

Squire Patton Boggs (US) LLP
2550 M Street, NW
Washington, DC 20037

O 202-457-6000
F 202-457-6315
squirepattonboggs.com

Monica S. Desai
T +1 202 457 7535
Monica.desai@squirepb.com

June 24, 2014

Ms. Marlene H. Dortch,
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Notice of Ex Parte – WC Docket No. 10-90 and WT Docket No. 10-208
Adak Eagle Enterprises and Windy City Cellular**

On June 20th, Monica Desai, counsel for Adak Eagle Enterprises and Windy City Cellular, in connection with meeting requests, provided updates regarding conditions on Adak Island to Philip Verveer (Senior Counsel, Office of the Chairman) and Daniel Alvarez (Legal Advisor, Office of the Chairman); Amy Bender (Legal Advisor, Office of Commissioner O’Rielly); Rebeka Goodheart (Legal Advisor, Office of Commissioner Clyburn); Priscilla Argeris (Legal Advisor, Office of Commissioner Rosenworcel); and Nicholas Degani (Legal Advisor, Office of Commissioner Pai).

Ms. Desai reminded Commission staff that interim funding runs out in a matter of weeks and also emphasized the critical importance of the communications services provided by Adak Eagle and Windy City Cellular, as reflected by a news report that the Alaska Volcano Observatory (which is serviced by Adak Telephone Utility) had detected increased volcanic activity along the Aleutian chain. Just yesterday, the urgent need for the continued services provided by the companies became frighteningly clear after an 8.0 magnitude earthquake hit Adak Island. Its residents (including children), government researchers, EDOT personnel, and others were forced to relocate to higher ground on Bering Hill, where they waited for several hours until public safety officials determined they were not in immediate danger of a tsunami, or the potential eruption of the Island’s volcano.

The only working cellular service at the top of Bering Hill is the cellular service provided by Windy City Cellular, which runs through the backbone fiber network built through Adak Telephone Utility – which also remained working. The reason stranded residents and workers on Bering Hill were able to get continuous cellular service was due to the White Alice cell site, which as the companies have explained in prior filings, serves the community well beyond the limited portion of downtown to which GCI confines its service. The companies informed the Commission in February 2013 that the White Alice site was also instrumental in the emergency rescue of an

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4825-6057-0907.5.

individual who became lost in blizzard conditions. And, in September 2013, the companies informed the Commission after Adak was struck by a 7.0 magnitude earthquake, followed by numerous aftershocks. Yesterday's emergency situation (and likelihood of continuing aftershocks) underscores yet again why quality, redundant service is so critically important in the remote and harsh environment of Adak Island.

Ms. Desai expressed gratitude for the interim funding extension. She noted, however, that the companies remain at an operational standstill, unable to plan for the future or even provide basic forecasts to their auditors, because of the lingering uncertainty surrounding the waiver process. The companies have no idea whether the Commission intends to provide funding to maintain their viability, or if they need to resume taking steps towards bankruptcy.

The companies have demonstrated beyond doubt that the Commission should grant their pending petitions. The companies have continually reinvested in quality service for the residents of Adak Island. They have met every single requirement of the Commission's 2011 *USF/ICC Transformation Order* waiver standard.¹ The companies have diligently and comprehensively answered every single question asked by staff, and have addressed each and every single concern expressed by the Bureaus in their denial order.² The companies have demonstrated that Windy City Cellular takes *less* in Universal Service support funding than GCI, while at the same time serving a broader geographic area, and more customers. Unlike GCI, the companies have not "gamed" the system by taking support for multiple lines per customer. The companies provide the only working 911 service. Yet despite all of this, the Commission is still evaluating their waiver requests and related Application for Review and Petition for Reconsideration.

¹ See *In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform – Mobility Fund*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011).

² Adak Eagle Enterprises, LLC and Windy City Cellular, LLC, *Petitions for Waiver of Certain High-Cost Universal Service Rules*, WC Docket No. 10-90 and WT Docket No. 10-208, Order, 28 FCC Rcd 10194 (2013). See also Adak Eagle Enterprises, LLC and Windy City Cellular, LLC Application for Review, *Petitions for Waiver of Certain High-Cost Universal Service Rules*, WC Docket No. 10-90 and WT Docket No. 10-208 (filed Aug. 14, 2013); Adak Eagle Enterprises, LLC and Windy City Cellular, LLC Petition for Reconsideration, *Petitions for Waiver of Certain High-Cost Universal Service Rules*, WC Docket No. 10-90 and WT Docket No. 10-208 (filed Aug. 14, 2013); Adak Eagle Enterprises, LLC and Windy City Cellular, LLC Reply to Opposition to Petition for Reconsideration, *Petitions for Waiver of Certain High-Cost Universal Service Rules*, WC Docket No. 10-90 and WT Docket No. 10-208 (filed Sept. 9, 2013); Adak Eagle Enterprises, LLC and Windy City Cellular, LLC Reply to Opposition to Application for Review, *Petitions for Waiver of Certain High-Cost Universal Service Rules*, WC Docket No. 10-90 and WT Docket No. 10-208 (filed Sept. 9, 2013).

Ms. Desai noted that building a communications system from scratch—many parts of it by hand—under the severe and almost unimaginable conditions of Adak Island, takes incredible grit, determination, diligence, faith, and heart. She expressed her hope that those who have not yet met the companies’ principals – who dedicated many years of their lives to building the wireline and the best wireless service for the Adak community - would be able to do so when they come to DC in July to answer any remaining questions that the FCC may have. A copy of each of the referenced meeting requests is attached.

Respectfully submitted,



Monica S. Desai
Squire Patton Boggs, LLP
2550 M Street, NW
Washington, DC 20037
202-457-7535
*Counsel to Adak Eagle Enterprises, LLC
and Windy City Cellular, LLC*

cc:

Philip Verveer
Daniel Alvarez
Ruth Milkman
Priscilla Delgado Argeris
Christianna Lewis Barnhart
Amy Bender
Nicholas Degani
Rebekah Goodheart
Michael Jacobs
Julie Veach
Carol Matthey
Roger Sherman
Christopher Cook
Scott Mackoul
Erin McGrath
Sue McNeil
Louis Peraertz
Kelly Quinn
Gary Seigel
Joseph Sorresso
Jamie Susskind
Margaret Wiener
Chin Yoo

ATTACHMENT 1

From: Desai, Monica S.
Sent: Monday, June 23, 2014 8:38 PM
To: kim.mattos@fcc.gov; latoya.matthews@fcc.gov
Cc: Harris, Laurence; philip.verveer@fcc.gov; Daniel Alvarez
Subject: Adak Island: 8.0 magnitude earthquake

Hello all – I am following up on the meeting request below. Today Adak Island was hit by an 8.0 magnitude earthquake. Approximately 300 residents, government researchers, EDOT personnel, fishermen and others were forced to relocate to Bering Hill, the Island’s highest point, where they have been waiting while still in danger of a tsunami, earthquake aftershocks, and the potential eruption of the Island’s volcano.

The only working cellular service at the top of Bering Hill is the cellular service provided by Windy City Cellular, which depends on the backbone fiber network built through Adak Eagle – and which also remains working. The reason stranded residents and workers on Bering Hill were able to get service is directly due to the White Alice cell site – which, as the companies have explained in prior filings, serves the community well beyond the limited portion of downtown to which GCI limits its service. This current emergency situation underscores why quality, redundant service – and service to parts of the Island beyond a limited portion of downtown - is so critically important in the remote and unpredictable environment of Adak Island.

It is difficult to understand why the Commission has not acted on the pending petitions filed by Adak Eagle and Windy City Cellular. The companies have continually reinvested in quality service for the residents of Adak Island. They have met every single requirement of the Commission’s 2011 USF/ICC Transformation Order waiver standards. The companies have diligently and comprehensively and rapidly answered every single question asked by staff, and have addressed every single concern expressed by the Bureaus in their denial order. The companies have demonstrated that WCC takes less in Universal Service support funding than GCI, while serving a broader geographic area, and more customers. Unlike GCI, the companies have not “gamed” the system by taking support for multiple lines per customer. The companies provide the only working 911 service. Yet despite all of this, the Commission is still evaluating their waiver requests and related Application for Review and Petition for Reconsideration.

As I mentioned in my earlier request, I hope that Phil and Daniel will be able to meet with Mr. Mayes and Ms. Weaver in person when they are in DC.

Thank you for your consideration,
Monica

From: Desai, Monica S.
Sent: Friday, June 20, 2014 12:55 PM
To: kim.mattos@fcc.gov; latoya.matthews@fcc.gov
Cc: Harris, Laurence; philip.verveer@fcc.gov; Daniel Alvarez
Subject: Mtg request, July 23-25, Adak Eagle/Windy City Cellular

Hello to both of you. Larry Mayes, owner of Adak Eagle Enterprises, and Andilea Weaver, the Chief Operating Officer, will be in DC July 23-25. They would like to meet with Phil and Daniel to discuss their pending waiver request. (If separate meetings are easier, that would be fine as well). The extension of interim funding, which as Phil and Daniel may recall the Bureaus granted after Larry Harris and I met with Phil in December, has allowed the continuation of service on the island, including service for the EDOT team currently on the island doing bomb search, detonation and removal work. The link to the attached article from today reflects the importance of their service not just to the Island, but to the region. The Alaska Volcano Observatory, which is located on the island (and which is one of the many entities that filed letters in support of their pending waiver request) - has detected that five volcanos along the Aleutian chain are active, and are now on "alert" status. http://boingboing.net/2014/06/19/seismic-flare-ups-observed.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+boingboing%2FiBag+%28Boing+Boing%29

We have been very grateful for that interim funding extension. But the companies remain at an operational standstill, unable to plan for the future or even provide basic forecasts to their auditors, because of the continuing uncertainty surrounding the waiver process. They have no idea whether the Commission intends to provide funding to maintain their viability, or if they need to resume taking steps towards bankruptcy. Also, they need to know if they should be sending discontinuance notices to residents and others that have depended on their services.

The Adak Eagle and Windy City Cellular interim funding runs out in a matter of weeks. It has now been over two years since the companies filed their original waiver petitions, and almost a year since they filed their petition for recon and application for review. We have in good faith made every effort to address every specific concern raised by the Bureaus in the denial order, we have demonstrated that this is the only company providing reliable 911 service, we have shown this is the only company not gaming the system by taking reimbursement for multiple lines per customer, and we have diligently and quickly provided comprehensive responses to every single question asked by staff.

Phil and Daniel would very much enjoy meeting Mr. Mayes and Ms. Weaver. As you can imagine, having built a communications system from scratch - many parts of it by hand - under the severe and almost unimaginable conditions of Adak Island, takes incredible grit, determination, diligence, faith, and heart. I hope that they are able to make some time in their schedule to meet. Joining me in the meeting would be Larry Harris.

Thanks very much,
Monica

ATTACHMENT 2

From: "Desai, Monica S."
Date: 06/20/2014 1:02 PM (GMT-05:00)
To: "Amy Bender (Amy.Bender@fcc.gov)"
Cc: Natividad.Persaud@fcc.gov
Subject: Adak mtg request 7/23-7/25

Hello Amy - Larry Mayes, owner of Adak Eagle Enterprises, and Andilea Weaver, the Chief Operating Officer, will be in DC July 23-25. They would like to meet to discuss their pending waiver request. The extension of interim funding has allowed the continuation of service on the island, including service for the EDOT team currently on the island doing bomb search, detonation and removal work. The link to the attached article from today reflects the importance of their service not just to the Island, but to the region. The Alaska Volcano Observatory, which is located on the island (and which is one of the many entities that filed letters in support of their pending waiver request) - has detected that five volcanos along the Aleutian chain are active, and are now on "alert" status. http://boingboing.net/2014/06/19/seismic-flare-ups-observed.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+boingboing%2FiBag+%28Boing+Boing%29

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The Adak Eagle and Windy City Cellular interim funding runs out in a matter of weeks. It has now been over two years since the companies filed their original waiver petitions, and almost a year since they filed their petition for recon and application for review. We have in good faith made every effort to address every specific concern raised by the Bureaus in the denial order, we have demonstrated that this is the only company providing reliable 911 service, we have shown this is the only company not gaming the system by taking reimbursement for multiple lines per customer, and we have diligently and quickly provided comprehensive responses to every single question asked by staff.

Would you have room in your schedule to meet with them while they are in town?

Thanks very much,
Monica

ATTACHMENT 3

From: "Desai, Monica S."
Date:06/20/2014 1:05 PM (GMT-05:00)
To: priscilla.argeris@fcc.gov
Cc: Marquita.Boozer@fcc.gov
Subject: Adak mtg request 7/23-7/25

Hello Priscilla - Larry Mayes, owner of Adak Eagle Enterprises, and Andilea Weaver, the Chief Operating Officer, will be in DC July 23-25. They would like to meet to discuss their pending waiver request. The extension of interim funding has allowed the continuation of service on the island, including service for the EDOT team currently on the island doing bomb search, detonation and removal work. The link to the attached article from today reflects the importance of their service not just to the Island, but to the region. The Alaska Volcano Observatory, which is located on the island (and which is one of the many entities that filed letters in support of their pending waiver request) - has detected that five volcanos along the Aleutian chain are active, and are now on "alert" status. http://boingboing.net/2014/06/19/seismic-flare-ups-observed.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+boingboing%2FiBag+%28Boing+Boing%29

We have been very grateful for that interim funding extension. But the companies remain at an operational standstill, unable to plan for the future or even provide basic forecasts to their auditors, because of the continuing uncertainty surrounding the waiver process. They have no idea whether the Commission intends to provide funding to maintain their viability, or if they need to resume taking steps towards bankruptcy. Also, they need to know if they should be sending discontinuance notices to residents and others that have depended on their services.

The Adak Eagle and Windy City Cellular interim funding runs out in a matter of weeks. It has now been over two years since the companies filed their original waiver petitions, and almost a year since they filed their petition for recon and application for review. We have in good faith made every effort to address every specific concern raised by the Bureaus in the denial order, we have demonstrated that this is the only company providing reliable 911 service, we have shown this is the only company not gaming the system by taking reimbursement for multiple lines per customer, and we have diligently and quickly provided comprehensive responses to every single question asked by staff.

Would you have room in your schedule to meet with them while they are in town?

Thanks very much,
Monica

ATTACHMENT 4

From: "Desai, Monica S."
Date:06/20/2014 1:11 PM (GMT-05:00)
To: DeeAnn.Smith@fcc.gov
Cc: Rebekah Goodheart
Subject: Mtg Request, Adak, 7/23-7/25

Hello DeeAnn - Larry Mayes, owner of Adak Eagle Enterprises, and Andilea Weaver, the Chief Operating Officer, will be in DC July 23-25. They would like to meet with Rebekah to discuss their pending waiver request. The extension of interim funding has allowed the continuation of service on the island, including service for the EDOT team currently on the island doing bomb search, detonation and removal work. The link to the attached article from today reflects the importance of their service not just to the Island, but to the region. The Alaska Volcano Observatory, which is located on the island (and which is one of the many entities that filed letters in support of their pending waiver request) - has detected that five volcanos along the Aleutian chain are active, and are now on "alert" status. http://boingboing.net/2014/06/19/seismic-flare-ups-observed.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+boingboing%2FiBag+%28Boing+Boing%29

We have been very grateful for that interim funding extension. But the companies remain at an operational standstill, unable to plan for the future or even provide basic forecasts to their auditors, because of the continuing uncertainty surrounding the waiver process. They have no idea whether the Commission intends to provide funding to maintain their viability, or if they need to resume taking steps towards bankruptcy. Also, they need to know if they should be sending discontinuance notices to residents and others that have depended on their services.

The Adak Eagle and Windy City Cellular interim funding runs out in a matter of weeks. It has now been over two years since the companies filed their original waiver petitions, and almost a year since they filed their petition for recon and application for review. We have in good faith made every effort to address every specific concern raised by the Bureaus in the denial order, we have demonstrated that this is the only company providing reliable 911 service, we have shown this is the only company not gaming the system by taking reimbursement for multiple lines per customer, and we have diligently and quickly provided comprehensive responses to every single question asked by staff.

Would Rebekah have room in her schedule to meet with them while they are in town?

Thanks very much,
Monica

Attachment 5

From: "Desai, Monica S."
Date: 06/20/2014 12:58 PM (GMT-05:00)
To: "'nicholas.degani@fcc.gov' (nicholas.degani@fcc.gov)"
Cc: Deanne.Erwin@fcc.gov
Subject: Adak mtg request, 7/23-7/25

Hello Nick. Larry Mayes, owner of Adak Eagle Enterprises, and Andilea Weaver, the Chief Operating Officer, will be in DC July 23-25. They would like to meet to discuss their pending waiver request. The extension of interim funding has allowed the continuation of service on the island, including service for the EDOT team currently on the island doing bomb search, detonation and removal work. The link to the attached article from today reflects the importance of their service not just to the Island, but to the region. The Alaska Volcano Observatory, which is located on the island (and which is one of the many entities that filed letters in support of their pending waiver request) - has detected that five volcanos along the Aleutian chain are active, and are now on "alert" status. http://boingboing.net/2014/06/19/seismic-flare-ups-observed.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+boingboing%2FiBag+%28Boing+Boing%29

We have been very grateful for that interim funding extension. But the companies remain at an operational standstill, unable to plan for the future or even provide basic forecasts to their auditors, because of the continuing uncertainty surrounding the waiver process. They have no idea whether the Commission intends to provide funding to maintain their viability, or if they need to resume taking steps towards bankruptcy. Also, they need to know if they should be sending discontinuance notices to residents and others that have depended on their services.

The Adak Eagle and Windy City Cellular interim funding runs out in a matter of weeks. It has now been over two years since the companies filed their original waiver petitions, and almost a year since they filed their petition for recon and application for review. We have in good faith made every effort to address every specific concern raised by the Bureaus in the denial order, we have demonstrated that this is the only company providing reliable 911 service, we have shown this is the only company not gaming the system by taking reimbursement for multiple lines per customer, and we have diligently and quickly provided comprehensive responses to every single question asked by staff.

Would you have room in your schedule to meet with them while they are in town?

Thanks very much,
Monica