

REQUEST FOR WAIVER

By this application (the “Application”), GCI Communication Corp. (“GCI”) hereby petitions the International Bureau (the “Bureau”) to waive the temporary freeze regarding 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 GCI is further seeking a waiver of the Federal Communications Commission (“FCC” or “Commission”) license renewal deadline set forth in 47 C.F.R. 25.121(e) for the spectrum license identified by call sign E020088 (referred to herein as the “License”).

Pursuant to 47 C.F.R. 1.925, and for good cause shown, GCI seeks a waiver of the June 2017 renewal application filing deadline due to an internal administrative error that resulted in GCI not timely filing the renewal application, and ultimately seeks reinstatement of the License through this application.³ Once the error became known, GCI took immediate steps to initiate this License reinstatement and waiver, and an STA request. GCI is currently adopting additional procedures to help avoid such administrative errors in the future.

Section 1.925 of the FCC rules empowers the Commission to waive specific requirements of the 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

¹ 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 The License will be slightly modified from its previously-authorized parameters to expand the western limit of the satellite arc to allow the earth station authority to access a new satellite (due to a current satellite reaching end-of-life), as well as to correct certain data.

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.⁴

In this instance, grant of the requested waiver is necessary for GCI to provide reliable communications services to GCI's customers, and would serve the public interest. Indeed, failing to grant a waiver of the renewal deadline would actually undermine the purposes of the Commission's renewal rules. A reinstatement of this License will help provide important services, including critical and emergency communications, to an extremely rural and remote area of Alaska – the Kotlik village, which has a population of less than 650 residents.⁵ Specifically, this License will help support telehealth services to the local Yukon-Kuskokwim Health Corporation clinic; support the Lower Yukon School District School; provide community Internet access and rural wireless service, as well as provide support for federal services. A waiver of the renewal application deadline in this instance will permit GCI to offer these important services to the public via the License. Accordingly the purpose of the Commission's renewal is not undermined, but in fact promoted.

Moreover, the purpose of the Commission's renewal rules is to encourage the provision of service to customers and to prevent carriers from warehousing unused spectrum resources. The substantial public service record of GCI indicates that the company is committed to providing service to consumers in Alaska, especially in rural and remote areas.

⁴ 47 C.F.R. §1.925(b)(3).

⁵ State of Alaska, Kotlik, Alaska Information <https://dced.maps.arcgis.com/apps/MapJournal/index.html?appid=256b6a95c0b544d3bf5d742cfd76dfc7> (last visited May 2, 2019).

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 scalability per community, satellite and backhaul availability, extreme weather conditions, challenging topography, and short construction season.”⁶ 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 relies on the C-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 addition, grant of a waiver of the Filing Freeze is necessary for GCI to continue providing the reliable communications services noted above – including critical emergency 911 services – to GCI’s customers, and 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. GCI has no reasonable alternative, as the License presents the only current viable option for providing the communications services highlighted above to the Kotlik area on a going-forward basis. Fiber is also not a viable alternative as this subarctic region experiences permafrost, which

⁶ *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)).

⁷ Filing Freeze PN at 3.

causes uneven freezing and thawing at or near the ground surface that can damage buried fiber optic cable. Indeed, the Wireless Telecommunications Bureau has recognized that “building fiber to all, or even most, Alaskan locations currently is logistically, technologically, operationally, and economically infeasible.”⁸ GCI has a demonstrated need for this authorization to provide necessary services now and in the future.

GCI also has no reasonable alternative to seeking this waiver, as the June 2017 renewal deadline for the license has already passed. Accordingly, for good cause shown, GCI requests a waiver of the Filing Freeze, a waiver of the renewal application deadline, consistent with the request for relief set forth herein, a reinstatement of the License, and any other such relief as the Commission may deem proper.

⁸ *In the Matter of Petition of General Communication, Inc. for Waiver of Certain Channelization and Other Restrictions on Common Carrier Fixed Point-to-Point Operations Between 6425 and 7125 MHz*, WT Docket No. 16-209, Memorandum Opinion and Order, DA 16-1214, ¶ 12 (rel. Oct. 21, 2016).