

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

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 the Anchorage, Alaska, Incumbent Local Exchange Carrier Study Area

WC Docket No. 06-109

**GCI'S MOTION TO BAR DISCLOSURE OF
CONFIDENTIAL INFORMATION TO DAVID C. EISENBERG**

General Communication, Inc. ("GCI"), objects to the disclosure of information that it designated as confidential in the above-captioned proceeding to David C. Eisenberg, who is identified in his certification as the Senior Vice President Corporate Strategy and Development and Regulatory, ACS of Anchorage, Inc. ("ACS"). Pursuant to ¶ 3 of the governing Protective Order, WC Docket No. 06-109 (June 12, 2006) ("Protective Order"), GCI hereby moves to bar any such disclosure.¹

Paragraph 3 of the Protective Order states that confidential documents may be disclosed to, among others, "in-house economists and regulatory analysts," but only "if disclosure is reasonably necessary for such persons to render professional services in this

¹ ACS previously sought to disclose confidential information to Mr. Eisenberg in its UNE forbearance proceeding, *see* Certification of David C. Eisenberg, WB Docket No. 05-281 (filed Feb. 15, 2006). After ACS refused GCI's request to withdraw Mr. Eisenberg's certification in that proceeding, GCI filed a motion to bar such disclosure. The Commission has not acted on that motion and, thus, Mr. Eisenberg is not entitled to access the information. Protective Order ¶ 3(b). Upon the filing of Mr. Eisenberg's certification here, GCI requested that Mr. Eisenberg withdraw his certification contingent on the outcome of the motion in the UNE proceeding. ACS again refused, thus forcing GCI to again file a motion in this proceeding.

proceeding.” Paragraph 3(a) requires that prior to disclosure any such person must certify that they will abide by the Protective Order. The Protective Order only permits use of confidential information to provide professional analysis that bears on the outcome of this particular proceeding.

On August 14, 2006, ACS served GCI with a certification of confidentiality executed by Mr. Eisenberg, in which he identifies himself as a “Senior Vice-President for Corporate Strategy and Development *and Regulatory*.”² The certification, however, provides no indication that Mr. Eisenberg is entitled to review confidential information under ¶ 3 of the Protective Order. Mr. Eisenberg does not appear to be an economist, so GCI can only surmise from the title listed on his certification that ACS is holding out Mr. Eisenberg as a “regulatory analyst.” GCI submits, however, that Mr. Eisenberg is not a “regulatory analyst” in practice or as envisioned under the Protective Order issued to protect sensitive business information from being used outside of this proceeding.

As an initial matter, unlike the job title listed in Mr. Eisenberg’s certification here, neither ACS’s website nor documents filed with the United States Securities and Exchange Commission or the Regulatory Commission of Alaska identifies any regulatory function with respect to Mr. Eisenberg. Rather, those documents identify Mr. Eisenberg as “Senior Vice President Corporate Strategy and Development.”³ Moreover, Mr.

² Certification of David Eisenberg, attached hereto as Exhibit A (emphasis added).

³ ACS’s webpage identifying its “Management Team” lists Mr. Eisenberg as “Senior Vice President Corporate Strategy and Development.” (A printout of the website <http://www.acsalaska.com/ALSK/en-US/Management+Team/> is attached hereto as Exhibit B.); United States Securities and Exchange Commission, Form 4, *Statement of Changes in Beneficial Ownership of Securities for David C. Eisenberg* (filed Aug. 2, 2006) (identifying himself as “Senior VP, Corp Stragy & Dev”) (attached hereto as Exhibit C); *Affidavit of David C. Eisenberg in Support of Joint Motion for Expedited Consideration*, RCA Docket U-04-43 (filed May 5, 2004) (identifying himself as the

Eisenberg’s biography on the ACS website makes no reference to current regulatory responsibilities with ACS and certainly no responsibilities that would qualify Mr. Eisenberg as an in-house “regulatory analyst.”⁴ Indeed, this biography suggests that Mr. Eisenberg’s regulatory responsibilities were limited to his “21-year career with Sprint and Centel,” “prior to joining ACS.”

The truth is, while Mr. Eisenberg certainly has extensive regulatory experience, his current position at ACS encompasses substantial business strategy functions that are not comparable to any GCI employee entitled to examine ACS’s confidential information.⁵ GCI’s objection to Mr. Eisenberg stems not from any regulatory-related duties he may have, but from his substantial, non-regulatory, business responsibilities. Mr. Eisenberg has but one brain. While GCI does not question Mr. Eisenberg’s integrity, it is not reasonable to expect him to remember not to use information gained during this proceeding as he carries out his business responsibilities – and even were he to warrant that he would do so, such assurances would not protect GCI’s legitimate interests in protecting its confidential business information from use by a competitor for business purposes.

Moreover, there is no reason that disclosure of GCI’s confidential information would be “reasonably necessary . . . to render professional services in this proceeding.”

“Senior Vice President of Corporate Strategy & Development for ACS of Anchorage, Inc., ACS of Fairbanks, Inc., and ACS of Alaska, Inc.”).

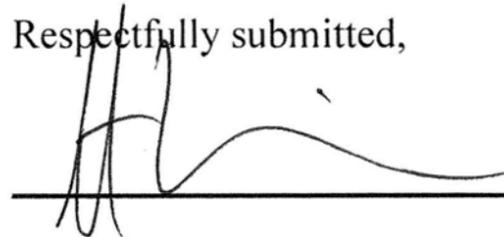
⁴ A printout of Mr. Eisenberg’s biography from the ACS website (<http://acsalaska.com/ALSK/en-US/Management+Team/David+C.+Eisenberg.htm>) is attached hereto as Exhibit D.

⁵ Indeed, GCI was careful not to include any of Mr. Eisenberg’s business strategy counterparts at GCI, as they—like Mr. Eisenberg—are not entitled to such information pursuant to ¶ 3 of the governing Protective Order.

It is uncertain what professional services Mr. Eisenberg is rendering here.⁶ The requested disclosure is therefore inconsistent with the Protective Order and could harm GCI by enabling ACS to use GCI confidential information to its benefit in negotiations with GCI or in fashioning its competitive response to GCI.

In any event, ACS has not complied with the requirement contained in ¶ 3(b) of the Protective Order that a party seeking disclosure to persons “employed by a competitor or potential competitor of the party that so designated the document” identify with particularity the documents to be disclosed and “the purposes of disclosure.” Mr. Eisenberg is clearly an employee of a GCI competitor. Thus, even beyond the fact that Mr. Eisenberg is not a person entitled to see this information, ACS has not complied with ¶ 3(b) as to Mr. Eisenberg—or any other ACS employee for that matter—and as such cannot disclose this information to him. Accordingly, the Commission should grant GCI’s motion to bar disclosure of GCI confidential information to Mr. Eisenberg.

Respectfully submitted,



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Filed: August 18, 2006

⁶ Moreover, any such need can certainly be mitigated by disclosure among the other ACS employees that have certified compliance with the Protective Order.

CERTIFICATE OF SERVICE

I, Ashley Kopack, certify that on this day of August 18, 2006, copies of GCI's Motion to Bar Disclosure of Confidential Information to David C. Eisenberg were sent to the parties listed below.



Karen Brinkmann
Anne Robinson
LATHAM & WATKINS, LLP
555 Eleventh Street, NW
Suite 1000
Washington, DC 20004-1304
202-637-2201 (facsimile)

Counsel to ACS of Anchorage

Exhibit A

ATTACHMENT A

WC DOCKET NO. 06-109

I have received a copy of the Protective Order in WC Docket No. 06-109. 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: David C. Eisenberg

TITLE: Senior Vice-President for Corporate Strategy and Development and Regulatory

ADDRESS: 600 Telephone Avenue, MS 65
Anchorage, AK 99503

REPRESENTING: ACS of Anchorage, Inc.

EMPLOYER: Alaska Communications Systems Holdings, Inc.

DATE: June 28, 2006

Exhibit B



Alaska Communications Systems

INVESTOR RELATIONS ~ Alaska Communications Systems

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Our management team realizes the vital role of representing the interests of our shareholders. Select a name from the list below to read about an individual Management Team member.

[Liane Pelletier](#)

Chief Executive Officer and President

[David C. Eisenberg](#)

Senior Vice President
Corporate Strategy and Development

[Sheldon Fisher](#)

Senior Vice President
Sales and Product Marketing

[Kenneth L. Sprain](#)

Senior Vice President
Network and Information Technology

[David Wilson](#)

Senior Vice President
Treasurer and Chief Financial Officer

[Leonard Steinberg](#)

Vice President
General Counsel and
Corporate Secretary



Exhibit C

ALASKA COMMUNICATIONS SYSTEMS GROUP INC

FORM 4

(Statement of Changes in Beneficial Ownership)

Filed 8/2/2006 For Period Ending 8/1/2006

| | |
|-------------|---|
| Address | 600 TELEPHONE AVENUE - ANCHORAGE, Alaska 99503 |
| Telephone | 907-297-3000 |
| CIK | 0001089511 |
| Industry | Communications Services |
| Sector | Services |
| Fiscal Year | 12/31 |

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FORM 4

[] Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b).

**UNITED STATES SECURITIES AND EXCHANGE
COMMISSION
Washington, D.C. 20549**

OMB APPROVAL
OMB Number: 3235-0287
Expires: January 31, 2008
Estimated average burden hours per response... 0.5

**STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP
OF SECURITIES**

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934,
Section 17(a) of the Public
Utility Holding Company Act of 1935 or Section 30(f) of the
Investment Company Act of 1940

| | | | | | | | | |
|--|---------|----------|---|--|--|---|--|--|
| 1. Name and Address of Reporting Person * | | | 2. Issuer Name and Ticker or Trading Symbol | | | 5. Relationship of Reporting Person(s) to Issuer (Check all applicable) | | |
| EISENBERG DAVID C | | | ALASKA COMMUNICATIONS SYSTEMS GROUP INC [ALSK] | | | <input type="checkbox"/> Director <input type="checkbox"/> 10% Owner <input checked="" type="checkbox"/> X Officer (give title below) <input type="checkbox"/> Other (specify below) Senior VP, Corp Stragy & Dev | | |
| (Last) | (First) | (Middle) | 3. Date of Earliest Transaction (MM/DD/YYYY) | | | | | |
| | | | 8/1/2006 | | | | | |
| C/O ALASKA COMMUNICATIONS SYSTEMS, 600 TELEPHONE AVE | | | 4. If Amendment, Date Original Filed (MM/DD/YYYY) | | | 6. Individual or Joint/Group Filing (Check Applicable Line) | | |
| (Street) | | | | | | <input checked="" type="checkbox"/> X Form filed by One Reporting Person <input type="checkbox"/> Form filed by More than One Reporting Person | | |
| ANCHORAGE, AK 99503 | | | | | | | | |
| (City) | | | (State) | | | (Zip) | | |

Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned

| 1. Title of Security (Instr. 3) | 2. Trans. Date | 2A. Deemed Execution Date, if any | 3. Trans. Code (Instr. 8) | | 4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5) | | | 5. Amount of Securities Beneficially Owned Following Reported Transaction(s) (Instr. 3 and 4) | 6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4) | 7. Nature of Indirect Beneficial Ownership (Instr. 4) |
|---------------------------------|----------------|-----------------------------------|---------------------------|-----|---|------------|---------|---|--|---|
| | | | Code | V | Amount | (A) or (D) | Price | | | |
| common stock, \$.01 par value | 8/1/2006 | | S | (1) | 2100 | D | \$12.21 | 20952 | D | |

Table II - Derivative Securities Beneficially Owned (e.g. , puts, calls, warrants, options, convertible securities)

| 1. Title of Derivate Security (Instr. 3) | 2. Conversion or Exercise Price of Derivative Security | 3. Trans. Date | 3A. Deemed Execution Date, if any | 4. Trans. Code (Instr. 8) | | 5. Number of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5) | 6. Date Exercisable and Expiration Date | | 7. Title and Amount of Securities Underlying Derivative Security (Instr. 3 and 4) | | 8. Price of Derivative Security (Instr. 5) | 9. Number of derivative Securities Beneficially Owned Following Reported Transaction (s) (Instr. 4) | 10. Ownership Form of Derivative Security: Direct (D) or Indirect (I) (Instr. 4) | 11. Nature of Indirect Beneficial Ownership (Instr. 4) |
|--|--|----------------|-----------------------------------|---------------------------|---|--|---|-----|---|-----------------|--|---|--|--|
| | | | | Code | V | | (A) | (D) | Date Exercisable | Expiration Date | | | | |
| | | | | | | | | | | | | | | |

Explanation of Responses:

(1) This transaction was made pursuant to a plan intended to comply with Rule 10b5-1(c), previously entered into in June 2006.

Reporting Owners

| Reporting Owner Name / Address | Relationships | | | |
|--|---------------|-----------|---|-------|
| | Director | 10% Owner | Officer | Other |
| EISENBERG DAVID C C/O ALASKA COMMUNICATIONS SYSTEMS 600 TELEPHONE AVE ANCHORAGE, AK 99503 | | | Senior VP, Corp Stragy & Dev | |

Signatures

/s/ David C. Eisenberg

8/2/2006

** Signature of Reporting Person

Date

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

* If the form is filed by more than one reporting person, *see* Instruction 4(b)(v).

** Intentional misstatements or omissions of facts constitute Federal Criminal Violations. *See* 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure.

Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.

POWER OF ATTORNEY

Know all by these presents, that the undersigned hereby constitutes and appoints each of Leonard Steinberg, Laurie Butcher, and Jenny Silva, signing singly, the undersigned's true and lawful attorney-in-fact to:

(1) execute for and on behalf of the undersigned, in the undersigned's capacity as an officer and/or director of Alaska Communications Systems Group, Inc. (the "Company"), Forms 3, 4, and 5 in accordance with Section 16(a) of the Securities Exchange Act of 1934 and the rules thereunder;

(2) do and perform any and all acts for and on behalf of the undersigned which may be necessary or desirable to complete and execute any such Form 3, 4, or 5, complete and execute any amendment or amendments thereto, and timely file such form with the United States Securities and Exchange Commission and any stock exchange or similar authority; and

(3) take any other action of any type whatsoever in connection with the foregoing which, in the opinion of such attorney-in-fact, may be of benefit to, in the best interest of, or legally required by, the undersigned, it being understood that the documents executed by such attorney-in-fact on behalf of the undersigned pursuant to this Power of Attorney shall be in such form and shall contain such terms and conditions as such attorney-in-fact may approve in such attorney-in-fact's discretion.

The undersigned hereby grants to each such attorney-in-fact full power and authority to do and perform any and every act and thing whatsoever requisite, necessary, or proper to be done in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as the undersigned might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that such attorney-in-fact, or such attorney-in-fact's substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted. The undersigned acknowledges that the foregoing attorneys-in-fact, in serving in such capacity at the request of the undersigned, are not assuming, nor is the Company assuming, any of the undersigned's responsibilities to comply with Section 16 of the Securities Exchange Act of 1934.

This Power of Attorney shall remain in full force and effect until the undersigned is no longer required to file Forms 3, 4, and 5 with respect to the undersigned's holdings of and transactions in securities issued by the Company, unless earlier revoked by the undersigned in a signed writing delivered to the foregoing attorneys-in-fact.

IN WITNESS WHEREOF, the undersigned has caused this Power of Attorney to be executed as of this 19th day of June, 2006.

/s/ David C. Eisenberg
Signature

David C. Eisenberg
Print Name

Subscribed and sworn to before me this 19 day of June, 2006, at Anchorage, AK.

/s/ Tiffany L. Dunn
Notary Public for the State of Alaska
My Commission Expires: 11/03/2006

Exhibit D



Alaska Communications Systems

INVESTOR RELATIONS ~ Alaska Communications Systems

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[David Wilson](#)

Senior Vice President
Treasurer and Chief Financial Officer

[Leonard Steinberg](#)

Vice President
General Counsel and
Corporate Secretary

David Eisenberg serves as the Senior Vice President of Corporate Strategy and Development for ACS.

Prior to joining ACS, Mr. 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, Mr. 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.

Mr. Eisenberg holds a Bachelor of Mathematics degree from Northwestern University and a Master of Business degree from Keller GSM.