

REQUEST FOR WAIVER OF TEMPORARY FILING FREEZE

By this application, GCI Communication Corp. (“GCI”) hereby petitions the International Bureau (the “Bureau”) to waive the temporary freeze on the filing of new applications for fixed-satellite service (“FSS”) earth station licenses in the 3.7-4.2 GHz Band (the “Filing Freeze”).¹ A waiver in this instance is appropriate as it will “serve the public interest and not undermine the objectives of the freeze.”²

Section 1.925 of the FCC rules empowers the Commission to waive specific requirements of its rules upon request if (a) the underlying purpose of the rule would not be served or would be frustrated by the application of the rule, and a waiver would serve the public interest; or (b) unique or unusual circumstances are presented such that it would be inequitable, unduly burdensome or contrary to the public interest to enforce the rule, and the applicant has no reasonable alternative.³ A waiver is appropriate here because GCI is facing unique circumstances that warrant a deviation from the Filing Freeze and such deviation will serve the public interest.⁴

Providing mobile service to Alaska is particularly challenging. Such challenges include “its remoteness, lack of roads, challenges and costs associated with transporting fuel, lack of

¹ GCI’s discovery of the need for a new C-Band Earth Station arose at the same time as the Filing Freeze was announced and placed into effect – on April 19, 2018. *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*, Public Notice, DA 18-398 (rel. Apr. 19, 2018) (“Filing Freeze PN”).

² *Id.* at 3.

³ 47 C.F.R. §1.925(b)(3).

⁴ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972).

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scalability per community, satellite and backhaul availability, extreme weather conditions, challenging topography, and short construction season.”⁵ Therefore, GCI must utilize a variety of technologies in order to provide dependable services, and often must do so in innovative ways. This includes using FSS in conjunction with its terrestrial mobile and fixed wireless networks. GCI’s relies on the 3.7 GHz band in order to provide its FSS operations, and has a very long history of providing C-band satellite communications solutions in Alaska in ways that advance the satellite technology space in an effort to provide communications services in rural Alaska.

In this instance, grant of a waiver of the Filing Freeze is necessary for GCI to continue providing reliable communications services – including critical emergency 911 services – to GCI’s customers, and would serve the public interest. Here, GCI is seeking to file for a new FSS Earth Station in the C-Band to replace existing microwave services that have become unreliable due to extensive damage caused by harsh weather elements in remote areas of Alaska. Specifically, GCI’s Askinuk Mountain tower is experiencing severe icing issues that have caused its microwave link, which services remote villages in western Alaska (Chevak and Hooper Bay), to go down. The microwave link is not operating due to the extreme amount of ice that has engulfed the antennas. It is unclear if or when this ice will thaw, and whether the link has suffered permanent damage as a result. In addition, it is highly likely that the icing issues will return in a few months when Alaska re-enters its winter season. In short, the location of this

⁵ *Connect America Fund; Universal Service Reform – Mobility Fund; Connect America Fund - Alaska Plan*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 10139, 10162, ¶ 72 (2016) (“*Alaska Plan R&O*”) (citing *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17829, ¶ 507 (2011) (“*USF/ICC Transformation Order*”), *aff’d sub nom. FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014)).

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tower makes this microwave link an unreliable method for service in this area. This link is the primary link to communications in these villages, and provides not only mobile wireless voice and broadband services, but also supports telehealth services, school access services, wireless 911 routing, and serves as a backup to wireline 911 services. In an effort to remedy this situation, GCI initially intended to temporarily operate in this area using flyaway Ku-Band VSAT stations, however these emergency deployments have proven unable to withstand the high wind and severe weather in this area of Alaska. In an effort to recover services as soon as possible for these areas that continue to be severely impacted, GCI (1) sought and was granted an emergency 60-day special temporary authorization to install and operate a new 3.6 meter Scientific Atlanta 8136 antenna earth station located at Chevak Central Office in Chevak, Alaska to communicate with SATMEX 7;⁶ and now (2) seeks this waiver of the Filing Freeze to allow GCI to utilize these operations on a permanent basis. Without a grant of this waiver, remote residents in western Alaska may not have access to vital communications services, including 911 services.

In addition, such a grant will not undermine the objective of the Filing Freeze. The International, Public Safety and Homeland Security, and Wireless Telecommunications Bureaus state that this objective is to limit “the potential for speculative applications that might be filed in anticipation of potential future actions by the Commission.”⁷ That is certainly not the case here. As noted above, allowing GCI to file and register for a new C-Band Earth Station would permit GCI to continue to offer critical services to rural and remote areas in western Alaska. GCI has no reasonable alternative, as the C-Band presents the only current viable option for providing such

⁶ See SES-STA-20180423-00391. SATMEX 7 is also known as “Eutelsat 115 West B” or “E115WB.” It is located at 114.9W, with the call sign S2938.

⁷ Filing Freeze PN at 3.

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communications services to these villages on a going-forward basis – as attempts to use microwave operations or the Ku-band have failed (as noted above). Fiber is also not a viable alternative as this region experiences permafrost, which causes uneven freezing and thawing at or near the ground surface that can damage buried fiber optic cable. GCI has a demonstrated need for this authorization to provide necessary services now and in the future. Accordingly, for good cause shown, GCI requests a waiver of Filing Freeze, consistent with the request for relief set forth herein, and any other such relief as the Bureau may deem proper.