

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

In the Matter of )  
 )  
Connect America Fund ) WC Docket No. 10-90  
 )  
Application for Review of the National )  
Cable and Telecommunications Association )

**OPPOSITION OF ALASKA COMMUNICATIONS SYSTEMS**

Alaska Communications Systems (“ACS”)<sup>1</sup> hereby opposes the Application for Review (the “Application”) filed December 23, 2013 by the National Cable & Telecommunications Association (“NCTA”) in the above-captioned docket.<sup>2</sup> The Application seeks reversal of the determination by the Wireline Competition Bureau (“Bureau”) that Connect America Fund (“CAF”) Phase II support should be made available in any area where broadband meeting the speed, price, latency, and usage standards defined by the Bureau for CAF Phase II is not available from an unsubsidized competitor. NCTA would have the Commission make CAF Phase II support unavailable in any area where any competitor offers broadband of any description at any price, undercutting the careful balance previously struck in the Commission’s 2011 *Transformation Order*.<sup>3</sup>

ACS strongly supports the points advanced by USTelecom in its opposition to the NCTA Application. The Commission’s goal in enacting the *Transformation Order* was

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<sup>1</sup> As used herein, ACS comprises the incumbent local exchange carriers (“ILECs”) owned and operated by Alaska Communications Systems Group, Inc. (ACS of Alaska, LLC, ACS of Anchorage, LLC, ACS of Fairbanks, LLC, and ACS of the Northland, LLC).

<sup>2</sup> *Connect America Fund*, WC Docket No. 10-90, Application for Review of the National Cable & Telecommunications Association (filed Dec. 23, 2013) (seeking review of *Connect America Fund*, WC Docket No. 10-90, Report and Order, DA 13-2115 (Wir. Comp. Bur. rel. Oct. 31, 2013) (“*CAF II Service Obligations Order*”).

<sup>3</sup> *Connect America Fund*, WC Docket No. 10-90, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, 26 FCC Rcd 17663 (2011) (“*Transformation Order*”).

not simply to eliminate high cost support where any competitor had invested in facilities to deliver broadband of any description whatsoever; rather, the Commission was focused on expanding the availability of broadband meeting “certain basic performance requirements.”<sup>4</sup> If the Commission were to withdraw support in areas served only by competitors’ substandard offerings, it would substantially hinder the emergence of the quality broadband services it seeks.

Providing the support necessary for ILECs to offer broadband services meeting the CAF Phase II requirements in areas that lack such services is not “inefficient” or “wasteful,”<sup>5</sup> nor does it violate the principle of competitive neutrality.<sup>6</sup> It simply reflects the Bureau’s entirely logical determination that “unsubsidized competitors should meet the same standards we require of Phase II price cap carrier recipients” for purposes of determining whether an area is served by broadband meeting the CAF Phase II performance requirements and, therefore, whether the Commission’s goal to expand availability of broadband meeting those requirements has been achieved there. The NCTA Application similarly gives no effect to the requirement of an unsubsidized competitor to offer voice service (as well as broadband) in order for its presence to exclude an area from support under CAF Phase II.

ACS files these separate comments to underscore that the NCTA Application compounds the threat to the Commission’s CAF Phase II broadband deployment goals created by paragraph 41 of the *CAF II Service Obligations Order*, which is the subject of

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<sup>4</sup> *Transformation Order* at ¶ 11.

<sup>5</sup> NCTA Petition at 1.

<sup>6</sup> NCTA Petition at 7.

a separate ACS Application for Review.<sup>7</sup> In Paragraph 41, the Bureau improperly solicited census block challenges from *subsidized* competitors “that otherwise meet[] or exceed[] the performance obligations established” in that Order.<sup>8</sup> This invitation to file challenges not meeting the literal requirements of the *Transformation Order* or its implementing rules is likely to encourage challenges from competitors whose service falls short of CAF Phase II requirements in other respects, including the CAF Phase II speed, price, latency, or usage standards. The NCTA Application, if granted, would sanction such exponential new opportunities for competitors to erode the promised benefits of the CAF Phase II mechanism.

For the foregoing reasons, ACS urges the Commission to reject the NCTA Application for Review, and to uphold the Bureau’s determination that unsubsidized competitors should meet the same standards as price cap carriers for purposes of determining whether an area is eligible for CAF Phase II support.

Respectfully submitted,



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January 7, 2013

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<sup>7</sup> ACS Application for Review, WC Docket No. 10-90 (filed Nov. 26, 2013).

<sup>8</sup> *Connect America Fund*, Report and Order, WC Docket No. 10-90, DA 13-2115, ¶41 (Wireline Competition Bur. rel. Oct. 31, 2013) (“*CAF II Service Obligations Order*”).

### Certificate of Service

I hereby certify that on this day, a true and correct copy of the foregoing “Opposition of Alaska Communications Systems” was served by electronic mail, on the following parties to this proceeding:

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