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February 24, 2006

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

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

Dear Ms. Dortch:

Enclosed is a copy of Opposition of ACS Of Anchorage, Inc. To GCI's Motion To Bar
Disclosure Of Confidential Information To David C. Eisenberg. A copy has been delivered via
email and facsimile to John Nakahata of Harris, Wiltshire & Grannis, LLP.

If you have any questions regarding this matter, please contact the undersigned at (202)
637-1056.

Respectfully submitted,

/s/ Elizabeth R. Park

Elizabeth R. Park

Enclosures

LATHAM & WATKINS^{LLP}

CERTIFICATE OF SERVICE

I, Patrick B. Wheeler, hereby certify that, on this 24th day of February, 2006, I caused to be served true and correct copies of the foregoing Opposition of ACS Of Anchorage, Inc. To GCI's Motion To Bar Disclosure Of Confidential Information To David C. Eisenberg by delivering copies thereof via email and facsimile to the party listed below.

/s/ Patrick B. Wheeler

Patrick B. Wheeler

John T. Nakahata
HARRIS, WILTSHIRE & GRANNIS, LLP
1200 18th Street, NW
Suite 1200
Washington, DC 20036
Fax: 202-730-1301

Counsel for General Communication, Inc.

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)
)

**OPPOSITION OF ACS OF ANCHORAGE, INC.
TO GCI'S MOTION TO BAR DISCLOSURE OF CONFIDENTIAL INFORMATION
TO DAVID C. EISENBERG**

ACS of Anchorage, Inc. ("ACS") hereby respectfully requests that the Commission deny GCI's Motion To Bar Disclosure Of Confidential Information To David C. Eisenberg.¹ Disclosure should be permitted because ACS has complied with all the requirements of the *Protective Order*.² Mr. Eisenberg is the executive officer directly responsible for all of ACS's regulatory matters. He will direct and approve any regulatory strategies adopted by ACS in this proceeding. The performance of Mr. Eisenberg's regulatory responsibilities requires that he have access to the full record of these proceedings, including information General Communication, Inc. ("GCI") has designated as confidential.

¹ In the Matter of Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as amended, for Forbearance from Sections 251(c)(3) and 252(d)(1) in the Anchorage LEC Study Area, GCI's Motion To Bar Disclosure of Confidential Information To David C. Eisenberg, WC Docket No. 05-281 (filed Feb. 17, 2006) ("GCI Disclosure Opposition").

² In the Matter of Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as amended, for Forbearance from Sections 251(c)(3) and 252(d)(1) in the Anchorage LEC Study Area, *Protective Order*, DA 05-2710, WC Docket No. 05-281 (Oct. 14, 2005) ("*Protective Order*").

ACS has complied with the requirements of the *Protective Order*. Paragraph 3 states that, subject to subparagraphs 3(a) and 3(b), stamped confidential documents may be disclosed to, among others, in-house regulatory analysts if “reasonably necessary for such persons to render professional services in this proceeding.”³ As Senior Vice President of Corporate Strategy and Development and Regulatory, Mr. Eisenberg supervised the preparation of the petition. He will provide regulatory analysis of the record and will direct the manner in which ACS responds to other parties and Commission staff inquiries (if any). In order to fulfill his regulatory duties with respect to this proceeding, Mr. Eisenberg must have access to the full record. Disclosure of all information pertaining to this proceeding, including that designated as confidential, is “reasonably necessary” for Mr. Eisenberg “to render professional services in this proceeding” because he is directly responsible for all of ACS’s regulatory matters, including this proceeding.

Some of Mr. Eisenberg’s responsibilities are similar to those of GCI personnel who have signed and executed Acknowledgements of Confidentiality in this proceeding, namely Frederick W. Hitz and Dana L. Tindall.⁴ Mr. Hitz also has significant corporate responsibilities that are not entirely regulatory in nature. In negotiating resolution to other regulatory disputes, Ms. Tindall has been Mr. Eisenberg’s counterpart at GCI.

GCI’s assertion that Mr. Eisenberg’s current responsibilities do not involve regulatory matters is contradicted by the announcement of his appointment to his current position and his experience since joining ACS.⁵ For example, Mr. Eisenberg was the principal executive

³ *Protective Order* at ¶ 3.

⁴ Attached hereto as Exhibit B.

⁵ See, e.g., Press Release, ACS, Alaska Communications Appoints Former Sprint Executive David C. Eisenberg as Senior Vice President, Corporate Strategy and Development (Nov. 6, 2003),

involved in the negotiation of a significant settlement agreement between GCI and ACS's parent, pertaining to unbundled network elements in the Fairbanks and Juneau study area operated by ACS's sister subsidiaries. Mr. Eisenberg negotiated this agreement along side Thomas Meade and Ted Moninski, each of whom have signed acknowledgements, to which GCI did not object.

Furthermore, Paragraph 7 of the *Protective Order* states that “[p]ersons obtaining access to stamped confidential documents under this order shall use the information only in the conduct of this proceeding and any judicial proceeding arising there from, and shall not use such information for any other purpose, including business, governmental, commercial, or other administrative or judicial proceedings.”⁶ This establishes an express protection against misuse of confidential information even though any individuals accessing confidential information in this proceeding are necessarily involved in unrelated matters. Having signed the certification statement, Mr. Eisenberg is expressly bound by all the provisions of the *Protective Order*, including paragraph 7. Just as ACS's legal counsel or any authorized ACS representatives with access to confidential information must not use this information in other proceedings or unrelated business matters, Mr. Eisenberg will not utilize confidential information for any purposes other than the fulfillment of his duties with respect this proceeding.

Moreover, ACS and Mr. Eisenberg have complied fully with the procedural requirements of paragraph 3. GCI's claim that Mr. Eisenberg's acknowledgement was

available at <http://investors.alsk.com/ReleaseDetail.cfm?ReleaseID=121870&pf=yes> (attached hereto as Exhibit A) (“Eisenberg will be directly responsible for strategic planning, business development, market and competitive analysis, market research and strategy, *regulatory strategy* and corporate communications. . . . His diverse telecommunications background and hands-on operating experience in such areas as *regulatory*, long distance and local telephone uniquely qualifies him for the deployment of the vision and goals I have for ACS.”) (emphasis added).

⁶ *Protective Order* at ¶ 7.

procedurally defective are without merit.⁷ Mr. Eisenberg executed and filed an Acknowledgement of Confidentiality in the same format as those executed and filed by GCI personnel Tina M. Pidgeon, Lisa Youngers, Frederick W. Hitz, Blaine D. Brown, Alan Mitchell, Dana L. Tindall, and Emily Thatcher.⁸ GCI cannot now credibly claim that an acknowledgement filed in the very same format as those filed by its own personnel should be denied due to an allegedly invalid format. To the contrary, Mr. Eisenberg's Acknowledgement satisfies the protocol that has been used by both ACS and GCI throughout this proceeding.

For the reasons stated herein, ACS respectfully requests that the Commission deny GCI's motion and promptly grant Mr. Eisenberg access to all confidential data submitted by any parties in this proceeding.

Respectfully submitted,

ACS OF ANCHORAGE, INC.

Leonard A. Steinberg
General Counsel
ACS OF ANCHORAGE, INC.
600 Telephone Avenue, MS 65
Anchorage, AK 99503
(907) 297-3000

/s/ Karen Brinkmann
Karen Brinkmann
Elizabeth Park
LATHAM & WATKINS, LLP
Suite 1000
555 Eleventh Street, N.W.
Washington, D.C. 20004-1304
(202) 637-2200

Counsel for ACS of Anchorage, Inc.

February 24, 2006

⁷ GCI Disclosure Opposition at 3.

⁸ Attached hereto as Exhibit B.

EXHIBIT A

Press Release, ACS, Alaska Communications Appoints Former Sprint Executive David C. Eisenberg as Senior Vice President, Corporate Strategy and Development (Nov. 6, 2003)

Alaska Communications Appoints Former Sprint Executive David C. Eisenberg as Senior Vice President, Corporate Strategy and Development

Industry veteran of strategic planning and development joins ACS executive team

ANCHORAGE, Alaska, Nov 6, 2003 (BUSINESS WIRE) -- Alaska Communications Systems Group, Inc. ("ACS") (Nasdaq:ALSK) today announced the appointment of David C. Eisenberg to the position of Sr. Vice President, Corporate Strategy and Development. Eisenberg will be directly responsible for strategic planning, business development, market and competitive analysis, market research and strategy, regulatory strategy and corporate communications.

ACS CEO and President Liane Pelletier stated, "We are extremely fortunate to have David joining the executive team. His diverse telecommunications background and hands-on operating experience in such areas as regulatory, long distance and local telephone uniquely qualifies him for the deployment of the vision and goals I have for ACS. With David's addition, ACS has now added almost 75 years of new telecom management experience in the last six months. We will continue to look to selectively bolster our management team as we focus ACS on better serving our customers and capitalizing on the leadership position we have in our markets."

Prior to joining ACS, Eisenberg was Vice President - Corporate Strategy for Sprint Corporation where he was responsible for helping shape the corporation's strategic direction. In his 21-year career with Sprint and Centel, Eisenberg held numerous management positions within the Local Telecommunications Division and on Sprint's corporate staff. These included roles in sales and marketing, finance, regulatory and strategic planning. Eisenberg earned his bachelor's degree in mathematics at Northwestern University and his master's degree in business at Keller GSM.

About Alaska Communications Systems -- ACS is the leading integrated communications provider in Alaska, offering local telephone service, wireless, long distance, data, and Internet services to business and residential customers throughout Alaska. ACS currently serves approximately 316,000 access lines, 84,000 cellular customers, 43,500 long distance customers and 45,000 Internet customers throughout the State. More information can be found on the Company's website at <http://www.alsk.com>.

In addition to historical information, this release includes forward-looking statements, estimates and projections that are based on current expectations only, and are subject to a number of risks, uncertainties and assumptions, many of which are beyond the control of Alaska Communications. Actual events and results may differ materially from those anticipated, estimated or projected if one or more of these risks or uncertainties materialize, or if underlying assumptions prove incorrect. Factors that could affect actual results include but are not limited to: rapid technological developments and changes in the telecommunications industries; ongoing deregulation in the telecommunications industry as a result of the Telecommunications Act of 1996 and other similar federal and state legislation

and the federal and state rules and regulations enacted pursuant to that legislation; regulatory limitations on the Company's ability to change its pricing for communications services; the possible future unavailability of SFAS No. 71 to the Company's wireline subsidiaries; and possible changes in the demand for the Company's products and services. In addition to these factors, actual future performance, outcomes and results may differ materially because of other, more general, factors including (without limitation) changes in general industry and market conditions and growth rates; changes in interest rates or other general national, regional or local economic conditions; governmental and public policy changes; changes in accounting policies or practices adopted voluntarily or as required by accounting principles generally accepted in the United States of America; and the continued availability of financing in the amounts, at the terms and on the conditions necessary to support the Company's future business. These and other uncertainties related to the Company's business are described in greater detail in the Company's Annual Report on Form 10-K for the year ended Dec. 31, 2002. The information contained in this release is as of Nov. 5, 2003. The Company undertakes no obligation to update or revise any of this information whether as a result of new information, future events or developments, or otherwise.

SOURCE: Alaska Communications Systems Group, Inc.

Alaska Communications Systems Group, Inc.
Mary Ann Pease, 907-297-3000
www.acsalaska.com

or
the blueshirt group
Chris Danne, 415-217-7722
chris@blueshirtgroup.com
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EXHIBIT B

Acknowledgements of Confidentiality of GCI Personnel Tina M. Pidgeon, Lisa Youngers, Frederick W. Hitz, Blaine D. Brown, Alan Mitchell, Dana L. Tindall, and Emily Thatcher



January 17, 2006

Andrew Morentz
(202) 457-8814
amorentz@gci.com

VIA ELECTRONIC FILING

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

Re: In the Matter of Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as amended, for Forbearance from Sections 251(c)(3) and 252(d)(1) in the Anchorage LEC Study Area, WC Docket 05-281

Dear Ms. Dortch:

Pursuant to the Protective Order in the above-captioned proceeding, attached please find executed Acknowledgements of Confidentiality from the following: Tina M. Pidgeon, Lisa Youngers, Frederick W. Hitz, Blaine D. Brown, Alan Mitchell, Dana L. Tindall and Emily Thatcher.

Sincerely,

/s/

Andrew Morentz
Assistant to VP, Federal Regulatory Affairs

ATTACHMENTS

ATTACHMENT A

WC DOCKET NO. 05-281

I have received a copy of the Protective Order in WC Docket No. 05-281. I have read the order and agree to comply with and be bound by the terms and conditions of this Protective Order. The signatory understands, in particular, that unauthorized disclosure, or the use of the information for competitive commercial or business purposes, will constitute a violation of this Protective Order.

SIGNATURE: *F.W. Hitz, III*

NAME PRINTED: *F.W. Hitz, III*

TITLE: *VP*

ADDRESS: *2550 Denali St.
Suite 1000
Anchorage AK 99503*

REPRESENTING:

EMPLOYER: *GCI*

DATE: *1/13/06*

ATTACHMENT A

WC DOCKET NO. 05-281

I have received a copy of the Protective Order in WC Docket No. 05-281. I have read the order and agree to comply with and be bound by the terms and conditions of this Protective Order. The signatory understands, in particular, that unauthorized disclosure, or the use of the information for competitive commercial or business purposes, will constitute a violation of this Protective Order.

SIGNATURE:

Blaine D. Brown

NAME PRINTED: Blaine D. Brown

TITLE: Senior Manager

ADDRESS: 2550 Denali Street
Anchorage, Alaska
99516

REPRESENTING: GCI

EMPLOYER: GCI

DATE: January 12, 2006

ATTACHMENT A

WC DOCKET NO. 05-281

I have received a copy of the Protective Order in WC Docket No. 05-281. I have read the order and agree to comply with and be bound by the terms and conditions of this Protective Order. The signatory understands, in particular, that unauthorized disclosure, or the use of the information for competitive commercial or business purposes, will constitute a violation of this Protective Order.

SIGNATURE: Alan Mitchell

NAME PRINTED: Alan Mitchell

TITLE: Director, Economic Analysis

ADDRESS: ~~11400 Mountain Lake Dr.~~ 2550 Denali St., Suite
Anchorage, AK 99503 1000

REPRESENTING: GCI

EMPLOYER: GCI

DATE: 1/11/2006

ATTACHMENT A

WC DOCKET NO. 05-281

I have received a copy of the Protective Order in WC Docket No. 05-281. I have read the order and agree to comply with and be bound by the terms and conditions of this Protective Order. The signatory understands, in particular, that unauthorized disclosure, or the use of the information for competitive commercial or business purposes, will constitute a violation of this Protective Order.

SIGNATURE: *Dana L. Tindall*

NAME PRINTED: Dana L. TINDALL

TITLE: Sr. Vice President Legal & Regulatory Affairs

ADDRESS: 2550 Denali St, Suite 1000
Anchorage AK 99503

REPRESENTING: GCI

EMPLOYER: GCI

DATE: 1-12-06

ATTACHMENT A

WC DOCKET NO. 05-281

I have received a copy of the Protective Order in WC Docket No. 05-281. I have read the order and agree to comply with and be bound by the terms and conditions of this Protective Order. The signatory understands, in particular, that unauthorized disclosure, or the use of the information for competitive commercial or business purposes, will constitute a violation of this Protective Order.

SIGNATURE: *Emily Thatcher*

NAME PRINTED: *Emily Thatcher*

TITLE: *Director, Regulatory Analysis*

ADDRESS: *2550 Denali, Suite 1000
Anchorage AK 99508*

REPRESENTING:

EMPLOYER: *GCI*

DATE: *January 13, 2006*

Federal Communications CommissionDA 05-2710

ATTACHMENT A

WC DOCKET NO. 05-281

I have received a copy of the Protective Order in WC Docket No. 05-281. I have read the order and agree to comply with and be bound by the terms and conditions of this Protective Order. The signatory understands, in particular, that unauthorized disclosure, or the use of the information for competitive commercial or business purposes, will constitute a violation of this Protective Order.

SIGNATURE:



NAME PRINTED:

Tina Pidgeon

TITLE:

V.P. Federal Regulatory Affairs

ADDRESS:

1130 17th Street, N.W.
Suite 410
Washington DC 20036

REPRESENTING:

GCI

EMPLOYER:

GCI

DATE:

October 21, 2005

Federal Communications Commission**DA 05-2710****ATTACHMENT A**

WC DOCKET NO. 05-281

I have received a copy of the Protective Order in WC Docket No. 05-281. I have read the order and agree to comply with and be bound by the terms and conditions of this Protective Order. The signatory understands, in particular, that unauthorized disclosure, or the use of the information for competitive commercial or business purposes, will constitute a violation of this Protective Order.

SIGNATURE:

Lisa R. Youngers

NAME PRINTED:

Lisa R. Youngers

TITLE:

Federal Regulatory Attorney

ADDRESS:

*1130 17th Street N.W., Suite 410
Washington D.C. 20036*

REPRESENTING:

GCI

EMPLOYER:

GCI

DATE:

10/20/05