

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of:	)	
	)	
Petition of USTelecom for Forbearance Under	)	WC Docket No. 12-61
47 U.S.C. § 160(c) from Enforcement of	)	
Certain Legacy Telecommunications	)	
Regulations	)	
	)	

**OPPOSITION OF GENERAL COMMUNICATION, INC.  
(Category 1 –Equal Access Scripting Requirement)**

General Communication, Inc. (“GCI”) hereby opposes USTelecom’s Petition for Forbearance<sup>1</sup> with respect to Category 1 –Equal Access Scripting Requirement, to the extent the petition seeks forbearance in ILEC service areas in which the ILEC (including any affiliate) is the only provider of local telephone service. In particular, in these areas, GCI cannot offer competing bundled packages of local and long distance services. Moreover, ILECs in these areas frequently refuse collocation in order to levy entrance facility charges for transport that they do not provide. However, GCI believes that the areas in which forbearance or waiver would not be warranted are narrow and do not encompass the vast majority of consumers either in Alaska or the United States as a whole.

Equal access scripting was originally adopted to ensure that, where the ILEC was the only provider of local telephone service, consumers were allowed to have an unbiased choice as

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<sup>1</sup> See Petition for Forbearance of the United States Telecom Ass’n, WC Docket No. 12-61 (filed Feb. 16, 2012); see also *Pleading Cycle Established for Comments on United States Telecom Association Petition for Forbearance from Certain Telecommunications Regulations*, Public Notice, DA 12-352, WC Docket No. 12-61 (rel. March 8, 2012).

to their interexchange provider.<sup>2</sup> Although local competition has reduced the number of areas in which consumers have only one choice for local telephone service, local telephone competition is not ubiquitous; thus, the rationale for the equal access scripting requirement remains true in areas in which there is no local competition – including some areas in Alaska. GCI agrees, however, that scripting is not required where the ILEC does not assert a 251(f)(1) rural exemption for the purposes of negotiation of an interconnection and traffic exchange agreement,<sup>3</sup> permits collocation in conjunction with interconnection;<sup>4</sup> and the ILEC has entered into interconnection agreements with a CLEC or unaffiliated CMRS provider.

In rural Alaska, carriers can only interconnect with the LEC at its switches in a particular area (such as a village), as there is little terrestrial connectivity between villages and Alaska does not have a system of tandems. Direct interconnection requires some form of collocation because the interexchange carrier will typically be providing transport from the nearby satellite earth station to the ILEC's switching center. (The Commission has already ruled that an ILEC cannot force an interconnector to pay entrance facilities when the interconnector is providing the

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<sup>2</sup> See *Investigation of Access and Divestiture Related Tariffs*, 101 F.C.C. 2d 911, 920 ¶¶ 22, 32 (1985) (subsequent history omitted) (saying the “marketing advantage that AT&T [and ILECs] enjoy[] [in the IXC market] is not predicated on any quality or pricing difference but rather on its historical monopoly position”) (“*Allocation Order*”); *Investigation of Access and Divestiture Related Tariffs; Allocation Plan Waivers and Tariffs*, 101 F.C.C. 2d 935, 949-50 ¶ 40 (1985) (subsequent history omitted) (establishing the requirement to present IXCs in random order when taking a verbal order) *modifying the Allocation Order*; see also Comments of General Communication, Inc., WC Docket No. 08-225 at 6 (filed Sept. 11, 2009).

<sup>3</sup> The Commission has made clear that an ILEC must negotiate interconnection pursuant to Section 251(a) and traffic exchange pursuant to Section 251(b), and is subject to arbitration pursuant to Section 252, notwithstanding the rural exemption in 47 U.S.C. § 251(f)(1). See *Petition of CRC Communications of Maine, Inc. and Time Warner Cable Inc. for Preemption Pursuant to Section 253 of the Communications Act, as Amended; A National Broadband Plan for Our Future; Developing a Unified Intercarrier Compensation Regime; T-Mobile et al Petition for Declaratory Ruling Regarding Incumbent LEC Wireless Termination Tariffs*, Declaratory Ruling, FCC 11-83, 26 FCC Rcd. 8259, 8267 ¶ 14 (2011).

<sup>4</sup> Collocation is required under Section 251(c)(6), and thus is subject to the Section 251(f)(1) rural exemption.

transport.)<sup>5</sup> Having one interconnection agreement with a CLEC or unaffiliated CMRS provider ensures that there is at least one unaffiliated carrier that is able to provide combined local and long distance service in that ILEC study area, and also ensures that there is an interconnection agreement that can be used for any other provider to “opt-in.” Together, these requirements would ensure that consumer have the choice of bundled services in their area, without the potential for discriminatory added and unnecessary entrance facility charges.

Accordingly, GCI opposes USTelecom’s petition for forbearance from the equal access scripting requirements to the extent these conditions are not satisfied.

Respectfully submitted,



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<sup>5</sup> *In the Matter of July 1, 2004 Annual Access Charge Tariff Filings*, 19 FCC Rcd. 23877, 23892-23895, ¶¶ 40-46 (2004).