

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
 )  
Investigation of Alascom, Inc. ) CC Docket No. 95-182  
Interstate Transport and Switching Services )  
Tariff FCC No. 11 )

**PARTIAL OPPOSITION TO REQUEST FOR EXTENSION**

Alascom, Inc. ("Alascom"), by its attorneys, hereby submits its Partial Opposition to the Request of Extension of Time ("Request") filed yesterday, September 30, 2004, by General Communication, Inc. ("GCI") in the above-captioned proceeding. For the reasons described below, Alascom would support GCI's Request subject to the following modification:

Oppositions to Direct Case Due: October 13, 2004  
Replies Due: November 1, 2004

Currently, oppositions in this proceeding are due on October 5, 2004, and replies on October 15, 2004, which are dates that were provided in *Order Extending Pleading Cycle*, DA 04-2679 (August 25, 2004) ("Extension Order"). GCI has sought in its Request eight day extensions to both dates.

The effect of the Extension Order already has afforded GCI 36 days to analyze Alascom's CAP data when it was submitted to the Commission and GCI on August 30, 2004. That order provided GCI with 19 days to analyze Alascom's Direct Case, submitted on the Commission and GCI September 17, 2004. Both of those periods of time drastically exceeded the 14 days that the Commission initially

afforded GCI to examine both of the CAP and Direct Case.<sup>1</sup> Now GCI wants 44 days and 26 days to examine the CAP and Direct Case, respectively.

GCI's reasons for the additional extensions lack credibility. It alleges difficulty in obtaining and installing the requisite Lotus software. (Request, p. 2) However, it is Alascom's belief that obtaining such software would require a matter of hours, perhaps a day, of the 36 days at GCI's disposal. Similarly, GCI suggests that the amount of data in the CD provided to it supports its Request. (Request, pp. 2-3) However, GCI is a technologically sophisticated and economically powerful company, with substantial resources at its disposal. The 36 days made available should be more than sufficient to analyze the amount of data wholly contained within a single CD.

A few hours after GCI distributed its Request, it also tendered to Alascom a signature page for a new authorized reviewer of the Alascom CAP materials and Direct Case. Bringing in a new person may be an explanation of GCI's Request.

As a general matter, Alascom agrees that a complete record before the Commission supports the public interest, but so does procedural fairness. If the Commission is inclined to revise its determination of a proper pleading cycle in this proceeding, then it should provide Alascom more than a few days for its reply to what might be two oppositions.<sup>2</sup> Other parties would have been provided up to six weeks to prepare their oppositions. Therefore, Alascom requests its reply be

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<sup>1</sup> In *Order Designating Issues for Investigation*, DA 04-2349 (released July 30, 2004), GCI was permitted from August 30 to September 13, 2004, to review and respond to both the CAP and the Direct Case.

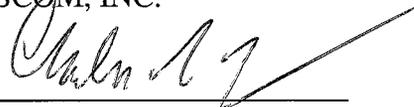
<sup>2</sup> Pursuant to the *Protective Order* in the proceeding, ACS-LD has requested and obtained the CAP data and Direct Case.

extended to Monday, November 1, 2004, which represents less than half of the time GCI seeks for preparation of its opposition. If the Commission is not inclined to provided those few additional days to Alascom, then it should deny the Request, leaving GCI with far more time to prepare its case than is either customary, or had been contemplated by the Commission in this proceeding.

Therefore, Alascom respectfully requests that the Commission adjust the pleading cycle in this proceeding as set forth above or deny GCI's Request.

Respectfully submitted,

ALASCOM, INC.

By 

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October 1, 2004

Its Attorneys

## CERTIFICATE OF SERVICE

I, Judy Norris, a legal secretary in the law firm of Holland & Knight LLP, do hereby certify that on October 1, 2004, a copy of the foregoing Partial Opposition to Request for Extension was sent via electronic mail to the following:

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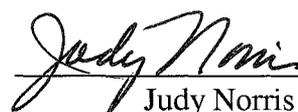
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