

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Amendment of Application of Alaska)	Call Sign: E170205
Communications Internet LLC to Modify its)	File Nos. SES-LIC-20171116-01257,
Fixed C-Band Very Small Aperture Terminal)	SES-MOD-20180413-00352, and
("VSAT") Network License)	SES-AMD-_____

AMENDMENT OF MODIFICATION APPLICATION

Pursuant to Section 25.116 of the rules of the Federal Communications Commission (the "FCC" or "Commission"), 47 C.F.R. § 25.116, Alaska Communications Internet LLC ("Alaska Communications Internet") hereby amends its pending application to modify its C-band very small aperture terminal ("VSAT") network license, Call Sign E170205,¹ by adding two (2) additional earth station sites to its authorized network. Consistent with its existing Commission authorization,² Alaska Communications Internet seeks to operate these new sites in the 3704-3776 MHz (space-to-Earth) and 5929-6001 MHz (Earth-to-space) bands at fixed locations in Alaska while communicating with the EUTELSAT 115WB satellite located at the 114.9° W.L. orbital position.

Grant of the *ACI Modification Application*, including this amendment, will serve the public interest by allowing Alaska Communications Internet to expand its network and provide broadband connectivity to additional local businesses, promoting economic growth and vocational opportunities for residents of these remote Alaskan Bush communities.³ To the extent that any

¹ See Alaska Communications Internet LLC, File No. SES-MOD-20180413-00352, Call Sign 170205 ("*ACI Modification Application*").

² See Alaska Communications Internet LLC, File No. SES-LIC-20171116-01257, Call Sign 170205 ("*ACI Network License*").

³ Unlike Alaska's three largest population centers, and the surrounding rural communities, Alaska Bush communities are isolated geographically from infrastructure resources

waiver may be necessary to process and grant the *ACI Modification Application*, as amended, Alaska Communications Internet requests such waiver to permit licensing of the operations proposed herein.

I. Background

Alaska Communications Internet is an affiliate of Alaska Communications Systems Group, Inc. (“Alaska Communications”), a publicly-traded company that, through its subsidiaries, provides terrestrial wireline telecommunications and broadband-enabled services throughout Alaska as the largest incumbent local exchange carrier in the state.⁴ Alaska Communications Internet provides essential broadband and voice-over-Internet Protocol (“VoIP”) services to enterprise, business, educational, health care, and residential customers throughout the state.

The *ACI Network License* presently authorizes Alaska Communications Internet to operate a network of C-band satellite earth stations, in order to provide satellite services to users in remote locations. Currently, the network serves the Alaska Native population of St. Paul Island, and the Tanadgusix Corporation (“TDX”), an Alaska Native corporation created pursuant to the Alaska Native Claims Settlement Act (“ANCSA”).

commonly available elsewhere in the state, and the nation as a whole. Most Bush communities cannot be accessed by road and are not connected to the state’s power grid. To reach these communities, people, as well as goods and services, must arrive by plane, barge, snow machine, all-terrain vehicle, or other off-road transportation means. Communications services in these communities generally must rely on satellite or terrestrial point-to-point microwave transport links to Anchorage, Fairbanks, or Juneau.

⁴ The incumbent local exchange carrier (“ILEC”) subsidiaries of Alaska Communications are: ACS of Anchorage, LLC; ACS of Fairbanks, LLC; ACS of Alaska, LLC; and ACS of the Northland, LLC; *see also* ACS Long Distance, Inc., File Nos. ITC-214-19960612-00248, ITC-T/C-20050822-00382, ITC-T/C-20040414-00190 (International Section 214 authorization).

In this amendment, and underlying *ACI Modification Application*, Alaska Communications Internet seeks to incorporate additional earth station sites that will support local businesses co-owned by the Bristol Bay Economic Development Corporation (“BBEDC”). The BBEDC is a not-for-profit company whose mission is to promote economic growth and opportunities for residents of BBEDC’s member communities through sustainable use of the Bering Sea resources.⁵ The earth stations themselves will be located on previously erected poles near commercial sites and will provide broadband connectivity that will support the local fishing and seafood industries. This amendment is fully consistent with the *ACI Modification Application* and will further facilitate economic opportunities for Bristol Bay area businesses and their surrounding communities.

In the amendment FCC Form 312 Schedule B and Technical Appendix, Alaska Communications Internet provides relevant information relating to the proposed operations at each new site, including earth station operating parameters and frequency coordination reports.⁶ At both sites, Alaska Communications Internet will operate a 2.4m Prodelin Model 1244 (the “2.4m”), an earth station that is currently licensed in the *ACI Network License* and on the Commission’s Approved Non-Routine Earth Station Antennas List (“Non-Routine Antenna List”).⁷ At all times,

⁵ See <http://www.bbedc.com>.

⁶ In the amendment Form 312 Schedule B, Alaska Communications Internet also provides updated EIRP spectral density levels for the Excursion Inlet earth station. No other information provided in the *VSAT License Modification Application* has changed.

⁷ See Approved Non-Routine Earth Station Antennas, <https://www.fcc.gov/approved-non-routine-earth-station-antennas>; Letter to Marlene H. Dortch, “Alaska Communications Internet LLC – Section 1.65 Letter Regarding Application for C-Band Very Small Aperture Terminal (“VSAT”) Blanket License, File No. SES-LIC-20171116-01257, Call Sign 170205” (filed on Dec. 22, 2017) (*citing* Harris Corporation, File No. SES-LIC-20060302-00342, Call Sign E060075; Intelsat LLC, File No. SES-LIC-20091027-01364, Call Sign E090186; Globe Wireless LLC, File No. SES-LIC-20120116-00058, Call Sign E120017).

Alaska Communications Internet will operate the earth stations below the maximum EIRP spectral density (“ESD”) levels authorized in the *ACI Network License* and consistent with levels previously approved by the Commission.⁸

II. Discussion

This amendment adds two (2) remote earth stations to the *ACI Modification Application*, each of which completed coordination on April 13, 2018 and which will communicate with the EUTELSAT 115WB satellite in the 3704-3776 MHz (space-to-Earth) and 5929-6001 MHz (Earth-to-space) bands. The continued, full use of the EUTELSAT 115WB transponder (*i.e.*, 72 MHz each for uplink and downlink) will ensure Alaska Communications Internet has the operational flexibility and capacity to provide reliable connectivity to these local Alaskan Bush businesses.⁹ Full transponder use is imperative to be able to properly scale and offer the most reliable connectivity solutions to the remote communities of Alaska. Limiting operations with EUTELSAT 115WB to 20 MHz in each direction would greatly inhibit the promotion of

⁸ Each site will utilize an iDirect modem, which assigns individual time slots for each earth station’s transmissions, and thus there is no potential for aggregation of transmissions resulting in an exceedance of the off-axis ESD levels provided in this application.

⁹ Based on consultation with Commission staff, Alaska Communications Internet understands that grant of the *ACI Modification Application*, as amended, will permit these additional sites to use the full 72 MHz transponder frequency range authorized under the existing terms of the *VSAT Network License*, the 20 MHz limitation of Section 25.115(c)(2)(i)(B) of the Commission’s rules notwithstanding, 47 C.F.R. § 25.115(c)(2)(i)(B). See *FWCC Request for Declaratory Ruling on Partial-Band Licensing of Earth Stations in the Fixed-Satellite Service That Share Terrestrial Spectrum*, Report and Order, FCC 01-177, RM-9649 (2001), ¶ 13 (“*CSAT Report & Order*”). To the extent that any additional explicit Commission authority is necessary, Alaska Communications Internet so requests it.

broadband satellite services to rural United States, slowing the delivery of earth station services to rural Americans.

A. New Site Locations

Alaska Communications Internet seeks to add the following two (2) sites to its authorized C-band VSAT network:

- Alitak (geographic coordinates: 56° 53' 52.2" N, 154° 14' 43.0" W); and
- Naknek (geographic coordinates: 58° 43' 43.7" N, 157° 00' 0.90" W).

Each site will use the identical 2.4m VSAT earth station that is authorized in the *ACI Network License* for similar fixed C-band operations and is on the Commission's Non-Routine Antenna List.¹⁰ Although the 2.4m earth station does not comply with the gain mask in Section 25.209 of the Commission's rules, Alaska Communications Internet demonstrates in the attached FCC Form 312 Schedule B that it will operate the terminals at maximum ESD levels below those currently authorized in the *ACI Network License* and in compliance with the ESD mask set forth in Section 25.218(d) of the Commission's rules.¹¹ At both sites, the earth station will be mounted on a pre-existing structure, a pole approximately ten feet in height, located in a disturbed area adjacent to a seafood processing facility. Their planned locations are not among any "districts, sites, buildings, structures or objects, significant in American history, architecture, archeology, engineering or culture, that are listed, or are eligible for listing, in the National Register of Historic Places,"¹² and thus they fall within the exemptions of Section 1.1306(a)-(b) and Note 1 to that rule.¹³

¹⁰ *Supra* n.6 *see, e.g.*, Harris Corporation, File No. SES-LIC-20060302-00342, Call Sign E060075.

¹¹ *See* 47 C.F.R. § 25.218(d).

¹² 47 C.F.R. § 1.1307(a)(4).

¹³ *See* 47 C.F.R. § 1.1306, Note 1 ("The provisions of § 1.1307(a) requiring the preparation of EAs do not encompass the mounting of antenna(s) and associated equipment (such as wiring,

Accordingly, no environmental assessment is required as part of this application because each proposed site is categorically exempt under Section 1.1306 of the Commission's rules, 47 C.F.R. § 1.1306.

B. Frequency Coordination

Alaska Communications Internet engaged Micronet Communications, Inc. ("Micronet") to perform frequency coordination in support of this modification application, which was completed on April 13, 2018. Pursuant to Sections 25.115(c)(2)(ii) and 25.203 of the Commission's rules, 47 C.F.R. §§ 25.115(c)(2)(ii) and 25.203, Micronet has conducted a coordination analysis on behalf of Alaska Communications Internet that considers all existing, proposed and prior coordinated microwave facilities within the contours of the proposed earth stations at the Alitak and Naknek facilities.

As demonstrated in the attached frequency coordination reports, there is no potential for interference between other users of the C-band spectrum and the operations at these proposed sites requested herein by Alaska Communications Internet. At each site, Alaska Communications Internet's proposed operations in the 3704-3776 MHz (space-to-Earth) and 5929-6001 MHz (Earth-to-space) bands are fully compatible with other FCC-licensed operations in the band.

No objections have been received from incumbent licensees and Alaska Communications Internet currently operates its network with no reported cases of interference. Pursuant to Commission rules, Alaska Communication Internet intends to commence earth station operations at each new site immediately after the public notice is released.¹⁴ Alaska Communications Internet

cabling, cabinets, or backup-power), on or in an existing building, or on an antenna tower or other man-made structure, unless §1.1307(a)(4) is applicable.”).

¹⁴ See 47 C.F.R. § 25.115(c)(2)(iv).

will coordinate any additional hub or remote operations prior to bringing them into use as part of the C-band VSAT network.

C. 3.7-4.2 GHz Public Notice and Waiver Request

After Alaska Communications Internet filed the *ACI Modification Application* and completed coordination of the two remote earth stations that are the subject of this amendment, but prior to filing the amendment itself, the Commission released a Public Notice placing a temporary freeze on the filing of all new or modification applications for earth stations in the 3.7-4.2 GHz band, effective as of April 19, 2018.¹⁵ The *Temporary Freeze Public Notice* contains an exception stating that “entities that own or operate existing FSS earth stations in the 3.7-4.2 GHz band . . . may file an application to modify a current registration or license” during the freeze period.¹⁶

Because Alaska Communications Internet (i) operates existing FSS earth stations in the C-band under the *ACI Network License*; (ii) filed the underlying modification application prior to the effective date of the freeze; (iii) coordinated the earth stations that are the subject of this amendment prior to the effective date of the freeze; and (iv) notes the *Temporary Freeze Public Notice* does not preclude amendments to previously filed applications, it would appear this filing is outside the scope of the freeze and may be within the aforementioned exception.

¹⁵ See Public Notice, *Temporary Freeze on Applications for New or Modified Fixed Satellite Service Earth Stations and Fixed Microwave Stations in the 3.7-4.2 GHz Band, 90-Day Window to File Applications for Earth Stations Currently Operating in the 3.7-4.2 GHz Band*, DA 18-398 (rel. on April 19, 2018) (“*Temporary Freeze Public Notice*”).

¹⁶ *Temporary Freeze Public Notice*, at 1.

Nevertheless, because the earth stations proposed in this Amendment are not currently “constructed and operational”¹⁷ and out of an abundance of caution, to the extent the Commission therefore considers this amendment a “new” modification application that does not fall within the 90-day filing window exception, Alaska Communications Internet respectfully requests a waiver of the *Temporary Freeze Public Notice* to permit licensing of the operations proposed herein.¹⁸

The Commission may waive its rules for good cause shown.¹⁹ More specifically, the Commission may waive a rule where particular facts make strict compliance inconsistent with the public interest.²⁰ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.²¹ In sum, waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.²² This request amply meets that standard.

First, this Amendment seeks to add service to reach two additional Ocean Beauty seafood processing facilities, as companion sites to the Excursion Inlet site proposed in the *ACI Modification Application*. These sites, like the Excursion Inlet site, are operated by a local business co-owned by the not-for-profit BBEDC and provide enhanced economic growth and development

¹⁷ *Id.*

¹⁸ At a minimum, because the *ACI Modification Application* was filed before the Bureau issued the *Temporary Freeze Public Notice*, the Excursion Inlet site (“Site 3” in the Form 312, Schedule B) is not subject to the freeze and the Bureau should act on that site according to its standard processing practices.

¹⁹ 47 C.F.R. §1.3.

²⁰ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”).

²¹ *WAIT Radio v. FCC*, 418 F.2d 1153, 1157, (D.C. Cir. 1969), *affirmed by WAIT Radio v. FCC*, 459 F.2d 1203 (D.C. Cir. 1972), *cert. denied*, 409 U.S. 1027 (1972).

²² *Northeast Cellular*, 897 F.2d at 1166.

opportunities for residents of the area. Alaska Communications Internet will be unable to serve these additional sites without a grant of this application, and thus will be unable to deliver the service the customer has requested. Absent a grant of the authority sought by both this Amendment, and the underlying modification application, the economic development and other benefits of broadband satellite connectivity in remote areas of Alaska will be lost.

Second, applying the *Temporary Freeze Public Notice* to the Alitak and Naknek sites that are the subject of this Amendment would not serve the purpose of the freeze. The Commission imposed the freeze “to preserve the current landscape of authorized operations in the 3.7-4.2 GHz band pending Commission action as part of its ongoing inquiry into the possibility of permitting mobile broadband use and more intensive fixed use of the band,”²³ with particular focus on terrestrial “5G” mobile broadband service. The Alitak and Naknek sites are located in remote areas of the Alaska bush, and are not candidates for 5G deployment anytime in the foreseeable future. Today, mobile wireless service at those sites is limited (Alitak has no mobile wireless service at all, while Naknek is limited to 3G) and the prohibitive cost of backhaul, coupled with the small size of the potential market in the area, makes additional terrestrial broadband deployment challenging. While terrestrial wireless use of this band and initial 5G deployments may occur in densely populated urban areas far removed from the remote Alaskan Bush communities served by Alaska Communications Internet, it is highly unlikely that grant of the *ACI Modification Application* (as amended by this Application) will hinder the Commission’s analysis of additional mobile and fixed use of this band.²⁴

²³ *Temporary Freeze Public Notice* at 1.

²⁴ *Id.*

Third, the frequency coordination process has revealed that 4 GHz spectrum is very lightly used in the areas surrounding these sites, meaning that the potential impact on future terrestrial deployment is very low. Alaska Communications Internet currently operates at multiple locations in the Alaskan Bush with no reported cases of implementation constraints. There is no reason to expect a different result here, even in the context of access to a full C-band downlink transponder.

Fourth, the frequency coordination process for the two earth stations included in this amendment was completed on April 13, 2018, the week prior to Commission implementation of the freeze. Thus, these operations were deemed compatible with terrestrial operations and entered into frequency coordination databases prior to issuance of the *Temporary Freeze Public Notice*. Thus, there is no potential for any adverse impact or other prejudice to terrestrial systems or services from grant of the requested waiver.

D. Public Interest

Grant of this application, as amended, will strongly serve the public interest by allowing Alaska Communications Internet to provide reliable broadband services to remote Alaskan businesses, helping to foster local economic growth and educational and employment opportunities for residents. By directly supporting BBEDC businesses, Alaska Communication Internet is helping to enhance regional economy through revenues earned from investments in the ground fishing industry and promote fishery-related occupational programs and training for residents of the Bristol Bay region. Moreover, because remote areas of Alaska are unique in their need for satellite broadband connectivity and unlikely candidates for the 5G deployment contemplated by the Commission, waiver of the *Temporary Freeze Public Notice* will further rather than undermine the Commission's broadband objectives and will allow Alaska Communications Internet to bring essential connectivity services to the Alaskan Bush.

III. Conclusion

Based on the foregoing, Alaska Communications Internet respectfully requests that the Commission grant the *ACI Modification Application*, including this amendment to add two additional earth station sites in Alaska.