

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

In the Matter of)
Connect America Fund—Alaska Plan) WC Docket No. 16-271

ORDER

Adopted: July 13, 2022

Released: July 13, 2022

By the Acting Chief, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. By this Order, the Wireless Telecommunications Bureau (Bureau) grants a narrow sua sponte waiver of the Alaska Drive-Test Order's requirement that providers must start a drive test within a grid cell randomly selected by the Bureau. To address concerns of testing burden that GCI Communication Corp. (GCI) raised in its June 13, 2022 ex parte, we will allow the mobile providers subject to the Alaska Plan's drive-test requirement to test certain specified roadless grid cells—which will be determined based on the criteria set forth in this Order—using nearby proxy grid cells chosen by the Bureau using the specifications outlined herein.

II. BACKGROUND

2. Due to the unique challenges of providing communications services in remote Alaska, the Commission adopted the Alaska Plan Order in 2016, as a ten-year plan to ensure eligible remote areas were able to receive advanced communications services. The Alaska Plan Order required mobile-service provider participants to submit performance plans committing to cover a specific number of Alaskans by specified last-mile mobile technology subject to middle-mile technology available. The Alaska Plan Order also required each mobile-service provider participant to certify that it met the obligations contained in its performance plan by the end of year five (ending December 31, 2021) and the end of year ten (ending December 31, 2026), and it required staff to use FCC Form 477 mobile coverage data to determine whether the mobile-provider participants of the Alaska Plan met their commitments. Staff then combined the coverage data with census data to determine how many people were being

1 See Connect America Fund—Alaska Plan, WC Docket No. 16-271, Order and Request for Comment, DA 22-484 (WTB May 5, 2022) (Alaska Drive Test Order).

2 See Alaska Drive Test Order at 47, Appx. B, Sec. V.

3 Letter from Julie A. Veach, Counsel to GCI, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 16-271 (filed June 13, 2022) (GCI Jun. 13, 2022 Ex Parte Letter).

4 Connect America Fund et al., WC Docket No. 16-271, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 10139, 10140, 10159-60, 10162-63, 10164-65, paras. 1, 66-68, 72-73, 78 (2016) (Alaska Plan Order).

5 Alaska Plan Order, 31 FCC Rcd at 10166, 10172-73, paras. 85, 102.

6 47 CFR § 54.321; Alaska Plan Order, 31 FCC Rcd at 10166-67, 10173, paras. 85, 103; Alaska Drive Test Order, at 3, para. 4.

covered by each mobile-provider participant for each technology/speed tier.⁷ The *Alaska Plan Order* further required providers receiving \$5 million or more in annual support from the Alaska Plan (GCI and Copper Valley Wireless (CVW)) to submit drive-test data in support of their milestone certifications that show mobile transmissions to and from the network that meet or exceed the minimum speeds set out in the performance plans in the areas where the support was received.⁸

3. To help determine the number of Alaskans who receive mobile service within census blocks that are eligible to receive support in remote areas, the Bureau sought comment in the February 2020 *Alaska Population-Distribution Public Notice* on the Alaska Population-Distribution Model.⁹ This proposed model was derived from a population distribution methodology that GCI had submitted in 2016,¹⁰ with additional modifications suggested by the Alaska Telecom Association (ATA).¹¹

4. In September 2020, the Bureau adopted the Alaska Population-Distribution Model in the *Alaska Population Distribution Order*.¹² The model identified areas within a populated census block where people are likely to live and used road proximity and land status as factors indicating the location of the population.¹³ Among other steps, the model overlaid TIGER¹⁴ road data onto populated census blocks in remote areas.¹⁵ The methodology drew polygons extending 100 meters from each side of the included roads, overlaid General Land Status data, and eliminated areas of polygons where people are unlikely to reside.¹⁶ Finally, the population distribution model evenly distributed population of each census block within the remaining polygons to reflect the geographic areas where people are likely to live.¹⁷ For those census blocks where no populated areas are identified, the population distribution model evenly distributed the census-reported population of each block across land within that block owned by municipalities, private entities, or Alaska Natives.¹⁸ If there was no land owned by those groups, the population distribution model distributed the population throughout the entire census block.¹⁹ The model

⁷ *Alaska Drive Test Order*, at 8, para. 13.

⁸ See *Alaska Plan Order*, 31 FCC Rcd at 10173, para. 103 (requiring providers that receive more than \$5 million in annual support to conduct drive tests); *Alaska Drive Test Order* at 4, para. 5.

⁹ *Wireless Telecommunications Bureau Seeks Comment on Population Distribution Model and Eligible Census Block List to Be Applied in the Alaska Plan*, WC Docket No. 16-271, Public Notice, 35 FCC Rcd 1520, 1520, para. 1 (WTB 2020) (*Alaska Population Distribution Public Notice*).

¹⁰ Letter from Julie A. Veach, Counsel to GCI, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 16-271 (filed Nov. 29, 2016) (GCI Nov. 29, 2016 *Ex Parte* Letter).

¹¹ *Alaska Population Distribution Public Notice*, 35 FCC Rcd at 1523, para. 9; see *id.* at 1522-23, paras. 6-8.

¹² *Connect America Fund—Alaska Plan*, WC Docket No. 16-271, Order, 35 FCC Rcd 10373, 10373, para. 1 (WTB 2020) (*Alaska Population Distribution Order*).

¹³ *Id.* at 10374-75, 10376, paras. 4-5, 9.

¹⁴ TIGER stands for Topologically Integrated Geographic Encoding and Referencing. Census uses this format to describe land attributes such as roads and lakes, as well as Census-defined boundaries. See Census Bureau, TIGER/Line Shapefiles, Technical Documentation (2019), https://www2.census.gov/geo/pdfs/maps-data/data/tiger/tgrshp2019/TGRSHP2019_TechDoc.pdf.

¹⁵ *Alaska Population Distribution Order*, 35 FCC Rcd at 10374-75, paras. 4-5.

¹⁶ *Id.* at 10375, para. 5.

¹⁷ *Id.*

¹⁸ *Id.* (“The model also overlays General Land Status data maintained by the State of Alaska and removes areas where people are unlikely to reside, such as National Forest Service land.”).

¹⁹ *Id.*

also adopted exceptions in certain areas, as suggested by ATA.²⁰

5. In adopting and describing the model, the Bureau stated in footnote 14 of the *Alaska Population Distribution Order* that: “The proposed methodology excludes certain minor routes less likely to predict the location of a residence (e.g., unnamed roads, roads marked as ‘trails’ and passable only by 4WD vehicles, and pedestrian trails). Specifically, it excluded roads coded as S1500, [S1710], S1750, S1820, and S1830 in the 2019 TIGER/Line Shapefiles.”²¹ Consistent with this language, the Alaska Population-Distribution Model did not include roads where census information left the name blank for a road, nor did it include any roads that fell under a specifically excluded road classification that the Bureau listed.

6. On May 5, 2022, the Bureau adopted the *Alaska Drive Test Order*,²² which provided parameters and a drive-test methodology that would allow GCI and CVW to submit drive-test data consistent with the requirements of the *Alaska Plan Order*.²³ Among other steps used for determining where CVW and GCI should conduct drive testing, the sampling methodology adopted in the *Alaska Drive Test Order* used the Alaska Population-Distribution Model to determine where the populated areas were in eligible areas.²⁴ Consistent with the timeframes set forth in that Order, the Bureau issued the sample grid cells selected for drive testing to CVW and GCI.²⁵

7. On June 13, 2022, GCI filed an *ex parte* letter expressing concerns that some of the selected grid cells did not match its own population distribution model submitted in 2016.²⁶ Apparently under the misapprehension that the Bureau had adopted GCI’s population distribution model in all its details, which was not the case, GCI claims that certain roads that were included in the population distribution methodology that it submitted in 2016 were excluded from the model that the Bureau applied in issuing the sample grid cells for drive testing.²⁷ GCI further claims that excluding these roads means that the population is distributed evenly throughout a census block, and thus more of the grid cells selected may be farther away from roads and more burdensome to test.²⁸ GCI requests that its sample set be regenerated consistent with its understanding of the population distribution model.²⁹

III. DISCUSSION

8. To the limited extent detailed below, we waive the requirement that mobile providers subject to the drive-testing requirement must start drive tests within the grid cells selected by the Bureau to be considered a valid test.³⁰ For certain originally selected roadless grid cells that meet the

²⁰ *Alaska Population Distribution Order*, 35 FCC Rcd at 10377, para. 12.

²¹ *Id.* at 10375, para. 5 n.14.

²² *Alaska Drive Test Order*.

²³ *Alaska Plan Order*, 31 FCC Rcd at 10173, para. 103.

²⁴ *Alaska Drive Test Order* at 43-44, Appx. B, Sec. II.

²⁵ *See id.* at 47, Appx. B, Sec. IV n.16.

²⁶ GCI Jun. 13, 2022 *Ex Parte* Letter at 1-2.

²⁷ *Id.* at 3. In particular, GCI states that in its version of the population model, GCI had included S1500 (unless the road name ends in “Trl”), S1710 (unless the road name ends in “Trl”), and S1750, as well as roads with a “name entry that is blank or missing.” *Id.* at 2. As an example, GCI attached an image of Nunapitchuk, where the houses are connected by boardwalks coded as S1710 “walkway/pedestrian trails and were excluded in the version of the Model used to generate the drive test samples.” *Id.* at 4, Attach at 1-2.

²⁸ *Id.* at 5, 7.

²⁹ *Id.* at 5.

³⁰ *Alaska Drive-Test Order* at 47, Appx. B, Sec. V (“To be considered valid, each test must be conducted . . . within the selected grid cell Mobile tests are considered to be located within the grid cell containing the starting

(continued....)

requirements below and are specified by the Bureau, drive testers may test that grid cell by starting the test in an alternative grid cell selected by FCC staff, which we refer to as a specified “proxy grid cell.” Instead of conducting the drive test in the originally selected grid cell, the provider may conduct all of the tests within (or starting in) the proxy grid cell.³¹ In other words, providers subject to the drive-testing requirement can drive test certain proxy grid cells instead of some roadless grid cells originally selected via the sampling methodology.

9. The Commission may waive any provision of the rules on its own motion or on petition “for good cause shown.”³² In order to meet the “good cause shown” standard, the Commission must find that: (1) “special circumstances warrant a deviation from the general rule”; and (2) “such deviation will serve the public interest.”³³ A rule waiver may serve the public interest when the relief would not undermine the policy objectives of the rule.³⁴ In this case, granting a limited, *sua sponte* waiver of the requirement to conduct tests within the Bureau-selected grid cells for a limited set of originally selected grid cells—as specified below—meets both prongs of this test.

10. We find that the burdens raised by GCI in its June 13, 2022 *ex parte*, the uniquely difficult terrain in Alaska, and the September 30, 2022 deadline to submit drive-test data constitute special circumstances that warrant a deviation from the general rule. The *Alaska Drive Test Order* recognized the importance of testing certain roadless remote areas because some of those areas “are in the vicinity of covered residences and must be tested to achieve statistically significant testing of each provider’s coverage sufficient to enable the Bureau to determine whether a provider has satisfied its commitments.”³⁵ GCI acknowledges this aspect of the *Alaska Drive Test Order*,³⁶ but raises concern that its “drive test sample set . . . includes fewer areas where population lives and more areas without population or roads.”³⁷ This would make it more burdensome for GCI to perform its drive tests in those areas.³⁸ We have acknowledged that remote Alaska has “unique challenges,” including uniquely challenging terrain,³⁹ particularly in roadless areas.⁴⁰ In the *Alaska Drive Test Order*, we included several design features to address concerns about drive testing roadless grid cells.⁴¹ GCI’s June 13, 2022 *ex parte* suggests, however, that despite these accommodations in the *Alaska Drive Test Order*, it still has concerns about the extent of roadless grid cells in its sample set and the associated burdens of testing those grid cells.⁴² At the same time, we note the importance of receiving the mobile providers’ drive test submissions by the September 30, 2022 deadline (which already reflects an extension from the original

location . . .”). While this waiver applies equally to both mobile providers subject to the drive testing requirements, CVW has zero selected grid cells eligible for proxy testing, based on the criteria provided by this Order.

³¹ *Alaska Drive-Test Order* at 47, Appx. B, Sec. V.

³² 47 CFR § 1.3.

³³ See, e.g., *Ne. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); see *WAIT Radio v. FCC*, 418 F.2d 1153, 1157-59 (D.C. Cir. 1969) (*WAIT Radio*).

³⁴ See *WAIT Radio*, 418 F.2d at 1155, 1157.

³⁵ *Alaska Drive Test Order* at 13, para. 23 (footnote omitted).

³⁶ GCI Jun. 13, 2022 *Ex Parte* Letter at 5 (acknowledging that “the [*Alaska*] *Drive Test Order* explained that some grid cells may be in areas without roads or population due to the need for the sample to be statistically valid”).

³⁷ *Id.*

³⁸ *Id.* at 7 (asking to “reduc[e] some of the burdens of drive testing in remote roadless areas”).

³⁹ *Alaska Plan Order*, 31 FCC Rcd at 10173, paras. 5, 29, 103.

⁴⁰ *Alaska Drive Test Order* at 13, para. 23.

⁴¹ See, e.g., *id.* at 14, para. 25.

⁴² GCI Jun. 13, 2022 *Ex Parte* Letter at 7.

deadline of March 1),⁴³ so that we can assess their compliance with their Alaska Plan commitments. Given these particular circumstances, we find that this limited waiver can address GCI's burden concerns about the distance of certain grid cells from roads, keep the drive testing on the current testing schedule, and, as explained below, avoid any negative impact on the sampling methodology adopted in the *Alaska Drive Test Order*.

11. We find it in the public interest to grant a *sua sponte* waiver because our actions today will ensure that drive testing can proceed without delay while still rendering results that are consistent with the requirements of the *Alaska Plan Order*⁴⁴ and the *Alaska Drive Test Order*.⁴⁵ As a result of keeping the drive testing on track, this limited waiver will ensure that we can assess whether these mobile provider-participants have met their commitments. In order to reduce the burden of testing roadless grids, we identify a limited number of grid cells where GCI instead can test a nearby grid cell that has roads. Accordingly, we find that this limited relief does not undermine the policy objectives of the rule that we are waiving. We adopted the specific requirements of the Alaska Drive Test Model—including the requirement to test within a selected grid cell—to ensure, as required by the *Alaska Plan Order*, that providers “demonstrate coverage of an area with a statistically significant number of tests in the vicinity of residences being covered.”⁴⁶ Allowing GCI to test in a proxy grid cell that contains population of at least one census block in common as the original grid cell ensures that we still receive test results in an area with similar characteristics to the original grid cell while addressing GCI's burden concerns. As such, the drive test results we receive from GCI will still represent “a statistically significant number of tests in the vicinity of residences being covered.” Moreover, this relief is consistent with solutions the Commission has implemented in the context of other drive-test requirements, which used a similar proxy approach while retaining the public interest benefits of accountability from the drive testing.⁴⁷ Indeed, in adopting the drive testing requirements, the Bureau recognized the need to “monitor the situation and . . . remain flexible.”⁴⁸ We find flexibility to be warranted here to ensure that GCI can accomplish its drive testing by the September 30, 2022 deadline.⁴⁹

12. *Grid cells eligible for proxy testing.* Specifically, by this waiver, we allow the providers subject to the drive testing requirement to drive test a proxy grid cell instead of a grid cell originally selected via the sampling methodology. To be eligible to test a proxy grid cell instead of the original grid cell, that original grid cell must be roadless according to the model adopted in the *Alaska Population Distribution Order* (used by the Bureau in developing the sample grid cells) and also must meet the following criteria:

- The grid cells subject to proxy testing must not be a “Stratum 1” grid cell. This waiver does

⁴³ See *Connect America Fund—Alaska Plan*, WC Docket No. 16-271, Order, DA 21-1394, at 1, para. 1 (WTB Nov. 8, 2021) (*Alaska Drive Test Data Extension*) (extending the deadline for the submission of drive test data from March 1, 2022, to September 30, 2022).

⁴⁴ *Alaska Plan Order*, 31 FCC Rcd at 10141, 10149, 10173, paras. 5, 29, 103.

⁴⁵ See generally *Alaska Drive Test Order* (adopting a drive test methodology implementing the requirements of the *Alaska Plan Order*).

⁴⁶ *Alaska Plan Order*, 31 FCC Rcd at 10173, para. 103; see also *Alaska Drive Test Order* at 4, para. 7 (“The proposed Alaska Drive-Test Model was designed to ensure that the service providers required to conduct drive testing would obtain a ‘statistically significant number of tests in the vicinity of residences being covered.’”).

⁴⁷ See Methodology for T-Mobile Drive Tests to Verify Compliance with T-Mobile/Sprint Merger Commitments 9 (Jan. 8, 2020), <https://www.fcc.gov/sites/default/files/t-mobile-drive-test-methodology-01082021.pdf> (“For cell grids without a drivable road, T-Mobile will perform speed measurements in a proxy grid, defined as the grid nearest to the population-weighted centroid that has accessible roads.”).

⁴⁸ *Alaska Drive Test Order* at 6, para. 8 n.35.

⁴⁹ *Alaska Drive Test Data Extension* at 1, para. 1 (extending the deadline for the submission of drive test data from March 1, 2022, to September 30, 2022).

not address Stratum 1 grid cells because that stratum has a high concentration of roadless grid cells, and the *Alaska Drive Test Order* made accommodations for the lack of roads in that stratum by allowing for unmanned aircraft system (UAS) testing under certain circumstances.⁵⁰

- The grid cells subject to proxy testing must not contain road classifications included in GCI's model.⁵¹ Some grid cells identified as roadless by the FCC model may be identified as having roads by GCI, and providers are able to test the selected grid cells with the roads that have been identified within those selected grid cells. Accordingly, providers should not need a proxy to test those grid cells.
- The grid cells subject to proxy testing must not have had population distributed uniformly throughout because of roads that were excluded from *both* the FCC model and GCI's model. Some Strata 2 and higher have "roadless" grid cells residing in census blocks that are completely roadless—in those scenarios, a proxy grid cell would not be available within that census block (see below). Further, we have previously noted the importance of testing some roadless grid cells—this waiver is not intended to eliminate all roadless grid cells from the sample set.⁵²
- The grid cells subject to proxy testing must not reside in census blocks where an exception population boundary was drawn by ATA, as described in the *Alaska Population Distribution Order*.⁵³ For certain census blocks, the Alaska Population-Distribution Model used on-the-ground data to determine the location of population, which often was away from roads. This waiver is not intended to impact such grid cells, nor does GCI raise concern with those particular areas within the model.

13. *Proxy grid cell selection criteria.* The grid cells eligible to be a proxy must also meet certain criteria so as to be the best proxy of the selected grid cell. To serve as a proxy to a selected grid cell, the proxy grid cell must meet the following criteria:

- The proxy grid cell and the selected grid cell must both contain population from at least one census block in common. Alaska's population was distributed at the census block level,⁵⁴ and a proxy grid cell should represent the same underlying population as the original grid cell.
- The proxy grid cell will be the grid cell with the nearest road section—limited to the road classifications GCI argues should be in the population distribution model⁵⁵—to the center of the selected grid cell.
- The proxy grid cell shall not already have been selected for testing in the same frame. If the nearest grid cell meeting the first two requirements is already selected, then the proxy grid cell shall be the next nearest grid cell meeting the above requirements.

14. If a single grid cell meets the proxy selection criteria above for more than one grid cell subject to proxy testing (e.g., one grid cell is selected twice as a proxy grid cell), the Bureau will use the following criteria as a "tiebreaker" to determine which originally-selected grid cell will use the proxy grid cell:

⁵⁰ *Alaska Drive Test Order* at 17, para. 31.

⁵¹ See, e.g., GCI Jun. 13, 2022 *Ex Parte* Letter at 2.

⁵² See, e.g., *Alaska Drive Test Order* at 13, para. 23 and n.100.

⁵³ *Alaska Population Distribution Order*, 35 FCC Rcd at 10375-76, 10377, paras. 6, 12.

⁵⁴ See, e.g., *id.* at 10373, 10374, paras. 1, 4.

⁵⁵ GCI Jun. 13, 2022 *Ex Parte* Letter at 2-5.

- First, we will use the available proxy grid cell for the proxy-eligible, originally-selected grid cell that is in the higher stratum (i.e., the grid cell that has a higher “value” for testing).
- Second, if the proxy-eligible, originally-selected grid cells are in the same stratum, then the originally-selected grid cell that is farthest from the proxy grid cell will the proxy grid cell in question assigned to it, as it is likely the more burdensome grid cell to test without use of a proxy grid cell.

15. The proxy selection criteria will then be applied again to select the next-available proxy grid cell for the other proxy-eligible, originally-selected grid cell. If no grid cell meets that criteria, the originally-selected grid cell without a proxy will be subject to the accommodation discussed below.

16. *No available proxy.* In some cases, there may not be a grid cell that meets the criteria to be eligible to be a proxy for one of the originally selected grid cells identified by the Bureau. For example, the only grid cells eligible to be a proxy may already be selected for testing (either in the original sample, or through the tiebreaker scenario detailed above). In that case, we extend the accommodation that we adopted in the *Alaska Drive Test Order* for grid cells with a population of less than one (i.e., for grid cells in Stratum 1) and no roads, which allows mobile providers to test those grid cells using UAS without seeking a waiver.⁵⁶ Specifically, for these originally-selected grid cells that do not have an available proxy, the mobile provider may test with UAS without seeking the waiver that would otherwise be required under the *Alaska Drive Test Order* for grids with population of one or more.⁵⁷ This accommodation allows for more permissive UAS drive testing in proxy-eligible grid cells where a proxy grid cell is not available. We make clear that any UAS drive testing must meet the requirements specified in the order, including the requirement to ensure that the allocation and service rules permit airborne use of the spectrum that will be used to provide the mobile service to be tested as part of the drive tests or otherwise seek a waiver of any airborne limitations.⁵⁸

17. *Selected grid cells.* Using these criteria, the Bureau will send GCI a list of the selected grid cells that are eligible for proxy testing, as well as the new proxy grid cell for each respective grid cell.⁵⁹ The Bureau will also specify any selected grid cells from the list that did not have an available proxy, and are thus subject to the accommodation to use UAS without seeking a waiver, as specified above.

18. Where a grid cell is selected to be tested as a proxy to the originally selected grid cell, the testing in the proxy cells must follow the same testing rules as provided in the *Alaska Drive Test Order*, with the exception of the limited waiver we grant in this order regarding where the tests must begin.⁶⁰ For the specific grid cells included in the list that the Bureau provides to GCI, GCI may test within the proxy grid cell (i.e., GCI may begin the tests within the proxy grid cell, instead of in the original grid cell). This limited waiver does not apply to any other sample grid cells.

19. Finally, we note that this waiver is limited to the location of the testing for the specified grid cells and does not change the sampling methodology adopted in the *Alaska Drive Test Order* in any other way. Accordingly, in assessing GCI’s compliance, the Commission will count the population to the frame and stratum of the original grid cell selected, not the proxy grid cell. This is necessary to ensure

⁵⁶ *Alaska Drive Test Order* at 17, para. 31.

⁵⁷ *Id.* at 16, para. 29. Pursuant to the *Alaska Drive Test Order*, for grid cells with population of one or more that a mobile-provider participant would like to test with a UAS, the participant must file a waiver request to the Bureau with a statement regarding why good cause exists to waive the on-the-ground testing requirement for that grid cell and contain evidence supporting that claim. *Id.* at 16, para. 29. Roadless grid cells with less than one person, however, do not require filing a waiver request to drive test with UAS. *Id.* at 17, para. 31.

⁵⁸ *Id.* at 16-17, paras. 29-31 (specifying requirements for UAS testing).

⁵⁹ As noted, CVW does not have any qualifying grids.

⁶⁰ See, e.g., *Alaska Drive Test Order*, Appx. B, Sec. V.

that we maintain the integrity of the random sampling methodology adopted in the *Alaska Drive Test Order*.

IV. ORDERING CLAUSES

20. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4, 201, 254, 301, 303, 308, 309, 332 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 201, 254, 301, 303, 308, 309, 332 and sections 0.91, 0.131, 0.291, 0.311, 1.3, 54.317, 54.320, and 54.321 of the Commission's rules, 47 CFR §§ 0.91, 0.131, 0.291, 0.311, 1.3, 54.317, 54.320, 54.321, and the delegated authority contained in the *Alaska Plan Order*, 31 FCC Rcd 10139, 10160, 10166-67, paras. 67, 85 that this Waiver IS ADOPTED.

21. IT IS FURTHER ORDERED, that pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Joel Taubenblatt
Acting Chief
Wireless Telecommunications Bureau