

REQUEST FOR WAIVER OF TEMPORARY FILING FREEZE

By this application, in an abundance of caution, GCI Communication Corp. (“GCI”) hereby petitions the International Bureau (the “Bureau”) to waive the temporary freeze on the filing of modifications 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

Due to the need to switch to a different satellite in order to continue to provide additional services going forward (due to a current satellite reaching end-of-life), GCI must modify a number of its earth station licenses to expand the western limit of the satellite arc to allow them authority to access this new satellite.³ Such modifications should be considered to be a request

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”); see also *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 (IB June 21, 2018). In addition the Commission specifically noted in a further public notice that “[w]e note that although the Public Notice include an exception for modifications to correct the location or other required data in the IBFS file, more significant modifications, such as those to include additional antennas at an earth station site, must be filed before the October 17, 2018 deadline.”

² *Id.* at 3.

³ Due to the need to switch to a different satellite in order to continue to provide continuous services going forward to customers (due to a current satellite reaching end-of-life), GCI is also modifying its earth station license to reflect potential associated technical ramifications. Although GCI will not use this new spacecraft until the end of the year (and is only filing these modifications now to meet the October 17, 2018 deadline), it may need different technical specifications to properly continue operations for consumers due to the new spacecraft. Accordingly, out of an abundance of caution, GCI has also modified its application to (a) increase the size of the transmitter to 400-watts; and (b) change the emissions designator, in order to reflect its current understanding of the potential attributes of this future satellite. Like the extension of the western limit of the “Range of Satellite Arc” and “Earth Station Azimuth

to “correct the location or other required data in the IBFS file,” which are specifically contemplated by the Filing Freeze PN. However, in an abundance of caution, GCI submits this waiver request for such modifications.⁴

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.⁵ 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.⁶

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.”⁷ Therefore, GCI must utilize a variety

Angle” above, these modifications are also reflected in the frequency coordination studies for these stations.

⁴ GCI has initiated the frequency coordination for each application, and will update each application with the applicable report once it is available. To the extent that GCI needs a waiver to provide such frequency coordination updates, it requests one from the Commission pursuant to this filing.

⁵ 47 C.F.R. §1.925(b)(3).

⁶ *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).

⁷ *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

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. GCI is seeking modifications to its existing earth station licenses to allow for an additional frequency range to be covered in order to ensure continued, redundant service going forward.

At present, GCI employs the Intelsat Galaxy 18 (G18) satellite to serve many of its customers' needs throughout rural Alaska. The Galaxy 18 satellite operates at the 123°W orbital position. As a means of offering continuity of service on the C-band satellite network, GCI negotiated with Intelsat (and formerly Panamsat) to include in-orbit protection (IOP) for capacity that is utilized on the G18 satellite. The spacecraft intended to provide this IOP is nearing the end of its design life and changes in the operation of this spacecraft will ultimately render the spacecraft unusable to serve GCI's needs.

To resolve this issue, GCI is planning to utilize another spacecraft that was recently launched to provide the necessary capacity. This spacecraft will ultimately be located at the 169°E orbital position.

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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In order to accomplish the above, it is necessary for GCI to extend the western limit of both the “Range of Satellite Arc” and “Earth Station Azimuth Angle” of certain earth stations in order to accommodate operation with this new C-band satellite. GCI understands that this change is considered to be a major modification to its C-band earth station licenses (for affected stations) pursuant to 47 CFR §25.117 and 47 CFR §25.118. Further, this will require GCI to perform new frequency coordination studies for these stations. GCI initiated frequency coordination in September 2018, soon after it resolved the above satellite situation with Intelsat, and it expects to have such coordination completed by the end of the year. It is filing these applications now in anticipation of frequency coordination being completed on a prompt basis. While GCI will not be using the above satellite plan prior to the end of this year, it wanted to ensure that its applications were on file with the FCC prior to the October 17, 2018 deadline (while still working to complete frequency coordination as quickly as possible).

Without a grant of this requested waiver (to the extent necessary), remote residents in 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.”⁸ That is certainly not the case here. As noted above, allowing GCI to modify its existing earth station licenses to provide service pursuant to a different satellite would permit GCI to continue to offer critical services to rural and remote areas in western Alaska. All of the affected earth stations were operational as of April 19, 2018, and GCI will be deploying the same or similar services over these licenses; the requested

⁸ Filing Freeze PN at 3.

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modification is only to allow for the use of a different satellite due to a currently used satellite reaching end of life.

GCI has no reasonable alternative, as the C-Band presents the only current viable option for providing such communications services to these villages on a going-forward basis. 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 (and to the extent necessary), 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.