

# **Exhibit A**

**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 KEVIN SHERIDAN**

I, Kevin Sheridan, do hereby declare under penalty of perjury:

1. I am the Director of Field Service for General Communication, Inc. (“GCI”). In this capacity, I am responsible for overseeing the day-to-day deployment, maintenance, and repair of GCI’s facilities, including its cable-based Digital Local Phone Service (“DLPS”). Since joining GCI in 1997, I have also served as GCI Regional Manager of Interior and before that Regional Manager of South Central and Arctic.

2. This declaration describes GCI’s continuing efforts to provision cable-based DLPS as quickly as is technologically and economically feasible through customer-powered, indoor-provisioned embedded multimedia terminal adapter (“eMTA”) units in Anchorage.

**I. BACKGROUND**

3. As detailed in submissions filed previously in this proceeding,<sup>1</sup> as one of the first Multiple Systems Operators (“MSOs”) to deploy cable telephony, GCI decided to use network-powered, outdoor-provisioned technology because it provided the highest quality service at the lowest cost with the least interruption to its already sizeable

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<sup>1</sup> See, e.g., Dowling Declaration ¶¶ 3-9.

customer base. Unlike GCI, however, the major MSOs have since adopted customer-powered, indoor-provisioned cable voice service technology. Consequently, all but one manufacturer discontinued production of outdoor, network-powered eMTAs. The lack of vendor competition hampered innovation and price-reduction. By contrast, several competing manufacturers have developed indoor eMTA units for the major MSOs, thus greatly reducing the price and increasing the quality of those units. Accordingly, in its continuing efforts to improve, speed, and lower the cost of deployment of cable telephony, GCI intends to install primarily customer-powered DLPS going forward.

4. As of May 2006, GCI has deployed approximately 1700 lines over customer-powered eMTA units. In whole, GCI expects to deploy 20,000 DLPS lines in Alaska this year, a majority of which are expected to be customer-powered lines located in Anchorage. GCI faces many obstacles, however, that would prevent immediate deployment in all markets in all areas of Anchorage should the FCC foreclose access to UNE loops. In addition, because GCI has deployed a relatively small number of customer-powered eMTAs, it is not yet possible for GCI to anticipate all obstacles that may arise as it moves to widespread deployment of customer-powered DLPS. GCI continues to evaluate alternatives to address these obstacles.

## **II. SINGLE FAMILY RESIDENCES**

5. While GCI is moving quickly to transition its single family home customers to DLPS, it certainly cannot be done overnight. First, GCI must evaluate and in many cases split optical nodes used for customer-powered DLPS.<sup>2</sup> Moreover, GCI

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<sup>2</sup> To be sure, the nodes will not require the same power upgrades necessary to deploy network-powered DLPS, *see* Declaration of Gary Haynes ¶¶ 7-8, attached as Exhibit H to *Opposition of General Communication, Inc., to the Petition for Forbearance from*

must add node batteries to ensure that the network itself—not the customer-powered eMTAs—will remain operable for eight hours in the event of a power outage. The node modifications necessary to support customer-powered DLPS will, I expect, take approximately two to three weeks per node, but can only be performed during Anchorage’s shortened construction season, which generally runs from sometime in May until late September or early October.<sup>3</sup>

6. Second, GCI must assess each drop as it converts customers to cable-based telephony. GCI must reconfigure and upgrade those drops that it finds to be incapable of supporting high quality voice service—either because age or other defects that are invisible in the provision of video services but that disrupt high quality digital voice service. Upgrading buried drops is impossible during the winter months because of the frozen ground and restrictions by the Municipality of Anchorage.

7. Third, unlike with GCI’s network-powered, outdoor-provisioned DLPS, GCI must access the inside of each home to install the customer-powered eMTAs. This requires first contacting the resident—a task that is not always as easy as it may sound in the age of caller ID and voice mail—and then arranging an appointment with the resident, who may not welcome the attendant scheduling issues and temporary phone service interruptions when they are already satisfied with their service. GCI has made every

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*Sections 251(c)(3) and 252(d)(1) of the Communications Act Filed by ACS of Anchorage, WC Docket No. 05-281 (filed January 9, 2006), but many will require time-consuming upgrades nonetheless.*

<sup>3</sup> GCI can only estimate the time it will take to upgrade nodes for customer-powered DLPS because the construction season is just now beginning in Anchorage, thus GCI has yet to upgrade nodes for this technology. Indeed, the easements necessary to perform these upgrades are not yet open. GCI has, however, deployed customer-powered DLPS using nodes that have already been upgraded for network-powered DLPS where circumstances warrant.

effort to alleviate these impediments by, for instance, extending installation hours to better meet the needs of the working public, performing installations seven days per week, and offering a variety of service and price incentives. Yet, there is only so much GCI can do if a customer, already receiving service from GCI over UNE loops, substantially delays or understandably declines access to their home due to perceived inconvenience.

8. Fourth, once inside the home, GCI must assess and address any phone jack issues. In many homes, the outlet for the cable wire is often a good distance from any telephone jack, in which case GCI must install new inside wiring or relocate the cable outlet to the phone jacks. This can be a relatively quick and painless process for houses with crawlspaces, but can be very difficult and time-consuming for homes governed by owner associations that require pre-approval for such work.

9. Finally, GCI must split the cable plant to provide for voice, video, and sometimes Internet service. Because splitting reduces signal strength, GCI has to test each wire and then install an amplifier to boost the signal if necessary. Moreover, GCI makes every effort to isolate cable plant that feeds video service to provide future access to other cable or satellite video providers. Finally, for those homes with alarm monitoring systems, GCI has to reconfigure the wiring and install devices to allow for proper alarm system operation.

10. None of these obstacles is insurmountable, given sufficient time and opportunity, but the facts simply do not support ACS's claims that GCI can replace UNEs loops throughout the Anchorage markets "with minimal additional investment"<sup>4</sup>

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<sup>4</sup> ACS Reply Comments at 21 n.68.

and “minimum effort.”<sup>5</sup> Certainly, denying GCI access to UNE loops will not make these conversion issues easier to resolve.

### **III. CHALLENGES TO DEPLOYING CUSTOMER-POWERED DLPS IN MDUS**

11. Deploying customer-powered DLPS in multiple dwelling units (“MDUs”) presents many of the same drop work, inside wiring, and scheduling issues, but also introduces a number of additional challenges. The nature of these challenges differs depending on whether GCI can install the necessary equipment in a building’s telecommunications closet (“telco closet”)<sup>6</sup> or must install equipment in each customer’s dwelling.

#### **A. MDU Telecommunications Closet Deployment**

12. The most efficient method of deploying customer-powered DLPS in MDUs is to place the eMTAs in a central telecommunications closet and connect them to the existing wires that run to each individual residence. In most cases, such an arrangement alleviates the need to access each customer’s premises. Unfortunately, however, most MDUs in Anchorage do not have the necessary space, power, security, or access to accommodate such a deployment strategy.<sup>7</sup> Moreover, many building owners do not embrace such an arrangement when their tenants already receive GCI phone service through UNE loops. A telecommunications closet must have adequate space to house a good deal of equipment—several eMTAs, a shelf to support the eMTAs, the incoming feed amplifiers to boost the signal, all the telephone house wire, and the

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<sup>5</sup> ACS Reply Comments at 24.

<sup>6</sup> The term “telecommunications closet” may apply to a room dedicated to telecommunications equipment or, as is more often the case, to a part of an existing laundry or boiler room that simply houses such equipment.

<sup>7</sup> Security can be problematic as telecommunication closets are frequently located in publicly accessible areas, such as laundry rooms or boiler rooms.

intermediate blocks to tie down the wire—and still leave sufficient room for maintenance and repairs.<sup>8</sup> The telecommunications closet must also be secure to protect the equipment, but at the same time allow GCI to access the building and the telecommunications closet for repairs and maintenance, whether day or night.

13. Moreover, GCI must install new wiring to the intermediate block and then to individual eMTAs, and in certain cases “clean up” or upgrade the wiring that connects to the individual dwellings so that it functions at the higher standard necessary to provide digital service rather than traditional phone service.

14. Multiple dwelling condominiums insert additional complexity and delays, as the condominium board must pre-approve any work on the premises.

15. Despite these obstacles, GCI has scoured Anchorage for opportunities to deploy DLPS through telco closets in MDUs. The Alpine Apartment complex in the Central Wire Center, for example, presented GCI with the relatively rare combination of characteristics necessary to support deployment. First, this complex, which is comprised of 6 buildings with a total of 386 apartments, provided plenty of space to house all of the equipment in a secure environment. More importantly, the owner of the complex provided permission to use not only the space, but provided the necessary access to the building and power supplies. ACS’s suggestion that GCI’s successful deployment at Alpine evidences an ability to deploy DLPS in all MDUs is simplistic and misleading.<sup>9</sup>

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<sup>8</sup> GCI is currently testing a 12-line eMTA, which may alleviate some of the space concerns when available for deployment. See Press Release, ARRIS, *ARRIS Announces General Availability of Touchstone® Multiline E-MTAs*, (June 19, 2006) available at <http://www.arrisi.com/press/pressdetail.asp?id=317>. This exemplifies GCI’s continuing efforts to address operational impediments to converting from UNE loops to its own full-facilities-based DLPS.

<sup>9</sup> See ACS April 3, 2006 Ex Parte Submission at 4.

As noted, Alpine did not present the typical MDU setting in Anchorage. Moreover, the picture that ACS proffers as evidence of GCI's equipment at Alpine depicts only a portion of the equipment that GCI placed in but one of the six buildings in the Alpine complex. Thus any suggestion that this picture displays the sum total of the equipment required to service the entire complex is utterly misleading. Moreover, this set-up—which would have to be replicated several times over to provide service throughout the Alpine complex—is one of the most efficient arrangements GCI has been able to secure, and certainly not representative of the company's MDU experience to date, as claimed by ACS.

#### **B. MDU In-dwelling Deployment**

16. For those MDUs that do not have sufficient telco closet space to house the necessary eMTAs and other equipment, two additional obstacles arise beyond the obvious need to access each resident's home. First, as in single family homes, the phone jacks are traditionally not near the cable outlet. Unlike in single family homes, however, it is difficult to run additional cable to the phone jack in an apartment building or other MDU, that is even if the building owner or condominium board permits such additional cable wiring either inside or outside of the building.

17. But first, however, GCI must identify, isolate, and trace the line from the dwelling all the way back to the main building jack, which can be a time-consuming process in the MDU setting. Then GCI must either remove or "cap" the line to prevent stray radio frequency or electric current from interfering with its DLPS service. In all this, however, GCI must maintain the integrity of the line so that other service providers (or GCI) can use the line if necessary.

#### **IV. SMALL BUSINESSES**

18. In attempting to deploy DLPS to small businesses, GCI faces many of the same challenges that it faces in deploying cable voice service to residential customers, with three noteworthy additions.

19. First, as discussed in more detail in the Declaration of Dennis Hardman, GCI can meet only very simple business needs over its cable voice service.

20. Second, small business customers are understandably even more sensitive than residential customers to the service interruptions required to install DLPS. As such, GCI faces longer delays in its attempts to coordinate with small business customers and is mostly limited to off-hour installation.

21. Finally, GCI does not have cable plant in many small business areas. Even where cable is “near”<sup>10</sup> a commercial building, few businesses subscribe to cable television services and thus most are not currently wired with GCI’s cable plant. Contrary to ACS’s claims that “GCI could extend its facilities to most of its customers at relatively low cost due the short distances that likely exist between GCI’s existing facilities and almost all residential and many enterprise customer locations,”<sup>11</sup> distance is not the sole or even most important determinant of the ability, time, money, and effort required, to connect small business customers to GCI’s cable plant. Indeed, only a small number of businesses can be reached with an aerial drop; most can be reached only through buried conduit. In turn, access to buried conduit requires access to existing conduit or the ability for GCI to lay its own conduit. As discussed in previous

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<sup>10</sup> ACS Reply Comments at 40.

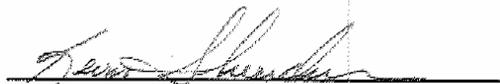
<sup>11</sup> ACS Reply Comments at 41.

submissions, ACS has been less than accommodating in providing conduit access.<sup>12</sup>

Moreover, seasonal, economic, and operational issues constrain GCI's ability to lay its own conduit (which, again, can only be done during the May to September/October construction season).

22. Connecting cable to small business customers in a typical strip mall, for example, is much more difficult than placing a drop to a single family home. Connecting to such businesses often requires boring or digging up asphalt parking lots and accessing conduit. Underground drop installation requires not only property owner permission and access coordination, but also presents seasonal obstacles. As discussed, the construction season is short and GCI can dig only from late May to September or October depending on the temperatures. Thus, even where GCI's cable plant passes sufficiently "near" to small business locations to transmit sufficient signal strength and can meet the needs of small businesses, deploying service over its own last-mile facilities is more complicated and time-consuming than ACS suggests.<sup>13</sup>

Respectfully submitted,



Kevin Sheridan  
Director of Field Service  
General Communication, Inc.  
2550 Denali Street  
Anchorage, AK 99503

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<sup>12</sup> See Declaration of Blaine Brown ¶¶ 18-19, attached as Exhibit J to *Opposition of General Communication, Inc. to the Petition for Forbearance from Sections 251(c)(3) and 252(d)(1) of the Communications Act Filed by ACS of Anchorage*, WC Docket No. 05-281 (filed January 9, 2006).

<sup>13</sup> ACS Reply Comments at 24 (claiming that GCI will be able to serve "any customer . . . with minimum effort in the near future."); *id.* at 41 ("GCI can easily reach premises within 400 feet of its feeder plant.").

# **Exhibit B**

**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 G. NANETTE THOMPSON**

I, G. Nanette Thompson, do hereby declare under penalty of perjury:

1. I am the Vice President – Federal Policy at General Communication, Inc. (“GCI”). In this position, my primary responsibility is to analyze and advocate GCI’s position on policy issues. I have held this position since September 2004. Before joining GCI, I served as a Commissioner (from 1995-1996 and 1999-2004) on the Regulatory Commission of Alaska (“RCA”), including serving as Chairman from 1999-2003.

2. In this statement, I discuss the RCA’s recently adopted rules and their effect on ACS’s discretion with respect to rates for its service, explaining that these regulations do not include a requirement that ACS’s rates in Anchorage be just and reasonable. I also explain that the new rules remove strict price regulation for most services, including bundled service. Finally, I explain the discretion available to carriers, including ACS and GCI, to tailor contract offerings and prices in the business market to particular customer needs.

**Background**

3. On August 5, 2005, the RCA adopted regulations that, among other things, allow for substantial deregulation of nondominant carriers. A copy of these regulations is

attached as Exhibit GNT-1. These rules, coupled with the RCA's grant of ACS's petition to be declared nondominant in Anchorage (which GCI did not oppose) on February 22, 2006, provide ACS substantial freedom to raise its rates. The key provision in this respect is 3 AAC § 53.243, which governs retail services in a competitive local exchange market where there is no carrier with dominant carrier status.

### **RCA Authority to Ensure Rates are Just and Reasonable**

4. Section 53.243 provides that carriers may implement rate changes for most services without RCA approval by posting advance notice of changes on the carrier's website and making an informational filing with the RCA. By the express terms of the regulation, rate changes permitted by Section 53.243 will be denied by the RCA if they are discriminatory; specifically, if they "grant a customer an unreasonable preference or advantage" or "subject a customer to an unreasonable prejudice or disadvantage." 3 AAC § 53.243(h). The regulation does not include a requirement that rates be just and reasonable or require that rate changes that result in unjust and unreasonable rates be denied or modified. In addition, the regulations only apply to "retail" services, and thus do not impose even nondiscrimination obligations on the rates and terms of wholesale service.

5. In other contexts, by contrast, the RCA does have express authority to deny and require modification of rates or terms and conditions that are not just and reasonable. For example, Section 53.240, which governs retail services in a competitive local exchange market where there is a dominant carrier, provides that the Commission will deny and require modification of rates or terms and conditions of service that "are not just and reasonable." 3 AAC § 53.240(d).

6. In my opinion, the omission of specific just and reasonable language in Section 53.243 means that a rate filed under that provision will not be denied or modified on the ground that it is not just and reasonable. For this reason, I disagree with ACS's claim that "state regulation will ensure that ACS's rates and practices are just [and] reasonable."<sup>1</sup>

7. I believe this is the case notwithstanding the language in the RCA's governing statute granting the RCA authority generally to ensure that rates are just and reasonable. *See* AS 42.05.381. As a practical matter, the RCA would be unlikely to go beyond the grounds provided for by regulation in order to invalidate rates. I believe it is even more unlikely that the RCA would rely on a ground that appears to have been deliberately excluded from the relevant regulatory section, as the just and reasonable ground appears to have been excluded here. The standards for review of dominant carrier rates in 3 AAC 53.240(d) include just and reasonable, while the standards for review of retail rates for which there is no dominant carrier in 3 AAC 53.243(h) do not.

8. The new regulations also do not include any mechanism for substantive pre-implementation rate review, meaning that there is no clear opportunity for the RCA to review whether rates are, in fact, just and reasonable. ACS claims that the new regulations "relate[] only to tariff filing procedures" and "do[] not impact the RCA's authority to regulate rates and practices."<sup>2</sup> While technically accurate, these statements incorrectly suggest that ACS will continue to be subject to rigorous reviews of its rates to ensure, for example, that they are cost-based or do not reflect market power.

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<sup>1</sup> Letter from Elizabeth R. Park, Latham & Watkins, to Marlene H. Dortch, Secretary, Federal Communications Commission at 1 (May 10, 2006).

<sup>2</sup> *Id.*

As a practical matter, rigorous rate review has taken place as part of the tariff filing and review procedure. The changes to the tariff filing procedure therefore effectively remove the RCA's opportunity to conduct a rigorous rate review. At minimum, the RCA will have no opportunity to act before any changes pursuant to Section 53.243 go into effect. And, based on my experience at the RCA, I expect that the RCA will act to deny or modify changes only if and when a complaint challenging changes made pursuant to Section 53.243 is filed. This is substantially less oversight than the RCA traditionally exercised over dominant carriers.

### **Pricing Freedom**

9. Section 53.243 grants nondominant carriers, including ACS, significant pricing freedom in the Anchorage business and residential markets.

10. For most services, a nondominant carrier may implement rate and other service changes by (1) posting a notice summarizing the changes on its web site and leaving the notice on the website for 30 days; (2) filing an informational filing with the RCA; and (3) providing email notice to any customer requesting email notice. These provisions apply to all services except services not covered by Section 53.243 (line extension services, construction services, subdivision services agreements, and interexchange carrier access services, including special access services) and residential or single-line business services. For stand-alone residential and single-line business services, carriers may raise rates by not more than 8% per calendar year. This cap, however, expires on June 30, 2010, at which point carriers will face no regulatory restraint on their ability to raise prices for these services. Notably, this cap on rates does not apply to bundled services or new and repackaged services.

### **Business Market Pricing Flexibility**

11. In the business market, both ACS and GCI have substantial additional pricing discretion. First, both ACS and GCI have filed tariffs that allow them to offer individual business customers significant annual discounts (ACS's tariff authorizes discounts of \$150 per line per year; GCI's tariff authorizes discounts of \$200 per line per year) without making any regulatory filings. See Exhibit GNT-2.

12. Second, Section 53.243 permits a carrier to implement special contracts without RCA approval by posting information on the carrier's website and making an informational filing at the RCA. Carriers can use special contracts to provide individualized pricing and service to business customers. The ability to implement special contracts without RCA approval therefore gives carriers significant freedom to negotiate individual agreements with business customers.

Respectfully submitted,



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G. Nanette Thompson  
General Communication, Inc.  
Vice President – Federal Policy  
2550 Denali Street  
Anchorage, AK 99503

# **Exhibit C**

**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 GENE STRID**

I, Gene Strid, do hereby declare under penalty of perjury:

1. I am Vice President and Chief Engineer, Network Services, for General Communication, Inc. (“GCI”). In this capacity, I have overall responsibility for the engineering and operation of GCI’s core network. I have been with GCI since January 1990. Before joining GCI, I was a telecommunications network engineering consultant, the engineer-in-charge of the Alaska branch office for Gillespie, Prudhon & Associates. I am a Professional Engineer, registered in the State of Alaska. I have been working as a telecommunications engineer in Alaska since August 1974.

2. In this statement, I discuss GCI’s use of wireless local loops (“WLLs”) in Anchorage, and its ability to quickly deploy wireless local loops to provide service to business and residential customers. In particular, I explain why ACS’s suggestion that GCI could use WLL to replace a large number of UNE loops in the Anchorage markets within a commercially reasonable time is incorrect.

3. GCI does currently use a handful of WLLs to provide voice service in Anchorage, using three already-constructed base stations. GCI uses WLL on a case-by-case basis, often to provide temporary service, and has not designed its network to

replace UNEs throughout Anchorage. In addition, the existing network is not designed for provision of high capacity services, and GCI therefore cannot provide DS1 or other multi-megabit capacity services over its existing WLL network.

4. Furthermore, it is difficult to add customers to GCI's existing WLL network in some portions of Anchorage, particularly where heavy trees, local buildings, and/or hills and valleys impede reception. For example, it is often difficult or impossible to serve customers in the furthest southern parts of Anchorage using GCI's existing WLL network.

5. In order to use WLLs to replace a significant number of UNEs, GCI would have to embark on a large-scale network design, construction, provisioning, and installation process, which would take a substantial period of time. Consequently, as Gina Borland previously explained, replacing UNEs with WLLs in the Anchorage markets would require GCI to start essentially from square one.<sup>1</sup> The time necessary to complete such a project would be measured in years, not months, and GCI could certainly not complete this process quickly enough to provide service to residential or business customers within a commercially reasonable time.

6. With respect to high capacity services, I am unaware of any service provider currently using WLLs to successfully provide DS1-equivalent service on any significant scale. It is my understanding that entities that have pursued this business model, such as Teligent and Winstar, have encountered insurmountable technical and economic obstacles. If GCI were to undertake such a project, it would be time-

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<sup>1</sup> See Declaration of Gina Borland ¶ 48, attached as Exhibit A to *Opposition of General Communication, Inc. to the Petition for Forbearance from Sections 251(c)(3) and 252(d)(1) of the Communications Act Filed by ACS of Anchorage*, WC Docket No. 05-281 (filed January 9, 2006).

consuming and difficult, and success would not be a foregone conclusion, particularly within the timeframe that ACS proposes to discontinue providing UNEs at regulated rates.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gene R. Strid".

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Gene Strid  
General Communication, Inc.  
Vice President & Chief Engineer, Network Services  
2550 Denali Street  
Anchorage, AK 99503

# **Exhibit D**

**REDACTED FOR PUBLIC INSPECTION**

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

In the Matter of )  
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Section 10 of the Communications Act of 1934, as ) WC Docket No. 05-281  
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and 252(d)(1) in the Anchorage LEC Study Area )  
 )

**DECLARATION OF ALAN MITCHELL**

I, Alan Mitchell, do hereby declare under penalty of perjury:

1. I have served as the Senior Manager and then Director of Economic Analysis at General Communication, Inc. (“GCI”) since 1998, where my primary responsibility is to provide quantitative analysis of regulatory issues. For the three years prior to attaining this position, I served as the Capital Planner in GCI’s Engineering department. Prior to my employment at GCI, I was Alaska’s Utility Consumer Advocate, where I represented utility consumers at the state regulatory commission and at the state legislature.

2. This declaration describes the methodology used to develop the tables (attached as Exhibit 1) that estimate how many and what percent of the residential and commercial building locations in the ACS-Anchorage study area can potentially be served – assuming that all of the operational and technical impediments discussed by Kevin Sheridan,<sup>1</sup> Dennis Hardman,<sup>2</sup> Gary Haynes,<sup>3</sup> and Blaine Brown<sup>4</sup> can be overcome

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<sup>1</sup> Declaration of Kevin Sheridan.

<sup>2</sup> Declaration of Dennis Hardman.

<sup>3</sup> Declaration of Gary Haynes, attached as Exhibit H to *Opposition of General Communication, Inc. to the Petition for Forbearance from Sections 251(c)(3) and*

**REDACTED FOR PUBLIC INSPECTION**

– from existing GCI outside plant facilities 1) that are currently upgraded for telephony service; 2) that GCI estimates will be upgraded by the end of the current year, or 3) that GCI estimates will be upgraded sometime after this year.<sup>5</sup> As discussed below, however, this analysis only addresses the relationship between the location of GCI facilities and the location of residences and businesses and Anchorage, and is not meant to represent the number or percentage of business or residential locations that GCI could serve entirely over its own facilities in a commercially reasonable time. As discussed elsewhere in this proceeding, the mere fact that a GCI plant passes a particular location does not mean that GCI can provide cable telephony services over that plant to that location in a short period of time.<sup>6</sup>

3. For purposes of this analysis, a building location is considered potentially served by GCI existing outside plant facilities (in the absence of other operational and technical impediments) if the GCI plant is 80 feet or less from any part of the parcel of land on which the building is located. This is an appropriate and conservative distance because it captures virtually all locations that are located on a street that has GCI facilities, as well as all locations on either side of a lot line along which GCI has facilities. For example, GCI facilities that are placed along one side of a road are considered to potentially serve all parcels on both sides of the road except in those rare

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*252(d)(1) of the Communications Act Filed by ACS of Anchorage, WC Docket No. 05-281, at 69-70 (filed January 9, 2006) (“GCI Opposition”).*

<sup>4</sup> Declaration of Blaine Brown (“Brown Decl.”), attached as Exhibit J to GCI Opposition.

<sup>5</sup> These are only estimates because the technology is new to GCI, thus making accurate prediction difficult.

<sup>6</sup> *See, e.g., 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 251(d)(1) in the Anchorage LEC Study Area, Reply Comments of General Communication, Inc., WC Docket No. 05-281 at 12-13 (filed Feb. 23, 2006).*

**REDACTED FOR PUBLIC INSPECTION**

cases where the road has a width in excess of approximately 80 feet (such as an interstate highway). Further, GCI facilities placed along a back lot line are considered near lots on both sides of the lot line, since the back boundaries are well within 80 feet of the GCI facilities.

4. By including all parcels within 80 feet of GCI facilities, I have attempted to include all buildings that can be reached by a cable drop from GCI's existing facilities. Drops used to reach customer locations included here would often exceed 80 feet because the customer's building is not located on the parcel boundary and/or the drop terminal for GCI facilities is not located at the point on GCI facilities closest to the parcel. In fact, it would not be unusual to use drop lengths of 150 feet or more to serve buildings on parcels within 80 feet of GCI facilities. Even so, this analysis likely includes some large parcels with buildings that are not within drop range of GCI's facilities.

5. This analysis is consistent with the source cited by Charles Jackson with respect to typical drop lengths in the industry. That article explains that a drop "has a *maximum length* of 400 ft, but is *typically less than* 150 ft."<sup>7</sup>

6. Because this analysis addresses only the distance between residential and commercial parcels and GCI facilities, it does not account for the many operational, technological, and economic obstacles to providing full-facilities-based service to these locations. For instance, if GCI facilities are placed along a road, lots on both sides of the road are generally considered serviceable using this analysis. This is true even where it is not possible to use aerial drops to cross the road and GCI must dig or acquire conduit

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<sup>7</sup> Gary Donaldson and Doug Jones, *Cable Television Broadband Network Architectures*, IEEE Comm. Mag., June 2001, at 122 (emphasis added).

**REDACTED FOR PUBLIC INSPECTION**

access to provide service – a process that can be very challenging and time consuming.<sup>8</sup> Similarly, some locations that are near GCI facilities may not have drop wires or drop fiber installed to the buildings on the lots, and thus may not be capable of being served within a commercially reasonable period of time.

7. I performed this analysis by comparing data regarding the location of GCI CATV and fiber plant with Anchorage parcel data extracted from the Municipality of Anchorage (“MOA”) geographic information system (“GIS”).<sup>9</sup> This “parcel layer” maps the boundaries of all parcels of property in the MOA and gives a variety of information associated with each parcel such as assessed building value and land use classification.

8. GCI used a GIS consultant, Ian Moore of Alaska Map Science, to perform the GIS tasks associated with this analysis. Mr. Moore compared the GCI plant information with the MOA parcel mapping data, using GIS tools to calculate for each parcel in the MOA database (but excluding those parcels that are outside of the ACS-Anchorage study area, *e.g.*, Eagle River) the shortest distance between GCI’s outside plant facilities and any point on the parcel boundary. Using wirecenter boundary mapping from GCI, Mr. Moore also determined the telephone wirecenter within which each MOA parcel falls, and he determined when the CATV plant nearest to each parcel is projected to be upgraded to provide cable telephony service.

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<sup>8</sup> See Brown Decl. ¶¶ 18-19.

<sup>9</sup> Municipality of Anchorage parcel data was not available for the Ft. Richardson and Elmendorf military bases, as well as the community of Hope, which is outside of the MOA. Therefore, the Exhibit does not present data for these three wirecenters. GCI has no facilities in the Hope wirecenter. GCI has some outside plant facilities on the military bases. The total line count in those wirecenters is only about [BEGIN CONFIDENTIAL] [END CONFIDENTIAL] of the ACS-Anchorage study area line count.

**REDACTED FOR PUBLIC INSPECTION**

9. I received the results of this GIS analysis from Mr. Moore and performed additional steps to produce the tables in Exhibit 1. First, I classified each parcel with a building as either residential or commercial. The MOA parcel data contains residential and commercial designations in the “Land Class” field. However, some parcels with apartment buildings or condominiums show a commercial classification in the Land Class field. I reclassified these parcels as residential.

10. I then classified each commercial parcel into two categories: small business – less than or equal to **[BEGIN CONFIDENTIAL][END CONFIDENTIAL]** of assessed building value (not including land), and medium/large business – more than **[BEGIN CONFIDENTIAL][END CONFIDENTIAL]** of assessed building value. Because I do not have ACS line counts for each building, I needed a proxy to differentiate buildings that likely had only one or a few lines from those that had eight or more switched lines.<sup>10</sup> The **[BEGIN CONFIDENTIAL][END CONFIDENTIAL]** assessed value cutoff was estimated to be the cutoff between commercial buildings with less than eight switched lines and those with eight or more switched lines. The MOA parcel data indicates a total assessed value of commercial buildings in the ACS-Anchorage study area of **[BEGIN CONFIDENTIAL][END CONFIDENTIAL]**. Total switched business lines in the study area are approximately **[BEGIN CONFIDENTIAL][END CONFIDENTIAL]**, giving an average assessed building value of **[BEGIN CONFIDENTIAL][END CONFIDENTIAL]** per line. The average assessed value for an eight-line building is therefore **[BEGIN CONFIDENTIAL][END**

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<sup>10</sup> See GCI Opposition at 17–18 (defining the medium to large enterprise customers as those that have 8 or more switched business lines or who require higher capacity lines).

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**CONFIDENTIAL]** per line multiplied by eight lines, thus equaling a small business ceiling of **[BEGIN CONFIDENTIAL][END CONFIDENTIAL]**.

11. For each residential and small business parcel, I determined whether the parcel is near GCI CATV plant and then whether such plant is currently upgraded or estimated to be upgraded before year end 2006.<sup>11</sup> I then tallied up the total number of parcels (locations) in each of these categories, subdivided by parcel type (residential or small business) and subdivided by wirecenter. The results are presented in the first table shown in Exhibit 1. I did not summarize any results related to the proximity of residential and small commercial buildings to GCI fiber, because fiber is not an economical service method for residential and commercial buildings with less than eight lines.<sup>12</sup>

12. For medium/large business parcels—those with assessed building values greater than **[BEGIN CONFIDENTIAL][END CONFIDENTIAL]**—I analyzed possible service through telephony-upgraded CATV plant and fiber plant. The second table in Exhibit 1 shows the results. The three columns titled “Locations on Parcels Within 80’ of Telephony-Upgraded Cable” show the number of locations that fall into the same CATV potentially served categories that were discussed above in the residential/small business section. The next column shows the number of medium/large business locations that are potentially served via GCI’s fiber facilities. Finally, the last

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<sup>11</sup> All Anchorage CATV plant is expected eventually to be upgraded to provide telephone service.

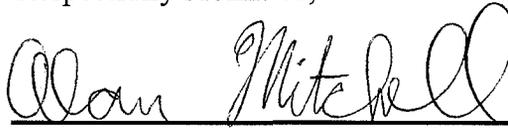
<sup>12</sup> See, e.g., Brown Decl.¶ 10–11. Although fiber may be a viable service approach for large multi-family residential buildings, virtually all of those multi-family buildings can be provided telephone service via upgraded-cable TV plant. In any event, including residential and small business locations that are near to GCI fiber would result in a nominal increase of **[BEGIN CONFIDENTIAL][END CONFIDENTIAL]** in the percentage of those locations potentially served via GCI facilities.

**CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER**

three columns show the number of locations that are potentially served via CATV plant or fiber plant.

13. Each table in the Exhibit shows both the absolute number of locations near GCI CATV plant and the percentage of total locations in each wirecenter. As well, the tables show grand totals for the entire study area.

Respectfully submitted,

A handwritten signature in cursive script that reads "Alan Mitchell". The signature is written in black ink and is positioned above a horizontal line.

---

Alan Mitchell  
Director of Economic Analysis  
General Communication, Inc.  
2550 Denali Street  
Anchorage, AK 99503

# **Exhibit 1**

**REDACTED FOR PUBLIC  
INSPECTION**

# **Exhibit E**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20556**

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 FREDERICK W. HITZ, III**

I, Frederick W. Hitz, III, do hereby declare under penalty of perjury:

1. I am the Vice President, Regulatory, Finance, and Economics at General Communication, Inc. (“GCI”). My primary responsibilities are to negotiate interconnection agreements and oversee all economic and financial issues related to regulatory matters.
2. I serve as a primary interface between GCI and ACS on interconnection-related issues.
3. I strongly disagree with ACS’s recent claim that it “has demonstrated its willingness and ability to negotiate unbundling arrangements with GCI.”<sup>1</sup> To the contrary, ACS rebuffed GCI’s recent overture to negotiate resolution of a host of issues

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<sup>1</sup> *Ex parte Notice of ACS of Anchorage, Inc., Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act, as amended, for Forbearance from Section 251(c)(3) and 252(d)(1) in the Anchorage LEC Study Area*, WC Docket No. 05-281, at 10 (filed May 10, 2006); *see also Petition of ACS of Anchorage, Inc. for Forbearance from Sections 251(c)(3) and 252(d)(1)*, WC Docket No. 05-281, at 45 (September 30, 2005); *Reply Comments of ACS of Anchorage, Inc. in Support of Its Petition for Forbearance from Sections 251(c)(3) and 252(d)(1)*, WC Docket No. 05-281, at 43-44 (February 23, 2006).

between the two companies, instead citing GCI's efforts as the basis to revoke GCI's recently granted local service certification for ten additional rural areas.

4. On or around January 27, 2006, I contacted my counterpart at ACS to propose a framework for discussing settlement of a number of issues. Included in the framework were voluntarily negotiated terms for unbundled network elements for the "Glacier State" and Sitka study areas served by ACS operating company ACS of the Northland. A number of weeks went by without any response from ACS.

5. On March 9, 2006, ACS filed a petition with the Regulatory Commission of Alaska, seeking an investigation into GCI's fitness, willingness, and ability to serve in ten additional study areas for which GCI had been certified. The basis for this filing was the discussion I initiated for settlement purposes. According to David Eisenberg, ACS's Senior Vice President of Corporate Strategy and Development, GCI's "overture" "raised questions as to whether GCI actually meets the fit, willing and able criteria to fully serve either of ACS-N's study areas."<sup>2</sup> In other words, ACS attempted to use GCI's efforts to voluntarily negotiate terms for unbundled network elements as the basis for blocking GCI's ability to enter the market in the first place.

6. I concur with Dana Tindall's declaration concerning the circumstances that led to the negotiated settlement of UNE rates for the Fairbanks and Juneau service areas through the end of 2007.<sup>3</sup> Both ACS's forbearance petition in Anchorage and its

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<sup>2</sup> Affidavit of David C. Eisenberg ¶¶ 6-7, attached as Exhibit Q to *Petition for the Commission to Open an Investigation into GCI's Ongoing Compliance with AS 42.05.241 and Violation of AS 42.05.271 and for Suspension of Recently Granted Amendments to Certificate No. 489 Pending Investigation*, RCA Docket No. U-06-023, (March 10, 2006), attached hereto as Exhibit 1.

<sup>3</sup> Declaration of Dana Tindall ¶¶ 19-24, attached as Exhibit B to *Opposition of General Communication, Inc. to the Petition for Forbearance from Sections 251(c)(3) and*

efforts to rescind GCI's local service certificate for the Glacier State study area manifest ACS's desire to disrupt GCI's service to existing customers and to block entry into new markets, not its willingness to negotiate commercially reasonable resolutions.

7. In the more than two years since GCI announced and commenced its cable telephony deployment, ACS has had every opportunity to negotiate mutually agreeable terms for UNEs in Anchorage. ACS's refusal to do so, more than anything else, puts into serious doubt its claims that it is willing and financially self-interested to do so.

Respectfully submitted,



---

Frederick W. Hitz, III  
General Communication, Inc.  
Vice President, Regulatory, Finance, and  
Economics  
2550 Denali Street  
Anchorage, AK 99503

# **Exhibit 1**

R.C.A.  
RECEIVED  
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STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Kate Giard, Chair  
Dave Harbour  
Mark K. Johnson  
Anthony A. Price  
James S. Strandberg

In the Matter of the Investigation )  
into the Ongoing Compliance of )  
General Communication Inc. )  
with AS 42.05.241 with Regard to )  
Study Areas Certificated in )  
Docket U-05-004 )

U-06-\_\_\_\_\_

AFFIDAVIT OF DAVID C. EISENBERG

STATE OF ALASKA )  
) ss.  
THIRD JUDICIAL DISTRICT )

David C. Eisenberg being duly sworn states:

1. I am Senior Vice President – Corporate Strategy & Development for Alaska Communications Systems Holding, Inc., the parent of ACS of the Northland, Inc. ("ACS-N"). I am responsible for strategic planning, business development, marketing and product management, program management, regulatory and legislative strategy and corporate communications. Prior to joining Alaska Communications Systems, I served as Vice President – Corporate Strategy for Sprint Corporation, where I held numerous management positions over my 21-year career.

2. On or about January 27, 2006, I was made aware that GCI had made an overture to our Carrier Relations Department, requesting that ACS-N forego its

Alaska Communications Systems  
600 Telephone Avenue, MS65  
Anchorage, AK 99503  
907 297-3103 • Fax: 907 297-3153

Affidavit of David C. Eisenberg  
3/9/2006  
U-06-\_\_\_\_\_

Exhibit Q

rural exemption in the Glacier State study area and negotiate an interconnection agreement this year with GCI.

3. As a part of the terms of its "offer" to take Sec. 251(c) services, GCI indicated it would expect ACS-N not to oppose GCI's application for ETC status in the Glacier State study area.

4. GCI was specifically seeking UNE loops and wholesale services to serve the ACS-N, Glacier State study area where it does not have its own cable plant. GCI has not yet specifically requested any services for the ACS-N, Sitka study area.

5. I was surprised at this request given GCI's assertions during the recent certification proceedings in U-05-04 that it would serve the entire study area using its own facilities and/or retail resale.

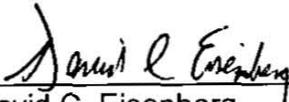
6. GCI's request has raised questions as to whether GCI actually meets the fit, willing and able criteria to fully serve either of ACS-N's study areas, Glacier State or Sitka, like GCI represented in its Application and within the five year window required by the Commission.

7. ACS-N has not yet responded to the GCI overture.

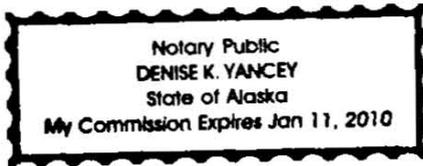
8. It is my understanding that should ACS-N decline to provide the requested services, or if any rates or terms acceptable to GCI cannot be negotiated,

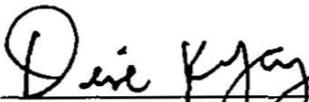
GCI will likely seek to terminate ACS-N rural exemption in the Glacier State study area.

DATED this 9<sup>th</sup> day of March, 2006 at Anchorage, Alaska.

  
\_\_\_\_\_  
David C. Eisenberg

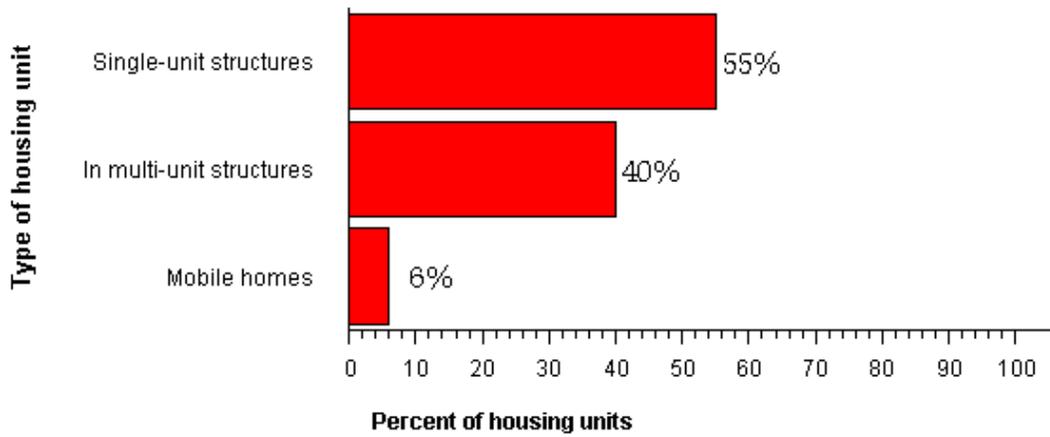
SUBSCRIBED AND SWORN to before me this 9<sup>th</sup> day of March, 2006.



  
\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires: 1/11/10

# **Exhibit F**

### The Types of Housing Units in Anchorage Municipality, Alaska in 2001



Source: U.S. Census Bureau, 2001 Supplementary Survey

### Housing Structure Types:

Single Family (Detached):	46,529
Single Family Attached:	10,887
Duplex:	6,178
3 or 4 Units:	10,365
5 to 9 Units:	7,962
10 to 19 Units:	4,241
20 plus Units:	8,295
Trailers/Mobile Homes:	5,824
Boats/Other Types:	87

# **Exhibit G**

**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 DENNIS HARDMAN**

I, Dennis Hardman, do hereby declare under penalty of perjury:

1. I have served as the Director of Transport and Data responsible for overseeing the engineering, operation, and maintenance of data transport infrastructure for General Communication, Inc. (“GCI”) since 1998. Previously, I served as GCI’s Senior Network Operations Manager, Network Operations Manager, Network Operations Supervisor, and was originally hired as a Senior Network Technician in 1983.

2. This declaration describes GCI’s current ability—or lack thereof—to provision high capacity DS1-equivalent business voice services over its hybrid fiber coaxial (“HFC”) plant, as well as its efforts to test and eventually implement new products that are just now beginning to enter the market to provide these services. More specifically, I explain the reasons why ACS’s suggestion that the technology to provide rigorous DS1-equivalent services “is proven effective and is accepted by the cable industry as a viable solution for enterprise customers”<sup>1</sup> is incorrect.

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<sup>1</sup> *Reply Comments of ACS of Anchorage, Inc. in Support of Its Petition for Forbearance from Sections 251(c)(3) and 252(d)(1)*, WC Docket No. 05-281, at 38 (February 23, 2006) (“ACS Reply Comments”).

3. GCI does not deny that the existence of proprietary technologies that “can carry DS1 signals”<sup>2</sup> to provide very basic DS1-equivalent services to certain business customers.<sup>3</sup> Contrary to ACS’s claim, however, no “industry-accepted solutions”<sup>4</sup> exist to provide services for those customers—often including banks and investment firms—that have rigorous clock synchronization requirements. Indeed, the industry is only now *beginning* to present solutions to these technical barriers.

4. For instance, CableLabs—the internationally recognized standards body for the cable industry—just recently issued its *Business Services over DOCSIS, TDM Emulation Interface Specification* that purports to solve some, but certainly not all, of these clocking issues.<sup>5</sup> Seeing as this specification was only issued weeks ago, there are certainly no products on the market that are certified to meet this standard. It will take some time for vendors to incorporate these standards into their products.<sup>6</sup> Only at that

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<sup>2</sup> Jackson Statement ¶ 14, attached as Exhibit E to ACS Reply Comments (“Jackson Statement”).

<sup>3</sup> See Declaration of Gary Haynes ¶ 22, attached as Exhibit H to *Opposition of General Communication, Inc. to the Petition for Forbearance from Sections 251(c)(3) and 252(d)(1) of the Communications Act Filed by ACS of Anchorage*, WC Docket No. 05-281 (January 9, 2006) (“GCI Opposition”) (“While some companies offer proprietary work-arounds to provide DS1 services over DOCSIS cable networks, the reality is that these work-around solutions are cumbersome, expensive and add additional potential points of service failure. These work-arounds are not a commercially or operationally feasible means to serve the needs of medium and large business customers that have traditionally been served through DS1s. There certainly is no industry standard. Indeed, CableLabs did not even issue a request for proposal (“RFP”) for a multi-line MTA for commercial applications until July 2004 and did not issue a request for information (“RFI”) for DOCSIS-based equipment to provide DS1 level services until November 2004. To date, CableLabs has not certified any such product.”)

<sup>4</sup> Jackson Statement ¶ 13.

<sup>5</sup> See CableLabs, *Data-Over-Cable Service Interface Specifications, Business Services over DOCSIS, TDM Emulation Interface Specification*, available at <http://www.cablemodem.com/downloads/specs/CM-SP-TEI-I01-060512.pdf>.

<sup>6</sup> See Declaration of Richard Dowling ¶ 5, attached as Exhibit G to GCI Opposition (“Dowling Decl.”).

point will GCI be able to perform limited laboratory and field trials. Moreover, because manufacturers can interpret standards differently, GCI will have to conduct interoperability testing with the various pieces of its own network.<sup>7</sup> This process will almost certainly raise unforeseen issues that GCI will have to solve before it can responsibly place commercial production orders. Thus, even if GCI finds such CableLabs-certified products to be adequate, commercial deployment is likely a good two years away.<sup>8</sup>

5. Despite the lack of certified products, GCI is nonetheless committed to exploring the available technology in an effort to continue expanding its full-facilities-based services and reduce reliance on UNE loops. To that end, GCI is looking at the non-standardized products that some manufacturers have begun releasing in the past few months that purport to solve some of the DS1 clocking issues. GCI, in fact, began initial lab tests of a DS1 multimedia terminal adapter (“MTA”) product from ARRIS just weeks ago. Even encouraging results, however, would mark only the beginning of GCI’s efforts to deploy such technology. For one, after its experience with network-powered, outdoor-provisioned DLPS for residential services,<sup>9</sup> GCI is understandably wary of deploying non-standardized products before they are adopted by the major MSOs. Moreover, even more so than with CableLabs-certified products, full-scale deployment of these alternative solutions would require rigorous tests and problem-solving measures to ensure that business customers received the level of service to which they have become accustomed.

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<sup>7</sup> See Dowling Decl. ¶ 6.

<sup>8</sup> See Dowling Decl. ¶ 6 (discussing timeline of deployment for CableLabs-certified network-powered eMTAs).

<sup>9</sup> See Declaration of Kevin Sheridan ¶ 3.

6. In addition to the technical impediments to providing such services with any measure of quality, GCI is faced with operational and customer relations difficulties as well. Traditional DS1 lines over copper wire simply provide data transport that the customer can use as it sees fit. While DS1 services over HFC will eventually provide numerous advantages to traditional DS1, for business customers that operate their own master clocking systems—especially between multiple office locations—GCI would have to provide not only transparent data packet transport, but also coordinate with the customer to account for clock synchronization requirements. This can limit the customer's flexibility to later change equipment or uses for its DS1 services. Moreover, it may likely require GCI to provide the customer with expensive clocking equipment, which would alter the economics of providing such service.

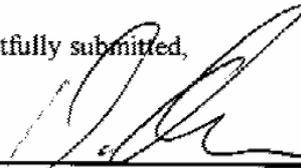
7. In addition to the challenges of finding, testing, and deploying an adequate DS1 MTA, GCI is hindered by the fact that DS1 service over HFC consumes large amounts of cable bandwidth. Thus, for instance, in one node in Anchorage's North wire center, which contains 14 total nodes, GCI can support only two DS1 lines over its current HFC plant before reaching upstream bandwidth limits, thereby freezing provision of other services, including video and Internet. As such, GCI will have to undertake a large-scale upgrade of its network capacity before it can provide all of its business customers with DS1 services over its HFC plant. GCI will have to install hundreds of additional amplifiers and upgrade thousands of taps to boost bandwidth capacity. Such an upgrade will add large amounts of time and money to the process.

8. Moreover, the success of any of this technology to serve as an adequate substitute for providing DS1 service over UNE loops depends on the accessibility of

conduit entering commercial buildings. GCI has detailed the obstacles to such access previously in this proceeding.<sup>10</sup>

9. While the industry is working to develop solutions, I am not aware of any MSO that is using these products on a large-scale basis to provide DS1 services.

Respectfully submitted,



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Dennis Hardman  
Director of Transport and Data  
General Communication, Inc.  
2550 Denali Street  
Anchorage, AK 99503

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<sup>10</sup> See Declaration of Blaine Brown ¶¶ 12, 17-19, attached as Exhibit J to GCI Opposition.