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July 21, 2006

BY ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: In the matter of Petition of ACS of Anchorage, Inc. for Forbearance from Certain Dominant Carrier Regulation of its Interstate Access Services, and for Forbearance from Title II Regulation of its Broadband Services, in Anchorage, Alaska, Incumbent Local Exchange Carrier Study Area; WC Docket No. 06-109

Dear Ms. Dortch:

ACS of Anchorage, Inc. (“ACS”), by its attorneys, hereby opposes the Motion to Dismiss filed by General Communication, Inc. (“GCI”) on July 17, 2006 (the “Motion to Dismiss”), regarding the above-referenced petition (the “Petition”). There is no procedure for a Motion to Dismiss in this proceeding; therefore, ACS considers GCI’s filing to be a comment. The reply comment date is not until September 11, 2006. Nevertheless, to assist GCI, ACS offers this brief response.

GCI claims that the Petition lacks specificity and is confusing as to the requested relief. The Petition clearly and specifically states the relief that is requested, and also provides examples of what is not requested. Appendix A precisely lists and discusses the specific dominant carrier regulations applicable to interstate access services from which forbearance is sought.¹ For additional clarity, the Petition lists a number of examples of regulations not affected by the petition.² ACS notes that it does not seek forbearance from the obligation to provide wholesale service pursuant to § 251(c)(4) of the Communications Act.³ Therefore, the regulation of the resale of exchange telecommunications services pursuant to § 251(c)(4) will not be affected by the Petition.

GCI claims confusion regarding whether or not the Petition seeks relief as to the enterprise market. Approximately six pages of the Petition exclusively address the Anchorage

¹ Petition, Appendix A at 1-5.

² Petition at 4.

³ *Id.* See also *id.*, n.6, distinguishing from the relief sought by ACS in an earlier petition.

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enterprise market,⁴ in addition to numerous discussions of the Anchorage enterprise market throughout the Petition. The Petition unambiguously seeks relief as to the Anchorage enterprise market, and ACS demonstrates substantial competition in that market, justifying the requested relief.

Finally, the Petition clearly requests precisely the same relief as to broadband as that granted to Verizon.⁵ As discussed in the Petition, the Verizon broadband petition and the related subsequent *ex parte* filings by Verizon explain what relief Verizon specifically sought and did not seek.⁶

In summary, the Petition is specific and unambiguous as to the requested relief. GCI's confusion is no excuse to delay the comment cycle or postpone consideration of ACS's petition.

Please contact the undersigned if you have any questions regarding this matter.

Respectfully submitted,

/s/

Karen Brinkmann
Patrick Wheeler*

cc: John T. Nakahata, counsel to GCI

*Admitted to practice in New York only

⁴ *Id.* at 39-45.

⁵ *Id.* at 6-7, n.11-15; *id.*, Appendix A at 5.

⁶ *See, e.g.*, Letter from E. Shakin to M. Dortch Re: Petition of the Verizon Telephone Companies for Forbearance under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Their Broadband Services, WC Docket 04-440 (filed Feb. 7, 2006) (*see* sections 1 and 2, entitled "Services for Which Verizon Is Seeking Forbearance" and "Regulation from Which Verizon Is Seeking Forbearance," respectively).