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STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Mark K. Johnson, Chair  
Kate Giard  
Dave Harbour  
James S. Strandberg  
G. Nanette Thompson

In the Matter of the New Requirements of  
47 C.F.R. § 51 Related to the Federal  
Communication Commission Triennial Review  
Order on Interconnection Provisions and  
Policies

R-03-7  
ORDER NO. 3

ORDER REQUESTING DATA, SETTING PROCEDURAL SCHEDULE,  
AND APPOINTING HEARING EXAMINER

BY THE COMMISSION:

Summary

We request that certificated local exchange carriers file data to help us in our review of the issues identified in the Federal Communications Commission (FCC)'s Triennial Review Order.<sup>1</sup> We accept, in part, the requests to include specific questions in our data request. We set a procedural schedule and appoint a Hearing Examiner in this proceeding.

<sup>1</sup>Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers (CC Docket No. 01-338), Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 (CC Docket No. 96--98), and Deployment of Wireline Services Offering Advanced Telecommunications Capability (CC Docket No. 98-147), *Report and Order and Order on Remand and Further Notice of Proposed Rulemaking*, FCC 03-36, (rel. Aug. 21, 2003) (Triennial Review Order).

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1 ACS Market Questions

2 ACS Questions 1(a) through 1(d) seek information on the number of  
3 CLEC<sup>5</sup> lines, CLEC market share, and service commencement dates in each market.  
4 ACS states that this information is relevant to the issue of impairment in the different  
5 markets. GCI objects to these questions, arguing that the FCC has already ruled that  
6 this line of inquiry is not relevant to an impairment analysis. The FCC has stated:

7 We do not adopt a standard that asks whether competition (as opposed to  
8 competitive carriers) is "impaired" or base our impairment determination on  
9 whether the level of retail competition is sufficient such that unbundling is no  
10 longer required to enable further entry. As explained above, evidence of  
11 retail competition over non-incumbent LEC facilities informs our analysis of  
12 whether competitive LECs are impaired without access to UNEs. But some  
13 carriers, for example, suggest that we not require any unbundling in markets  
14 where competitors have achieved a particular market share, where  
15 competitors have a certain number of collocations, or where consumers have  
16 a choice of facilities-based providers. We decline to determine impairment  
17 based on a certain level of retail competition because section 251(d)(2)  
18 requires us to ask whether requesting carriers are "impaired," not whether  
19 certain thresholds of retail competition have been met...Moreover, the  
20 relationship between retail competition and unbundling is complex. In many  
21 instances, retail competition depends on the use of UNEs and would  
22 decrease or disappear without those UNEs; thus, a standard that takes away  
23 UNEs when a retail competition threshold has been met could be circular.  
24 While evidence of retail competition over non-incumbent LEC facilities is  
25 highly relevant to our impairment analysis as explained above, retail  
26 competition that relies on incumbent LEC facilities – whether UNEs, resale,  
or tariffed services – does less to inform our impairment analysis.<sup>6</sup>

20 We will not ask ACS Question 1(a) because ACS has not adequately  
21 demonstrated how information about a carrier's inception date would be useful for our  
22 review. We will include edited versions of ACS Questions 1(b) through 1(d) in our data  
23 request because the information may help us investigate the options available to us for

<sup>5</sup>Competitive local exchange carrier.

<sup>6</sup>Triennial Review Order at 114.

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1 defining the relevant markets. We edited ACS Questions 1(b) – 1(d) to eliminate the  
2 term “market” because the term is not defined. We use the term “local incumbent study  
3 area” because carriers are likely to maintain records at this level and the term is well  
4 recognized by the industry. ACS Question 1(e)<sup>7</sup> asks for an opinion, not data. ACS has  
5 not adequately explained why a response to this question would be relevant to our  
6 review; therefore, we exclude Question 1(e).

7 ACS Question 2 seeks information on existing cable telephony plant or  
8 other facilities capable of delivering local exchange service or exchange access service  
9 to the public and on any plans in the next 24 months to publicly offer cable telephony,  
10 voice over internet protocol, or fixed wireless telecommunications services in any of the  
11 relevant markets. GCI objects to Question 2, arguing that the FCC has already ruled  
12 that this line of inquiry is not relevant to an impairment analysis. The FCC states:

13 Moreover, both cable and CMRS are potential alternatives not simply for  
14 switching, but for the entire incumbent LEC telephony platform, including the  
15 local loop. We are unaware of any evidence that either technology can be  
16 used as a means of accessing the incumbents’ wireline voice-grade local  
17 loops. Accordingly, neither technology provides probative evidence of an  
18 entrant’s ability to access the incumbent LEC’s wireline voice-grade local  
19 loop and thereby self-deploy local circuit switches. Rather, competition from  
20 cable telephony and CMRS providers only serves as evidence of entry using  
21 both a self-provisioned loop and a self-provisioned switch.<sup>8</sup>

22 We conclude that the data requested by ACS in Question 2 would not be  
23 useful to our review. We will not require companies to respond to ACS Question 2.

24 <sup>7</sup>ACS Question 1(e): “Why [do] you believe that serving only this market does  
25 not take away any economies of scale and scope that would be available to a  
26 competitor serving a larger market that includes this geographic area?”

<sup>8</sup>Triennial Review Order at 446.

1 DS0 Local Circuit Switching – Impairment

2 We must determine whether requesting telecommunications carriers are  
 3 impaired without access to the DS0 Local Circuit Switching UNE rate element.<sup>9</sup> To find  
 4 no impairment, either one of two FCC triggers<sup>10</sup> must be met or an FCC-defined Self  
 5 Provisioning test must be met.

6 Both ACS and GCI indicated that the FCC triggers have not been met in  
 7 Alaska regarding this rate element. We conclude that Alaska does not face the level of  
 8 facilities-based competition for DS0 local switching such that a finding of no impairment  
 9 can be made based solely on the two FCC triggers. Our review of UNE Local Switching  
 10 impairment must therefore focus on the FCC's Self Provisioning test.

11 Under the Self Provisioning test, the FCC set three criteria that we must  
 12 consider to determine whether requesting telecommunications carriers are not impaired  
 13 without access to unbundled local switching in a particular market:<sup>11</sup>

- 14 • Evidence of actual deployment,
- 15 • Potential operational barriers,
- 16 • Potential economic barriers.

17  
 18 <sup>9</sup>47 C.F.R. § 51.319(d)(2)(iii).

19 <sup>10</sup>In general, a state must find no impairment if either of these triggers are met:

- 20 ○ Trigger 1: Three or more CLECs (including intermodal providers), not  
 21 affiliated with each other or the ILEC, each serve mass market  
 22 customers with their own local switches.
- 23 ○ Trigger 2: Two or more CLECs (including intermodal providers), not  
 24 affiliated with each other or the ILEC, each offer DS0 related  
 25 wholesale switching services using their own switches.

26 For specifics, see 47 C.F.R. § 51.319(d)(2)(iii)(A).

<sup>11</sup>47 C.F.R. § 51.319(d)(2)(iii)(B).

1 We accept only proposed questions the answers to which would aid our understanding  
2 of these three issues in local competitive markets.

3 The FCC Evidence of Actual Deployment test requires that we determine  
4 whether “actually deployed switches in the market at issue permit competitive entry in  
5 the absence of unbundled local switching.”<sup>12</sup> We conclude that the FCC did not intend  
6 for our review of DS0 Local Circuit Switching to include consideration of potential  
7 switches that might not be deployed for several months. It would be speculative to  
8 conclude that no impairment exists today based on an expectation of what a carrier  
9 might deploy two years in the future. Therefore, we exclude questions that seek switch  
10 deployment projections, including ACS Questions 3(d), 6(g), and those portions of ACS  
11 Question 12 that relate to future plans.

12 The FCC Evidence of Actual Deployment test also requires that we  
13 consider whether “there are two wholesale providers or three self-provisioners of local  
14 switching ... serving end users using DS1 or higher capacity loops in the market at  
15 issue; or there is any carrier... using a self-provisioned switch to serve end users using  
16 DS0 capacity loops. If so, and if the state commission determines that the switch or  
17 switches identified can be used to serve end users using DS0 capacity loops in the  
18 market in an economic fashion, this evidence must be given substantial weight.”<sup>13</sup> Plain  
19 reading of the Evidence of Actual Deployment test articulated by the FCC is not simply  
20 to determine whether switches are deployed, but whether deployed switches are useful  
21 to access DS0 end users in an economic fashion. ACS’ proposed questions appear  
22 overly broad and not directly targeted to our analysis. They only seek information on  
23 switch deployment regardless of whether or not the deployed switches are useful for  
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25 <sup>12</sup>47 C.F.R. § 51.319(d)(2)(iii)(B)(1).

26 <sup>13</sup>47 C.F.R. § 51.319(d)(2)(iii)(B)(1) (emphasis added).

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1 access to DS0 end users. We also note that GCI does not contest that it has deployed  
2 switches extensively throughout the ACS service areas. ACS' questions also seek  
3 switch deployment information that it already has general knowledge of.<sup>14</sup>

4 The FCC Self Provisioning test includes whether there are operational or  
5 economic barriers that render entry uneconomic for requesting telecommunications  
6 carriers in the absence of unbundled access to local circuit switching.<sup>15</sup> Deployment  
7 information may be of limited value to us if it can be shown that operational barriers (as  
8 is alleged in this case) exist which would render entry uneconomic in the absence of  
9 access to unbundled local circuit switching.

10 ACS Question 5 seeks information on whether the Local Exchange  
11 Routing Guide (LERG) for Alaska is current and accurate. ACS seeks this information  
12 to "insure that accurate information is available to those wishing to utilize switching  
13 capacity."<sup>16</sup> ACS' reasoning is unrelated to our review of impairment, and there is  
14 nothing in the record to suggest we should question the accuracy of the LERG or that  
15 the LERG contains material inaccuracies to the point that it might affect our pending  
16 review. We will not ask ACS Question 5.

17 In Questions 6(e) and 6(f), ACS seeks information on the geographic area  
18 over which the CLEC provides qualifying service to end users with a non-ILEC switch  
19 and the geographic areas where the CLEC cannot provide access to customers with a  
20

21 <sup>14</sup>ACS has indicated that "[t]here are neither three CLECs using their own  
22 switches to serve mass market customers nor two independent wholesale suppliers of  
23 unbundled circuit switching in ACS' LEC service areas." *Affidavit of Howard A.*  
24 *Shelanski*, filed January 12, 2004, at 15. GCI also states that any CLEC switches would  
25 have to be interconnected with the ACS network to exchange traffic with ACS  
26 customers, and ACS would have knowledge of competitor switches.

<sup>15</sup>47 C.F.R. § 51.319(d)(2)(iii)(B)(2) and (3).

<sup>16</sup>ACS Request at 5.

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1 non-ILEC switch due to lack of loop access to the end user. Similarly, ACS Question 8,  
2 though somewhat unclear, appears to seek information on the relative number of lines  
3 in the service areas being served by a competitor using non-ILEC switches. We believe  
4 this type of information may be relevant to our review; however, GCI has already  
5 provided information on lack of access to customers through CLEC switches. Rather  
6 than asking GCI to restate its position, we believe the information more useful to us is  
7 whether ACS (or others) agree or disagree with GCI and why. While we find ACS'  
8 proposed Questions 6(e), 6(f), and 8 relevant, we will not ask any commenter to restate  
9 a position already on record in response to these questions. In addition, we believe the  
10 questions should be made more general and simplified to allow a carrier to describe the  
11 situations where switch access to DS0 end users may be limited rather than requiring  
12 the carrier to provide what may be a burdensome listing of all potential "geographic  
13 area" pockets where customer access may or may not be possible.

14 We will not ask ACS Question 7 because the information sought by ACS  
15 (a list of all the ACS wire centers in Alaska, identified by name, address, and common  
16 language location identifier code, where the CLEC is currently using the ACS switch to  
17 provide qualifying service to end user customers) appears to be information that should  
18 be in ACS' possession. ACS should know which carrier customers are ordering its  
19 services and using its switches. Since ACS is the only entity disputing the FCC finding  
20 of impairment for DS0 Local Switching services and ACS has information about its own  
21 carrier customers, we see little reason for asking other carriers to respond to ACS'  
22 Question 7. To the extent this information is useful, ACS can provide it in its comments.

23 In Question 9, ACS seeks the information of Question 8 (lines served  
24 using non-ILEC switches) but with greater detail concerning the number of lines  
25 provided to residential customers and the number of business customers that meet  
26 various categories of line purchases (e.g., business customers that purchase 4-24 voice

1 grade equivalent lines). ACS states that this information is relevant to determine the  
2 extent that non-ILEC switches are being used to provide mass market and enterprise  
3 switching services and to determine the demarcation point between enterprise and  
4 mass market customers. GCI contends that ACS's grouping of 1-3, 4-24, and 25 or  
5 more lines for the business categories is arbitrary, prejudices the issue, and provides no  
6 useful information because the FCC requires that the demarcation point between mass  
7 market and enterprise customers be based on a revenue analysis. The FCC  
8 regulations state:

9 (4) Multi-line DS0 end users. As part of the economic analysis set forth in  
10 paragraph (d)(2)(iii)(B)(3) of this section, the state commission shall establish  
11 a maximum number of DS0 loops for each geographic market that requesting  
12 telecommunications carriers can serve through unbundled switching when  
13 serving multiline end users at a single location. Specifically, in establishing  
14 this "cutoff," the state commission shall take into account the point at which  
15 the increased revenue opportunity at a single location is sufficient to  
16 overcome impairment and the point at which multiline end users could be  
17 served in an economic fashion by higher capacity loops and a carrier's own  
18 switching and thus be considered part of the DS1 enterprise market.<sup>17</sup>

15 We will not ask ACS Question 9 for the reasons cited above.

16 GCI has also proposed questions related to the DS0 cut-off. GCI states  
17 that its proposed DS0 cut-offs are based on assumptions concerning the availability and  
18 pricing of certain ACS services. GCI proposes Questions 7 through 9 "to confirm those  
19 assumptions and ACS' commitment to providing required alternative facilities (at the  
20 applicable rate), which will be critical if the DS0 cut-off is applied to terminate GCI's use  
21 of the mass market switching UNE for a particular customer."<sup>18</sup> GCI Questions 7  
22 through 9 seek information regarding whether ACS agrees that it must provide various  
23 UNE services at certain prices, whether ACS agrees that certain facilities would permit

24 <sup>17</sup>47 C.F.R. § 51.319(d)(2)(iii)(B)(4). Emphasis added.

25 <sup>18</sup>*Comments of General Communication, Inc.*, filed January 27, 2004, at 4.

1 GCI to provide a T1 channel to any enterprise customer, how ACS might provide loop  
2 facilities differently than GCI suggests. ACS contends that the information sought is not  
3 relevant to the issue of where the "cut-off" should be and portions of the information that  
4 GCI seeks is publicly available and should not be the subject of discovery. ACS also  
5 states that some of GCI's questions are speculative in nature or require it to provide  
6 information it does not have concerning the sufficiency of certain facilities. We will not  
7 include GCI Questions 7 through 9 in our request for information for the reasons cited  
8 by ACS, except that we reserve judgment on whether the information related to UNE  
9 pricing is relevant to the cut-off issue.

10 In its opposition to GCI's data request, ACS asks that we require GCI to  
11 submit "additional information explaining and supporting its basis for the crossover  
12 points it advocates."<sup>19</sup> ACS states that GCI's proposed cut-offs are significantly higher  
13 than the number of lines previously adopted by the FCC as the crossover point for  
14 multi-line DS0 customers in highly competitive markets. GCI has already explained how  
15 it derived its proposed cut-off points; therefore, we will not require it to answer again.<sup>20</sup>  
16 To the extent that explanation or result is unreasonable or inadequate, ACS should  
17 address this through reply comments rather than a request that GCI provide additional,  
18 but unspecified, data.

19 ACS Questions 10 and 11 seek information on average monthly costs and  
20 revenues for non-ILEC switched services. ACS states that this information is relevant to  
21 determine the extent that self-provisioning is economically feasible based on current  
22

23 <sup>19</sup>ACS LEC's *Objections to GCI's Requests for Discovery and Request for*  
*Additional Information*, filed February 6, 2004, at 3.

24 <sup>20</sup>*Comments of General Communication, Inc.*, filed January 12, 2004, at 24;  
25 *Testimony of Emily Thatcher on Behalf of General Communication, Inc.* at 14-17;  
26 Exhibit ET-9.

1 revenue generation potential and that the cost information is relevant to show the extent  
2 to which costs provide a source of impairment without access to ILEC switching  
3 facilities. ACS has not adequately demonstrated how this information would be useful  
4 for our review under the Self Provisioning test.<sup>21</sup> Because the data requested is not  
5 directly related to impairment, the questions would provide no insight into the costs and  
6 revenues associated with operational impairments. The cost and revenue information  
7 ACS seeks reflects historical costs of self provisioning when the CLEC had access to  
8 UNE local switching and access to all local lines through either its own switch or the  
9 ILEC switch. In contrast, we are tasked with reviewing the operational and economic  
10 barriers that may exist in the absence of access to unbundled local circuit switching.  
11 We will not ask ACS Questions 10 and 11 as ACS has not adequately supported them,  
12 but we will ask CLECs to explain what additional costs would be incurred to obtain  
13 access to any lines they allege cannot currently be accessed through their own  
14 switches.

15 In Question 13,<sup>22</sup> ACS seeks the monthly churn rate that each CLEC has  
16 experienced in providing qualifying services to end user customers in Alaska. GCI  
17 states that it agrees that the churn rate is potentially relevant to our review of whether  
18 churn is a short term source of impairment. We will allow Question 13 but with minor  
19 editing to improve clarity.

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20 <sup>21</sup>The answer to Questions 10 and 11 depend upon the response to Question 8.  
21 Question 8 is poorly worded and could be misinterpreted. Depending upon how the  
22 questions are interpreted, ACS could be requesting information on revenues and costs  
23 but only for those loops where the CLEC provides the line to the customer directly (i.e.,  
24 without purchase of UNE loop). If this is what ACS intended, then the questions would  
25 appear too limiting to be of much value and not directly on point to matters under the  
26 Self Provisioning Test.

<sup>22</sup>Question 12 was addressed previously in this order in the paragraphs  
concerning general switch deployment questions.

1 GCI also has requested that we include local switching related questions  
 2 in our data request. GCI Questions 1 through 6 seek information related to ACS  
 3 network design such as which ACS switch remote and concentrators are currently  
 4 configured to accommodate multi-hosting and which are not. GCI indicates that this  
 5 information is relevant to the issue it raised concerning impaired access to DS0  
 6 customers, particularly whether ACS challenges that certain devices are proliferated  
 7 throughout its network and are a source of impairment. ACS responded that it agrees  
 8 that the mass market switching information that GCI seeks may be relevant to the  
 9 switching impairment issue and did not object to filing a response to GCI Questions 1  
 10 through 6. ACS alleges that GCI, however, already has, or otherwise has access to,  
 11 most of this information. GCI indicated that it does have access to some information  
 12 concerning ACS's network design but its information "is of varying levels of detail and  
 13 vintage." We will allow GCI Questions 1 through 6 as they are related to the operational  
 14 impairment issue before us and will provide us with useful information.

15 Batch-Cut Processes

16 The FCC asks that we develop for each relevant market a "batch-cut"  
 17 process by which the ILEC simultaneously migrates two or more loops from one  
 18 carrier's local circuit switch to another carrier's local circuit switch.<sup>23</sup> In the alternative,  
 19 we may make a detailed finding that such a process is not necessary based on an  
 20 impairment analysis. Both ACS and GCI propose that we issue a data request  
 21 incorporating questions on batch-cut processes.

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<sup>23</sup>47 C.F.R. § 51.319(d)(2)(ii).

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1 ACS seeks information through ACS Question 14 on the “hot-process  
2 currently used to transfer lines from ACS switches to your [CLEC] facilities.” Similarly,  
3 ACS Question 15 seeks detailed information on tasks that are a part of the ACS current  
4 hot-cut process. GCI objects to these questions because ACS asks CLECs to provide  
5 answers that only ACS can provide. GCI states that the questions should be answered  
6 but the answers should come from ACS.

7 ACS represents that its current batch-cut processes are adequate. As  
8 part of our obligations under the Triennial Review Order, we may consider a variety of  
9 options including whether to adopt ACS’s current process or some variation as a  
10 reasonable batch-cut process for the relevant markets. It would be both relevant and  
11 helpful to our review to have additional details concerning the existing ACS process as  
12 proposed in Questions 14 and 15. However, we agree that ACS is the entity best able  
13 to answer these questions. We therefore will include ACS Questions 14 and 15 in our  
14 data request, but we will list ACS as the respondent. We will also allow GCI Questions  
15 10 through 16 concerning batch-cut processes as they clarify ACS’ responses made in  
16 testimony or would help us to better understand ACS’ processes. ACS did not object to  
17 GCI Questions 10 through 16.

18 In ACS Questions 16 and 17, ACS seeks information related to GCI’s  
19 proposed batch-cut process.<sup>24</sup> ACS Question 16 asks for a description of the proposed  
20 batch-cut process and how the process would resolve any alleged impairment issues.  
21 ACS Question 17 asks for other details concerning the GCI proposal. GCI objects to  
22 including these questions because it has already identified this information in detail in its  
23 comments and testimony. GCI also asserts that ACS is in a better position to estimate

24 \_\_\_\_\_  
25 <sup>24</sup>ACS seeks data on any CLEC’s proposed batch-cut process, but we have  
26 received only one proposal and it was from GCI.

1 the average time for proposed tasks, the typical occurrence, the labor rate, and  
2 common overhead given that these functions are all within ACS's control.

3 Additional details about GCI's proposal would allow us to determine  
4 whether it is a viable option. While GCI has described its process in Exhibit MSK-2 and  
5 in other sections of its comments and testimony, some of the information provided is of  
6 a general nature. In Exhibit MSK-2, GCI does not clearly describe time limits for  
7 beginning or completing a particular task. It is not clear which, if any, of ACS's current  
8 batch-cut processes and procedures are assumed to be a base upon which GCI's  
9 proposal is applied. Reference in Exhibit MSK-2 to the "terms in the relevant  
10 interconnection agreement" is also vague and does not clearly identify which  
11 interconnection agreement or which terms are to be included in GCI's proposal. GCI's  
12 proposal is described through a variety of documents (e.g., testimony, an exhibit, and  
13 interconnection agreements) which makes it difficult to understand the entirety of GCI's  
14 proposal. We conclude that further information concerning the GCI proposal may  
15 benefit our review. We therefore will include edited versions of ACS Questions 16,  
16 17(a), and 17(b). We expand Question 16 to include discussion of how the proposal will  
17 resolve any deficiencies in the current ACS batch-cut processes, rather than only how  
18 the proposal would resolve impairment. We required that those proposing a batch-cut  
19 process provide a "stand alone" document that identifies all of the details of the  
20 proposal. This document should clearly identify all tasks, all deadlines associated with  
21 beginning and completing a task, and all terms and conditions that apply including  
22 assumptions regarding ACS processes. We also clarify Questions 16, 17(a), and 17(b).

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1 We will not include ACS Questions 17(c) and (d) as these questions ask  
2 GCI to provide information concerning ACS's labor rate and common overhead loading  
3 which we are already requesting.<sup>25</sup>

4 Through Question 18, ACS seeks information on the average historical  
5 cost per line that CLECs incurred "to manage and participate in ACS's current hot-cut  
6 process"<sup>26</sup> ACS states that we should require this information to determine whether the  
7 current hot-cut process costs precludes a CLEC from a reasonable opportunity to  
8 compete in the local service market. Similarly, ACS Question 19 seeks information on  
9 the cost per line the CLEC expects to incur if its proposed batch hot-cut process is  
10 approved. ACS asserts that Question 19 is necessary to determine whether GCI's  
11 proposed alternative will cost more or less than the current ACS process. GCI opposes  
12 ACS Questions 18 and 19. GCI states that the requested cost information is not  
13 relevant to determine whether a batch-cut process is needed or whether the current  
14 process is inadequate. GCI states that any supplemental cost information should be  
15 limited to the savings that may arise from implementation of a batch-cut process which  
16 may spread loop migration costs among a larger number of lines, decreasing per-line  
17 cut over costs.

18 ACS should be knowledgeable of its hot-cut processes and capable of  
19 estimating how proposed changes to those processes may affect costs. ACS can  
20 provide this information in its reply comments. While costs may be relevant, our primary  
21 obligation is to develop a reasonable batch-cut process (absent proof this is not  
22 necessary) even if the process is more costly than the current arrangement. ACS has

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24 <sup>25</sup> See *infra* pp. 13-14 (discussion of ACS Question 15).

25 <sup>26</sup> ACS Request, *Appendix A - ACS LEC's Proposed Sample Questions to*  
26 *CLECS*, at 10.

1 not adequately justified why we should require market participants to respond to  
2 Questions 18 and 19. We will not include these questions in our data request.

3 ACS Question 20 proposes that if we were to rule that competitive carriers  
4 are not impaired without access to switching in the mass market, what monthly volumes  
5 of hot-cuts would be required within the first 12 months after the effective date of the  
6 decision to migrate existing UNE-platform customers to UNE-loop or another form of  
7 service, and to connect new customers in the ordinary course of business. ACS states  
8 that if we find non-impairment, then the requested information would be helpful to  
9 determine if the volume of required hot-cuts is a source of impairment. ACS Question  
10 21 seeks similar information by “wire center in Alaska” and requests daily, weekly, and  
11 monthly volumes if competitors are found to be impaired without access to DS0 Local  
12 Switching. Objecting to ACS Questions 20 and 21, GCI contends that ACS, as the  
13 provider of unbundled switching, has this data and that GCI has presented similar data  
14 in its comments. GCI also states that ACS has not addressed why supplemental  
15 information is required. To the extent the information is necessary; GCI argues that all  
16 forms of hot-cuts must be considered, not just the two forms specified by ACS.

17 It would be difficult for any entity to provide a 12-month projection of the  
18 requested information and any response would likely be speculative. If we find that no  
19 impairment exists in a market, the FCC requires that all requesting telecommunications  
20 carriers in the market commit to an implementation plan with the incumbent for the  
21 migration of the embedded unbundled switching mass market customer base within two  
22 months of our decision and that a requesting carrier may no longer obtain access to  
23 UNE local switching five months after our decision.<sup>27</sup> With these timelines, a 12-month  
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25 <sup>27</sup>47 C.F.R. § 51.319(d)(2)(iv).  
26

1 projection is inappropriate and unnecessary. ACS, as the provider of service, knows  
2 the current level of UNE local switching demand and would therefore have a reasonable  
3 idea of how a non-impairment decision may affect hot-cut volumes. For these reasons,  
4 we do not ask ACS Question 20.

5 ACS Question 21 requires that carriers estimate the level of future daily,  
6 weekly, and monthly cut-overs for a 12-month period if we find carriers are impaired and  
7 we preserve UNE local switching. ACS states that Question 21 would be helpful to  
8 determine the extent to which the volume of hot-cuts would be reduced if DS0 local  
9 switching continues to be made available. As the information sought is speculative and  
10 ACS has not sufficiently justified how the information would be useful to our review, we  
11 will not ask ACS Question 21.

12 ACS Question 22 asks the respondent to provide "any circumstances in  
13 which you believe ACS has performed deficiently in providing you with hot-cuts in  
14 Alaska since July 1, 2003."<sup>28</sup> GCI objects to limiting the question to ACS' hot-cut  
15 performance since July 1, 2003. GCI alleges that GCI has explained in its comments  
16 that ACS has been historically deficient in provision of service for GCI customers. We  
17 have already determined that GCI should explain how its proposed hot-cut process will  
18 address any perceived deficiencies in the ACS process. We therefore view ACS  
19 Question 22 as unnecessary and do not see sufficient justification to include it in our  
20 data request.

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25 <sup>28</sup> See n. 25 at 11.

1 ACS Question 23 seeks information on the number of hot-cuts performed  
2 by ACS to GCI each day in the market from July 1, 2003, to date. ACS and GCI should  
3 already have access to this or similar information, and we see no reason to include this  
4 question in our data request.

#### 5 Dedicated Transport

6 The FCC determined that an ILEC will provide a requesting  
7 telecommunications carrier with nondiscriminatory access to DS1, DS3 and dark fiber  
8 dedicated transport on an unbundled basis unless we find that absence of such access  
9 along a particular route would not impair a requesting carrier.

10 At our September 19, 2003, special public meeting, ACS indicated that it  
11 did not contest the FCC finding concerning dedicated transport.<sup>29</sup> Through Order  
12 R-03-7(1), we concluded that no entity appeared to dispute the FCC's findings  
13 regarding dedicated transport and that we did not plan to further explore the issue.

14 In its comments, ACS changed its position and now disputes the FCC  
15 finding of impairment. ACS stated that the FCC's dedicated transport impairment  
16 triggers "may be met for specific routes, but more information is needed to analyze the  
17 transport markets in Alaska".<sup>30</sup> ACS proposes Questions 24 through 36 seeking further  
18 information.

19  
20  
21 <sup>29</sup> See September 19, 2003, Public Meeting transcript at 13, where ACS states:

22 [W]hat the FCC has said is that dedicated interoffice transport under that  
23 category ILECs must only unbundle in network transport connecting ILECs  
24 switches or wire centers. We believe that that is the current arrangement  
today and that there probably is no further action that needs to be taken by  
this Commission in R-03-7 relative to dedicated interoffice transport.

25 <sup>30</sup> *Comments of ACS of Anchorage, Inc., ACS of Fairbanks, Inc., and ACS of*  
26 *Alaska, Inc.*, filed January 12, 2004, at 25.

1 In support of its position that available evidence "strongly suggests" that  
2 transport facilities are not a source of competitive impairment, ACS describes GCI's  
3 network and transport links.<sup>31</sup> However, ACS does not specifically identify any route  
4 over which it believes that the FCC impairment triggers are met for any of the specific  
5 types of dedicated transport (DS1, DS3, or dark fiber) in question.

6 GCI asserts that ACS has waived its challenge to the transport impairment  
7 finding. GCI quotes our public notice stating that "[i]f no entity contends an issue, the  
8 Commission may assume that issue is resolved and that no further action may be  
9 needed"<sup>32</sup> and that knowing this, ACS raised no dispute regarding the FCC impairment  
10 finding at our September public meeting. GCI further argues that even if we were to  
11 allow ACS to raise the issue now, ACS bore the burden of identifying in its comments  
12 those routes over which it could make a *prima facie* case for review of the impairment  
13 finding with respect to transport. GCI argues that ACS made no attempt to do so and  
14 provided only a general description of GCI fiber resources. GCI also states that ACS  
15 failed to identify any other provider offering transport facilities between ACS wire  
16 centers or switches. GCI contends that if ACS could not identify any route where the

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19 <sup>31</sup>In an affidavit filed on this matter, ACS states in part that GCI has substantial  
20 fiber resources throughout Alaska for its telecom and cable operations and provides its  
21 own transport using its fiber network, including transport between its host and remote  
22 switches collocated with ACS facilities. ACS also asserts that as of 11/2002, GCI had  
23 connected fiber to 22 office buildings and that GCI provides all of its own transport  
24 between ACS wire centers and has not ordered the transport UNE in the Anchorage  
25 market. ACS states that in Fairbanks and Juneau, GCI purchases the transport UNE  
26 for the small number of customers it serves through UNE-P. ACS also indicates that  
GCI has submarine fiber between Norma Beach, Washington and Whittier which  
connect to fiber that extends to Anchorage, Valdez and along the pipeline and that  
Alaska Fiber Star also has fiber facilities.

<sup>32</sup>*Notice of Special Public Meeting*, issued September 12, 2003, at 2.

1 FCC triggers may be met, any further inquiry regarding dedicated transport is irrelevant,  
2 and we should not designate any ACS transport questions for production.

3 Questions 24 through 31 are either overly broad or seek information not  
4 clearly related to transport between ACS wire centers and switches at issue in this  
5 proceeding.<sup>33</sup> Questions 32 through 36 deal with collocation, and it is not clear how the  
6 information requested is targeted to address impairment along any particular transport  
7 route. We believe that ACS seeks a wide range and variety of information without  
8 sufficient justification. ACS' questions are too broad to solicit data that could be used to  
9 determine whether a specific transport route meets any of the FCC's impairment tests.  
10 When we weigh the burden of the proposed questions on respondents and the fact that  
11 ACS once conceded there was no impairment along any specific transport route, these  
12 questions are neither efficient nor reasonable. We do not include any of the ACS  
13 transport related questions in their present form in our data request.

14 We see merit, however, in seeking further information on what  
15 non-incumbent facilities are available in each ACS company service area for transport  
16

17 <sup>33</sup>Question 24 seeks transport information on "all the wire centers in Alaska" and  
18 is not limited to ACS wire centers or the ACS service area. Question 24 could also be  
19 interpreted as requiring information regarding transport to long distance carriers.  
20 Questions 25 and 26 request information on transport between an ACS central office  
21 and a non-ACS central office facility. Questions 25 and 26 also request information on  
22 all CLEC owned, controlled, or leased trunks between ACS central offices regardless of  
23 the nature of the trunks. Question 27 seeks information on where carriers currently or in  
24 the next 24 months may connect their local facilities to networks of carriers other than  
25 ACS, including CATV providers, interexchange carriers, "data centers" (undefined) or  
26 "similar facility". Question 28 seeks information on all fiber rings owned or controlled by  
the respondent or its affiliate regardless of the purpose or location of the fiber ring.  
Question 29 seeks further information concerning affiliations in regards to the responses  
to Questions 23 and 26. Questions 30 and 31 include a request for information on long  
term dark fiber Indefeasible Rights of Use between any two wire centers or other  
facilities/locations in Alaska in which the carrier maintained an active physical  
collocation arrangement.

1 between the incumbent carrier wire centers. Therefore, we have edited ACS Questions  
2 24(a) through 24(c) and 25(a) through 25(e) to target the responses to the issues before  
3 us. ACS Questions 24(a) through 24(c) and 25(a) through 25(e) sought statewide data  
4 as originally proposed. Our edited versions seek data relevant to the ACS service  
5 areas. We eliminated what appeared to be an overly broad request for information on  
6 trunks between ACS central offices and non-ACS facilities as our investigation must  
7 focus on transport between incumbent switches and wire centers.<sup>34</sup> Our revised  
8 versions of ACS Questions 24(a) through 24(c) and 25(a) through 25(e) are shown in  
9 Appendix A to this Order.

10 We did not include proposed ACS Questions 24(d), 25(f), or 25(g).  
11 Question 24(d) seeks the names of the other carriers that were provided transport  
12 services. Questions 25(f) and 25(g) seek information related to nature of the transport  
13 arrangement (e.g., lease, purchase, ownership). ACS has not adequately justified  
14 these questions.

#### 15 DS1, DS3, and Dark Fiber Loops

16 The FCC concluded that ILECs will provide to a requesting carrier access  
17 to DS1, DS3, and Dark Fiber loops on an unbundled basis except where we conclude,  
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24 <sup>34</sup>As an initial matter, we limit our definition of the dedicated transport network  
25 element to only those transmission facilities connecting incumbent LEC switches or wire  
26 centers." Triennial Review Order at para. 359.

1 in accordance with FCC criteria and "triggers",<sup>35</sup> that requesting telecommunications  
2 carriers are not impaired without such access at a specific customer location.

3 ACS states that it does not challenge the FCC finding for DS1 loops in any  
4 of the relevant Alaska markets.<sup>36</sup> Asserting that no competitor will suffer impairment  
5 under the FCC's analysis, ACS seeks relief from providing access to unbundled DS3  
6 loops and dark fiber loops. ACS states that while it believes that the potential  
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10 <sup>35</sup>Roughly, the FCC's Self Provisioning and Competitive wholesale triggers for  
11 DS3 loops require that two or more competitor providers (including intermodal  
12 providers), not affiliated with each other or the ILEC provide DS3 deployment or a  
13 widely available wholesale offering to a customer location. Similar rules apply to dark  
14 fiber loop triggers but there is a Self Provisioning Trigger but no Wholesale Trigger. The  
15 Potential Deployment test for DS3 loops states that a commission "shall consider  
16 whether other evidence shows that a requesting telecommunications carrier is not  
17 impaired without access to an unbundled DS3 loop at a specific customer location."  
18 Evidence to consider:

- 16 ○ Evidence of alternative loop deployment at that location;
- 17 ○ Local engineering costs of building and utilizing transmission facilities;
- 18 ○ The cost of underground or aerial laying of fiber or copper;
- 19 ○ The cost of equipment needed for transmission;
- 20 ○ Installation and other necessary costs involved in setting up service;
- 21 ○ Local topography such as hills and rivers;
- 22 ○ Availability of reasonable access to rights-of-way;
- 23 ○ Building access restrictions/costs;
- 24 ○ Availability/feasibility of similar quality/reliability alternative  
25 transmission technologies at that particular location.

26 47 C.F.R § 51.319(a)(5)(ii).

23 The Potential Deployment test for Dark Fiber Loops is similar to that for DS3 loops.  
24 47 C.F.R § 51.319(a)(6)(ii).

25 <sup>36</sup>*Comments of ACS of Anchorage, Inc., ACS of Fairbanks, Inc., and ACS of  
26 Alaska, Inc.*, filed January 12, 2004, at 28.

EXHIBIT 3

1 deployment analysis test “may be satisfied on a number of routes... more information is  
2 needed to complete the analysis.”<sup>37</sup> ACS proposes that we include Questions 37  
3 through 41 in our data request.

4 GCI opposed the ACS questions, in part. GCI argued that ACS had failed  
5 to provide a *prima facie* case<sup>38</sup> clearly identifying the customer locations for which a  
6 finding of non-impairment is sought, evidence in support of such a finding, or an  
7 identification of what triggers or other factors justify a finding of non-impairment. GCI  
8 states that ACS has made only general claims of non-impairment without identifying any  
9 customer premise for which the potential deployment analysis test may be satisfied.  
10 GCI claims that ACS did not satisfy its burden, GCI believes we should not designate  
11 any ACS loop questions for production.

12 GCI also questions the relevance of ACS Questions 37 through 41 and  
13 states that ACS seeks a variety of information regarding various competitor loops. ACS  
14 seeks information on non-ACS loop facilities, end points to high capacity circuits at the  
15 DS1 and above level, and all outside plant records showing cable deployment for  
16 CLECs and their affiliates in each market. GCI states that ACS only challenges the  
17 impairment finding for DS3 and dark fiber loops; therefore, any ACS loop related  
18 questions should be limited to these facilities. GCI argues that ACS Question 39 is not  
19 relevant because it seeks to support a retail market share analysis that the FCC has  
20 already rejected. GCI states that the only relevant ACS inquiry is the potential  
21 deployment of DS3 loops and/or dark fiber loops and not the extent to which these  
22 facilities are used to provide DS0 or DS1 loops. GCI objects to ACS Question 40 which  
23 seeks electronic copies of all outside plant records showing the deployment of cables.

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24  
25 <sup>37</sup>*Id.* at 30.

26 <sup>38</sup>Order R-03-7(1) at 9-10.

1 GCI states this question is unreasonably broad and outside the scope of our  
2 proceeding.

3 We lack evidence that any of the FCC's impairment triggers or potential  
4 deployment tests have been met at a specific customer location. ACS provides general  
5 comments, but no evidence related to any specific customer location. Our analysis  
6 must be location specific.<sup>39</sup> We note that ACS' statements in support of impairment  
7 concern primarily one carrier, GCI. The FCC stated in the Triennial Review Order:

8 We establish the number of competitors to the incumbent LEC necessary to  
9 satisfy each trigger for high-capacity loops subject to a finding of impairment  
10 at two in order to ensure that multiple competitive entry at each location is  
11 feasible. *See USTA*, 290 F.3d at 427.<sup>40</sup> Limiting our high-capacity loop  
12 triggers to only one competitor runs the risk of failing to accommodate  
13 unusual circumstances unique to that single provider that may not reflect the  
14 ability of other competitors to similarly deploy. Establishing a higher number,  
for example three, would likely render our high-capacity loop triggers  
meaningless for the many customer locations where the potential aggregate  
customer demand would never support more than two competitive  
alternatives to the incumbent LEC.<sup>41</sup>

15 ACS argues that we should seek further evidence on DS3 and dark fiber loop  
16 impairment.

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19 <sup>39</sup>In support of its contention that no impairment exists, ACS states in part that  
20 GCI owns the loop facilities that serve 25 percent of retail lines; GCI is an interexchange  
21 carrier to certain communities that are not served by ACS; and GCI has exclusive cable  
22 to two subdivisions within ACS' service area. ACS states that it has an incentive to  
23 continue to offer unbundled loops to GCI because ACS wants access to customers that  
are served exclusively by GCI's facilities. ACS also states that GCI's fiber rings would  
appear to place the company in a good position to construct high capacity loops to  
business customers in proximity to the ring.

24 <sup>40</sup>*United States Telecom Ass'n. v. FCC*, 290 F.3d 415, 427 (2002) (citation  
25 added).

26 <sup>41</sup>Triennial Review Order at n. 974 (emphasis added).

1 We must perform a complete review. The FCC qualifies this requirement  
2 by stating:

3 By "complete," we mean that a state commission, upon receiving sufficient  
4 evidence, has an affirmative obligation to review the relevant evidence  
5 associated with any customer location submitted by an interested party, and  
6 to apply the trigger and any other analysis specified in this Part to such  
7 evidence.<sup>42</sup>

8 We conclude that the FCC does not require us to research every customer location  
9 served throughout ACS's service areas to determine whether the triggers or potential  
10 deployment tests have been met for DS3 or Dark Fiber loops. Instead, the FCC  
11 expected interested entities to provide us with evidence to support any claim they may  
12 have that there is no impairment at a specific location if the incumbent were no longer to  
13 provide UNE DS3 or dark fiber loop services. Our primary responsibility is to make a  
14 decision based on the record before us as it relates to specific customer locations and  
15 not to conduct undirected, broad, and extensive research in support of any one entity's  
16 position.

17 ACS Question 37 seeks a list of end points for all high capacity loops  
18 (DS1 and above) and dark fiber loops in each market, summarized by the number of  
19 high capacity circuits by capacity (e.g., DS1, DS3). We find this question overly broad  
20 and outside the scope of the questions at hand. Although no one challenges the FCC  
21 findings regarding DS1 loops in any Alaska market, ACS seeks data on DS1 capacity  
22 loops. ACS also seeks information on all high capacity loops regardless of function or  
23 availability to provide services comparable to UNE DS3 or dark fiber loops. We  
24

25 <sup>42</sup>*Id.* at n. 991 (emphasis added).  
26

1 therefore will not include Question 37 as originally stated in our data request, but we will  
2 include a variation on this question to reduce its unduly broad scope as shown in the  
3 appendix to this order.

4 ACS Question 38 primarily seeks a listing, by market and location, "of all  
5 non-ACS loop facilities you or your affiliates own, control, or have access to." We find  
6 this question overly broad as it is not limited to the high capacity circuits under review  
7 and seeks information on all loops. We will not include this question in our data  
8 request.

9 ACS Question 39 seeks, by market, the number of access lines the  
10 respondent currently provides over "these facilities" and the "percentage of access lines  
11 in the market this number represents, and the percentage of your access lines this  
12 represents."<sup>43</sup> GCI contends that this question is not relevant as the FCC has rejected  
13 an impairment analysis based on retail market share. We agree.<sup>44</sup> We are not  
14 convinced the information sought would be useful to our review as retail market share is  
15 not relevant to whether loop impairment might or might not exist at a specific customer  
16 location. We find ACS has not adequately justified including Question 39 in our data  
17 request.

18 ACS Question 40 seeks electronic copies of all outside plant records,  
19 showing deployment of cables. We find this question overly broad as it seeks  
20 information on plant unrelated to DS3 or dark fiber deployment. ACS argues that this  
21 question is necessary to illustrate where the CLEC has facilities but ACS does not.  
22 Because ACS has represented that there are two subdivisions where GCI has the  
23 exclusive cable and ACS has no facilities, ACS has demonstrated knowledge of where

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24 <sup>43</sup>ACS Request at 18.

25 <sup>44</sup>See n. 5.

1 the CLEC has facilities and ACS does not.<sup>45</sup> We will not include this question in our  
2 data request as it is overly broad and ACS has not sufficiently supported its inclusion.

3 ACS Question 41 seeks information by market of the list of physical  
4 addresses where the respondent or its affiliate "have facilities terminated that either  
5 currently, or potentially, can provide switched local exchange telephone service or  
6 private lines service using any technology that is currently available or can be made  
7 available over the next 24 months."<sup>46</sup> We will not include this question in our data  
8 request because the question is overly broad and speculative. ACS Question 41 seeks  
9 information concerning all types of facilities and not just those related to DS3 and dark  
10 fiber loops. We find this question is not properly targeted to seek meaningful  
11 information.

#### 12 Data Request

13 We have reviewed the wide variety of questions proposed by ACS and  
14 GCI and have included some of the questions in our data request either as presented or  
15 edited. Our list of questions is included at Appendix A. We require that certificated  
16 local exchange carriers operating in the ACS service areas provide a response to the  
17 questions identified in Appendix A by March 19, 2004.

#### 18 Procedural Schedule

19 We previously granted a request to allow additional time for interested  
20 entities to consider the responses to our data request when submitting reply comments.  
21 Consistent with that decision, interested entities may file reply comments by  
22 April 2, 2004.

24 <sup>45</sup>*Comments of ACS of Anchorage, Inc., ACS of Fairbanks, Inc., and ACS of  
Alaska, Inc.*, filed January 12, 2004, at 30.

25 <sup>46</sup>*Id.*

1 We believe that the resolution of the issues raised in this proceeding  
2 would be expedited if we hold a hearing. Interested individuals will have an opportunity  
3 to address any new issues raised in reply comments through the hearing process. Our  
4 hearing on this matter will begin at 9:00 a.m. on April 2, 2004.

5 Hearing Examiner

6 The Commission Chair believes it appropriate to appoint a Hearing  
7 Examiner in this matter.<sup>47</sup> The powers of a Hearing Examiner appointed by the  
8 Commission Chair, and the procedures to be followed in matters assigned to a Hearing  
9 Examiner, are further defined at AS 42.05.171 and 3 AAC 48.165. Accordingly, the  
10 Chair appoints Patricia Clark as the Hearing Examiner in this proceeding.<sup>48</sup>

11 ORDER

12 THE COMMISSION FURTHER ORDERS:

13 1. By 4 p.m., March 19, 2004, certificated local exchange carriers  
14 operating in the service areas of ACS of Anchorage, Inc., ACS of Alaska, Inc., or ACS  
15 of Fairbanks, Inc. shall file information as identified in Appendix A, attached to this  
16 Order.

17 2. By 4 p.m., April 2, 2004, any interested person may file comments  
18 with the Commission in reply to those comments filed in response to Ordering  
19 Paragraph No. 4 of Order R-03-7(1). Commenters are requested to include a diskette  
20 with their comments in either IBM compatible text (.txt), MS Word (.doc) format, or in  
21 Adobe Acrobat (.pdf) format.

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24 

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<sup>47</sup> See AS 42.04.070.

25 <sup>48</sup> See AS 42.04.070; AS 42.05.171; 3 AAC 48.165.



**Appendix A**

These questions apply only to services provided within the service areas of ACS of Alaska, Inc. (ACS-AK), ACS of Anchorage, Inc. (ACS-AN); and ACS of Fairbanks, Inc. (ACS-F). Respondents are not required to restate a position already on record in Docket R-03-7 and may instead identify a reference to comments where a response may be found.

Certificated local exchange carriers are required to provide the following information:

**General Market Questions**

- 1) For each area you provide local exchange telecommunications services to either on a facilities basis or otherwise, please state:
  - a) The number of lines you provide service to in each local incumbent's study area.
  - b) Your estimated share (percentage) of the total lines served in each local incumbent's study area.
  - c) Your estimate of the total number of lines in each local incumbent's study area.

**Local Switching**

- 2) Non-incumbent local carriers only: For competitors that serve DS0 end user customers using their own switching facilities, describe where or under what conditions you are unable to provide service to end user customers due to lack of access to end-user DS0 loops or other factors.
- 3) For a carrier responding in Question 2 that it is unable to access certain end-user DS0 loops using its own switching facilities, explain what typical additional costs would be incurred to obtain access to those lines in a service area. If typical costs differ by the nature of the impairment, please indicate so.
- 4) For each month beginning with January 1, 2003, please identify the monthly churn rate your company has experienced in providing local exchange services to end user customers in Alaska. In answering this request, you should calculate the churn rate as the number of voice grade equivalent lines lost each month divided by the average number of voice grade equivalent lines in service each month. In calculating the churn rate, do not include customers that move but remain your customer.

- 5) For ACS-AN, ACS-AK, and ACS-F only: Please provide a list of each switch, switch remote (including OPMs), and concentrator located in each of Anchorage, Fairbanks, and Juneau, and a network diagram map depicting the connections between each of the devices listed.
- 6) For ACS-AN, ACS-AK, and ACS-F only: For each Class 5 switch in each of Anchorage, Fairbanks, and Juneau, provide:
- a) the total number of lines homed to the switch;
  - b) the number of lines homed to the switch that are not served by any type of concentrator, switch remote (including OPMs) between the Class 5 switch and the customer premises;
  - c) the number of lines homed to the switch that are served by any type of concentrator or switch remote (including OPMs) that is currently configured to accommodate multi-hosting, between the Class 5 switch and the customer premises; and
  - d) the number of lines homed to the switch that are served by any type of concentrator or switch remote (including OPMs) that is not currently configured to accommodate multi-hosting, between the Class 5 switch and the customer premises.
- 7) For ACS-AN, ACS-AK, and ACS-F only: For each switch remote (including OPMs) or concentrator located in each of Anchorage, Fairbanks, and Juneau indicate which are currently configured to accommodate multi-hosting and which are not.
- 8) For ACS-AN, ACS-AK, and ACS-F only: For each switch remote (including OPMs) or concentrator in each of Anchorage, Fairbanks, and Juneau, indicate which have internal cross-connect panels and which have external cross-connect panels.
- 9) For ACS-AN, ACS-AK, and ACS-F only: For each switch remote (including OPMs) or concentrator in each of Anchorage, Fairbanks, and Juneau, indicate which would require removing a splice case to access the loop and which would not.
- 10) For ACS-AN, ACS-AK, and ACS-F only: For each switch remote (including OPMs) or concentrator in each of Anchorage, Fairbanks, and Juneau, indicate which have space to accommodate physical and/or adjacent collocation and which do not.

**Batch Cut Processes**

11) For ACS-AN, ACS-AK, and ACS-F only: Describe the hot-cut process currently used to transfer lines from ACS switches to the facilities of other local carriers.

12) For ACS-AN, ACS-AK, and ACS-F only: Please list each task that is part of ACS' current hot-cut process. For each task, please provide the following information:

- a) the average time it takes to complete the task;
- b) the typical occurrence of the task during the process;
- c) the labor rate for the task; and
- d) the common overhead loading associated with the labor rate.

Please identify the sources of the data supporting your answers, including, but not limited to, time/motion studies and subject matter experts.

13) For ACS-AN, ACS-AK, and ACS-F only: What order types are included in the phrase "orders requiring central office work", as used in the Affidavit of Steven Pratt?

14) For ACS-AN, ACS-AK, and ACS-F only: What is the function of the "ACS service center," as used in the Affidavit of Steven Pratt? Does it process ACS and GCI orders? If it only processes non-ACS orders, how many ACS orders is ACS able to process in a day?

15) For ACS-AN, ACS-AK, and ACS-F only: How does ACS assign the due date for ACS "orders requiring central office work"? How does ACS assign the due date for GCI "orders requiring central office work"? Explain any differences.

16) For ACS-AN, ACS-AK, and ACS-F only: Provide a sample "rack sheet". How does ACS put the rack sheets into batches for processing orders on a central office-by-central office basis?

17) For ACS-AN, ACS-AK, and ACS-F only: Does ACS impose any per day limit on the number of ACS orders requiring central office work? If so, what are they and why are they imposed? Does ACS impose any per day limit on GCI orders requiring central office work? If so, what are they and why are they imposed?

18) For ACS-AN, ACS-AK, and ACS-F only: Describe how ACS schedules its time for technicians whose work orders requiring central office work.

19) For ACS-AN, ACS-AK, and ACS-F only: Explain the statement in the Affidavit of Steven Pratt that "ACS has committed to processing all orders within a 4 day timeframe." What events are to occur within the 4 day timeframe? Does "4 day timeframe" only include ACS business days?

20) If you are proposing that the RCA develop a batch hot-cut process, please describe what process you would have the RCA establish, and how the process you advocate would resolve any impairment issues or ACS batch cut process deficiencies you believe exist. When responding to this question, please include the following information:

- a) An estimate of the maximum number of lines that should be processed in each batch.
- b) The estimated cost to each party of implementing your proposed solution.
- c) A "stand alone" document that identifies all of the details of your proposal. At a minimum, include in this document the following information:
  - i) a list of each task that is a part of your proposed batch hot-cut process;
  - ii) the deadlines associated with beginning and completing each task;
  - iii) the terms and conditions that apply under your proposal;
  - iv) whether your proposal replaces, modifies, or assumes the continuing existence of any current ACS batch cut processes.

21) For each task identified in part (c)(i) of the previous question, please provide the following information:

- a) the average time you estimate it takes to complete the task; and
- b) the typical occurrence of the task during the process.

#### Transport

22) Non-incumbent local carriers only: Please provide a list of all the ACS-AK, ACS-AN and ACS-F wire centers identified by name, address, and CLLI code, to which you provide or offer transport facilities (*i.e.*, any facilities that, directly or indirectly, provide connections to wire centers) to other carriers. For each such facility, please identify:

- a) The type of transport facility (*i.e.*, DS1, DS3, dark fiber);
- b) The transport technology used (*e.g.*, fiber optic (dark or lit), microwave, radio, or coaxial cable);

c) The level of capacity the facility is capable of supporting.

23) Non-incumbent local carriers only: Please provide a list of all transport facilities (*i.e.*, trunks), that connect either directly or indirectly between any two ACS central offices, that you own, control or lease or have obtained use of from an entity other than ACS. For each such facility, please identify:

- a) The A (beginning) location, the Z (ending) location, and any other premises through which the facility is routed;
- b) The wire center in which the facility is located, by CLLI code (if wire center data is unavailable, please report the data by city);
- c) The type of transport facility (*i.e.*, DS1, DS3, dark fiber);
- d) The transport technology used (*e.g.*, fiber optic (dark or lit), microwave, radio, or coaxial cable);
- e) The level of capacity the facility is capable of supporting.

Loop

24) Non-incumbent local carriers only: Please list the end points to all high capacity loops and dark fiber loops in the ACS-AN, ACS-F and ACS-AK service areas that you own or control and that could be available for the provision of services comparable to UNE DS3 or dark fiber loop services. Indicate whether limitations may exist for availability of these loops as a replacement for the incumbent's unbundled network element DS3 and dark fiber services.

STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Mark K. Johnson, Chair  
Kate Giard  
Dave Harbour  
James S. Strandberg  
G. Nanette Thompson

In the Matter of the New Requirements of  
47 C.F.R. §51 Related to the Federal  
Communication Commission Triennial Review  
Order on Interconnection Provisions and  
Policies

R-03-7

CERTIFICATION OF MAILING

I, Jessica Desmarais, certify as follows:

I am Administrative Clerk III in the offices of the Regulatory  
Commission of Alaska, 701 West Eighth Avenue, Suite 300, Anchorage, Alaska  
99501.

On March 1<sup>st</sup>, 2004, I mailed copies of  
Order No. 3, entitled:

ORDER REQUESTING DATA, SETTING PROCEDURAL SCHEDULE, and  
APPOINTING HEARING EXAMINER  
(Issued March 1, 2004)

in the proceeding identified above to the persons indicated on the attached service list.

DATED at Anchorage, Alaska, this 1<sup>st</sup> day of March, 2004.



Regulatory Commission of Alaska  
701 West Eighth Avenue, Suite 300  
Anchorage, Alaska 99501  
(907) 276-6222; TTY (907) 276-4533

**EXHIBIT 3**

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Service of Order R-03-7(3) includes mailings to all known interested persons, and the list is lengthy. In order to minimize copying and mailing costs, the Commission has waived the requirements of 3 AAC 48.100(f) to the extent that the service list herein is not included as part of this mailing. That list is a public record on file with the Commission. Persons interested in obtaining the list should contact the Commission at the address set out to the left.

**Regulatory Commission of Alaska**  
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