



DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Regulatory Commission of Alaska

Sarah Palin, Governor
Emil Notti, Commissioner
Robert M. Pickett, Chairman

MEMORANDUM

To: Representative Ralph Samuels, Chair
Legislative Budget and Audit Committee

Date: October 9, 2008

From: Ann Wilde *AW*
Commission Section Manager

Phone: 907-263-2163
Email:

CC: Robert M. Pickett, Chairman
Regulatory Commission of Alaska

Subject: Quarterly report for July 1-September 30, 2008

Under AS 42.05.175(g), the Commission is required to file quarterly reports with the Legislative Budget and Audit Committee identifying all extensions ordered under AS 42.05.175(f).

At the request of all parties and acting in accordance with AS 42.05.175(f), the Commission extended the statutory timeline in the following dockets:

U-07-144(4), Order Affirming Electronic Ruling, Granting the Parties' Request to Extend Statutory Timeline, Requiring Filing, Extending Suspension Period, and Designating Rates as Interim and Refundable, dated August 8, 2008.

Order U-08-24(4), Order Requiring Filing; Seeking Comment; Allowing Reply Comment; and Extending Statutory Deadline, dated September 29, 2008.

In addition, the following order was inadvertently omitted from the quarterly report identifying all extensions ordered under AS 42.05.175(f) during the period April 1-June 30, 2008.

U-07-78(6), Order Accepting Stipulation, Rescheduling Hearing, Extending Statutory Timeline at Request of Parties, and Extending Suspension Period of TA5-521, dated June 19, 2008.

The commission issued one order under AS 42.05.175(f)(2), the provision that allows the commission to extend a timeline, for one time only, in a written order setting out the commission's findings regarding good cause.

Order U-08-6(7), *Order Extending Statutory Timeline*, dated July 2, 2008.

I would also like to follow-up on action taken on dockets for which the statutory timeline was extended at the request of the parties during the first and second quarter of 2008:

Docket U-07-5: A final order was issued on September 23, 2008.

Docket U-08-4: A final order was issued on September 30, 2008.

Docket R-06-3: A final order was issued on August 28, 2008.

The orders and dockets identified above may be viewed by searching orders or matters on the Regulatory Commission of Alaska web site at <https://rca.alaska.gov/RCAWeb/Home.aspx>.

Attachment: Order U-08-6(7)

1 STATE OF ALASKA

2 THE REGULATORY COMMISSION OF ALASKA

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4 Before Commissioners:

Robert M. Pickett, Chairman
Kate Giard
Mark K. Johnson
Anthony A. Price
Janis W. Wilson

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7 In the Matter of the Request Filed by GCI)
8 COMMUNICATION CORP. d/b/a GENERAL)
9 COMMUNICATION, INC. and GCI for)
Designation as an Eligible Telecommunications)
Carrier in the Study Area Served by MUKLUK)
TELEPHONE COMPANY, INC.)

U-08-6

ORDER NO. 7

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11 ORDER EXTENDING STATUTORY TIMELINE

12 BY THE COMMISSION:

13 GCI Communication Corp. d/b/a General Communication, Inc. and GCI
14 (GCI) filed a petition for designation as an eligible telecommunications carrier (ETC) in
15 the Mukluk Telephone Company, Inc. (Mukluk) study area.¹ GCI proposes the "use of
16 multiple technologies to provide service and meet ETC requirements" in a manner that
17 is a matter of first impression before this commission.²

18 The current deadline for a ruling on GCI's novel petition is July 15, 2008.³
19 This deadline does not allow sufficient time for our evaluation of a petition that GCI

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21 ¹*Verified Petition by GCI Communication Corp. for Designation as a Carrier*
22 *Eligible to Receive Federal and State Universal Service Support*, filed January 17, 2008
(Petition).

23 ²*Id.* at 5.

24 ³Order U-08-6(1), *Order Requesting Participation by the Attorney General,*
25 *Inviting Intervention, Addressing Timeline for Decision, Scheduling Hearing, Designating*
26 *Commission Panel, and Appointing Administrative Law Judge*, dated January 29, 2008,
at 3, as corrected by *Errata Notice to Order U-08-6(1)*, dated January 30, 2008;
AS 42.05.175(k).

1 admits is "new to the Commission"⁴ In this matter of first impression, GCI
2 proposes to satisfy the criteria for ETC designation found in 47 U.S.C. § 214(e)(1) and
3 47 C.F.R. § 54.201 through a facilities-based combination of wireline and wireless⁵
4 technologies.⁶ Consequently, this application presents unusually complex and novel
5 legal and public policy issues in comparison with all of our previously adjudicated ETC
6 applications. Additionally, in comparison with previous ETC applications, the parties in
7 this docket have filed a number of motions, some of which overlap, creating a high level
8 of procedural complexity.⁷ Further, in order to better understand the petition and the

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10 ⁴Petition at 5.

11 ⁵Both mobile and fixed wireless. (Petition at 25).

12 ⁶Petition at 2-4.

13 ⁷*Motion to Vacate the March 18, 2008 Hearing Date, and for a Prehearing*
14 *Conference*, filed February 6, 2008; *Petition of Mukluk Telephone Company to*
15 *Intervene*, filed February 11, 2008; *The Rural Coalition's Response to Motion to Vacate*
16 *and for Prehearing Conference*, filed February 11, 2008; *The Rural Coalition's Petition*
17 *to Intervene*, filed February 11, 2008; *Mukluk Telephone Company, Inc.'s Petition for*
18 *Reconsideration*, filed February 15, 2008; *Motion for Expedited Consideration*, filed
19 *February 15, 2008; Notice of the Rural Coalition's Support of Mukluk Telephone*
20 *Company's Petition for Reconsideration*, filed February 15, 2008; *GCI's Opposition to*
21 *Motion to Vacate Hearing Date*, filed February 19, 2008; *MTC's Proposed Procedural*
22 *Schedule*, filed February 19, 2008; *The Rural Coalition's Joinder in Mukluk Telephone*
23 *Company, Inc.'s Proposed Procedural Schedule*, filed February 19, 2008; *GCI's*
24 *Opposition to Petitions for Intervention by Mukluk Telephone and Rural Coalition*, filed
25 *February 19, 2008; Mukluk Telephone Company, Inc.'s Motion to Dismiss*, filed
26 *March 28, 2008; GCI Opposition to Motion to Dismiss and Cross Motion for Summary*
Judgment, filed April 3, 2008; *The Rural Coalition's Statement of Support for Mukluk*
Telephone Company, Inc.'s Motion to Dismiss; filed April 10, 2008; *GCI Motion to Limit*
the Scope of Proceeding and Request to Issue Decision Based on the Written Record,
filed April 16, 2008; *Consolidated Response to GCI Opposition to Motion to Dismiss*
Petition and Cross Motion for Summary Judgment, filed April 18, 2008; *The Rural*
Coalition's Opposition to GCI's Cross Motion for Summary Judgment, filed April 21,
2008; *GCI's Reply in Support of Cross-Motion for Summary Judgment*, filed April 25,
2008; *The Rural Coalition's Opposition to GCI's Motion to Limit the Scope of*
Proceeding and GCI's Request to Issue Decision Based on the Written Record, filed
April 28, 2008; *MTC Opposition to GCI Motion to Limit the Scope of Proceeding*, filed
April 28, 2008; *GCI's Reply in Support of Motion to Limit Scope of Proceeding and*
Request to Issue Decision Based on Written Record, filed May 1, 2008.

1 positions of the parties, as well as to develop the factual record pertinent to adjudication
2 of the pending motions, we have asked for and received extensive supplemental
3 information beyond that attached to the application.⁸ As a result, the factual record is
4 unusually large and complex. The intervenors continue to assert that a large number of
5 unresolved factual issues remain before we can act on the petition. Although we have
6 exerted diligent effort to date in working to resolve this matter, a review of the existing
7 record makes clear that additional time beyond the currently identified deadline will be
8 necessary to render a fully-informed and well-articulated decision on the merits of the
9 application. Accordingly, we find good cause to extend the timeline for issuance of a
10 final order in this docket for ninety days.⁹

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17 ⁸Electronic ruling, dated February 27, 2008; *Mukluk Telephone Company, Inc.'s*
18 *and the Rural Coalition's Disputed, Relevant Facts*, filed March 24, 2008; *GCI's*
19 *Response to List of Disputed Facts and Request for Pre-Hearing Conference*, filed
20 March 25, 2008; *MTC's and the Rural Coalition's Reply to GCI's Disputed Facts*, filed
21 March 26, 2008; Order U-08-6(2), *Order Requiring Filings*, dated April 23, 2008; *GCI's*
22 *Response to Commission's Request for Information*, filed May 7, 2008; *Compliance*
23 *Filing Pursuant to Order No. 2*, filed May 7, 2008; Order U-08-6(4), *Order Requiring*
24 *Filing*, dated May 8, 2008; *Compliance Filing Pursuant to Order No. 4*, filed May 9,
25 2008; Order U-08-6(5) *Order Requiring Filings, Allowing Comment, and Reserving*
26 *Hearing Dates*, dated June 3, 2008; *GCI's Response to Commission's Requests for*
Information in Order No. 5, filed June 10, 2008; *GCI's Comments Regarding Mukluk's*
Compliance Filing, filed June 17, 2008; *MTC's Comments on GCI's Responses to*
Orders No. 2 and 5, filed June 17, 2008; *The Rural Coalition's Comments Regarding*
GCI's Responses to Order Nos. U-08-6(2) and (5), filed June 17, 2008; Order
U-08-6(6), *Order Allowing Reply Comment*, dated June 25, 2008; *GCI's Response to*
Rural LEC Comments, filed June 25, 2008.

⁹AS 42.05.175(f).

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ORDER

THE COMMISSION FURTHER ORDERS that the statutory timeline for issuance of a final order in this docket is extended for ninety days until October 13, 2008.

DATED AND EFFECTIVE at Anchorage, Alaska, this 2nd day of July, 2008.

BY DIRECTION OF THE COMMISSION

