

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: March 16, 2026

Released: March 16, 2026

By the Chief, Wireless Telecommunications Bureau :

I. INTRODUCTION

1. In this Order, the Wireless Telecommunications Bureau (WTB) in consultation with the Office of Economics and Analytics (OEA), grants GCI’s petition for certain waivers and modification of compliance measurement processes related to the Commission’s 2016 universal service program that supports voice and broadband fixed and mobile services in Alaska.<sup>1</sup> These waivers and modification reflect the special circumstances of the relocation of the population of Newtok, Alaska to a new location, Mertarvik, Alaska.<sup>2</sup>

II. BACKGROUND

2. Newtok is an Alaska Native village<sup>3</sup> in the southwest coastal lowland of Alaska that has been subject to severe erosion, losing ground to the Ninglick River.<sup>4</sup> In response, Newtok representatives and the Department of Interior negotiated a federal land exchange agreement, which was signed into law in 2003.<sup>5</sup> Since the agreement was negotiated, members of the community have been planning and

<sup>1</sup> *Connect America Fund; Universal Service Reform—Mobility Fund; Connect America Fund—Alaska Plan*, WC Docket Nos. 10-90, 16-271, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 10139, 10164, para. 77 (2016) (*Alaska Plan Order*). See also *Connect America Fund—Alaska Plan*, WC Docket No. 16-271, Order, 35 FCC Rcd 10373, 10374, 10376, paras. 4, 9 & n.20 (WTB 2020) (*Alaska Population Distribution Order*); *Connect America Fund—Alaska Plan*, WC Docket No. 16-271, Order and Request for Comment, 37 FCC Rcd 5882 (WTB 2022) (*Alaska Drive Test Order*) (providing the drive-test sampling methodology).

<sup>2</sup> GCI, Petition for Waiver and Related Modification of Alaska Plan Mobile Processes to Reflect the Migration of Newtok to Mertarvik, WC Docket No. 16-271 (filed Dec. 11, 2025), <https://www.fcc.gov/ecfs/document/121166177189/1> (GCI Newtok Waiver Petition).

<sup>3</sup> 43 U.S.C. § 1610(b)(1); see also Dept of Interior, BIA, *Alaska Native Villages Map* (September 7, 2016), <https://onemap-bia-geospatial.hub.arcgis.com/maps/234e8c2acc614d3ab71e7f7a7a6d6bb29> (data updated March 3, 2026).

<sup>4</sup> Newtok Village Council, *Newtok to Mertarvik Relocation* at 2 (2017), <https://www.congress.gov/116/meeting/house/108887/witnesses/HHRG-116-II24-Wstate-JordanJ-20190212-SD001.pdf>; see also U.S. Army Corps of Engineers, *AVETA Report Summary—Newtok, Alaska* at 3 (“Based upon the erosion rates and the location of major utilities and infrastructure, the community will be a complete loss in 10 to 15 years”), [https://www.poa.usace.army.mil/Portals/34/docs/civilworks/BEA/Newtok\\_Final%20Report.pdf](https://www.poa.usace.army.mil/Portals/34/docs/civilworks/BEA/Newtok_Final%20Report.pdf).

<sup>5</sup> Alaska Native Village and the Interior Department Land Exchange, Pub. L. No. 108-129, 117 Stat. 1358 (2003), <https://www.govinfo.gov/content/pkg/PLAW-108publ129/pdf/PLAW-108publ129.pdf>.

relocating to the new site, Mertarvik, Alaska, nine miles away.<sup>6</sup> Local information indicates that the population migration is now complete and that Newtok, Alaska is vacated.<sup>7</sup>

3. Given the relocation of the population of Newtok to Mertarvik, GCI seeks a “waiver of its obligation” under the *Alaska Plan Order* “to provide standalone voice and maintain the same level of data service in Newtok, as an Alaska Plan-served area, so that GCI can migrate its wireless operations to the relocated community in Mertarvik.”<sup>8</sup> GCI explains that this “would allow GCI to shut down its Newtok cell tower and activate the new cell tower in Mertarvik.”<sup>9</sup>

4. GCI also seeks a “modification of the Alaska Plan performance commitment compliance measurement processes to attribute Newtok’s 2010 Census population (‘POPs’) of 354 to Mertarvik so that Mertarvik’s 4G LTE service, once activated, will count as 354 POPs towards GCI’s performance commitments, rather than 0 (Mertarvik’s 2020 Census POPs).”<sup>10</sup> GCI would like WTB to “apply the Population-Distribution Model to estimate the location of POPs in Mertarvik and adjust drive testing grid cell selections to accommodate the migration.”<sup>11</sup> GCI notes that “[g]iven that Mertarvik did not exist in 2010, GCI requests that the Bureau use a version of the TIGER<sup>12</sup> road data that accounts for the new community in Mertarvik, rather than data from 2010, when applying the Population-Distribution Model.”<sup>13</sup>

### III. DISCUSSION

5. We grant the GCI Newtok Waiver Petition, and, as a result, we will allow GCI to cover Mertarvik instead of Newtok for Alaska Plan purposes. The Commission may waive any provision of the rules on its own motion or on petition “for good cause shown.”<sup>14</sup> 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.”<sup>15</sup> A rule waiver may serve the public

<sup>6</sup> Newtok Village Council, *Newtok to Mertarvik Relocation* at 2 (2017), <https://www.congress.gov/116/meeting/house/108887/witnesses/HHRG-116-II24-Wstate-JordanJ-20190212-SD001.pdf>.

<sup>7</sup> Mertarvik Community Update 2025 at 10 (“No Newtok resident resides in Newtok, all moved to Mertarvik”), <https://www.commerce.alaska.gov/web/Portals/4/pub/Newtok%20Planning%20Group/Calvin%20Tom%20-%20Agency%20Update%202025.pdf>; Emily Schwing, *Although Everyone Has Moved, Newtok’s Relocation Is Far From Over*, KYUK (Jun. 11, 2025), <https://www.ktoo.org/2025/06/11/although-everyone-has-moved-newtoks-relocation-is-far-from-over/>; Emily Schwing, “All Public Services . . . Decommissioned and Shut Down.” *Newtok’s End Is Imminent*, KYUK (Nov. 13, 2024), <https://www.kyuk.org/public-safety/2024-11-13/all-public-services-decommissioned-and-shut-down-newtoks-end-is-imminent>.

<sup>8</sup> GCI Newtok Waiver Petition at 1-2.

<sup>9</sup> *Id.* at 2.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> TIGER stands for Topologically Integrated Geographic Encoding and Referencing. These are geospatial data that the U.S. Census Bureau uses to describe land attributes, such as roads, railroads, landmarks, lakes, and rivers, and boundaries, such as counties, census tracts, and census blocks. *See* Census Bureau, 2019 TIGER/Line Shapefiles Technical Documentation, [https://www2.census.gov/geo/pdfs/maps-data/data/tiger/tgrshp2019/TGRSHP2019\\_TechDoc.pdf](https://www2.census.gov/geo/pdfs/maps-data/data/tiger/tgrshp2019/TGRSHP2019_TechDoc.pdf) (2019 Tiger/Line Shapefiles Documentation).

<sup>13</sup> GCI Newtok Waiver Petition at 2.

<sup>14</sup> 47 CFR § 1.3.

<sup>15</sup> *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*).

interest when the relief would not undermine the policy objectives of the rule.<sup>16</sup> We find good cause to grant GCI's request to waive the *Alaska Plan Order's* "no diminution" requirement as applied to Newtok.<sup>17</sup> We also find good cause to grant GCI's request for a waiver of the Alaska Population Distribution Model (Model),<sup>18</sup> as applied to Newtok and Mertarvik. We modify the Model consistent with GCI's request and will analyze Mertarvik in place of Newtok.

6. *"No Diminution" Requirement.* The Alaska Plan was adopted in 2016 and is a ten-year program that requires mobile-provider participants of the program to commit to provide service at a specified level of technology and minimum speed to a delineated eligible population.<sup>19</sup> The *Alaska Plan Order* created a "no diminution" requirement that requires mobile providers to maintain or improve the service they were providing as of the respective dates their individual plans were adopted by WTB.<sup>20</sup> Specifically, the *Alaska Plan Order* requires that "[A]t a minimum . . . mobile carriers in remote Alaska must provide a stand-alone voice service and, at a minimum, offer to maintain the level of data service they were providing as of the respective dates their individual plans are adopted by the Wireless Telecommunications Bureau and to improve service consistent with their approved performance plans."<sup>21</sup>

7. We find that it is in the public interest to waive strict adherence to the "no diminution" requirement as applied to Newtok and allow GCI to meet the rule by providing service to the affected population that has relocated from Newtok to Mertarvik. GCI was offering service to Newtok when its performance plan was adopted in 2016.<sup>22</sup> If GCI turns off service in the Newtok area, GCI's FCC Form 477 data will show that it is no longer covering the area with voice or maintaining data service at the level it was offering when its individual performance plan was adopted. However, the population's complete relocation from Newtok to Mertarvik<sup>23</sup> is a special circumstance that warrants deviation from the general rule, because the rule exists to ensure that service does not diminish for a population under the Alaska Plan.<sup>24</sup> In that regard, it is in the public interest for GCI to shift its coverage to provide mobile service to Mertarvik, where the population of Newtok has relocated.

8. *Alaska Population Distribution Model and Drive Testing for Mertarvik.* To determine whether a provider is meeting its commitments under the *Alaska Plan Order*, WTB adopted the Model in 2020.<sup>25</sup> The Model locked population counts and census block borders with 2010 census data to establish a consistent methodology for determining the number of people served.<sup>26</sup> The Model distributes the

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<sup>16</sup> See *WAIT Radio*, 418 F.2d at 1155, 1157.

<sup>17</sup> *Alaska Plan Order*, 31 FCC Rcd at 10164, para. 77.

<sup>18</sup> *Alaska Population Distribution Order*, 35 FCC Rcd at 10375, para. 5.

<sup>19</sup> *Alaska Plan Order*, 31 FCC Rcd at 10166-67, para. 85.

<sup>20</sup> *Id.* at 10164, para. 77.

<sup>21</sup> *Id.*

<sup>22</sup> Analysis of FCC Form 477 (discontinued) shows GCI providing mobile service in Newtok, Alaska as of December 31, 2016.

<sup>23</sup> Emily Schwing, *Although Everyone Has Moved, Newtok's Relocation Is Far From Over* (June 11, 2025), <https://www.ktoo.org/2025/06/11/although-everyone-has-moved-newtoks-relocation-is-far-from-over/> ("No one lives in any of the houses that remain in Newtok. The only thing still operating there is the diesel generator that keeps the local cell phone tower powered.")

<sup>24</sup> See *Alaska Plan Order*, 31 FCC Rcd at 10164, 1066-67, paras. 77 (requiring providers to maintain the level of data service they were providing as of the respective dates their individual plans are adopted), 85 (requiring performance plans commit to serve delineated eligible populations).

<sup>25</sup> *Alaska Population Distribution Order*, 35 FCC Rcd 10373.

<sup>26</sup> *Id.* at 10376, paras. 4, 9, n.20.

population of a census block evenly in the populated areas of the census block. To determine the populated areas of the census block, the Model takes several steps. First, it uses the census TIGER road data as of January 1, 2019<sup>27</sup> “overlaid onto populated census blocks...” and “draws polygons extending 100 meters on either side of those roads, with areas further out assumed to be uninhabited.”<sup>28</sup> Next, the model “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.”<sup>29</sup> And “[f]inally, the model evenly distributes the population of each census block within the remaining polygons to reflect the geographic areas where people are likely to live.”<sup>30</sup> In 2010, Newtok had a population of 354.<sup>31</sup> Mertarvik was not a recognized area in 2010 census data, and the 2010 census block where Mertarvik is located had a population of zero.<sup>32</sup>

9. We find good cause for a waiver and a modification of the Model with respect to the population shift from Newtok to Mertarvik. Our action is in the public interest because it facilitates the provision of service to the people of Newtok/Mertarvik and credits GCI for providing that service. By keeping the population distribution static for each area, the Model does not address the circumstance of a population wholly relocating from one area to another area, miles away. As a result, if we used the Model without modification, GCI would not receive any credit toward its Alaska Plan commitments for serving Mertarvik, which is where Newtok’s population now wholly resides. The relocation of the entire population is a special circumstance warranting deviation from the Model.

10. We modify the Model in the following ways. First, to analyze Mertarvik in place of Newtok, WTB, in consultation with OEA, will attribute Newtok’s 2010 census data population of 354 to Mertarvik.<sup>33</sup> Second, WTB and OEA will then take the most recently available TIGER road data and distribute the population in Mertarvik consistent with the Model. With respect to the drive test methodology, WTB and OEA, will apply drive-testing grid-cell selections as they normally would to commitment areas consistent with the Model, accounting for the change of population from Newtok to Mertarvik.<sup>34</sup>

11. *Additional Information.* For further information about this proceeding, email [AK.Plan@fcc.gov](mailto:AK.Plan@fcc.gov).

#### IV. ORDERING CLAUSES

12. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 4(i), 201, 254, 301, 303, 308, 309, 332 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i),

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<sup>27</sup> The most recent update to the 2010 TIGER data was in 2019. See 2019 TIGER/Line Shapefiles Documentation at 2-3, 2-9 (discussing adjustments to 2010 census data); see also United States Census Bureau, 2020 TIGER/Line Technical Documentation at 3-8, 3-9, [https://www2.census.gov/geo/pdfs/maps-data/data/tiger/tgrshp2020/TGRSHP2020\\_TechDoc.pdf](https://www2.census.gov/geo/pdfs/maps-data/data/tiger/tgrshp2020/TGRSHP2020_TechDoc.pdf) (discussing changes between 2010 and 2020 Census).

<sup>28</sup> *Alaska Population Distribution Order*, 35 FCC Rcd at 10375, para. 5.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> United States Census Bureau, *Data: Tables and Maps*, [https://data.census.gov/table/DECENNIALSFI2010.P1?q=Newtok+CDP,+Alaska&g=160XX00US0253820&hidePreview=false&vintage=2010&layer=place&cid=S0101\\_C01\\_001E&tid=DECENNIALSFI2010.P1](https://data.census.gov/table/DECENNIALSFI2010.P1?q=Newtok+CDP,+Alaska&g=160XX00US0253820&hidePreview=false&vintage=2010&layer=place&cid=S0101_C01_001E&tid=DECENNIALSFI2010.P1) (last visited Mar. 9, 2026) (showing 354 people in Newtok CDP, Alaska for 2010 data).

<sup>32</sup> United States Census Bureau, *Data: Tables and Maps*, <https://data.census.gov/table/DECENNIALSFI2010.P1?q=mertarvik,+alaska> (last visited Mar. 9, 2026) (showing 0 people in Mertarvik CDP, Alaska for 2010 data).

<sup>33</sup> GCI Newtok Waiver Petition at 7.

<sup>34</sup> See *Alaska Drive Test Order*, 37 FCC Rcd 5882 (providing the drive test sampling methodology).

201, 254, 301, 303, 308, 309, 332 and sections 0.131, 0.331, 1.3, 54.317, 54.320, and 54.321 of the Commission's rules, 47 CFR §§ 0.131, 0.331, 1.3, 54.317, 54.320, 54.321, and the delegated authority contained in the *Alaska Plan Order*, 31 FCC Rcd 10139, 10160, para. 67 that the GCI Newtok Waiver Petition IS GRANTED.

13. 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 IS EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Joel Taubenblatt  
Chief, Wireless Telecommunications Bureau