

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

In the Matter of

ACS of Anchorage, Inc., ACS of Alaska,
Inc., and ACS of Fairbanks, Inc.

Petition for Phase II Pricing Flexibility
Pursuant to Sections 69.709 and 69.711 of
the Commission's Rules

WCB/Pricing File No. 10-02

COMMENTS OF GENERAL COMMUNICATION INC.

General Communication Inc. ("GCI") submits these brief comments regarding the petition filed by ACS of Alaska, Inc., ACS of Anchorage, Inc., and ACS of Fairbanks, Inc., seeking Phase II pricing flexibility ("Petition").¹ GCI sees no basis to question the factual assertions underpinning the Petition, but urges the Commission to delay ruling on the Petition while it evaluates whether "the pricing flexibility rules are working properly to ensure just and reasonable rates, terms, and conditions"² in connection with its *Special Access NPRM*.³ Specifically, one of the "key questions" under consideration is whether "the pricing flexibility triggers, which are based on collocation by competitive carriers,

¹ Petition for Phase II Pricing Flexibility Pursuant to Sections 69.709 and 69.711 of the Commission's Rules, WCB/Pricing File No. 10-02 (filed Jan. 29, 2010) ("Petition").

² *Parties Asked to Comment on Analytical Framework Necessary to Resolve Issues in the Special Access NPRM*, Public Notice, WC Docket No. 05-25, RM-10593, at 2 (rel. Nov. 5, 2009) ("Public Notice").

³ *Special Access Rates for Price Cap Local Exchange Carriers, WC Docket No. 05-25, AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, RM-10593*, Order and Notice of Proposed Rulemaking, 20 FCC Rcd 1994 (2005) ("*Special Access NPRM*").

[are] an accurate proxy for the kind of sunk investment by competitors that is sufficient to constrain incumbent LEC prices.”⁴ The Commission should at the very least retain the ability to revisit its decision in this proceeding under any new pricing flexibility standards and rules that may emerge from the *Special Access NPRM*.

Respectfully submitted,



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March 3, 2010

⁴ *Public Notice* at 2.