

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

In the Matter of

Application of Alaska Communications)	Call Sign: E170205
Internet LLC for 60-Day Special Temporary)	
Authorization (“STA”))	File No. SES-STA-_____

APPLICATION FOR SPECIAL TEMPORARY AUTHORIZATION

Pursuant to Section 25.120 of the rules of the Federal Communications Commission (the “FCC” or “Commission”),¹ Alaska Communications Internet LLC (“Alaska Communications Internet”) respectfully seeks a 60-day special temporary authorization (“STA”), commencing on Thursday, February 14, 2019, to operate one remote earth station site, to be located at False Pass, Alaska, on Unimak Island in the Aleutian chain. The new site will communicate with the C-band network hub operated by Alaska Communications Internet as part of its existing C-band very small aperture terminal (“VSAT”) network, Call Sign E170205.²

Alaska Communications Internet anticipates filing an application for regular authority to operate this site as part of the network licensed under its existing *ACI Network License* in the very near term. Alaska Communications Internet seeks this STA to permit immediate provisioning of critical broadband satellite communications services to this location, while that application is under the Commission’s consideration. Consistent with the *ACI Network License*, Alaska Communications Internet seeks to operate this new site in portions on the C-band at fixed locations in Alaska while communicating with the EUTELSAT 115WB satellite located at the 114.9° W.L. orbital position.

¹ See 47 C.F.R. § 25.120.

² See 47 C.F.R. § 25.115(c)(2); Alaska Communications Internet LLC, File No. SES-LIC-20171116-01257, Call Sign E170205, and subsequent modification and amendment applications (“*ACI Network License*”).

Grant of this STA request will serve the public interest because it will enable Alaska Communications Internet to deliver critically needed broadband services to support Silver Bay Seafood, LLC (“Silver Bay Seafood”), an integrated processor of frozen salmon, herring and squid products for U.S. domestic and export markets, and the Alaska bush community surrounding its False Pass processing plant.³ As one of the largest seafood companies in Alaska, Silver Bay Seafood needs reliable broadband services to support its operations, management and personnel, manage logistics, coordinate shipments, establish a solid fish buying system, and keep its employees on Unimak Island connected to their families and the larger world.

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* authorizes Alaska Communications Internet to operate a network of C-band satellite earth stations in order to provide satellite services to diverse users in remote locations in Alaska. Specifically, from the gateway hub in Anchorage, Alaska, the network

³ Unlike Alaska’s three largest population centers, and the surrounding rural communities, Alaska Bush communities are isolated geographically from infrastructure resources commonly available elsewhere in the state, and the nation as a whole. Most Bush communities cannot be accessed by road, nor are they 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).

currently 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”). In addition, the C-band VSAT network serves local businesses co-owned by the Bristol Bay Economic Development Corporation (“BBEDC”),⁵ providing broadband connectivity that supports the local fishing and seafood industries, as well as a test site located in Anchorage, Alaska. Alaska Communications Internet has also sought authorization to extend its network to deliver broadband telecommunications and Internet services to ten primary and secondary school locations in additional Alaska bush communities.⁶ This STA will enable Alaska Communications Internet to extend this network to provide broadband and internet connectivity on the Aleutian Island chain.

Alaska Communications Internet incorporates by reference (and attaches as an Exhibit to this STA) a *pro forma* FCC Form 312 Schedule B and Technical Appendix showing the details of its proposed earth station operations at the False Pass site. Those documents provide relevant information relating to the earth station operating parameters, performance information and radiation hazard analyses.

II. Discussion

This STA requests seeks authority to operate one remote earth station site at False Pass, Alaska, which will communicate with the C-band network hub operated by Alaska Communications Internet under the *ACI Network License* via the EUTELSAT 115WB satellite in portions of the C-band.

⁵ 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. See <http://www.bbedc.com>.

⁶ See Alaska Communications Internet, LLC, File No. SES-MOD-20180626-01472, Call Sign E170205 (“*ACI Kuspuk Modification Application*”).

A. New Site Location

The False Pass site is located the Aleutians East Borough on Unimak Island (geographic coordinates: 54°51'54.00"N 163°24'42.20"W). There, Alaska Communications Internet proposes to operate a 3.8m Prodelin Model 2385 (the “3.8m”) earth station. The Prodelin 2385 is, in all material respects, electrically identical to the Prodelin 1383, a model that the Commission has licensed for two other sites in the *ACI Network License*, and which appears on the Commission’s Approved Non-Routine Earth Station Antennas List (“Non-Routine Antenna List”).⁷ The Prodelin 2385 includes a stronger, reinforced support structure than that supplied with the Prodelin 1383, which is necessary to withstand the high winds and inclement weather that Unimak Island frequently experiences. Although the Prodelin 2385 earth station (like the Prodelin 1383) does not comply with the gain mask in Section 25.209 of the Commission’s rules, Alaska Communications Internet demonstrates in the attached 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.⁸ Alaska Communications Internet will operate the earth stations below the maximum EIRP spectral density (“ESD”) levels authorized in the *ACI Network License* and consistent within levels previously approved by the Commission.⁹

The earth station will be mounted on a pole in an area inaccessible to the general public. Its planned location is not among any “districts, sites, buildings, structures or objects, significant

⁷ See Approved Non-Routine Earth Station Antennas, <https://www.fcc.gov/approved-non-routine-earth-station-antennas>.

⁸ See 47 C.F.R. § 25.218(d).

⁹ See *ACI Network License* (Dimond D and St. Paul Island sites); RCN License Subsidiary, Inc., SES-LIC-20050114-00077, Call Sign E050016 (Max EIRP density 45.4 dBW/4kHz); Intelsat LLC, File No. SES-LIC-20110627-00745, Call Sign E110100 (Max EIRP density 31.9 dBW/4kHz); Public Broadcasting of Colorado, Inc., SES-MOD-20060608-00951, Call Sign E030163 (Max EIRP density 43.2 dBW/4kHz); Harris Corporation, File No. SES-LIC-20060302-00342, Call Sign E060075.

in American history, architecture, archeology, engineering or culture, that are listed, or are eligible for listing, in the National Register of Historic Places,”¹⁰ and thus falls within the exemptions of Section 1.1306(a)-(b) and Note 1 to that rule.¹¹ 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.¹²

B. Frequency Coordination

Alaska Communications Internet engaged Micronet Communications, Inc. (“Micronet”) to perform frequency coordination in support of the *ACI Modification Application*, which was completed on January 5, 2019. Pursuant to Sections 25.115(c)(2)(ii) and 25.203 of the Commission’s rules,¹³ 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 Silver Bay False Pass site.

As demonstrated in the attached frequency coordination report, as coordinated and limited, there is no potential for interference into other users of the C-band spectrum sought herein by Alaska Communications Internet. Moreover, Micronet received no objections in response to its Prior Coordination Notices, and Alaska Communications Internet currently operates its network with no reported cases of interference. Alaska Communications Internet will coordinate any additional hub or remote operations prior to bringing them into use as part of the C-band VSAT network.

¹⁰ 47 C.F.R. § 1.1307(a)(4).

¹¹ 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, 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.”).

¹² See 47 C.F.R. § 1.1306.

¹³ See 47 C.F.R. §§ 25.115(c)(2)(ii) and 25.203.

C. The C-Band Temporary Freeze Public Notice

Alaska Communications Internet acknowledges the Commission's 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, 2018.¹⁴ The *Temporary Freeze Public Notice* does not include a freeze on requests for special temporary authority for short-term operations, and thus the instant request is outside the scope of the freeze. Furthermore, grant of this STA Application will strongly serve the public interest by enabling the delivery of critically needed broadband telecommunications and Internet access services in the Alaska bush, where terrestrial connectivity is mostly unavailable.

In conjunction with its forthcoming request for regular authority to operate the False Pass site as part of the network licensed under its existing *ACI Network License*, Alaska Communications Internet intends to seek a waiver, to the extent required, of the *Temporary Freeze Public Notice*. As discussed below, grant of that waiver request, when filed, would enable Alaska Communications Internet to expand its delivery of reliable and effective broadband services to an additional remote location, namely the Silver Bay Seafood processing plant and nearby residents of False Pass.

The Commission may waive its rules for "good cause shown."¹⁵ Specifically, the Commission may waive its rules where the particular facts make strict compliance inconsistent

¹⁴ 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*"). See also, Public Notice, GN Docket Nos. 17-183, 18-122, "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," DA 18-639 (rel. Jun. 21, 2018).

¹⁵ See 47 C.F.R. § 1.3. *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

with the public interest.¹⁶ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹⁷ 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.¹⁸ The request below amply meets that standard.

The Commission has 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, 2018.¹⁹ 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.²⁰

Although Alaska Communications Internet operates existing FSS earth stations in the C-band under the *ACI Network License*, because the earth station proposed proposed for the False Pass site is not currently “constructed and operational”²¹ and because the forthcoming application for regular authority to operate it as part of its existing C-band network is being filed after the release of the Temporary Freeze Public Notice, Alaska Communications Internet

¹⁶ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“Northeast Cellular”).

¹⁷ *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).

¹⁸ *Northeast Cellular*, 897 F.2d at 1166.

¹⁹ 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*”). See also, Public Notice, GN Docket Nos. 17-183, 18-122, “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,” DA 18-639 (rel. Jun. 21, 2018).

²⁰ *Temporary Freeze Public Notice*, at 1.

²¹ *Id.*

intends to request a waiver of the *Temporary Freeze Public Notice*, to the extent required, consistent with precedent, to permit licensing of the operations to be proposed therein.

First, Alaska Communications Internet proposes to add a site for service to an Alaska bush seafood business and its employees, who collectively make up a large portion of the residents of False Pass. Grant of this STA and the forthcoming associated application would thus greatly advance the public interest goals of Commission to expand the availability of affordable broadband services and thereby provide enhanced economic growth and development opportunities for residents of the area.²² Many remote bush villages in Alaska lack terrestrial communications infrastructure, making the opportunities offered by satellite broadband services particularly critical. Without a waiver, Alaska Communications Internet would be unable to serve this additional site and the economic benefits for the local business and residents would be lost to this community.

Second, applying the *Temporary Freeze Public Notice* to the Silver Bay site in False Pass 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 Silver Bay False Pass site is located in a remote area of the Alaska bush, and is not candidate for 5G deployment anytime in the foreseeable future. Today, mobile wireless service at this site is limited 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

²² See generally *Connect America Fund*, WC Docket No. 10-90, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, 26 FCC Rcd 17663 (2011) (“*Transformation Order*”).

²³ *Temporary Freeze Public Notice* at 1.

populated urban areas far removed from the remote Alaskan bush communities served by Alaska Communications Internet, it is highly unlikely that grant of this application will hinder the Commission's analysis of additional mobile and fixed use of this band.²⁴

Third, Alaska Communications Internet currently operates satellite earth stations at multiple locations in the Alaska bush with no reported cases of implementation constraints. There is no reason to expect a different result here. Alaska Communications Internet is also limiting its usage in the C-band as necessary to avoid any potential interference with other authorized spectrum users in the band, although these constraints have primarily arisen, if at all, in the 5.925-6.425 GHz uplink portion of the band. These operations were deemed compatible with terrestrial operations and entered into frequency coordination databases as of the date of the filing of this application. Thus, there is no potential for any adverse impact or other prejudice to terrestrial systems or services from grant of the requested waiver.

III. Request for Special Temporary Authority and Public Interest Considerations

Section 25.120(a) provides that an STA request should be filed at least three business days prior to commence of proposed operations. Here, Alaska Communications Internet has timely filed this 60-day STA request so that the Commission may permit operations by February 14, 2019. Further, Alaska Communications Internet believes this application involves “extraordinary circumstances” (*i.e.*, the delivery of critical broadband services to the seafood industry to improve connectivity and efficiency of local businesses), and requests that the Commission authorize operations under this STA by that date.

Moreover, Section 25.120(b)(2) states that the Commission may grant a temporary authorization for up to 60 days if the STA request has not been placed on public notice and the applicant plans to file a request for regular authority for the service. As noted, Alaska

²⁴ *Id.*

Communications Internet anticipates filing its application to add the False Pass site to its C-band network license for the operations proposed herein. This interim authority during the pendency of Alaska Communications Internet's commercial license application is critical to ensure delivery of satellite services to the population of St. Paul, Alaska, which is unable to rely on other forms of communication for basic connectivity needs.

Grant of the requested 60-day STA will strongly serve the public interest by allowing Alaska Communications Internet to provide broadband services to an additional remote Alaskan community that must rely on this service for basic connectivity needs. Grant of the STA will allow Alaska Communications Internet to serve underserved communities in False Pass, and help improve the local economy, enhance economic opportunity and well-being of its residents, and bridge the digital divide. Users will have broadband Internet access, e-mail, voice and data services, greatly enhancing economic opportunities in these remote locations. Finally, grant of this application will also create an additional competitive alternative for customers in the Alaska Bush, an undeserved area with little competition to existing terrestrial microwave and satellite providers.

IV. Conclusion

Based on the foregoing, the public interest would be served by a grant of this STA application authority to Alaska Communications Internet to operate one additional site as part of its C-band VSAT network in Alaska for a period of 60 days commencing on February 14, 2019.