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## VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

**RE: Arctic Slope Telephone Association Cooperative, Inc., Section 1.65 Letter, File Nos. SES-LIC-20190321-00432, SES-LIC-20190321-00433, SES-LIC-20190321-00434, SES-LIC-20190321-00441, and SES-LIC-20190418-00527.**

Dear Ms. Dortch:

In response to questions raised by the Federal Communications Commission (“FCC” or the “Commission”) staff, Arctic Slope Telephone Association Cooperative, Inc. (“ASTAC”) provides the following additional information, pursuant to Section 1.65 of the Commission’s rules,<sup>1</sup> regarding its request for waiver of the Commission’s temporary freeze on the filing of applications (the “Filing Freeze”) for new or modified fixed-satellite service (“FSS”) earth station licenses in the 3.7-4.2 GHz Band (the “C-Band”).<sup>2</sup>

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<sup>1</sup> 47 C.F.R. § 1.65.

<sup>2</sup> See *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 3.7-4.2 GHz Band*, GN Docket Nos. 17-183, 18-122, Public Notice, DA 18-398, 33 FCC Rcd 3841, 3842 (IB/PSHSB/WTB Apr. 19, 2018) (*Earth Station Freeze Notice*); *International Bureau Announces 90-Day Extension of Filing Window, to October 17, 2018, to File Applications for Earth Stations Currently Operating in 3.7-4.2 GHz Band; Filing Options for Operators with Multiple Earth Station Antennas*, GN Docket Nos. 17-183, 18-122, Public Notice, DA 18-639, 33 FCC Rcd 6115, 6115 (IB June 21, 2018); *International Bureau Announces Two-Week Extension of Filing Window for Earth*

In its Request for Waiver filed with each of the above-referenced applications, ASTAC requested that the International Bureau (the “Bureau”) waive the temporary freeze in connection with the applications for satellite earth station licenses.<sup>3</sup> ASTAC seeks authority for new satellite earth stations (“SES”) in the C-Band in order to provide affordable voice, wireless and broadband services to the remote Alaska Native villages of Point Lay, Katovik, Anaktuvuk, Atqasuk and Dillingham and surrounding areas (collectively, the “Villages”) in the North Slope Borough of Alaska.<sup>4</sup> As explained herein, there is good cause to grant the requested waiver to ASTAC because of: (1) the unique operational conditions in the remote North Slope of Alaska, (2) the importance of the services that ASTAC provides to the Villages, and (3) the limited scope of operations proposed by ASTAC. Moreover, the limited scope of the requested waiver will not undermine the purposes of the Filing Freeze and is consistent with relief granted to other carriers in Alaska.<sup>5</sup>

### Standard

Under Section 1.3 of the Commission’s rules, the Commission may grant a waiver of any provision of its rules for good cause shown.<sup>6</sup> Moreover, the Bureau stated that it would assess and grant requests for waiver of the Filing Freeze on a case-by-case basis if an applicant demonstrated that a waiver will (1) serve the public interest and (2) not undermine the objectives of the Filing Freeze.<sup>7</sup> Waiver is appropriate “if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.”<sup>8</sup>

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*Stations Currently Operating in 3.7-4.2 GHz Band*, Public Notice, DA 18-1061, 33 FCC Rcd 10054 (IB Oct. 17, 2018).

<sup>3</sup> See IBFS File Nos. SES-LIC-20190321-00432 (Call Sign E190133), SES-LIC-20190321-00433 (Call Sign E190134), SES-LIC-20190321-00434 (Call Sign E190135), SES-LIC-20190321-00441 (Call Sign E190141), and SES-LIC-20190418-00527 (Call Sign E190229). A copy of this letter is being submitted to supplement each application.

<sup>4</sup> See also IBFS File No. SES-STA-20190520-00627. On June 11, 2019, ASTAC was granted 60-day special temporary authority (“STA”) to operate its C-Band fixed satellite earth station in Dillingham, Alaska.

<sup>5</sup> See *in re Alaska Communications Internet LLC Request for Waiver of the Temporary Freeze on Applications for New or Modified Fixed Satellite Service Earth Stations in the 3.7-4.2 GHz Band*, Letter Order, DA 19-726 (IB 2019) (“ACI Order”); *GCI Communication Corp. Request for Waiver of the Temporary Freeze on Applications for New or Modified Fixed Satellite Service Earth Stations in the 3.7-4.2 GHz Band*, Letter Order, DA 19-725 (IB 2019) (“GCI Order”).

<sup>6</sup> 47 C.F.R. § 1.3.

<sup>7</sup> See *Earth Station Freeze Notice* at p. 3843.

<sup>8</sup> See, e.g., *ACI Order* ¶ 4.

## Background

ASTAC is a member-owned telephone utility Cooperative providing telecommunications services to enterprise, business, educational, health care, and residential customers in the North Slope region of Alaska, the northernmost borough in Alaska. ASTAC and its affiliates provide wireline and wireless voice and broadband services to the inhabitants of the North Slope. ASTAC's service area consists of "roadless, remote arctic area of more than 90,000 square miles which is larger than 40 of the 50 states."<sup>9</sup> Like many service providers in Alaska, ASTAC is faced with uniquely harsh environmental conditions and challenges in the provision of telecommunications services. As the Commission has previously recognized, such challenges include Alaska's "remoteness, lack of roads, challenges and costs associated with transporting fuel, lack of scalability per community, satellite and backhaul availability, extreme weather conditions, challenging topography, and short construction season."<sup>10</sup>

ASTAC currently provides services to the Villages by purchasing transport from another provider. In early 2019, ASTAC's current provider notified ASTAC that the transport provider's ethernet service will no longer be available after the end of the year. As an alternative, the provider offered to sell capacity to ASTAC at \$15,000 for a T1 line. Purchasing bandwidth at nearly nine (9) times the current cost is an economically infeasible option for ASTAC and its customers. Nonetheless, ASTAC is committed to its obligation as a cooperative to provide the highest-quality, most affordable telecommunications services to its member-owners and the Native Villages. Therefore, ASTAC has applied for new satellite earth stations in the C-Band to be able to continue to provide affordable voice and broadband services the Villages.

## Discussion

### *1. The Earth Station Sites for the Villages Lack Viable, Affordable Terrestrial Transport Services.*

As discussed above, ASTAC's service area is extremely remote and difficult to serve. The size of the service areas, lack of roads and infrastructure, rugged terrain and harsh weather conditions of the North Slope result in numerous obstacles in the provision of telecommunications services. The Bureau has recognized that these unique conditions in remote Alaska create a demand for satellite services and justify a waiver of the Filing Freeze.<sup>11</sup>

As previously noted, the Villages currently are served by satellite, however, changes by the current provider will make that alternative prohibitively expensive for the small populations

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<sup>9</sup> *About ASTAC*, Arctic Slope Telephone Association Cooperative, <https://www.astac.net/company/about-astac/> (last visited Aug. 12, 2019).

<sup>10</sup> *See Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 10139, 10162-63, para 72. (2016) ("*Alaska Plan Order*") (quoting *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17829 (2011)).

<sup>11</sup> *See ACI Order* ¶ 5; *GCI Order*; *see also Alaska Plan Order*, 31 FCC Rcd 10139, ¶ 72.

of the Village, requiring ASTAC to deploy new earth stations to serve those communities. Without grant of ASTAC's applications for new C-Band earth stations, ASTAC will lack a viable, affordable means to continue to provide services to the remote Villages. With the exception of Dillingham, there is no fiber optic connectivity or terrestrial microwave transport available to the Villages. The nearest fiber optic transport ranges from 70 to 230 air miles away. Below is a chart showing the closest fiber hub to each village and the population of the village.

**Chart 1: Distance to Fiber Hub and Population per Village**

	<b>Distance to Fiber Hub</b>	<b>Population</b>
<b>Kaktovik</b>	115 miles to Deadhorse	246
<b>Anaktuvuk Pass</b>	230 miles to Dalton Hwy	376
<b>Atqasuk</b>	70 miles to Barrow	261
<b>Point Lay</b>	140 miles to Point Hope	287
<b>Dillingham</b>	---	2,382

The distances in Chart 1 for each Village reflect air miles and stretch across vast expanses of undeveloped and rugged land, making the viability of fiber deployment to these remote regions highly impracticable and implausible. The Villages cannot be reached by road.

One of the proposed earth station sites, Dillingham, is served by the microwave portion of the TERRA system, operated by GCI Communication Corp. ("GCI"). However, the TERRA system is not a realistic alternative to ASTAC's proposed satellite system due to the limited capacity of the microwave system, especially in adverse weather, and the highly inflated pricing associated with the microwave system. GCI even acknowledged the limitations of the TERRA network in its own request for a C-Band satellite earth station, stating that despite efforts to mitigate the problem, "GCI's TERRA services are still severely impacted and disrupted" by severe weather conditions.<sup>12</sup>

## ***2. The C-Band is Superior to Other Satellite Transport Alternatives in Remote Alaska.***

As Alaska Communications Internet, LLC has explained, the C-band is a superior alternative to other satellite transport alternatives in remote Alaska.<sup>13</sup> The C-Band is ideal for services in Alaska because it "supports vital connectivity to remote areas of Alaska that cannot be replicated by terrestrial facilities or satellite services in other bands."<sup>14</sup> Alternative satellite bands are more susceptible to weather-related degradation and significantly costlier to support, particularly for less densely populated areas like North Slope. As ASTAC explained in its Request for Waiver, and as other carriers in Alaska have also explained, higher frequency bands,

<sup>12</sup> GCI Communication Corp., Call Sign E180787, File Nos. SES-LIC-20180608-01392, Supplement to Pending License & STA Applications (filed July 22, 2019), at pp. 2-3.

<sup>13</sup> See Alaska Communications Internet, LLC, Section 1.65 Letter, File No. SES-MOD-20180626-01472 (filed July 25, 2019), at 4-5 (*citing* Comments of Alaska Communications Internet, LLC, GN Docket No. 18-122, RM-11791, RM11778 (filed Oct. 29, 2018) ("ACI Comments"))).

<sup>14</sup> ACI Comments at i, 2.

such as Ku- and Ka-band, are not feasible options due to the lack of limited satellite coverage and rain fade. Thus, ASTAC's proposed earth station site operations on the C-Band are the best alternative for providing the telecommunications services to the remote Villages in the North Slope.

***3. Grant of ASTAC's Waiver Will Not Undermine the Purpose of the Filing Freeze.***

The grant of the waiver will not undermine the objectives of the Filing Freeze in the C-Band. The purposes of the Filing Freeze are to preserve the current operations in the C-Band amidst the Commission's inquiry into permitting expanded flexible use of the band and to limit "speculative applications that might be filed in anticipation of potential future actions by the Commission."<sup>15</sup> Granting ASTAC the requested waiver will not undermine these purposes. As discussed herein, the proposed earth station sites are located in extremely remote parts of the North Slope Borough in Alaska. Each site is far from any major urban areas or population centers. Therefore, approval of the sites will result in no more than a *de minimis* change to the existing landscape of authorized operations in the C-Band. Moreover, ASTAC is an established service provider in the North Slope region that provides voice and broadband services to its inhabitants. ASTAC's purpose in applying for these satellite earth stations is to continue to provide affordable services to areas that would otherwise lack such services. The proposed earth station licenses are not speculative and are a necessary extension of existing services provided by ASTAC in remote parts of the North Slope.

**Conclusion**

For the reasons stated herein, there is good cause for the Commission to waive the Filing Freeze in order to allow ASTAC to operate new satellite earth stations to provide affordable wireless and broadband services to the remote Villages of Point Lay, Katovik, Anaktuvuk, Atqasuk and Dillingham in the North Slope Borough of Alaska. Grant of the requested waiver will service the public interest, and in light of the unique circumstances presented, will not undermine the purpose of the Filing Freeze.

Respectfully submitted,



Gregory W. Whiteaker  
*Counsel for Arctic Slope Telephone  
Association Cooperative, Inc.*

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<sup>15</sup> *Earth Station Freeze Notice* at p. 3841-43.