



PUBLIC NOTICE

Federal Communications Commission
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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON ALASKA COMMUNICATIONS SYSTEMS PETITION FOR WAIVER OF CERTAIN HIGH-COST UNIVERSAL SERVICE RULES

WC Docket Nos. 10-90, 05-337

Comment Date: October 12, 2012

Reply Comment Date: October 19, 2012

The Wireline Competition Bureau seeks comment on a petition filed by ACS of Anchorage, Inc., ACS of Northland, Inc., ACS of Fairbanks, Inc., and ACS of Alaska, Inc. (collectively, “ACS”) for a waiver of certain portions of section 54.312(b)(2) of the Commission’s rules, which, among other things, requires a carrier accepting Connect America Phase I incremental support to deploy broadband service to a number of unserved locations equal to the amount of incremental support accepted divided by \$775.¹ ACS accepted \$4,185,103 in incremental support, obligating it to deploy broadband to 5,401 unserved locations.² However, ACS alleges that it later discovered that the business case only supported deploying to 2,163 unserved locations under the current Commission rules, accounting for \$1,676,325 in accepted support.³ In order to utilize the remaining \$2,508,778 in support, ACS requests a waiver of the terms of section 54.312(b)(2) of the Commission’s rules.⁴ Specifically, ACS requests three alternative forms of relief. First, ACS requests waiver of the \$775 per location limit, allowing it to deploy broadband to 363 locations for the remaining \$2,508,778.⁵ Second, ACS requests a waiver of the definition of “broadband” to allow ACS to count upgrading service to existing customers with speeds below 1.5 Mbps as deploying

¹ ACS Petition for Waiver, WC Docket Nos. 10-90, 05-337 (filed Sept. 26, 2012) (Petition); *see also Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Red 17663 (2011) (*USF/ICC Transformation Order and FNPRM*); *pets. for review pending sub nom. In re: FCC 11-161*, No. 11-9900 (10th Cir. filed Dec. 18, 2011); 47 C.F.R. § 54.312(b).

² Petition at 3.

³ *Id.* at 6-7.

⁴ *Id.* at 7.

⁵ *Id.* at 8-9.

to an unserved location.⁶ Third, ACS requests a waiver of the definition of “unserved,” such that locations served by a fixed wireless broadband provider would be deemed unserved.⁷

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, interested parties may file comments or reply comments on or before the dates indicated above.⁸ Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).⁹

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

In addition, one copy of each pleading must be sent to each of the following:

- (1) Ryan J. Yates, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B441A, Washington, DC 20554; e-mail: Ryan.Yates@fcc.gov; and
- (2) Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A452, Washington, DC 20554; e-mail: Charles.Tyler@fcc.gov.

⁶ *Id.* at 9-11.

⁷ *Id.* at 11-12.

⁸ 47 C.F.R. §§ 1.415, 1.419.

⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹⁰ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, please contact Ryan Yates, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-0886 or TTY (202) 418-0484.

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¹⁰ 47 C.F.R. §§ 1.1200 *et seq.*