

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

Reducing Universal Service Support )  
In Geographic Areas That Are ) GN Docket No. 09-51  
Experiencing Unsupported ) WC Docket No. 05-337  
Facilities-Based Competition ) RM-11584  
)

**COMMENTS OF ALASKA COMMUNICATIONS SYSTEMS**

Alaska Communications Systems (“ACS”)<sup>1</sup> submits these comments in response to the Public Notice DA 09-2558 issued by the Federal Communications Commission (“FCC” or “Commission”) on December 8, 2009 seeking comments on the Petition for Rulemaking filed by the National Cable and Telecommunications Association (“NCTA”) on November 5, 2009.

**I. INTRODUCTION AND SUMMARY**

ACS appreciates this opportunity to present brief comments in response to the NCTA petition under consideration in these proceedings. ACS does not specifically endorse, nor does it oppose the actions recommended by the NCTA. ACS does support NCTA’s suggestion that Tribal Lands and Alaska be excluded from coverage of this proposal. In the following paragraphs, ACS will reiterate the reasons why Tribal Lands, including Alaska, present a unique profile that must be addressed outside the scope of more typical national policy making determinations.

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<sup>1</sup> Alaska Communications Systems in this proceeding represents four local exchange carriers: ACS of Alaska, Inc., ACS of Anchorage, Inc., ACS of Fairbanks, Inc., and ACS of the Northland, Inc., and one wireless company, ACS Wireless, Inc. Together, these companies provide wireline, wireless and other telecommunications and network services to consumer, business and enterprise customers in the State of Alaska and beyond using its statewide and interstate telecommunications network.

## II. COMMENTS

Although ACS does not take a position on the NCTA's petition, it does commend NCTA for its "out of the box" thinking. NCTA's proposal suggests a new approach – establishing a mechanism for more in-depth review if and when competitors serve the same area without financial support. In addition, the NCTA proposal supports an exception for Tribal Lands and Alaska.<sup>2</sup> ACS fully endorses this aspect of NCTA's recommendation.

It is well recognized that Tribal Lands represent some of the least penetrated telecommunications markets in the country. As the FCC noted in its March 5, 2009 order in CC Docket 96-45, at para. 4,

The Commission found it necessary to adopt the Covered Locations exception to the interim cap due to the low penetration rates of basic telephone service in these areas. Furthermore, the Commission found that, unlike competitive ETCs in non-Covered Locations, competitive ETCs in these areas are not merely providing complementary services to those already available to consumers.

In clarifying the appropriate application of the interim CETC cap order, the Commission went on to say, "In this order, we waive, on our own motion, the limitation on the availability of uncapped high-cost universal service support for competitive eligible telecommunications carriers (ETCs) serving tribal lands or Alaska Native regions (Covered Locations)."

In both advocacy and actual policy determinations, it is clear that public interest considerations have motivated the Commission to view the needs of Tribal Lands and the Alaska Native regions differently than other places in the nation. That same approach is appropriate in the context of the NCTA petition. NCTA itself has urged the Commission

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<sup>2</sup> See NCTA Petition at p.11, footnote 32.

to exclude Tribal Lands and Alaska from its own proposal. ACS agrees and encourages the Commission to continue to exercise caution as it considers the NCTA and other related proposals for universal service reform going forward.

### III. CONCLUSION

Numerous commenters, including ACS, have gone on record to advance the notion that the provision of telecommunications service on Tribal Lands and in Alaska Native regions presents special challenges and distinct opportunities. As such, it would be a mistake to lump these locations into a one-size-fits-all national universal service policy.

Therefore, ACS recommends that any USF reform efforts continue to recognize the need for an exception for Tribal Lands and Alaska Native regions.

Respectfully submitted on this 7th day of January, 2010.

/s/ Leonard Steinberg

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