



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, S.W.
WASHINGTON, D.C. 20554

DA 07-4902

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

Released: December 6, 2007

GENERAL COMMUNICATION, INC. AND UNITED COMPANIES, INC. SEEK FCC CONSENT TO TRANSFER CONTROL OF LICENSES AND AUTHORIZATIONS

WT Docket No. 07-274

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: January 7, 2008
Oppositions Due: January 17, 2008
Replies Due: January 25, 2008

I. INTRODUCTION

General Communication, Inc. (“GCI”) and United Companies, Inc. (“UCI,” together with GCI the “Applicants”) have filed a series of applications pursuant to Sections 214 and 310(d) of the Communications Act of 1934, as amended.¹ GCI and UCI, through their subsidiaries, are both providers of wireless service, local and long distance wireline telephone service, and Internet access in Alaska.² In these applications, the Applicants seek Commission approval of the transfer of control of licenses and authorizations held by UCI’s subsidiaries – Unicom, Inc. (“Unicom”), United Utilities, Inc. (“UUI”), and United-KUC, Inc. (“United-KUC”), which is a wholly-owned subsidiary of UUI – from UCI to GCI. The transfer of control will take place as a result of a proposed merger whereby GCI Communication Corp., a wholly-owned subsidiary of GCI, will acquire all of the outstanding shares of Unicom and UUI. At closing, Unicom and UUI, along with UUI’s subsidiary United-KUC, will be wholly-owned subsidiaries of GCI.³

These transfer of control applications pertain to licenses for the Part 22 Cellular Radiotelephone Service, the Part 22 Rural Radiotelephone Service, the Part 24 Personal Communications Service, the Part 25 Satellite Earth Station Authorization, the Part 22 Basic Exchange Telephone Radio Systems (BETRS), the Part 27 Advanced Wireless Service, and the Part 101 Common Carrier Fixed Point-to-Point Microwave Service, as well as domestic and international Section 214 authorizations.

¹ 47 U.S.C. §§ 214, 310(d).

² GCI also provides cable television and data communications services. It also has a non-controlling 78 percent interest in Alaska DigiTel, LLC, which provides wireless service in Alaska.

³ These subsidiaries will be held directly by General Communications Corp., a wholly-owned subsidiary of GCI, and therefore indirectly held by GCI.

II. SECTION 310(d) APPLICATIONS

A. Parts 22, 24, 27 and 101 – Wireless Radio Services Applications

The following applications for consent to the transfer of control of wireless radio services licenses held by subsidiaries of UCI to GCI have been assigned the file numbers listed below.

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0003194143 ⁴	Unicom, Inc.	KNKR275
0003196824	United Utilities, Inc.	KNKD748

B. Part 25 – Satellite Earth Station Authorization Applications

The following application for consent to the transfer of control of satellite earth station authorizations, which UUI jointly controls with AT&T Alascom, from UCI to GCI has been assigned the file number listed below. Upon consummation, GCI and AT&T Alascom will jointly control the satellite earth station authorizations.

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
SES-T/C-20071102-01529	Alascom, Inc./United Utilities, Inc.	E2345

III. SECTION 214 APPLICATIONS

A. Domestic Section 214 Authority

The Applicants have also filed an application for consent to transfer control of the domestic common carrier transmission lines of Unicom, UUI, and United-KUC (collectively, the “UCI Subsidiaries”) to GCI.⁵ The UCI Subsidiaries, all Alaska corporations, provide interexchange and incumbent local exchange services in 61 rural communities in Alaska. GCI and its wholly owned subsidiaries, also Alaska corporations, provide competitive local exchange and interexchange services in multiple communities in Alaska. Applicants state that GCI does not presently offer local exchange service in any of the 61 communities in the UCI Subsidiaries’ service areas. They state that GCI recently received authority to provide local exchange service in Bethel, Alaska, but not in the remaining communities served by United-KUC. Applicants further state that the existing local service territories of the Applicants are neither overlapping nor adjacent.

Applicants do not seek streamlined treatment for this domestic application under section 63.03(b) of the Commission’s rules.⁶ In light of the multiple applications before the Commission in this transaction and the public review associated with them, we conclude, pursuant to section 63.03(c) of the Commission’s rules,⁷ that Applicants’ domestic section 214 transfer of control application is not subject to streamlined treatment.

⁴ This application is the lead application for the wireless radio services.

⁵ Applicants filed a supplement to their domestic section 214 application on November 30, 2007.

⁶ 47 C.F.R. § 63.03(b).

⁷ 47 C.F.R. § 63.03(c).

B. International Section 214 Authorization

The following application for consent to the transfer of control of an international Section 214 authorization to provide international resale services held by a UCI subsidiary to GCI has been assigned the file number listed below.

<u>File No.</u>	<u>Authorization Holder</u>	<u>Authorization Number</u>
ITC-T/C-20071102-00453	Unicom, Inc.	ITC-214-19960116-00009

IV. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to Section 1.1200(a) of the Commission's rules,⁸ the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under Section 1.1206 of the Commission's rules.⁹

Parties making oral *ex parte* presentations are directed to the Commission's statement reemphasizing the public's responsibility in permit-but-disclose proceedings and are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.¹⁰ More than a one- or two-sentence description of the views and arguments presented is generally required.¹¹ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.¹² We urge parties to use the Electronic Comment Filing System ("ECFS") to file *ex parte* submissions.¹³

V. GENERAL INFORMATION

The transfer of control applications referenced herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies. Final action on these applications will not be taken earlier than thirty-one days following the date of this Public Notice.¹⁴

Interested parties must file petitions to deny no later than January 7, 2008. Persons and entities that file petitions to deny become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order,

⁸ 47 C.F.R. § 1.1200(a).

⁹ *Id.* § 1.1206.

¹⁰ See Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

¹¹ See 47 C.F.R. § 1.1206(b)(2).

¹² *Id.* § 1.1206(b).

¹³ See discussion *infra* Part V.

¹⁴ See 47 U.S.C. § 309(b).

seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Oppositions to such pleadings must be filed no later than January 17, 2008. Replies to such pleadings must be filed no later than January 25, 2008. All filings concerning matters referenced in this Public Notice should refer to DA 07-4902 and WT Docket No. 07-274, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

Under the Commission's current procedures for the submission of filings and other documents,¹⁵ submissions in this matter may be filed electronically (*i.e.*, though ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed by ECFS,**¹⁶ comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.
- **If filed by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes 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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) the Commission's duplicating contractor, Best Copy and Printing, Inc., at FCC@BCPIWEB.COM or (202) 488-5563 (facsimile); (2) Erin McGrath, Mobility Division, Wireless Telecommunications Bureau, at erin.mcgrath@fcc.gov or (202) 418-7447 (facsimile); (3) Susan Singer, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at susan.singer@fcc.gov or (202) 418-7447 (facsimile); (4) Linda Ray, Broadband Division, at linda.ray@fcc.gov or (202) 418-8188 (facsimile); (5) David Krech, Policy Division, International Bureau, at david.krech@fcc.gov or (202) 418-2824 (facsimile); (6) Karl Kensinger, Satellite Division, International Bureau, karl.kensinger@fcc.gov or (202) 418-0748 (facsimile); (7) Jodie May, Competition Policy Division,

¹⁵ See Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, 16 FCC Rcd 21483 (2001); see also FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001); Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media, *Public Notice*, 18 FCC Rcd 16705 (2003).

¹⁶ See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).

Wireline Competition Bureau, at jodie.may@fcc.gov or (202) 418-1413 (facsimile); and (8) Neil Dellar, Office of General Counsel, at neil.dellar@fcc.gov or (202) 418-1234 (facsimile).

Copies of the applications and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc. in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. The applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The applications are also available electronically through the Commission's ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>. In addition, applications filed under Parts 22, 24, 90, and 101 of the Commission's rules are available electronically through ULS, which may be accessed on the Commission's Internet website. Additional information regarding the transaction will be available on the FCC's Office of General Counsel's website, <http://www.fcc.gov/ogc>, which will contain a fully indexed, unofficial listing and electronic copies of all materials in this docket. Alternate formats of this public notice (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or by sending an e-mail to access@fcc.gov.

For further information, contact Erin McGrath, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2042.

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