



# PUBLIC NOTICE

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## WIRELINE COMPETITION BUREAU APPROVES REVISED ALASKA PLAN PERFORMANCE PLAN FOR ADAK TELEPHONE UTILITY

**WC Docket No. 10-90**  
**WC Docket No. 16-271**

In this Public Notice, the Wireline Competition Bureau (Bureau) approves a revised performance plan for rate-of-return Alaska Plan participant Adak Telephone Utility (Adak) (SAC 610989).

In the *Alaska Plan Order*, the Commission provided a one-time opportunity for Alaskan rate-of-return carriers to elect to receive support frozen at adjusted 2011 levels for a 10-year term in exchange for meeting individualized performance obligations—offering voice and broadband services at specified minimum speeds by five-year and 10-year service milestones to a specified number of locations.<sup>1</sup> On December 16, 2016, the Bureau authorized the individualized performance obligations and support amounts for 13 rate-of-return companies in Alaska.<sup>2</sup> The Commission directed the Bureau “to reassess the deployment obligations in the approved performance plans before the end of the fifth year of support,” that is, 2021, and required that “participating carriers update their end-of-term commitments no later than the end of the fourth year of support.”<sup>3</sup> The Commission further delegated to the Bureau the “authority to review and approve modifications that serve the public interest,”<sup>4</sup> including deployment obligations if changes are necessary based on changed circumstances.<sup>5</sup>

On December 23, 2021, the Bureau announced the performance obligations for rate-of-return Alaska Plan carriers as part of the five-year midterm review.<sup>6</sup> As a result of its mid-term review, Adak

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<sup>1</sup> *Connect America Fund, et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 10139 (2016) (*Alaska Plan Order*); 47 CFR § 54.306(b).

<sup>2</sup> *Wireline Competition Bureau Authorizes Alaska Plan Support for 13 Alaskan Rate-of-Return Companies*, WC Docket Nos. 10-90, 16-271, Public Notice, 31 FCC Rcd 13347 (WCB 2016) (*Alaska Plan Wireline Authorization Public Notice*). See also Petition for Reconsideration of Adak Eagle Enterprises, LLC, WC Docket No. 10-90 (Jan. 19, 2017) (seeking reconsideration of the Commission’s decision to deny Adak Eagle Enterprises, LLC a second offer of A-CAM support); *Connect America Fund*, WC Docket No. 10-90, Order on Reconsideration, 34 FCC Rcd 10109, 10143-44, paras. 93-94 (2019) (imposing additional reporting obligations on Alaska Plan carriers).

<sup>3</sup> *Alaska Plan Order*, 31 FCC Rcd at 10158, para. 61.

<sup>4</sup> *Id.* Carriers with approved plans to maintain existing service levels are subject to biennial review. See *Alaska Plan Order*, 31 FCC Rcd at 10158, paras. 61-62. This midterm review also encompasses the Bureau’s biennial review. 47 CFR § 54.306(b).

<sup>5</sup> *Alaska Plan Order*, 31 FCC Rcd at 10158-59, para. 63.

<sup>6</sup> *Wireline Competition Bureau Announces Performance Obligations for Rate-Of-Return Alaska Plan Recipients After the Midterm Review*, WC Docket Nos. 10-90, 16-271, Public Notice, DA 21-1642 (WCB 2021) (*Midterm Review Public Notice*).

committed to performance obligations requiring it to deploy at least 2/1 Mbps using satellite middle mile to all of the 346 locations in its Eligible Telecommunications Carrier (ETC) designated area by the end of the fifth year of support, and to maintain that level of service through the end of the tenth year of support.<sup>7</sup> Subsequent to certifying its deployment for 2021, Adak requested that the required number of locations in its commitment be reduced from 346 to 306 locations. After discussions with Bureau staff, Adak then filed a letter with the Bureau that clarified its request and explained that 40 locations in Adak's performance obligations have been abandoned.<sup>8</sup> Adak said that the locations were either uninhabitable due to climate conditions or that the existing structures had been abandoned and were being demolished. Adak confirmed that it is otherwise meeting its commitment because it has deployed to 100% of the other locations in its ETC area and can serve all locations at the required speed, if requested, within ten business days.<sup>9</sup>

Based on the information Adak provided, we find it is in the public interest to revise Adak's deployment obligation to a total of 306 locations.<sup>10</sup> Adak will monitor area conditions for any further change in location totals and advise the Bureau if any structures are rebuilt or become habitable.<sup>11</sup> The performance obligations we approve today replace the performance obligations the Bureau approved for Adak on December 23, 2021 with respect to the total number of locations.<sup>12</sup>

We note that conditions in Alaska are difficult and subject to extreme weather.<sup>13</sup> Any Alaska Plan rate-of-return recipient that has experienced changed circumstances affecting the total number of locations in their eligible area and commitment may contact the Bureau with a request to revise its performance obligations.

For additional information on this proceeding, contact Rebekah Douglas, Wireline Competition Bureau, at [rebekah.douglas@fcc.gov](mailto:rebekah.douglas@fcc.gov) or (202) 418-7931.

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<sup>7</sup> See *Midterm Review Public Notice* at 3, Appendix A. The fifth year of support ended on December 31, 2021.

<sup>8</sup> Letter from Andilea Weaver, VP, Adak Eagle Enterprises, LLC to Wireline Competition Bureau, WC Docket No. 16-271 (filed Aug. 18, 2022).

<sup>9</sup> *Id.*

<sup>10</sup> See *Alaska Plan Order*, 31 FCC Rcd at 10158-59, para. 63.

<sup>11</sup> We note that the Broadband Serviceable Location Fabric is currently being updated. See FCC, Broadband Data Collection, <https://www.fcc.gov/BroadbandData>. Therefore, the Bureau reserves the right to revisit Adak's location obligation based on analysis of this data.

<sup>12</sup> See *Midterm Review Public Notice* at 3, Appendix A. See also *Alaska Plan Wireline Authorization Public Notice*, 31 FCC Rcd at 13354, Appendix B; *supra* note 2.

<sup>13</sup> See Zachariah Hughes, et al., As Western Alaska floodwaters recede, damage assessments begin across hundreds of miles of coastline, Anchorage Daily News (Sept. 19, 2022), <https://www.adn.com/alaska-news/2022/09/18/as-western-alaska-storm-weakens-damage-assessments-begin-across-hundreds-of-miles-of-coastline/>.