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August 16, 2007

VIA ELECTRONIC FILING

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

Re: *Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as amended (47 U.S.C. 160(c)), 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 -- *Ex Parte* Notice

Dear Ms. Dortch:

This letter responds to recent *ex parte* filings submitted by several carriers arguing that the Commission should deny ACS of Anchorage, Inc.'s ("ACS") request for relief for broadband[1] and special access services.[2] None of the parties filing these *ex parte* letters ("CLEC

[1] *Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as amended (47 U.S.C. 160(c)), 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*, XO Communications, LLC and NuVox Communications *Ex Parte*, WC Docket No. 06-109 (filed Aug. 2 & 7, 2007); *Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as amended (47 U.S.C. 160(c)), 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*, National Cable & Telecommunications Association *Ex Parte*, WC Docket No. 06-109 (filed Aug. 6, 2007); *Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as amended (47 U.S.C. 160(c)), 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*, Cbeyond, Inc. *Ex Parte*, WC Docket No. 06-109 (filed Aug. 13, 2007); *Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as amended (47 U.S.C. 160(c)), for Forbearance from Certain Dominant Carrier Regulation of Its Interstate Access Services,*

Commenters") participate or have a direct interest in the Anchorage market. The only provider in the Anchorage market that submitted comments, General Communication Inc. ("GCI"), does not oppose a grant of forbearance.[3] ACS has demonstrated in this docket the extensive degree of competition in Anchorage for both access services and broadband services, including such services for enterprise customers. None of these CLEC Commenters provide any information about the competitive conditions in Anchorage or otherwise address the evidence that ACS has put into the record.

Furthermore, the concerns that the CLEC Commenters raise regarding Section 251 obligations are irrelevant to ACS's requested relief. The conditions to forbearance that ACS has proposed in this docket have satisfied the concerns of GCI, ACS's primary competitor in the market.[4]

As ACS discussed in its previous *ex parte* filing, each forbearance case is analyzed on its own merits and in light of the unique market conditions in a particular local geographic area.[5] Consequently, the *ex parte* filings by the CLEC Commenters are irrelevant to the Commission's determination on ACS's requested relief in the Anchorage market.

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and for Forbearance from Title II Regulation of Its Broadband Services, in the Anchorage, Alaska, Incumbent Local Exchange Carrier Study Area, Comptel *Ex Parte*, WC Docket No. 06-109 (filed Aug. 13, 2007).

[2] *Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as amended (47 U.S.C. 160(c)), 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*, Sprint Nextel Corporation *Ex Parte*, WC Docket No. 06-109 (filed Aug. 13, 2007).

[3] *Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as amended (47 U.S.C. 160(c)), 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*, GCI *Ex Parte*, WC Docket No. 06-109, at 2 (filed July 30, 2007).

[4] *See id.*

[5] *Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as amended (47 U.S.C. 160(c)), 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*, ACS *Ex Parte*, WC Docket No. 06-109, at 1 (filed Aug. 7, 2007) (citing *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 Study Area*, Memorandum Opinion and Order, WC Docket No. 05-281 ¶ 9 (Jan. 30, 2007)).

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If there are any questions regarding this submission, please contact the undersigned.

Respectfully submitted,

/s/
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