide:

14 (1) Eligible telecommunications carriers

15 A common carrier designated as an eligible telecommunications carrier  
16 under paragraph (2), (3), or (6) shall be eligible to receive universal  
17 service support in accordance with section 254 of this title and shall,  
18 throughout the service area for which the designation is received –

19 (A) offer the services that are supported by Federal universal  
20 service support mechanisms under section 254(c) of this title,  
21 either using its own facilities or a combination of its own facilities  
22 and resale of another carrier's services (including the services  
23 offered by another eligible telecommunications carrier); and

24 (B) advertise the availability of such services and the charges  
25 therefor using media of general distribution.

26 (2) Designation of eligible telecommunications carriers

... Before designating an additional eligible telecommunications carrier  
for an area served by a rural telephone company, the State commission  
shall find that the designation is in the public interest.

<sup>8</sup>Request, Exhibit A at 3.

<sup>9</sup>*Id.*

<sup>10</sup>Request at 4; Appendix B.

1 another carrier's services, and possibly unbundled network elements (UNE).<sup>11</sup> We  
2 conclude that GCI will serve in part through cable telephony facilities that it owns. We  
3 require GCI to certify to us when it begins providing local exchange service using its  
4 own facilities anywhere in the designated study area, and GCI may not apply for USF  
5 funding until after it has made this certification. Further details regarding the content of  
6 this certification are explained later in this order.

7 Capability and Commitment

8 GCI must demonstrate its ability to provide each of the nine basic services  
9 designated by the FCC, including Lifeline and Link Up services,<sup>12</sup> or obtain a waiver.<sup>13</sup>  
10 GCI states that it currently provides the nine basic supported services in Anchorage,  
11 Fairbanks, and Juneau; and will be capable of providing these services throughout the  
12 KPU study area.<sup>14</sup> Although the Act requires an ETC to offer the services supported by  
13 the federal universal service support mechanisms, it does not require a competitive  
14 carrier to actually provide the supported services throughout the designated service  
15 area before designation as an ETC.<sup>15</sup>

18  
19 <sup>11</sup>Letter from J. Robertson, filed May 11, 2007 in Docket U-06-114 (Robertson  
20 5/11/07 Letter). Docket U-06-114 is titled *In the Matter of the Reporting and Service  
21 Compliance Requirements of GCI COMMUNICATION CORP. d/b/a GENERAL  
22 COMMUNICATION, INC. and GCI for Local Exchange Service in Rural Areas of Alaska.*

23 <sup>12</sup>Lifeline is defined at 47 C.F.R. § 54.401(a). The Link Up program is defined at  
24 47 C.F.R. § 54.411(a).

25 <sup>13</sup>The FCC permits a state commission to allow a carrier additional time to  
26 complete network upgrades to provide single-party service, access to Enhanced 911  
(E911) service, or toll limitation. 47 C.F.R. § 54.101(c).

<sup>14</sup>Request at 4-6.

<sup>15</sup>*Federal-State Joint Board on Universal Service; Western Wireless Corporation  
Petition for Preemption of an Order of the South Dakota Public Utilities Commission,  
Declaratory Ruling, CC Docket No. 96-45, 15 FCC 15168, 15172-74, ¶ 14 (2000).*

1 GCI asserts that it will provide voice grade access to the public switched  
2 network through its own equipment and interconnection arrangements with KPU<sup>16</sup> and  
3 other local carriers.<sup>17</sup> The interconnection agreement between GCI and KPU requires  
4 both carriers to make available their telecommunications services for resale to serve  
5 their subscribers.<sup>18</sup> GCI states that its local usage offerings will be comparable to those  
6 of KPU, as reflected in the proposed tariff filed with us.<sup>19</sup> GCI claims it will provide dual  
7 tone multi-frequency signaling, single party service, access to operator services, access  
8 to interexchange services, access to directory services, and can readily implement toll-  
9 limitation for qualifying low-income customers.<sup>20</sup>

10 GCI states it will provide access to emergency services<sup>21</sup> to the extent the  
11 local government, through (Public Safety Answering Point) PSAP has implemented 911  
12 and E911 services.<sup>22</sup> GCI indicates that the Ketchikan police department provides both  
13 911 and E911 service in the KPU service area. GCI asserts that its switch will be  
14 capable of providing E911 service.<sup>23</sup>

15  
16 <sup>16</sup>We approved GCI's interconnection agreement with KPU in Order U-06-100(2),  
17 *Order Approving Interconnection Agreement and Closing Docket*, dated November 14,  
18 2006. Docket U-06-100 is titled *In the Matter of the Proposed Interconnection and*  
19 *Resale Agreement Between GCI COMMUNICATION CORP. d/b/a GENERAL*  
*COMMUNICATION, INC. AND GCI and CITY OF KETCHIKAN D/B/A KETCHIKAN*  
*PUBLIC UTILITIES Pursuant to 47 U.S.C. Sections 251 and 252.*

20 <sup>17</sup>Request at n.8.

21 <sup>18</sup>*Id.* at 4.

22 <sup>19</sup>*Id.* at 12.

23 <sup>20</sup>Request at 4-6.

24 <sup>21</sup>Access to emergency services includes access to services, such as 911 and  
25 E911, that are provided by local governments or other public safety organizations.  
26 47 C.F.R. § 54.101(a)(5). Request at 5.

<sup>22</sup>47 C.F.R. § 54.101(a)(5) requires an ETC to provide 911 service "to the extent  
the local government . . . has implemented 911 or enhanced 911 systems."

<sup>23</sup>Request, Exhibit A at 5.

1           Initially, GCI notified us that it would begin providing service in the KPU  
2 study area by April 15, 2007.<sup>24</sup> GCI then informed us of a problem affecting the roll out  
3 of local exchange service in Ketchikan and delayed providing service in that area.<sup>25</sup>  
4 Specifically, the PSAP, which is owned by the City of Ketchikan (City),<sup>26</sup> could only  
5 accommodate the database of one carrier for the City's E911 service. With KPU  
6 already connected to the PSAP, the PSAP's current equipment could not process GCI's  
7 database for the E911 service.<sup>27</sup> KPU indicated that it is in the process of either  
8 replacing or upgrading its current equipment to accommodate databases from multiple  
9 carriers.<sup>28</sup> However, GCI wanted the City to implement an interim solution before the  
10 new equipment is installed. GCI filed a preliminary injunction seeking a court order  
11 requiring KPU to provide GCI full E911 service. The Alaska superior court granted  
12 GCI's request for a preliminary injunction and ordered KPU to implement an interim  
13 solution that will make E911 service available to GCI customers within 30 days from the  
14 date of release of the court ruling.<sup>29</sup>

15           Although it is a requirement for an ETC to provide emergency services,  
16 including E911, the inability of GCI to provide E911 service at this time appears to be  
17 because of the PSAP's inability to accept multiple carriers. In addition, the court  
18 required the City to implement an interim solution allowing GCI to connect to the PSAP

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20 <sup>24</sup> See Letter from J. Robertson, filed January 10, 2007, in Docket U-06-114.

21 <sup>25</sup> See Robertson 5/11/07 Letter.

22 <sup>26</sup> See Letter from K. R. Amylon, filed May 17, 2007 in Docket U-06-114 (Amylon  
23 5/17/07 Letter). Amylon clarified that the City of Ketchikan, not KPU, owns the city's  
24 PSAP, contrary to GCI's statement in the preliminary injunction it filed with the court.

25 <sup>27</sup> GCI may, however, provide 911 service despite the PSAP's inability to  
26 accommodate GCI for the E911 service.

<sup>28</sup> Amylon 5/17/07 Letter.

<sup>29</sup> See *GCI Communication Corp., an Alaska Corporation, v. The City of  
Ketchikan, a Home Rule Charter City*, 1 KE-07-196 CI (Alaska Super.), May 27, 2007.

1 to provide E911 services. Further, GCI delayed providing service until the problem with  
2 the E911 service is resolved. Based on the above, outstanding issues regarding GCI's  
3 provision of emergency services would appear resolved.

4 GCI states it will offer Lifeline and Link Up services to qualifying  
5 customers<sup>30</sup> and will verify eligibility using criteria in 3 AAC 53.390.<sup>31</sup> GCI asserts it will  
6 not disconnect a Lifeline customer's local service for failure to pay toll charges.<sup>32</sup> GCI  
7 states that Lifeline customers will receive basic local service for \$1 after all Lifeline  
8 discounts are applied to the basic rate of \$12.80 per month.<sup>33</sup>

9 GCI states<sup>34</sup> it will follow a seven-step plan,<sup>35</sup> comparable to plans we  
10 approved for other ETCs, where it does not have existing facilities to provide service to  
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12 <sup>30</sup>Request at 12-14.

13 <sup>31</sup>*Id.*

14 <sup>32</sup>*Id.*

15 <sup>33</sup>*Id.* at 13.

16 <sup>34</sup>*Id.* at 8-9.

17 <sup>35</sup>If GCI can serve the customer with its existing network or under its  
18 tariffed line extension policy, it will do so. If GCI is still unable to provide  
19 service, it will:

- 20 1. Determine whether the customer's equipment can be modified or  
21 replaced to provide acceptable service;
- 22 2. Determine whether network equipment can be deployed at the  
23 premises to provide service;
- 24 3. Determine whether adjustments can be made to the nearest  
25 network location to provide service;
- 26 4. Determine whether there are any other adjustments to network or  
customer facilities that will enable service;
5. Determine if the customer can be served under one of the existing  
resale agreements;
6. Determine what additional facilities will be necessary to serve the  
customer, evaluate the cost and benefits or using universal service  
support to deploy those facilities to serve the customer requesting  
service and any others who may benefit;
7. If GCI determines that the costs of serving a customer are not  
justified by the benefit of adding that customer to the network, GCI  
will notify the RCA and provide it with its analysis.

Request at 8-9 (footnote omitted).

1 a requesting customer.<sup>36</sup> GCI provided a *Network Improvement Plan* for building out its  
2 facilities over the next five years to enable it to provide more services throughout the  
3 proposed ETC service area with its own facilities.<sup>37</sup> If GCI is unable to provide service  
4 upon reasonable request, GCI stated it would file a report with us.<sup>38</sup>

5 We find that GCI has adequately demonstrated its capability and  
6 commitment to providing the nine basic services, including Lifeline and Link Up, as soon  
7 as it commences providing local exchange service. We require GCI to report to us  
8 within thirty days upon determination that it cannot provide service to a potential  
9 customer upon reasonable request. The report must state the reason service cannot be  
10 provided, possible solutions for providing service, estimated cost of any needed  
11 construction, GCI's position on whether the request for service is reasonable, and  
12

13  
14 <sup>36</sup>We have accepted the seven-step approach in other dockets approving  
15 requests for ETC status dockets:

16 Order U-07-15(3), *Order Designating Copper Valley Wireless, Inc. as an Eligible*  
17 *Telecommunications Carrier, Requiring Filings, and Closing Docket*, dated June 22,  
18 2007. Docket U-07-15 is titled *In the Matter of the Application by Copper Valley*  
19 *Wireless, Inc. for Designation as an Eligible Telecommunications Carrier in the Study*  
20 *Area Served by the CORDOVA TELEPHONE COOPERATIVE, INC.*

21 Order U-06-143(3), *Order Designating Alaska DigiTel, LLC as an Eligible*  
22 *Telecommunications Carrier and Requiring Filings*, dated May 25, 2007. Docket  
23 U-06-143 is titled *In the Matter of the Request by Alaska DigiTel, LLC for Designation as*  
24 *an Eligible Telecommunications Carrier in the Glacier State Study Area Served by ACS*  
25 *OF THE NORTHLAND, d/b/a ALASKA COMMUNICATIONS SYSTEMS, ACS LOCAL*  
26 *SERVICE, and ACS.*

Order U-06-40(1), *Order Approving Application for Eligible Telecommunications*  
*Carrier Status, Requiring Filings, and Closing Docket*, dated August 2, 2006. Docket  
U-06-40 is titled *In the Matter of the Application by COPPER VALLEY WIRELESS, INC.*  
*for Designation as a Carrier Eligible to Receive Federal Universal Service Support*  
*Under the Telecommunications Act of 1996.*

<sup>37</sup>Request at Exhibit A.

<sup>38</sup>Request at 9.

1 whether high-cost funds should be expended on the request.<sup>39</sup> We will address any  
2 GCI reports of inability to provide service on a case-by-case basis. If GCI fails to  
3 provide service to customers upon reasonable request, we may reevaluate its eligibility  
4 for ETC status.

5 Public Interest Determination

6 We agree with the FCC's decision in its Virginia Cellular order that  
7 evaluation of the public interest requires review of a variety of factors and cannot simply  
8 rest on "increased competition."<sup>40</sup>

9 GCI states that it will offer customers competitive service with choices in  
10 price and offerings.<sup>41</sup> GCI asserts it will offer new packages of local, internet, long  
11 distance, wireless, and cable services, and it will generally price its offerings below the  
12 incumbent local exchange carrier's prices for similar services.<sup>42</sup> GCI states the  
13 availability of a second network would enhance public safety by providing options to  
14 communications systems in the event of an emergency.<sup>43</sup>

15 Advertising Services

16 Section 214(e)(1)(B) of the Act requires an ETC to advertise the  
17 availability of the nine basic services, including Link Up and Lifeline, and the charges for  
18 the services using media of general distribution.

19  
20  
21 <sup>39</sup>We have imposed this requirement on other ETCs: See Dockets U-07-15,  
U-06-143, and Docket U-06-40.

22 <sup>40</sup>*Federal-State Joint Board on Universal Service, Virginia Cellular, LLC Petition*  
23 *for Designation as an Eligible Telecommunications Carrier in the Commonwealth of*  
24 *Virginia*, CC Docket No. 96-45, *Memorandum Opinion and Order*, 19 FCC 1563 (2004)  
(Virginia Cellular).

25 <sup>41</sup>Request at 10.

26 <sup>42</sup>*Id.* at 14.

<sup>43</sup>*Id.*

1 In Order U-97-187(1),<sup>44</sup> the APUC<sup>45</sup> "concluded that the following methods  
2 should be employed as the minimum compliance criteria to ensure appropriate and  
3 sufficient customer notification . . . ."

- 4 1. once every two years, perform community outreach through  
5 appropriate community agencies by notifying those agencies of GCI's  
6 available services;  
7 2. once every two years, post a list of its services on a school or  
8 community center bulletin board in each of the utility's exchanges;  
9 3. once a year, provide a bill stuffer indicating its available services; and  
10 4. once a year, advertise its services through the newspaper circulated in  
11 the locations it serves.<sup>46</sup>

12 We have adopted and applied these minimum advertising criteria for other  
13 carriers requesting ETC designation.<sup>47</sup> We require GCI to file an affidavit certifying that  
14 it agrees to comply with these requirements when it notifies us of beginning service in  
15 KPU study area.

#### 16 ETC Designation

17 We find that GCI has adequately demonstrated its capability and  
18 commitment to provide the supported services and otherwise meet the criteria for ETC

19 <sup>44</sup>Order U-97-187(1), *Order Granting Eligible Carrier Status; Granting Limited*  
20 *Waiver; and Establishing Toll-Control and Advertising Requirements*, dated  
21 December 19, 1997 (Order U-97-187(1)). Docket U-97-187 is titled *In the Matter of the*  
22 *Request by MATANUSKA TELEPHONE ASSOCIATION, INC., for Designation as a*  
23 *Carrier Eligible to Receive Federal Universal Service Support Under the*  
24 *Telecommunications Act of 1996.*

25 <sup>45</sup>The Alaska Public Utilities Commission (APUC) was the predecessor to this  
26 agency. We assumed the responsibilities of the APUC on July 1, 1999 under Ch. 25,  
SLA 1999.

<sup>46</sup>Order U-97-187(1) at 15-16.

<sup>47</sup>We have imposed these advertising criteria on other ETC designation requests:  
See Dockets U-07-15, U-06-143, and Docket U-06-48. Docket U-06-48 is titled *In the*  
*Matter of the Request by Bristol Bay Cellular Partnership for Designation as a Carrier*  
*Eligible to Receive Federal Universal Service Support Under the Telecommunications*  
*Act of 1996.*

1 status. We find that designating GCI as an ETC is in the public interest. Therefore, we  
2 designate GCI as an ETC in the KPU service area, subject to conditions.

3 Conditions on ETC Designation

4 Since GCI is not actually providing any services in its proposed ETC  
5 service area at this time, we find it appropriate to apply conditions to our designation of  
6 GCI as an ETC. We refer to our decision in Docket U-01-11 in which we considered  
7 GCI's request for ETC status in the Fairbanks and Juneau service areas shortly before  
8 it actually provided services there.<sup>48</sup> In Order U-01-11(1), we approved GCI's request  
9 for ETC designation subject to two conditions.<sup>49</sup> We required GCI to file, within thirty  
10 days of commencement of service, certification supported by an affidavit, demonstrating  
11 the availability of service and the advertisement thereof. We stated that GCI should not  
12 apply for universal service fund support until its certification and affidavit were filed with  
13 us. We find that, with slight modification, the conditions imposed in Docket U-01-11 are  
14 applicable to GCI's pending Request for ETC status in the KPU study area.

15 In this proceeding, we require GCI to confirm that services are available  
16 and that services are being provided at least in part using GCI facilities and that it will  
17 comply with our minimum advertising requirements.<sup>50</sup> Within 30 days of

18  
19 <sup>48</sup>See Docket U-01-11, *In the Matter of the Request by GCI Communication*  
20 *Corp. d/b/a General Communication, Inc., and d/b/a GCI for Designation as a Carrier*  
21 *Eligible To Receive Federal Universal Service Support Under the Telecommunications*  
22 *Act of 1996 for the Fairbanks, Fort Wainwright, and Juneau Areas.*

23 <sup>49</sup>Order U-01-11(1), *Order Granting Eligible Telecommunications Carrier Status*  
24 *Subject to Conditions; Accepting Late-Filed Comments; Denying Request for*  
25 *Procedural Schedule and Evidentiary Hearing; Finding Petition for Intervention Moot;*  
26 *and Requiring Filing*, dated August 28, 2001.

<sup>50</sup>In Docket U-01-11, GCI stated it would serve in part using its own facilities and  
also using unbundled loops, thus meeting the requirement of 47 U.S.C. § 214(e)(1) that  
an ETC must serve using its own facilities or a combination of its own facilities and  
resale of incumbent services. See *Prefiled Testimony of Gene Strid* filed January 22,  
2001, in Docket U-01-11, at 3.

1 commencement of service anywhere in the KPU study area, GCI must file certification,  
2 supported by an affidavit, that it is providing service in the area using its own facilities or  
3 a combination of its own facilities and resale of another carrier's services and that it will  
4 advertise the supported services in accordance with the requirements discussed in this  
5 order. We require GCI to file its certification and affidavit with us before it applies for  
6 USF support. Further, we clarify that GCI's obligation as an ETC under 47 U.S.C. §  
7 214(e)(1) takes effect when GCI begins to provide service for compensation to any  
8 customer anywhere in the KPU study area using its own facilities.

9 Annual Certification

10 We monitor the continued appropriate use of universal service funding in  
11 our rural markets by requiring annual certification by all designated ETCs, including  
12 wireless carriers. Accordingly, we require GCI to file the same information required of  
13 all other rural ETCs in Alaska through our annual use-of-funds certification process.

14 Rulemaking Docket Regarding ETC Designation

15 We opened a rulemaking docket to investigate the adoption of rules  
16 pertaining to requests for ETC status.<sup>51</sup> Among other things, we will evaluate, for use in  
17 our own proceedings, the possible adoption of some or all of the minimum eligibility  
18 criteria adopted by the FCC for designation of an ETC.<sup>52</sup> For instance, the FCC stated  
19 that it would require an ETC applicant to submit a formal network improvement plan that  
20 demonstrates how universal service funds will be used to improve its service coverage,  
21 signal strength, or capacity.<sup>53</sup> The FCC determined that an ETC should demonstrate its  
22 ability to remain functional in emergency situations and that it offer a local usage plan

23  
24 <sup>51</sup>Docket R-06-3 is titled *In the Matter of the Consideration of Regulations  
Regarding the Designation of Eligible Telecommunications Carriers*.

25 <sup>52</sup>*Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, *Report  
and Order*, 20 FCC Rcd 6371, ¶¶ 20 - 36 (2005) (FCC Order).

26 <sup>53</sup>FCC Order ¶ 21.

1 comparable to the one offered by the incumbent local exchange carrier in the service  
2 area.<sup>54</sup> Additionally, the FCC set the analytical framework it would use to determine  
3 whether a carrier's ETC designation serves the public interest. We take notice that GCI  
4 agreed to comply with some of these FCC criteria even though we have not required it.  
5 We advise GCI, however, that we may require existing ETCs to comply with standards  
6 we adopt in our rulemaking docket.

7 Final Order

8 By issuing this final order on June 29, 2007, we comply with the deadline  
9 that required a final order be issued no later than July 18, 2007<sup>55</sup>. This order constitutes  
10 the final decision in this proceeding. This decision may be appealed within thirty days of  
11 the date of this order in accordance with AS 22.10.020(d) and the Alaska Rules of  
12 Court, Rule of Appellate Procedure (Ak. R. App. P.) 602(a)(2). In addition to the  
13 appellate rights afforded by AS 22.10.020(d), a party may file a petition for  
14 reconsideration as permitted by 3 AAC 48.105. If such a petition is filed, the time period  
15 for filing an appeal is then calculated under Ak. R. App. P. 602(a)(2).

16 Closing Docket

17 With the above determinations, no substantive or procedural matters  
18 remain in this proceeding and there are no allocable costs under AS 42.05.651 and  
19 3 AAC 48.157. Accordingly, we close this docket.

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24 <sup>54</sup>*Id.* at ¶¶ 68-72.

25 <sup>55</sup>Order U-06-132(1), *Order Addressing Timeline for Decision, Designating*  
26 *Commission Panel, and Appointing Administrative Law Judge*, dated December 15,  
2006.

ORDER

1  
2 THE COMMISSION THEREFORE ORDERS:

3 1. GCI Communication Corp. d/b/a General Communication, Inc. and GCI  
4 is designated as a carrier eligible to receive federal and state universal service support  
5 under the Telecommunications Act of 1996 in the study area of City of Ketchikan d/b/a  
6 Ketchikan Public Utilities, subject to the following conditions.

7 2. Within 30 days of commencement of local exchange service anywhere  
8 in the City of Ketchikan d/b/a Ketchikan Public Utilities study area, GCI Communication  
9 Corp. d/b/a General Communication, Inc. and GCI shall file certification, supported by  
10 an affidavit, that GCI Communication Corp. d/b/a General Communication, Inc. and GCI  
11 is providing local exchange service in the City of Ketchikan d/b/a Ketchikan Public  
12 Utilities study area using its own facilities or using a combination of its own facilities and  
13 resale and that it will comply with our minimum advertising requirements as further  
14 explained in the body of this order.

15 3. GCI Communication Corp. d/b/a General Communication, Inc. and GCI  
16 shall not apply to the Universal Service Administrative Company to receive universal  
17 service fund support until the certification referenced in Ordering Paragraph No. 2 has  
18 been filed with us.

19 4. GCI Communication Corp. d/b/a General Communication, Inc. and GCI  
20 shall file as if it were a regulated carrier in response to our requests for information for  
21 the annual use-of-funds certification to the Federal Communications Commission.  
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5. GCI Communication Corp. d/b/a General Communication, Inc. and GCI shall file a report, as described in the body of this order, if it is unable to provide service to a customer in its service area upon reasonable request.

6. Docket U-06-132 is closed.

DATED AND EFFECTIVE at Anchorage, Alaska, this 29th day of June, 2007.

BY DIRECTION OF THE COMMISSION  
(Commissioners Dave Harbour and  
Janis W. Wilson, not participating.)

(SEAL)

**Regulatory Commission of Alaska**  
701 West Eighth Avenue, Suite 300  
Anchorage, Alaska 99501  
(907) 276-6222; TTY (907) 276-4533

**Federal Communications Commission**

**The FCC Acknowledges Receipt of Comments From ...  
Regulatory Commission of Alaska  
...and Thank You for Your Comments**

**Your Confirmation Number is: '2007910898650 '**

**Date Received: Sep 10 2007**

**Docket: 96-45**

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