



Federal Communications Commission
Washington, D.C. 20554

August 7, 2017

DA 17-570

Alex Sene, Acting CEO
American Samoa Telecommunications Authority
P.O. Box M
Pago Pago, AS 96799

RE: Petition for Reconsideration, Request for Waiver, and Request for Extension of Time (Call Signs WQNF697, WQNF698, WQNF699, WQNF700, WQNF703, and WQNF705)

Dear Mr. Sene:

This letter addresses the above-referenced petition for reconsideration, request for waiver, and request for extension of time (Petition) filed by American Samoa Telecommunications Authority (ASTCA).¹ ASTCA seeks reconsideration of the Notices of License Termination Pending Status² that the Wireless Telecommunications Bureau (Bureau) issued as a result of ASTCA's failure to meet its five-year build-out deadlines for the above-referenced PCS licenses (Licenses). Because it did not file for relief timely, ASTCA also seeks a waiver of section 1.946(e) of the Commission's rules. Further, ASTCA also seeks a period of seven months from reinstatement of the Licenses to complete construction. For the reasons discussed herein, we find that unique circumstances are present in this situation and that a waiver of section 24.203 and reinstatement of ASTCA's licenses, *nunc pro tunc*, will serve the public interest by enabling ASTCA to rapidly bring advanced LTE service to the residents of the remote islands of American Samoa.³

¹ American Samoa Telecommunications Authority Petition for Reconsideration, Request for Waiver, and Request for Extension of Time, Call Signs WQNF697, WQNF698, WQNF699, WQNF700, WQNF703, and WQNF705 (filed Apr. 1, 2016) (Petition).

² See e.g. Construction/Coverage Deadline Notice of License Termination Pending Status for American Samoa Telecommunications Authority, Reference No. 6119428 (dated Mar. 2, 2016) (Termination Notices). ASTCA seeks reconsideration of the Termination Pending status and reinstatement of each of the above-referenced licenses.

³ While ASTCA styles part of its request as a petition for reconsideration of the Termination Notices pursuant to section 1.106 of the Commission's rules, 47 CFR § 1.106, we note that, with respect to "termination pending" status, the Commission permits a licensee to file a petition for reconsideration to demonstrate that construction has actually been met. See *Wireless Telecommunications Bureau Announces Deployment Of "Auto-Term," the Automated Feature in its Universal Licensing System That Identifies Unconstructed Stations Resulting in Automatic Termination of Licenses*, Public Notice, 21 FCC Rcd 163, 164 (WTB 2006). It is not a vehicle by which a licensee may seek reconsideration of license termination where the licensee has not met its performance requirements. Instead, we will treat the petition for reconsideration and associated request for extension as a request for waiver and reinstatement *nunc pro tunc* under section 1.925. ASTCA also seeks a waiver of section 1.946(e) which requires that licensees seeking relief with respect to performance requirements must do so prior to the end of the applicable construction requirement. See 47 CFR § 1.946(e). The Commission has repeatedly emphasized that requiring licensees to timely seek relief serves important public policy objectives and has dismissed untimely requests for relief. See, e.g., *Vijay Ravenkar, The Port Authority of New York and New Jersey, Requests for Waiver to Permit Untimely Filing and to Extend the Construction Period for Station WQPK961*, File No. 0006191959, Letter Order, 29 FCC Rcd 3729 (WTB MD 2014). The Commission may, however, entertain late-filed petitions where it is in the public interest to grant relief. *Data-Max Wireless, LLC, Request for Waiver and Extension of Time of Tribal Land*

Background. Pursuant to section 24.203 of the Commission's rules, PCS licensees must demonstrate that they are providing service sufficient to serve either one-third (for licensees of 30 megahertz blocks)⁴ or one-fourth (for all other licensees)⁵ of the population in their licensed market areas within five years of the initial license grant. Alternatively, licensees may make a substantial service showing.⁶ A PCS license will automatically terminate as of the construction deadline if the licensee fails to meet the requirements of section 24.203 unless the Commission grants an extension or waives the applicable construction requirement.⁷ Failure to construct as required results in forfeiture of the license or non-renewal and the licensee is ineligible to regain the license.⁸

ASTCA was the winning bidder for the Licenses, comprising 80 MHz of spectrum, in Auctions 71 and 78,⁹ and the Bureau granted the Licenses to ASTCA on January 24, 2011.¹⁰ Accordingly, ASTCA's initial five-year construction deadline for each of its licenses was January 24, 2016.¹¹ Pursuant to Commission rules, ASTCA was required to serve either one-third of the population of American Samoa for its 30 MHz license¹² and one-fourth of the population for its 10 MHz licenses,¹³ or demonstrate substantial service in each licensed area by that date. On March 2, 2016, as a result of ASTCA's failure to file construction notifications or a request for waiver or extension of time to meet its build-out deadline, the Bureau issued the Termination Notices, placing the Licenses in termination pending status.

On April 1, 2016, ASTCA filed the Petition requesting relief, including an extension of less than one year to meet its five-year build-out deadlines.¹⁴ In support of its request, ASTCA argued that grant of its petition was warranted because: (1) it has been diligent in constructing its system through its involvement in the Broadband Linking the American Samoa Territory (BLAST) project,¹⁵ and the preparations it has made at its cell sites, including upgraded backhaul capability as well as power systems

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Bidding Credit Requirements, Call Sign WQJQ674, File Number 0005662520, Letter Order, 29 FCC Rcd 5149, 5152-3 (WTB MD 2014). We conclude that the overarching public interest benefits supporting a waiver of ASTCA's five-year construction deadlines also support ASTCA's request that we entertain its late-filed petition.

⁴ 47 CFR § 24.203(a). Section 24.203(a) also requires licenses of 30 megahertz PCS blocks to demonstrate that they are serving with a signal level sufficient to provide service to at least two-thirds of the population in the applicable license area within ten years of license grant. *Id.*

⁵ 47 CFR § 24.203(b).

⁶ See 47 CFR §§ 24.203(a), (b).

⁷ *Id.*

⁸ See 47 CFR §§ 1.946(c), 1.955(a)(2), and 24.203(a), (b).

⁹ See *Auction of Broadband PCS Spectrum Licenses Closes: Winning Bidders Announced for Auction No. 71*, Report No. AUC-07-71-E, Public Notice, 22 FCC Rcd 9247 (WTB 2007); *Auction of AWS-1 and Broadband PCS Licenses Closes: Winning Bidders Announced for Auction 78*, Report No. AUC-08-78-E, Public Notice, 23 FCC Rcd 12749 (WTB 2008).

¹⁰ See *Wireless Telecommunications Bureau Grants Broadband Personal Communications Services (PCS) Licenses: Auction 71*, Report No. AUC-71 (Auction 71), Public Notice, 26 FCC Rcd 462 (WTB 2011); *Wireless Telecommunications Bureau Grants Broadband Personal Communications Services (PCS) Licenses: Auction 78*, Report No. AUC-78 (Auction 78), Public Notice, 26 FCC Rcd 480 (WTB 2011).

¹¹ See 47 CFR §§ 24.203(a), (b).

¹² Call Sign WQNF700.

¹³ Call Signs WQNF697, WQNF698, WQNF699, WQNF703, and WQNF705.

¹⁴ Petition at 1.

¹⁵ *Id.* at 2-3.

and transmitter relocation;¹⁶ (2) delays to construction were beyond its control and resulted from “financial uncertainty and cash flow issues”;¹⁷ and (3) grant would further the rules and advance the public interest in that ASTCA is poised to use its spectrum to provide high-speed LTE service to the people of American Samoa.¹⁸

On January 7, 2017, ASTCA filed a Supplement, providing further support for its petition, including details regarding the challenges to construction arising from American Samoa’s geographic isolation and the company’s efforts in upgrading necessary communications infrastructure.¹⁹ ASTCA states that, “because much of [the middle-mile] infrastructure was in desperate need of upgrading [prior to completion of the BLAST project], ASTCA could not simply provide 4G service by installing LTE equipment.”²⁰ Rather, ASTCA has engaged in uniquely time-consuming, costly telecommunications infrastructure upgrades required in American Samoa prior to the deployment of LTE. ASTCA argues that the replacement of deteriorating legacy copper infrastructure with a fiber network was “a necessary precursor to 4G LTE deployment,” and this process was completed “only a few months prior to the January 2016 construction deadline.”²¹ ASTCA asserts that, with the completion of necessary infrastructure, it will be able to offer 4G LTE coverage meeting the Commission’s requirements within months of reinstatement of the Licenses.²²

More specifically, ASTCA notes that it was unable to provide 4G LTE service on its PCS spectrum by simply installing LTE equipment because the pre-existing copper infrastructure and circuit switching network limited backhaul speeds to 10 Mbps— not enough throughput to make LTE deployment “meaningful.”²³ In order to provide advanced telecommunications service offerings, ASTCA reports that it has devoted its staff and resources over the last five years to the BLAST project, a \$95 million project to replace legacy copper infrastructure with a fiber optic network to link the islands of American Samoa and deliver advanced telecommunications offerings including high-speed data, voice and cellular backhaul services.²⁴ ASTCA emphasizes that work on the BLAST project was a “necessary precursor” to its moving forward on the deployment of its LTE network.²⁵ In addition to making network changes to enable higher data rates,²⁶ ASTCA took additional steps in furtherance of its 4G LTE launch such as upgrading backhaul capacity and power systems at its cell sites,²⁷ as well as improving its computer systems and relocating transmitters on its towers to accommodate new LTE antennas.²⁸ ASTCA has also purchased and deployed a new antenna base and two new microwave facilities for

¹⁶ *See id.* at 3-4.

¹⁷ *Id.* at 5-6.

¹⁸ *Id.* at 7-9.

¹⁹ American Samoa Telecommunications Authority, Supplement at 2-3 (filed Jan. 7, 2017) (Supplement).

²⁰ *Id.* at 3.

²¹ *Id.* at 4-5.

²² *Id.* at 5-7.

²³ *See id.* at 3-4.

²⁴ *Id.* at 4-5.

²⁵ Petition at 3.

²⁶ The BLAST infrastructure, including the upgrade from circuit switching technology to IP-switching, enables higher data rates for fixed internet access into homes as well as the mobile LTE ASTCA is deploying.

²⁷ Supplement at 4.

²⁸ *See* Petition at 4; Supplement at 7. ASTCA also notes that there are no zoning or permitting issues associated with the LTE deployment, and that no new towers of construction will be required. *Id.*

additional backhaul capability,²⁹ with the now-installed fiber network linking all of ASTCA's existing cell towers and connecting the main islands of American Samoa.³⁰

Discussion. Requests to waive Commission rules must “meet a high hurdle at the starting gate.”³¹ In determining whether that standard is met, we must evaluate each case based on the specific circumstances it presents. It is well-established that the Commission may waive a rule where the particular facts make strict compliance inconsistent with the public interest,³² and it may take into account unique considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.³³ The Commission may grant a waiver pursuant to section 1.925(b)(3) of the Commission's rules when: (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and a grant of the requested waiver would be in the public interest; or (ii) in view of the unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.³⁴ The Commission has also stated that in instances where the circumstances are unique and the public interest would be served, it will consider waiving the PCS construction requirements on a case-by-case basis.³⁵ We have carefully reviewed the record before us and find that the geographic and environmental challenges associated with providing coverage to American Samoa, when viewed as a whole, present circumstances sufficiently unique that strict application of the Commission's rules in this case would be contrary to the public interest. Moreover, in providing relief, we permit ASTCA to provide 4G LTE service to a remote, underserved area that has until now lacked advanced broadband services.³⁶

The Commission has found that the difficulties experienced in providing service coverage in certain remote geographic areas may, in limited situations, constitute unique circumstances justifying waiver of construction requirements. For example, the Commission has noted the challenges that licensees in Alaska face due to “remoteness, lack of roads, challenges and costs associated with transporting fuel, lack of scalability per community, satellite and backhaul availability, extreme weather conditions, challenging topography, and short construction season.”³⁷ The Bureau has accordingly granted waiver relief on the basis of challenges stemming from “geographical distance from the lower forty-eight contiguous states,”³⁸ the limited timeframe when work can be performed and the limited transportation options to remote areas,³⁹ as well as the need to transport fuel, supplies and equipment

²⁹ See Supplement at 4.

³⁰ *Id.*

³¹ See *WAIT Radio v. FCC*, 459 F.2d 1203, 1207 (D.C. Cir. 1972).

³² *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

³³ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

³⁴ 47 CFR § 1.925(b)(3).

³⁵ *Amendment of the Commission's Rules to Establish New Personal Communications Services*, GEN Docket No. 90-314, Memorandum Opinion and Order, 9 FCC Rcd 4957, 5018 (1994).

³⁶ We note that another service provider, AST Telecom, LLC, which operates as Bluesky, is also in the process of constructing an LTE network on its licensed 700 MHz spectrum.

³⁷ *Connect America Fund; Universal Service Reform – Mobility Fund; Connect America Fund - Alaska Plan*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 10139, 10162, para. 72 (2016) (citing *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17829, para. 507 (2011), *aff'd sub nom. FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014)).

³⁸ See *State of Alaska*, Memorandum Opinion and Order, 18 FCC Rcd 16315, 16325 (2003).

³⁹ See, e.g., Letter to Stefan M. Lopatkiewicz, Esq., Counsel for TelAlaska, Inc. from Roger S. Noel, Mobility Division, Wireless Telecommunications Bureau, Letter Order, 24 FCC Rcd 7380 (WTB MD 2009).

required to construct remote facilities.⁴⁰ Most recently, we found a waiver grant appropriate because of the “unique circumstances” attendant to serving Alaska, including difficult geographic and weather conditions that make it “impracticable” to meet the applicable construction requirement.⁴¹

We find that the instant case presents unique circumstances and warrants a waiver for somewhat similar reasons. Although, as a general matter, we observe that it is a licensee’s general responsibility to conduct its due diligence to ensure that it can meet its performance obligations as required by the Commission’s rules,⁴² construction of facilities in this area is unusually difficult, involving complications generally not experienced in other areas of the country. American Samoa is a remote, unincorporated territory of the United States located approximately 2,300 miles southwest of Hawaii and 4,800 miles from the U.S. mainland, consisting of seven islands separated by large stretches of water.⁴³ While residents can be found on several of the islands, the majority of the territory’s population resides on Tutuila, the largest island, and the nearby Aunu’u.⁴⁴ Three other islands, Ta’u, Ofu, and Olosega, account for most of the remaining population.⁴⁵

There are no direct flights to the U.S. mainland, and only two weekly flights to Hawaii,⁴⁶ with cargo ships departing for American Samoa approximately once every two weeks. The bulk of resources, from telecommunications components to heavy equipment used to construct the communications facilities, must be ordered months in advanced and shipped to American Samoa. Transport of construction materials is extremely challenging and costly with shipment of supplies and equipment taking several weeks to months to travel from the point of origin on the mainland: equipment must first travel overland from suppliers to a port (typically on the West Coast), warehoused until it can be loaded onto a ship, and then transported to American Samoa. Any number of unpredictable factors – from weather-related transportation problems to work stoppages at ports⁴⁷— can delay shipments.⁴⁸ Further, American Samoa is limited in industry-specific manpower. There is limited access to skilled telecommunications personnel who can readily construct wireless facilities; instead, specialized

⁴⁰ See, e.g., *Petition of ACS Wireless, Inc. for Limited Waiver of Analog Service Rule*, Order, 21 FCC Rcd 14594 (WTB 2006).

⁴¹ See Letter to Robert Vitanza, AT&T Services, Inc., from Roger S. Noel, Mobility Division, Wireless Telecommunications Bureau, Letter Order, 32 FCC Rcd 512, 516 (WTB MD 2017) (AT&T Waiver Order).

⁴² See *Auction of Broadband PCS Spectrum Scheduled for May 16, 2007*, Public Notice, 22 FCC Rcd 433, 443-44, paras. 23-30 (WTB 2007); *Auction of AWS-1 and Broadband PCS Licenses Rescheduled for August 13, 2008*, Public Notice, 23 FCC Rcd 7496, 7513-15, paras. 51-60 (WTB 2008).

⁴³ Petition at 2; Supplement at 2.

⁴⁴ U.S. Census Bureau, 2010 Census Island Areas, *American Samoa, Population Count*, <https://www.census.gov/2010census/news/press-kits/island-areas/island-areas.html> (last visited August 4, 2017).

⁴⁵ *Id.*

⁴⁶ Supplement at 2.

⁴⁷ For example, work stoppages at West Coast ports in 2015 delayed cargo shipments to and from American Samoa for weeks. The shipment delays in turn slowed installation of the BLAST fiber optic cables.

⁴⁸ Additional shipping issues exist when transporting equipment and supplies to the smaller islands as there is a lack of commercial transport. Underground Construction, *American Samoa Fiber Optic Network*, December 2015, Vol. 70 No. 12, <https://ucononline.com/2016/01/04/american-samoa-fiber-optic-network/> (last visited August 4, 2017). It appears that, although supply ships are scheduled to arrive approximately every two weeks, weather and mechanical problems frequently delay shipments to the islands. See Daniel Lin, *How a Pacific Island Changed From Diesel to 100% Solar Power*, National Geographic (Feb. 23, 2017), <http://news.nationalgeographic.com/2017/02/tao-american-samoa-solar-power-microgrid-tesla-solarcity/>.

contractors must be brought in from the mainland.⁴⁹ The isolated location, lack of industry-specific suppliers and retailers on the island as well as unpredictable mainland delivery options compound the challenges in meeting construction requirements in this area.

American Samoa's topographic and environmental characteristics also pose problems for licensees. The territory's terrain is very challenging: these volcanic islands are extremely rugged and steep with two-thirds of the land covered by forest,⁵⁰ making it difficult to provide service coverage on the islands in terms of site construction as well as signal propagation. The provision of service coverage is made even more difficult because many areas of the islands lack electricity and are difficult to reach.⁵¹ Moreover, weather conditions pose additional challenges for licensees: American Samoa experiences a cyclone (hurricane) season for six months out of the year which causes frequent storms that can interfere with deployment and operations,⁵² and averages 125 inches of rainfall a year, with certain locations receiving up to 300 inches.⁵³ Such conditions can disrupt transport of equipment as well as delay construction of facilities. We conclude that the difficulties posed in transporting equipment and other resources, as well as building facilities and deploying service in American Samoa are unlike the challenges experienced by licensees in the continental United States. We find that circumstances in this case are sufficiently unique to warrant waiver relief, and we agree with ASTCA that the unique conditions associated with constructing facilities in American Samoa make strict application of the Commission's performance requirements in this instance contrary to the public interest.

Finally, we are also persuaded that a grant in this situation will result in significant benefit to the American Samoa community. Section 309 of the Act directs the Commission to ensure "the development and rapid deployment of new technologies, products, and services for the benefit of the public, including those residing in rural areas."⁵⁴ In line with this mandate and given the unique challenges of deploying service in this area, we find that a waiver will serve the public interest by facilitating the continued development and deployment of broadband services to this remote area. Access to advanced communications services in American Samoa has until recently been limited with available data service

⁴⁹ For example, ASTCA has contracted with other telecommunications-related firms to help construct its LTE and fiber optic cable networks. See, e.g., Supplement at 5; Underground Construction, *American Samoa Fiber Optic Network*, December 2015, Vol. 70 No. 12, <https://ucononline.com/2016/01/04/american-samoa-fiber-optic-network/> (last visited August 4, 2017).

⁵⁰ Office for Coastal Management, National Oceanic and Atmospheric Administration, American Samoa <https://coast.noaa.gov/states/american-samoa.html> (last visited August 4, 2017).

⁵¹ Data regarding access to electricity, including rural access, can be found at: Central Intelligence Agency, The World Factbook, *Australia-Oceania: American Samoa: Energy*, <https://www.cia.gov/library/publications/the-world-factbook/geos/aq.html> (last visited August 4, 2017); The World Bank, Sustainable Energy for All: Access to Electricity, American Samoa, <http://data.worldbank.org/indicator/EG.ELC.ACCS.ZS?locations=AS> (last visited August 4, 2017).

⁵² Supplement at 2.

⁵³ National Park Service, National Park of American Samoa, *Weather*, <https://www.nps.gov/npsa/planyourvisit/weather.htm> (last visited August 4, 2017); U.S. Energy Information Administration, *American Samoa, Territory Profile and Energy Estimates*, <https://www.eia.gov/state/analysis.php?sid=AQ> (last visited August 4, 2017). Heavy rain showers can occur any time of the year and often cause damage such as flooding, landslides, electrical power failures and road damage. Food and Agriculture Organization of the United Nations, *FAO Workshop – Data Collection for the Pacific Region, American Samoa*, <http://www.fao.org/docrep/006/ad672e/ad672e06.htm> (last visited August 4, 2017). Heavy, continuous rainfall can cause a myriad of problems for any type of construction, such as slowing general earthwork (grading, trenching, or backfilling) associated with a project.

⁵⁴ 47 U.S.C. § 309(j).

offerings being comparatively slow and expensive.⁵⁵ More specifically, residents of and visitors to American Samoa have been limited to 2G or 3G mobile services and have not had access to the same advanced mobile services that have been widely available in other parts of the country.⁵⁶ We conclude that providing relief in this instance will help to promote competitive mobile broadband services in American Samoa as well as access to the economic and personal benefits associated with high-speed broadband services.⁵⁷ Moreover, ASTCA has committed to making dedicated PCS frequencies available to first responders during emergencies.⁵⁸ Absent a waiver, affordable access to new advanced wireless services—as well as potential benefits brought about by such access—by American Samoa residents could be delayed, frustrating a key Commission goal of promoting spectrum access and service, particularly in underserved areas.

Based on the totality of these factors, we conclude that a waiver of the construction requirements of section 24.203 is warranted. We find that the challenges faced by ASTCA in providing service in this remote area, as well as the meaningful public benefit to be derived from access to advanced wireless services rises to the level of “unique or unusual circumstances” and that given these circumstances, strict application of this rule would be contrary to the public interest.⁵⁹ We reject other arguments – particularly those based on financial considerations – made by ASTCA in support of its request. In this regard, we emphasize, that the Commission has generally found that financial considerations or consequences resulting from a licensee’s business decisions do not constitute sufficient basis to warrant extension or waiver of a licensee’s obligations.⁶⁰

In light of the considerations discussed above, we waive the five-year construction requirements applicable under section 24.203 and reinstate *nunc pro tunc* ASTCA’s Licenses subject to ASTCA completing construction and deploying service as conditioned below. In order to ensure that ASTCA promptly deploys and maintains its planned services in each of its licensed markets, we will require ASTCA to demonstrate that it has constructed and is providing the coverage specified in its Petition and Supplement. Specifically, ASTCA requests a period of seven months from the date of reinstatement of its Licenses, during which time it will take the remaining steps necessary to fully deploy its 4G LTE network.⁶¹ By the end of this time period and pursuant to its deployment plan, ASTCA states that it will provide coverage to 60.42 percent of the American Samoa population on the A and D block channels and

⁵⁵ Certain reports have claimed that American Samoa has had the most expensive internet service in the country. See Supplement at 3, citing, Darren Murph, *The Most Expensive Internet In America: Fighting To Bring Affordable Broadband To American Samoa*, Engadget (July 4, 2012), <https://www.engadget.com/2012/07/04/most-expensive-internet-in-america-samoa-broadband-interview/>; Michael Calabrese et al, *The Most Expensive Internet in America*, SLATE (May 24, 2012), http://www.slate.com/blogs/future_tense/2012/05/24/internet_access_and_cost_in_american_samoa_northern_marias_islands_guam.html.

⁵⁶ See Note 28 *supra*.

⁵⁷ The Commission has noted that broadband access can be a driver for economic growth. See *Connecting America: The National Broadband Plan*, Federal Communications Commission, Washington, DC (March 2010); available at <http://www.broadband.gov/plan>. ASTCA notes that the opportunity for economic growth provided by access to high-speed Internet access is especially important in an “insular location” such as American Samoa where unemployment is high and job opportunities are limited. Supplement at 8-9.

⁵⁸ See Petition at 9.

⁵⁹ 47 CFR § 1.925(b)(3)(ii).

⁶⁰ See, e.g. *TelAlaska*, 24 FCC Rcd at 7384 n.30; *Redwood Wireless Minnesota, L.L.C. and Redwood Wireless Wisconsin, L.L.C. Request for a Waiver and Extension of the Broadband PCS Construction Requirements*, Order, 17 FCC Rcd 22416, 22419-23, paras. 6-13 (WTB 2002); Letter to Delaney M. DiStefano, Esq., from Kelly Quinn, Deputy Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, FCC, 17 FCC Rcd 10418, 10422 (WTB AIAD 2002).

⁶¹ See Supplement at 5-6.

to 34.34 percent of the population on the C and F block channels, with a combined coverage to more than 80 percent of the population.⁶²

Accordingly, we require ASTCA to file notifications of construction in ULS, demonstrating that it is providing the specified level of coverage by **March 7, 2018** for each of its Licenses. These notifications must be filed by **March 22, 2018**.⁶³ Further, to ensure that ASTCA continues to provide the residents of American Samoa continued access to advanced broadband service, ASTCA must demonstrate at renewal that, for each of its licensed markets, it has maintained or increased the level of service coverage identified in the construction notifications. We expect that ASTCA will work diligently to adhere to its specified construction and deployment schedule and remind ASTCA that failure to construct as required and to file construction notifications for its Licenses by the deadline specified will result in automatic termination of the Licenses.

Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and section 1.925(b)(3)(ii) of the Commission's rules, 47 CFR § 1.925(b)(3)(ii), a waiver of sections 1.946(e), and 24.203(a) and (b) of the Commission's rules, 47 CFR §§ 1.946(e), 24.203(a)-(b), is hereby GRANTED and American Samoa Telecommunications Authority's licenses, Call Signs WQNF697, WQNF698, WQNF699, WQNF700, WQNF703, and WQNF705, are hereby REINSTATED, *nunc pro tunc*, to the extent provided and subject to the conditions imposed herein.

These actions are taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's rules, 47 CFR §§ 0.131, 0.331.

Sincerely,

Roger S. Noel
Chief, Mobility Division
Wireless Telecommunications Bureau

⁶² *Id.*

⁶³ We note that this waiver applies only to the interim deadline for ASTCA's A Block license, Call Sign WQNF700, and does not affect the final construction deadline for that license. Therefore, ASTCA must demonstrate that it is providing coverage sufficient to serve at least two-thirds of the population applicable to Call Sign WQNF700 by January 24, 2020.