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ATTORNEYS AT LAW

February 1, 2008

Ex Parte

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

Re: *Petition of ACS 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, WC Docket No. 05-281*

Petition of ACS 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 Regulations 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

Petitions of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence and Virginia Beach Metropolitan Statistical Area, WC Docket No. 06-172

Dear Ms. Dortch:

General Communication, Inc. (GCI), hereby provides its limited consent to modification of the *Protective Orders* in WC Dockets No. 05-281 and 06-109.¹ On January 17, 2008, Verizon filed a motion seeking modification of the Protective Order entered in the Commission's Omaha forbearance docket, WC 04-233, and in Docket WC 06-172, to permit Verizon, and other parties to Verizon's appeal, to access and use the confidential information contained in the non-public

¹ See *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, WC Docket No. 05-281, 20 FCC Rcd 16310 (2005), Petition of ACS 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 Regulations 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, 21 FCC Rcd 6560 (2006) (collectively "Protective Orders")*.

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version of the Commission's *Omaha Forbearance Order*² for purposes of appealing the Commission decision in the *Verizon Forbearance Order* before the United States Court of Appeals for the District of Columbia Circuit.³ Others have sought similar access to their public versions of the Commission's *ACS Forbearance Orders*.⁴ Verizon acknowledges that any confidential information contained in court documents or otherwise disclosed to the court must be filed under seal. In addition to this restriction, GCI requests that the Commission impose the additional conditions described below before granting any request for modification of the *ACS Protective Orders*.

The confidential information disclosed in the *Anchorage Forbearance Orders* that pertains to GCI's operations continues to be competitively sensitive and should remain confidential. GCI previously waived confidentiality with respect to provisions of the Commission's Orders that raise minimal confidentiality concerns. Nonetheless, GCI does not object to permitting Verizon and other parties to Verizon's appeal access to the information sought, provided that each party's in house and outside appellate counsel remain otherwise subject to at least the same restrictions as any other parties that have gained access to the *Anchorage Forbearance Orders*. Specifically, the Commission should strictly limit use of the confidential material to the context of Verizon's appeal and forbid the use of the information in any other court or regulatory proceeding. Moreover, the Commission should require that any party's in-house or outside appellate counsel wishing to gain access to the unredacted *Anchorage Forbearance Orders* must sign onto and abide by the terms of the protective orders entered in those proceedings. These conditions, coupled with the guarantees provided by Verizon in its Motion should be sufficient to safeguard the competitively sensitive information included in those orders. Therefore GCI consents to the Commission grant of the Motion, subject to the conditions described herein.

² *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160 (c) in the Omaha Metropolitan Statistical Area*, Memorandum Opinion and Order, 20 FCC Rcd 19415 (2005) ("Omaha Forbearance Order").

³ *See Petitions of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence, and Virginia Beach Metropolitan Statistical Areas*, WC Docket No. 06-172, FCC 07-212 (rel. Dec. 5, 2007) ("Verizon Forbearance Order"), petition for review pending, No. 08-1012 (D.C. Cir. Filed Jan. 14, 2008).

⁴ *See Petitions of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence, and Virginia Beach Metropolitan Statistical Areas*, WC Docket No. 06-172, Comments on Verizon's Motion to Modify Protective Order and Cross-Motion for Relief from Protective Orders (filed Jan 28, 2008). The *ACS Forbearance Orders* are: *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, WC Docket No. 05-281, Memorandum Opinion and Order, 22 FCC Rcd 1958 (2006); *Petition of ACS 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 Regulations 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, 22 FCC Rcd 16304 (2007).

HARRIS, WILTSHIRE & GRANNIS

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Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Nakahata".

John T. Nakahata

Counsel to General Communication, Inc.

cc: Timothy Stelzig