Exhibit J

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

In the Matter of	)	
	)	
Petition of ACS of Anchorage, Inc. Pursuant to	)	
Section 10 of the Communications Act of 1934, as	)	WC Docket No. 05-281
amended, for Forbearance from Sections 251(c)(3)	)	
and 252(d)(1) in the Anchorage LEC Study Area	)	
	)	

DECLARATION OF BLAINE BROWN

I, Blaine Brown, do hereby declare under penalty of perjury:

1. I am Senior Manager of Planning and Projects at General Communication, Inc. ("GCI"). My primary responsibility is to support GCI product departments in the planning, design, and project management of GCI's local service network. I have held this position since January 1998 and have performed these or similar duties for the company since 1996. Before that—from 1984 to 1996—I worked for the predecessor of ACS of Anchorage, Inc. ("ACS"), Alaska Telephone Utility ("ATU"), first as a Plant Engineer and ultimately as the Division Manager of Corporate and Network Planning. In this capacity, I was responsible for the supervision of network planners, business plans, and all major plant additions, including network planning for switches and associated remotes, digital loop carrier, fiber optic planning, and broadband infrastructure planning.

2. I have developed a thorough knowledge of the equipment options and costs for extending transport fiber plant to meet the needs of business customers in Anchorage. I also have experience with the range of building access and installation requirements present throughout Anchorage.

3. This declaration describes the process of extending fiber transport as last-mile facilities to business locations in the Anchorage markets, as well as the attendant costs and potential barriers. It also debunks ACS's assertion that GCI has the ability to serve nearly all business customers over its own fiber optic facilities. Finally, I will describe the technical and practical steps GCI has taken to provide ACS access, at its option, to GCI's copper and coaxial loop facilities.

I. GCI'S FIBER PLANT IN ANCHORAGE

4. In 1996, GCI began construction of its fiber optic Metropolitan Area Network ("MAN"), which it completed in 1998. The architecture consists of fiber optic rings and optical cross-connects providing route diversity to primary switch and remote switch locations. The initial fiber facilities were multi-functional, designed and engineered to expand the capabilities of the cable television network and to improve connectivity to GCI remote switch modules located at ACS central offices. The fiber connecting the GCI main switch and various remote switch modules employs proprietary signaling and cannot be used for other applications.

5. As illustrated in the attached map, the fiber deployment is concentrated in the Anchorage midtown and downtown areas, which roughly parallel the ACS North and Central wire centers.[1]

6. Each fiber sheath contains fibers that support Synchronous Optical Network ("SONET") rings at various optical rates. Some rings have nodes at the ACS central offices where DS1 circuits are transferred to ACS over "tie-cables," at which point ACS cross-connects the DS1 circuits to its Central Office Repeater and then to its

[1] *See* Exhibit BB1, attached hereto.

outside plant cables. The circuits arrive at the customer premise on ACS copper cable, where ACS terminates the circuits on a Network Interface Unit and transfers the signals to GCI for delivery to the GCI customer. Other fiber rings have been designed and deployed to establish nodes in various commercial buildings. Depending on the service requirements at a commercial building, GCI will add optical multiplexing equipment to deliver DS1 services and if necessary channel banks to provide voice or data services.

7. GCI leases roughly **[BEGIN CONFIDENTIAL][END CONFIDENTIAL]** UNE DS1s from ACS, approximately half of which are used for business dial tone. For about 75% of that half, ACS copper facilities deliver DSS and PRI/dial tone for GCI to provide service over its own high-bit-rate digital subscriber line ("HDSL") equipment. The other 25% is beyond the transmission limits of GCI HDSL equipment and thus leaves GCI with no option but to deliver DSS and PRI services to its business customers through resale of ACS DS1s.

8. GCI currently provides telecommunications services to about **[BEGIN CONFIDENTIAL][END CONFIDENTIAL]** locations over its own fiber network. GCI has placed fiber into approximately **[BEGIN CONFIDENTIAL][END CONFIDENTIAL]** other locations, primarily for delivery of cable television services. The terminal equipment at these **[BEGIN CONFIDENTIAL][END CONFIDENTIAL]** locations does not support delivery of POTS or DS1 services.

9. In my estimation, there are approximately 5000 business locations in Anchorage. GCI provides voice and/or data services to about **[BEGIN CONFIDENTIAL][END CONFIDENTIAL]**% of these business locations on its fiber network. GCI has installed fiber in about **[BEGIN CONFIDENTIAL][END**

CONFIDENTIAL]% of these locations, but half are for video services and not equipped with the expensive electronics necessary to deliver dial tone or DS1 level services.[2]

II. IMPEDIMENTS TO EXTENDING LAST-MILE FIBER PLANT

10. There are a number of impediments to extending last-mile fiber facilities to Anchorage business customers in a short period of time. And in many cases extending last-mile fiber facilities is entirely impractical or not economically feasible. First, the costs of extending fiber optic cable and the necessary electronic equipment are prohibitive in most instances. Indeed, very few businesses in the Anchorage markets require the volume and type of service to justify the high costs of extending last-mile fiber optic network capability. Moreover, even where justified, several operational impediments hinder extension of fiber plant and access to business locations.

11. First, it is not commercially reasonable to provision services to most Anchorage businesses over fiber plant. Only a very few of the largest businesses in the Anchorage study area have the service demand to justify the high cost of extending fiber plant to and into a commercial building, as well as the expense of the on-premises electronic equipment necessary to provide DS1 services. The average business in the Anchorage markets has 6.36 lines. Such customers are most efficiently served by less expensive copper loop plant, not by fiber plant that requires expensive electronics to deliver the service.

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[2] GCI's ownership of two undersea cables between Alaska and the lower-48 and any other fiber or satellite transport outside of Anchorage does not boost GCI's ability to deploy last-mile facilities to any individual building in Anchorage. *Compare* ACS Forbearance Petition, Statement of Thomas R. Meade ¶ 6. Indeed, the fibers dedicated to the undersea fiber cables in some cases overlap with the fiber cables in the Anchorage MAN. These undersea fibers are necessarily high priority fibers and not available for any other use, and thus, the undersea cables are actually limitations on Anchorage fiber capacity, not enhancements as ACS suggests.

12. The costs of extending the fiber plant and building conduit access are considerable. The downtown areas of Anchorage, which house the largest concentration of businesses, have an especially high cost of construction because of limited space in the roadways and alleys. Naturally ACS and the other underground utilities in the downtown area have secured the best routes over time in the major streets and alleys, mostly during original construction. GCI's challenge in the downtown area is finding routes that do not conflict with these existing utilities. Typically, GCI must cut and replace asphalt to extend fiber plant to buildings. Depending on the location of the actual fiber, road bores, permits to shut roads down, engineering costs, pavement construction, reconstruction, and landscaping add considerably to the cost and time required to install outside plant.

13. Many of the buildings in the downtown areas are multi-story, thus the foundations are thick and require core drilling to access the basements. GCI must therefore contract with a "core-drilling" company, obtain necessary permits, and coordinate with the building owner. In buildings without a usable basement, GCI may have to place EMT conduit on the exterior of the building. In this configuration, the conduit is typically extended from a hand hole up the side of the building to a point where the building can be penetrated. Outside plant cables are not plenum-rated and, thus, to comply with National Electric Codes, GCI must place EMT conduit from the point of entry to the telecommunications room, typically located on the first floor and in the center of the building. Once inside the building, EMT conduit is extended to the telephone room. Recent building entrance projects have averaged $**[BEGIN CONFIDENTIAL][END CONFIDENTIAL]** per foot to place fiber in right-of-ways, on private property, and into buildings.

14. These costs are not drastically reduced outside of downtown Anchorage. The streets may be wider, provide more routing options, and obviate the need for boring depending on the road material, but GCI still has to avoid existing utilities, procure permits, penetrate the building, get permission form the building owner, and provide expensive electronic equipment.

15. Moreover, designs that involve attaching fiber to power poles require an additional 30-40 days for pole surveys and analysis to be completed and approved. It is not uncommon for the power company to request $5000 or more for "make-ready" work or $10,000 to replace poles that cannot support additional plant.

16. As mentioned, delivery of dial tone services over the fiber network requires expensive equipment such as the battery plant, SONET terminals, and channel banks equipped with POTS cards. For a 96 line location, for example, such equipment can cost from $**[BEGIN CONFIDENTIAL][END CONFIDENTIAL]** to $**[BEGIN CONFIDENTIAL][END CONFIDENTIAL]**. Such investment is justified in only a few businesses in Anchorage with the largest demand.

17. Second, even if it were not cost prohibitive, operational impediments would prevent any immediate large-scale fiber build out. For one, Alaska's climate constrains construction efforts. The construction season in Anchorage generally spans from April to October. Typically, winter construction is expensive, if not impossible. To construct during the winter, GCI must contend with cold temperatures, ground freeze, unavailability of materials, and the need for extra care when handling fiber cables. In addition, the Municipality of Anchorage ("MOA") closes the road prisms to any digging around the second week of October. Once the MOA closes the right-of-way, permitted

road activity is considered only on a case-by-case basis. Even if permitted, GCI would have to steam-thaw the ground to lay fiber. Moreover, it is difficult if not impossible to obtain unfrozen backfill materials and the local asphalt plant shuts down during winter months. Placement of fiber optic cables when temperatures drop below freezing requires special handling of the cables to prevent breakage. At temperatures below manufacturers' tolerances of 14 degrees Fahrenheit—not uncommon in Anchorage—fiber placement is simply precluded. Additionally, conduit that is usable during the summer months can be frozen solid and thus inaccessible.

18. Furthermore, access to existing conduit on private property has been a significant challenge for GCI in Anchorage. For one, ACS often impedes GCI's use of conduit. In addition, building owners with existing conduit often do not want an additional conduit into their facility and/or do not have the physical space or power to facilitate placement of the electronics needed to turn the fiber into loop plant.

19. ACS routinely claims that any conduit placed by the property owner is for ACS's exclusive use. ACS has used this asserted ownership and/or control over existing conduit to restrict or completely block GCI access to conduit necessary to install GCI's own loop facilities. The following are examples of the challenges GCI has faced when trying to share conduit with ACS:

> *Peanut Farm*. In the fall of 2005, ACS claimed that they paid to install entrance conduit for an addition to an existing building. GCI placed coaxial cable in the 2" conduit with the approval of the building owner. Citing a need to lay new copper entrance cable for new pay phones, ACS demanded that GCI remove the coaxial cable. GCI attempted to negotiate with ACS to allow both companies to use the 2" conduit. GCI even offered to purchase the conduit from ACS, remove its coaxial cable, and then install both coaxial and copper cable to provide a service path for both companies. ACS would not acquiesce and, over the

customer's objection, ACS forced GCI to remove its coaxial cable and find another building entrance to serve its customer.

Alaska Dance Theater. In the summer of 2005, GCI coordinated with the project manager of a new building to extend conduit into the building. GCI then placed coaxial cable in the conduit. Because this building was in an area without cable telephony services, GCI placed orders with ACS to deliver UNE loops to provide dial tone for the required certificate of occupancy phones. Claiming that GCI's cable could damage ACS's wire, ACS held that order, demanded that GCI remove its cable, and denied GCI's request to share the conduit. As to not delay the customer's phone service, GCI acquiesced and removed its coaxial cable. ACS has not provided GCI access to the conduit.

Bailey's Furniture. In the summer of 2005, the building project manager gave GCI permission to use the only entrance conduit to the building. GCI pulled in a temporary copper cable (along with inner duct) to provide dial tone for 3 POTS lines necessary for the certificate of occupancy phones. When GCI arrived on site to pull in fiber, the ACS line crew demanded that GCI stop. GCI did not acquiesce, but attempted to accommodate ACS by leaving the copper in place and offering to give ACS use of the copper or of inner duct. ACS has not yet responded to GCI's proposal.

III. ACS ACCESS TO GCI'S LAST-MILE FACILITIES

20. While ACS has often hindered GCI's access to customers, GCI has gone out of its way to offer ACS use of the few access lines in Anchorage for which GCI is the sole provider. There are only **[BEGIN CONFIDENTIAL][END CONFIDENTIAL]** buildings in Anchorage for which GCI provides all of the facilities. GCI has deployed copper and/or cable plant for voice services to serve approximately **[BEGIN CONFIDENTIAL][END CONFIDENTIAL]** lines in three residential subdivisions [on the Elmendorf Air Force base] since 2001.

21. In each of these three subdivisions, GCI notified ACS that it was deploying facilities. ACS had an opportunity to place its own facilities alongside GCI's, and GCI even designed its networks for GR-303 multihosting to provide ACS access to

unbundled loops on GCI's network. GCI went as far as to provide to ACS, at no charge, a site survey of one of the subdivisions, a tour of its equipment, and a copy of the outside plant work order and assignment sheets to allow ACS to understand the design of GCI's facilities more thoroughly. Moreover, GCI has offered ACS access to customers served in these areas through the lease of unbundled GCI loops. ACS has declined to take these steps. ACS's asserted inability to serve customers located in these base communities is therefore inaccurate.[3]

[3] *See* ACS Forbearance Petition at 10 ("GCI serves a subset of its customers over exclusive facilities over which it is not required to give ACS or its other competitors access"); *id.* at 13 (same); *id.* at 14 ("The only Anchorage customers that are denied a choice are those that are being served exclusively by GCI's facilities"); *see also id.*, Bowman Statement ¶ 9 ("To my knowledge, GCI has never provisioned its exclusive facilities to ACS and contends that it is under no obligation to provision access to these facilities.").

Respectfully submitted,

/s/

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Exhibit BB1

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