



of aerial and buried fiber that runs between these nodes within 7.6 meters of accuracy and with the required 95 percent level of confidence.<sup>5</sup> Because GCI did not keep this information in the normal course of its business, it would be required “to physically walk the length of buried fiber and trace the signal above ground and record the accurate location of sufficient poles (for aerial fiber) to validate and supplement any other sources of aerial fiber location information.”<sup>6</sup> This process would clearly be tremendously burdensome and expensive. Rather than undertaking the exorbitant costs necessary to achieve the 7.6-meter reporting level, GCI sought to instead submit the required buried and aerial fiber location information within 50 meters certified at an 80 percent confidence level.<sup>7</sup>

There is no public interest justification that would require GCI to expend excessive resources to achieve the 7.6-meter reporting requirement for buried and aerial fiber. In denying the waiver request, the Bureaus assert that the 7.6-meter standard is “necessary for the Bureaus to maintain compatibility with census boundary and road data for the census-block based Alaska Plan.”<sup>8</sup> However, as GCI explained, “the only facilities relevant to the Waiver Petition are fiber links, which are not required to be built as part of the Alaska Plan and do not relate to census block boundaries.”<sup>9</sup> The purpose of filing maps of middle mile fiber facility locations is to show where Alaska Plan funding recipients may have increased performance commitments, not to ensure that funding has been used to bring broadband to a specific location.<sup>10</sup> This purpose can be adequately achieved through the filing of node locations at 7.6 meter accuracy and with a less

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<sup>5</sup> *Id.* at 4-5.

<sup>6</sup> *Id.* at 5.

<sup>7</sup> *Id.* at 6.

<sup>8</sup> *Waiver Denial Order* at ¶ 4.

<sup>9</sup> Application at 9.

<sup>10</sup> *Id.*

stringent 50 meter accuracy reporting for the fiber facilities running between those nodes, as GCI proposes.

Finally, the Commission should make clear that the Bureaus' reliance on the ability of some providers to meet the 7.6-meter accuracy standard is not a basis for denying the waiver with respect to all providers.<sup>11</sup> Where, as in this case, it is demonstrated that compliance with a Commission rule would cause undue hardship without any corresponding benefit, waiver of the rule is appropriate. The fact that some entities were able to comply with the rule does not negate the fact that other providers cannot do so without an unwarranted expenditure of resources.

For these reasons, the Commission should grant GCI's application for review of the Bureaus' waiver denial.

Respectfully submitted,

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<sup>11</sup> *Waiver Denial Order* at ¶¶ 7-8.

## CERTIFICATE OF SERVICE

I, Annette Rojas, hereby certify that on this 16<sup>th</sup> day of April 2019, I caused true and correct copies of the foregoing comments to be served by U.S. mail, first-class prepaid and electronic mail on the following:

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