

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

In the Matter of)	
)	
Federal-State Joint Board on Universal)	
Service)	CC Docket No. 96-45
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
_____)	

REPLY COMMENTS OF THE ALASKA RURAL COALITION

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I. Introduction.

The Alaska Rural Coalition¹ (“ARC”) files its Reply Comments in this proceeding pursuant to the *Public Notice* issued by the Federal Communications Commission (“Commission”) on Requests for Review of administrator decisions regarding mobile line count reporting.² The ARC agrees with all other Commenters that the Commission must grant Cordova Wireless Communications, LLC’s (“Cordova”) Request for Review of the Universal Service Administrative Company’s (“USAC”) decision to not allow certain mobile lines as eligible for universal service support due to specific issues with reporting of customers’ billing addresses or inactivity of the lines (“*Request for Review*”).³ To deny support for mobile lines because a customer’s bill is sent to an address outside the carrier’s service area or because the lines show no activity ignores the realities of providing service in Remote Alaska and will not further the Commission’s goals of extending 21st century telecommunications to all citizens.⁴

¹ The ARC is composed of Arctic Slope Telephone Association Cooperative, Inc.; Bettles Telephone, Inc.; Bristol Bay Telephone Cooperative, Inc.; Bush-Tell, Inc.; Circle Telephone & Electric, LLC; Cordova Telephone Cooperative, Inc.; Copper Valley Telephone Cooperative, Inc.; City of Ketchikan, Ketchikan Public Utilities; Matanuska Telephone Association, Inc.; OTZ Telephone Cooperative, Inc.; Interior Telephone Company; Mukluk Telephone Company, Inc.; Alaska Telephone Company; North Country Telephone Inc.; Nushagak Electric and Telephone Company, Inc.; and The Summit Telephone and Telegraph Company, Inc.

² See Federal Communications Commission, Public Notice, *Wireline Competition Bureau Seeks Comment on Requests for Review of Administrator Decisions Regarding Mobile Line Count Reporting*, CC Docket No. 96-45, WC Docket No. 05-337; (July 10, 2013) (“*Public Notice*”).

³ See Copper Valley Wireless, LLC, *Comments on Request for Review of Decision by the Universal Service Administrative Company of Cordova Wireless Communications, LLC*, CC Docket No. 96-45, WC Docket No. 05-337 (Aug. 8, 2013) (“*Copper Valley Comments*”); *Comments of General Communication, Inc.*, CC Docket No. 96-45, WC Docket No. 05-337 (Aug. 9, 2013) (“*GCI Comments*”).

⁴ *Request for Review by Cordova Wireless Communications, LLC of a Decision of Universal Service Administrator*, CC Docket No. 96-45, WC Docket No. 05-337 (July 5, 2013) (“*Cordova Request for Review*”); *Connect America Fund*, WC Docket No. 10-90,

The ARC membership consists of essentially all of the Rate of Return incumbent rural local exchange carriers (“RLECs”) in Alaska, who share unified interests regarding the impacts of further proposed changes in universal service funding to the state. Cordova is a member of the ARC. Many of the ARC companies provide some form of mobile wireless services in the remote, high cost areas of Alaska. These carriers depend on high-cost support to maintain quality, affordable service to their rural customers.

Telecommunications services are particularly critical to customers in Remote Alaska, where distance learning, teleworking, telehealthcare, and videoconferencing can play a vital role in maintaining public safety and improving village economies and overall quality of life.⁵ The

A National Broadband Plan for our Future, Docket No. 09-51, *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135, *High-Cost Universal Service Support*, WC Docket No. 05-337, *Developing an Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, *Lifeline and Link-Up*, WC Docket No. 03-109, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) (“*Transformation Order*” and “*FNPRM*”).

⁵ See *Cordova Request for Review* at 8-9 (“[T]he service [Cordova] provides is vital to the health and safety of the many hikers, fisherman and others who rely on wireless service as a lifeline to potential assistance in emergencies. Public safety and homeland security interests are highly dependent on the service provided by Cordova.”); see also *Comments of the Alaska Rural Coalition*, GN Docket No. 12-228, before the FCC (Sept. 20, 2012) (“*ARC Broadband Standards Comments*”) at 3 (“The remote nature of these unserved locations in Alaska means that their residents have the greatest need for advanced telecommunications, especially regarding vital services like emergency response, telemedicine and distance learning.”); see, e.g., Kim Severson, *Digital Age is Slow To Arrive in Rural America*, N.Y. Times, (February 17, 2011), available at http://www.nytimes.com/2011/02/18/us/18broadband.html?pagewanted=all&_moc.semit (“In rural America, only 60 percent of households use broadband Internet service.”); see also *Alaska Rural Telehealth Network*, <http://www.nrtrc.org/about/network-profiles/artn/> (last visited Sept. 13, 2012) “In Alaska, the healthcare workers practicing in hospitals, clinics, and community health centers are essential to the delivery of acute and primary care services to small, rural, and remote communities. Although the majority of Alaska’s population is located outside the greater Anchorage area, the majority of healthcare providers in Alaska (e.g., physicians, PAs, RNs, physical therapists) are located in its three largest cities. As a result, rural clinicians practice in a generalist’s environment, but where they often need to have specialty knowledge and expertise. This dichotomy is

ARC members serve communities with similar terrain, weather, and population as the Cordova service area, and anticipate experiencing similar issues in establishing accurate mobile line counts should the Commission fail to grant Cordova's *Request for Review* or revise its approach to enforcement going forward. The ARC encourages the Commission to focus on its goal of universal service in areas currently unserved by broadband as it considers whether to grant Cordova's Request for Review and/or reform its rules for determining mobile line count.⁶ The Commission must revise its mobile line count policies going forward so that carriers do not encounter these problems in the future.⁷

II. The Unique Aspects of Telecommunications Services in Remote Alaska Make Existing Restrictions on Mobile Line Counts Inappropriate and Counterproductive.

The Commission seeks comment on Cordova's request for review of USAC's determination that certain mobile lines were ineligible for support because the customer billing addresses were outside Cordova's service area, even though those customers also receive bills

further complicated when you consider the limited opportunities for continuing education and access to specialty consultations available because of travel costs, geographical and weather restrictions, and a general lack of or inability to arrange for clinical coverage during absences." *Id.*

⁶ Shawn Buckley, *FCC Goes Public with Its Ambitious Connect America Fund*, Fierce Telecom (Nov. 21, 2011), <http://www.fiercetelecom.com/story/fcc-goes-public-its-ambitious-connect-america-fund/2011-11-21> ("It is essential that the order and the final outcome of the further notice of proposed rulemaking eliminate lingering regulatory uncertainty so that small rural carriers can attract capital and operate high-quality rural broadband networks[.] . . . That uncertainty has a near and long-term effect on how rural service providers can expand broadband to more of their users."); *see also* Ross Boettcher, *Shift for Rural Telecoms*, OMAHA WORLD-HERALD, Nov. 22, 2011, available at <http://www.omaha.com/article/20111102/MONEY/711029925> ("U.S. Rep. Lee Terry, vice chairman of the Energy and Commerce Committee's subcommittee on Communications, Technology and the Internet, said he realizes the lack of predictability is an issue.").

⁷ *GCI Comments* at 1 ("The Commission should clarify mobile line count reporting prospectively so that those ETCs still using line count reports can know how to report lines so that they will be compensated, and how to project the compensation they will receive.").

and service at local addresses within Cordova’s service area.⁸ The ARC agrees with Copper Valley Wireless, LLC (“Copper Valley”) and General Communication, Inc. (“GCI”) that the Commission must grant Cordova’s *Request for Review* because to do otherwise would punish carriers and customers in Remote Alaska for the unique challenges and circumstances of providing services in those areas.⁹ The Commission must allow sufficient regulatory flexibility to account for the differences in providing services in Remote Alaska compared to the Lower 48.

Cordova, Copper Valley, and the other ARC members will continue to have customers whose billing addresses are located out of the carrier’s service area despite the majority of the customers’ use being located in the carrier’s service area.¹⁰ As Cordova has explained, these customers live, work, and use wireless services in the Cordova service area, but have their bills sent to a different address for various administrative reasons.¹¹ Seasonal fishing companies’ employees live and work in the Cordova service area during the fishing season, but base their administrative management in another location.¹² Customers who do not have a fixed address, for example scientific researchers or park rangers who work and travel in the backwoods wilderness, also send their bills to their permanent out-of-area address or the address of a proxy such as their parents.¹³

The mobile and seasonal nature of these customers’ work and business does not represent a valid or even rational reason to deny support for their wireless lines. In fact, these customers—

⁸ *Public Notice* at 2; *Cordova Request for Review* at i

⁹ *Copper Valley Comments* at 1; *GCI Comments* at 2.

¹⁰ *Copper Valley Comments* at 1; *Cordova Request for Review* at 4-5.

¹¹ *Cordova Request for Review* at 4.

¹² *Id.* at 4-5; *Copper Valley Comments* at 1.

¹³ *Id.*

commercial fishing fleets, cruise ships, oil tankers, construction workers, hunters, and rangers -- often depend more critically on wireless connectivity for access to public safety and emergency services.¹⁴ These customers receive and use wireless services within the service areas where Cordova and other Remote Alaska carriers are located, and the location where their bill is sent represents nothing more than the fact that their activities are seasonal and/or mobile.

Carriers in Remote Alaska face higher costs and greater challenges to maintaining infrastructure because of weather, rugged terrain, short construction seasons, and other unique circumstances.¹⁵ The Commission should focus on assisting these carriers with extending better wireless services in their areas, rather than denying them support based on an “obsolete” mechanism for determining customer usage of mobile lines.¹⁶ As Cordova explains in its *Request for Review*, to do otherwise would be inconsistent with the Commission’s decision in the *Bristol Bay* case.¹⁷

The Commission also seeks comment on Cordova’s request for review of USAC’s decision that certain mobile lines were ineligible for support because they showed no activity.¹⁸ The ARC supports Cordova’s request for review or waiver of USAC’s denial of support to lines with no activity. As Cordova points out, mobile lines without activity are generally phones donated to needy individuals and organizations such as survivors of domestic violence, schools,

¹⁴ *Cordova Request for Review* at 9 (“Cordova’s wireless service is regularly relied on to save lives when harsh weather conditions and predatory animals cause danger.”).

¹⁵ *Copper Valley Comments* at 2.

¹⁶ *Id.*

¹⁷ *Federal-State Joint Board on Universal Service; Bristol Bay Cellular Partnership; Petition for Waiver of the Federal Communications Commission’s Rules Concerning the Administration of the Universal Service Fund*, Order, CC Docket No. 96-45 (Dec. 12, 2007) (“*Bristol Bay*”); *Cordova Request for Review* at 5-6.

¹⁸ *Public Notice* at p. 2; *Cordova Request for Review* at 5-6.

police, firemen and individuals who travel in the backwoods, for emergency use.¹⁹ The very nature of these mobile lines is that they will only be used in an emergency. However, their designation as emergency-only phones means that these connections have a greatly heightened importance to public, community, and individual safety.²⁰

There is no rational reason to deny support to these mobile lines, and to do so will “cause considerable harm to individuals who live, work, and travel through the Cordova service area.”²¹ The ARC members participate in similar emergency telephone programs in their service areas. Denying support for these no-activity, emergency-only phones will deny telephone service to emergency personnel and poor and vulnerable individuals across Alaska. The Commission must grant Cordova’s request for review of USAC’s denial of support to no-activity mobile lines. There is no benefit to this denial of support that could justify the risk that it presents to public safety in Remote Alaska and other rural areas. The amount of support funding that could be saved is *de minimis* compared to the safety risks of denying support for these lines.

III. Conclusion.

The ARC supports Cordova’s *Request for Review* of USAC’s determinations regarding its mobile line counts. The issues raised in Cordova’s *Request for Review* also affect most of the other ARC members, and have the potential to cause significant harm across Remote Alaska. The Commission must clarify its mobile line count policies to create reasonable and logical methodologies that lead to rational results for customers in rural areas.

¹⁹ *Cordova Request for Review* at 3.

²⁰ *Id.* at 13-14.

²¹ *Id.* at 14.

Respectfully submitted on this 26th day, August 2013.

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