

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
	)	
Request for Review by Yukon-Kuskokwim	)	WC Docket No. 02-60
Health Corporation of Decision of Universal	)	
Services Administrator	)	
	)	
	)	

**REPLY COMMENTS OF YUKON-KUSKOKWIM HEALTH CORPORATION**

The record in this proceeding supports the expeditious grant of the Request for Review filed by the Yukon-Kuskokwim Health Corporation (“YKHC”).<sup>1</sup> As YKHC previously explained, the decision of the Universal Service Administrative Company (“USAC”) to deny YKHC approximately \$1.58 million in funding to support telemedicine services was in error because it failed to, among other things, ascribe appropriate weight to the reasonable steps YKHC undertook to install and activate its video teleconferencing equipment under difficult conditions unique to the topography of the Yukon-Kuskokwim Delta.

Only two parties filed comments in response to YKHC’s Request for Review, and both supported YKHC’s position. These commenters—both rural health care providers—confirmed the many challenges inherent in providing reliable and affordable health care services to portions

---

<sup>1</sup> See generally Request for Review by Yukon-Kuskokwim Health Corporation of Decision of Universal Services Administrator, WC Docket No. 02-60 (filed Aug. 23, 2010). The record in this proceeding also supports the expeditious grant of the parallel and related Request for Review filed by General Communications, Inc. See Request for Review by General Communications, Inc., WC Docket No. 02-60 (filed Aug. 23, 2010).

of the U.S. that are isolated and roadless, and in which the weather is unpredictable.<sup>2</sup> Their submissions confirm that coordinating the provision of efficient and reliable health care services in rural America through telemedicine requires flexibility and an understanding of the conditions under which rural health care providers operate—conditions that USAC is not permitted to second guess by making policy determinations that are prohibited by the Commission’s rules.<sup>3</sup>

Absent appropriate corrective action by the Commission, USAC’s erroneous funding decision will adversely affect not only YKHC, but all rural health care providers that rely on the Rural Health Care Program to support the provision of efficient and affordable health care services in rural America.<sup>4</sup> The conclusion inherent in USAC’s denial of funding—that *any* delay, no matter how reasonable and no matter how small, between a circuit start date and an equipment installation date cannot support a funding request—is unsustainable and impractical. Moreover, as the commenters in this proceeding aptly warn, the uncertainty engendered by this sort of decision making by USAC will discourage future efforts by other health care providers to deploy large-scale telemedicine projects.<sup>5</sup> For this reason and others, the Commission should

---

<sup>2</sup> See Comments of Bristol Bay Area Health Corporation, WC Docket No. 02-60 (Sept. 14, 2010) (“Bristol Bay”); Comments of Maniilaq Association, WC Docket No. 02-60 (Sept. 14, 2010) (“Maniilaq”).

<sup>3</sup> See 47 C.F.R. § 54.702(c).

<sup>4</sup> See Bristol Bay at 1-2; Maniilaq at 1-2.

<sup>5</sup> See Bristol Bay at 1; Maniilaq at 2.

review USAC's decision as expeditiously as possible and restore the approximately \$1.58 million in funding that should have been issued.

Respectfully submitted,

**YUKON-KUSKOKWIM HEALTH CORP.**

By: /s/ Yaron Dori

Yaron Dori  
Elizabeth H. Canter  
COVINGTON & BURLING LLP  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401  
(202) 662-6000

Its attorneys

Dated: September 29, 2010