

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 86/2

10794 HOUSE JUDICIARY

May 13, 2003

Dear Bob Lynn,

I understand HB 111 is in danger of being stripped of all of its amendments. I am writing to ask that you work to pass HB 111 with all of its amendments intact. This is crucial because if HB 111 passes without these amendments my job security + retirement are in jeopardy.

Respectfully,

Laurie Mack

6860 O'Malley
Anchorage, AK 99507

May 13, 2003

Dear Kevin Meyer,

I understand that HB 111 is in danger of being stripped of all its amendments.

I am writing to ask that you work to pass HB 111 with all of its amendments intact. This is crucial because if HB 111 passes without these amendments my job security & retirement are in jeopardy.

Respectfully,

Kevin Mack
6860 O'Malley
Anchorage, AK 99507

TO: Chair, Representative Lesil McGuire
Members of the House Judiciary Committee

Re: SB93(JUD)am Adverse Possession

From: Jim Colver Matanuska-Susitna Borough Assemblymember,
Professional Land Surveyor
(907) 746-5300 surveyor@pobox.alaska.net



Date: May 16, 2003

I understand that there is concern by Native Corporations about the ability to protect their land from adverse possession claims. The Alaska Native Claims Settlement Act already gives that protection.

Pursuant to 43 U.S.C.A 636(d) (1), attached, land conveyed by the federal government pursuant to the Alaska Native Claims Settlement Act, or to an individual Native or a Native Corporation is exempted from adverse possession claims. If this is a concern, then this bill is unnecessary.

The Borough is concerned that prescriptive rights that may have accrued after 10 years for the physical presence of a utility are being converted to a grant of an easement in this bill. This is unnecessary, under current law utilities already have prescriptive rights.

The major problem with this bill as it applies to the doctrine of adverse possession is that under the bill **private roads and trails with prescriptive rights**, that is 10 years of open and notorious use or more **will be extinguished**. Many private **landowners will loose their right of access** to their cabins and homes. The bill only allows a government to claim adverse possession for roads and trails.

Additionally, as there have been cases where adverse possession claims by legitimate title holders have been necessary due to lost deeds or destroyed records as happened when the Chitina Courthouse burnt down and the records were lost.

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 id if such owner does not
 ecretary or the State, as
 eement pursuant to this
 d twenty days of the date
 nsent to the stipulations
 ry or State agency head
 owner shall receive the

ffecting any land, or any
 ument.

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 he Alaska Native Claims
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 eement entered into with
 riction against alienation
 reement.

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together with interest on such taxes and assessments in an amount to be determined at the highest rate of interest charged with respect to delinquent property taxes by the Federal, State or local taxing authority, if any.

(8) The agreement may contain such additional terms, which are consistent with the provisions of this section, as seem desirable to the parties entering into the agreement: *Provided*, That the refusal of the landowner to agree to any additional terms shall not be grounds for the refusal of the Secretary or the State to enter into an agreement with the landowner under this section.

(c) **BENEFITS TO PRIVATE LANDOWNERS.** — (1) In addition to any requirement of applicable law, the appropriate Secretary is authorized to provide technical and other assistance with respect to fire control, trespass control, resource and land use planning, and the protection, maintenance, and enhancement of any special values of the land subject to the agreement, all with or without reimbursement as agreed upon by the parties, so long as the landowner is in compliance with the agreement.

(2) The provision of section 21(e) of the Alaska Native Claims Settlement Act shall apply to all lands which are subject to an agreement made pursuant to this section so long as the parties to the agreement are in compliance therewith.

(d) **AUTOMATIC PROTECTIONS FOR LANDS CONVEYED PURSUANT TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT.** — (1)(A) Notwithstanding any other provision of law or doctrine of equity, all land and interests in land in Alaska conveyed by the Federal Government pursuant to the Alaska Native Claims Settlement Act to a Native individual or Native Corporation or subsequently reconveyed by a Native Corporation pursuant to section 39 of that Act to a Settlement Trust shall be exempt, so long as such land and interests are not developed or leased or sold to third parties from —

(i) adverse possession and similar claims based upon estoppel;

(ii) real property taxes by any governmental entity;

(iii) judgments resulting from a claim based upon or arising under —

(I) title 11 of the United States Code or any successor statute,

(II) other insolvency or moratorium laws, or

(III) other laws generally affecting creditors' rights;

(iv) judgments in any action at law or in equity to recover sums owed or penalties incurred by a Native Corporation or Settlement Trust or any employee, officer, director, or shareholder of such corporation or trust, unless this exemption is contractually waived prior to the commencement of such action; and

(v) involuntary distributions or conveyances related to the involuntary dissolution of a Native Corporation or Settlement Trust.

(B) Except as otherwise provided specifically provided, the exemptions described in subparagraph (A) shall apply to any claim or judgment existing on or arising after the date of the enactment of the Alaska Native Claims Settlement Act Amendments of 1987.

(2) **DEFINITIONS.** — (A) For purposes of this subsection, the term —

(i) "Developed" means a purposeful modification of land, or an interest in land, from its original state that effectuates a condition of gainful and productive present use without further substantial modification. Surveying, construction of roads, providing utilities, or other similar actions, which are normally considered to be component parts of the development process but do not create the condition described in the preceding sentence, shall not constitute a developed state within the meaning of this clause. In order to terminate the exemptions listed in paragraph (1), land, or an interest in land, must be developed for purposes other than exploration, and the exemptions will be terminated only with respect to the smallest practicable tract actually used in the developed state;

(ii) "Exploration" means the examination and investigation of undeveloped land to determine the existence of subsurface nonrenewable resources; and

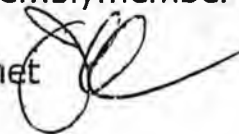
(iii) "Leased" means subjected to a grant of primary possession entered into for a gainful purpose with a determinable fee remaining in the hands of the grantor. With

RE: SB 93 (JUD)am

TO: State House Judiciary Chair. Representative Lesil McGuire
Members of the House Judiciary Committee

Re: **SB93 Adverse Possession
Amendments**

From: Jim Colver Matanuska-Susitna Borough Assemblymember
Professional Land Surveyor
(907) 746-5300 surveyor@pobox.alaska.net



To limit the effect of the amendment of 9.10.030 to native corporation land, you simply need to add that language of limitation to the proposed section (b) of 9.10.030, as follows:

*** Section 2**

(b) an action may be brought at any time by a person or a corporation organized under 43 U.S.C. _____ as amended (Alaska Native Claims Settlement Act) whose ownership interest in real property is recorded under AS 40.17 in order to:

- (1) quiet title to that real property: or
- (2) eject a person from that real property.

Also, to give private parties the right to establish prescriptive easements for access to adjacent land, you need to add a new section (e) to 9.45.052, as follows:

***Section 4 add:**

(e) Notwithstanding AS 09.10.030, the uninterrupted adverse notorious use of private land, including the construction, management, operation, and maintenance of roads and trails, for the purpose of gaining access to adjacent real property owned by the adverse claimant for a period of 10 years or more, vests in the adverse claimant an easement in the private land for that purpose.

My name is Teresa Williams, and I'm the Borough Attorney for the Matanuska-Susitna Borough.

I have a question regarding Section 3 of the amended SB 93. In Paragraph (c) of that section, the language appears create an exception to the general language of Section 29.71.010 of the Alaska Statutes, that is, that a municipality may not be divested of title to real property by adverse possession.

While this language preserves title to, say, for example, borough property, the new Paragraph (c) of Senate Bill 93, as written, is vulnerable to the interpretation that, while it doesn't divest the borough of title, it DOES arguably act to divest the borough of one of the bundle of rights of title, that is, an easement for the public utility. Is this the intended result of the new provision?

If divestiture of the easement right was intended, the borough, among other municipalities, would surely object to the addition of Paragraph (c) of Section 3 of the amended bill. If such was NOT the intent of the drafter, I recommend that qualifying language be added to Paragraph (c), such as, for example, "except as against any municipality, the state or the United States". This language would preserve ALL rights of title of municipalities as against adverse possession.

Thank you for the opportunity to testify before you today.

my suggested
amendment

May 15, 2003

Judiciary Committee:

Lesil McGulre

Tom Anderson

Dan Ogg

Jim Holm

Ralph Samuels

Les Grara

Max Gruenberg (also my State Representative-go Max!!!)

Very Important!

RE: HB111 & critical amendments

I am a ten year employee of ATU/ACS and I am writing to urge each of you to vote for HB111 with all its' critical amendments in order to promote fair and equitable competition in the telecommunications industry in Alaska. One of the goals of the federal Telecommunications Act of 1996 was to encourage competition of local telephone service providers. However, the Regulatory Commission of Alaska has allowed unfair competition, in that, it gives an unfair advantage to GCI by not requiring them to help pay for costs of building new facilities to service Alaska's growing demand for additional telecommunication facilities. The way it stands now the RCA has given GCI support in it's rulings to "lease" facilities from ACS at a fraction of the costs to maintain and operate the network currently in existence, not to mention the costs of constructing new facilities. There is no reason for ACS to build additional facilities knowing that the competition would be allowed to lease these new facilities at below costs rates & by not requiring GCI to bear some of the costs in constructing these same projects.

Competition between ACS & GCI needs to be done by the same rules. Competition is a good, healthy way for any business to increase and/or maintain a client base. However, the current situation only supports unfair competition as ACS should be allowed to bundle together regulated & deregulated services just as GCI (the cable monopoly company) does at this time and has for over seven years. The subsidy that ACS is made to furnish GCI is unfair and takes root in lease rates that are a mere fraction of the true costs ACS has incurred. I urge you all to support HB111 and all its' critical amendments. HB111 and all its' critical amendments will allow market forces, rather than government regulators to set prices for services in competitive markets. It does NOT raise local telephone rates, but will assist to establish rules and policies that are equitable for all competitors, and achieve lease rates that are close to the true cost of building, operating and maintaining the facilities.

It is time for governmental officials in Alaska to recognize that there are substantial benefits of open competition and which provides more consumer choices. It is absolutely necessary to move forward to a deregulatory framework, one that allows market forces to replace regulation and to quit subsidizing one competitor over another. When profitable customers are cherry picked by competitors and companies like ACS are left to serve the highest cost customers, universal service is put at risk. The RCA has also given the other guys (GCI) federal support dollars for service high-cost customers without them ever building, operating or maintaining one single high cost line in Alaska. These continued practices undermine the Telecommunications Act of promoting and advancing universal service.

As a voter, I encourage each & every one of you to represent my family and myself when you cast your vote on this important legislation. Please show your support today for the hearing on HB 111 and all its critical amendments.

Beverly A. Lemoine

When Arliss Sturgulewski on a GCI ad., saying about special interest groups. Who are the special interests group here Arliss? Arliss is saying something that most people don't know what she is saying here. GCI don't have to phone cable lines and they are paying less than other for the use of that cable.

ACS has to share its products and services with competing companies like GCI, and this will encourage companies like ACS to spend on capital projects to improve advanced deployment of advanced telecommunications equipment to service Alaskans. This actually discourages companies like ACS to invest on NEW advanced telecommunications equipment to service Alaskans because ACS would have to share this NEW technology with competing companies like GCI, AT&T and TelAlaska and ACS would not a good return on their investment. Companies like GCI, do not have to invest on any capital projects and advanced telecommunications equipment to service Alaskans because they can get it from ACS for below cost. So why should ACS invest on anything. Your in business to make money, not share investments. Who ends up suffering? We Alaskans, the public.

This is what i sent them.
Gilbert Carrillo
8301 Majestic Dr.
Anchorage Ak 99504
907-333-0101

I support HB 111 and all its amendments! Give us a chance... make it fair and we will make it better for Alaska. How about letting ACS develop a cable television customer base and lease GCI equipment for pennies, which would enable us to provide ACS cable television service to OUR customers at a much lower cost of service than GCI could provide? Do you think GCI could stay in the cable business if they had to foot the bill to maintain all the equipment necessary to provide service to their customers AND ours? This is exactly the scenario in regard to the telecom side of our relationship with GCI. They lease our equipment for pennies, which enables them charge their customers less which, of course, brings them more customers for less money!

**Pam Estep
ACS Payroll
907.564.1552**

Molly Aichner
8221 Sue St.
Anchorage, AK 99502

May 15, 2003

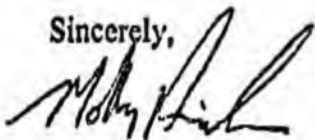
Rep. Lesil McGuire

Dear Rep. Lesil McGuire,
Subject: HB 111

I am writing today to support HB 111 with all amendments. I have worked in the telecommunications industry for 6 years, in which the changes have been extreme. I am all for fair and equal competition, but currently this is not happening. Fair competition does not mean disabling the incumbent local exchange carrier. Level the playing field so ACS can really compete in this industry mean fair wholesale rates, unbundling and less restrictive tariffs.

The bottom line is Alaskan jobs are at jeopardy, if these debilitating regulations continue many families from Fairbanks to Juneau will feel the downsizing of this company.

Sincerely,



Molly Aichner
One of the many Alaska Communication Systems employees

Representative Lesil McGuire,

I would like to voice my dismay at HB111 not being approved with **ALL AMENDMENTS** attached. I am a lifelong Alaskan and ACS employee, and am very concerned about the current situation with the RCA. Deregulation has defenatly not worked thus far. Look at the California energy crisis for an example of what is going to happen here. If GCI is allowed to lease ACS's facilities for less than it costs ACS to build and maintain them, it will not be long before ACS is bankrupt. GCI can afford to sell phone service cheap because they get \$10 federal money per line for maintenance which ACS must maintain for them. In addition ACS is required to lease their lines to GCI for \$19, which is over \$12 less than it costs ACS to build and maintain. And on top of that they just keep raising their cable TV rates which they have the Monopoly on. For example my fathers neighbor built a new house and wanted GCI service, they told him he first that he needed to sign up with ACS to have the copper line buried and then he could switch over to GCI for free. Where is the incentive for ACS to build anything? It has already been four years of this with the RCA and I don't think that ACS can last another four. The RCA is definitely on GCI's side. Remember the little ordeal with GCI flying the RCA higher-ups to it exclusive fishing lodge last year? When the only utility in Alaska that wants the RCA bill passed without amendments is GCI, there must be something going on. I love living in Alaska and would hate to lose my job and have to move my family outside. Lets make competition in Alaska fair and impartial, only then will both companies invest in our infrastructure.

Curtis Dunham
2906 Doris St.
Anchorage, Alaska
99517
(907) 274-2878

TESTIMONY OF KRISTI CATLIN
HOUSE JUDICIARY COMMITTEE
HOUSE BILL 111
MAY 15, 2003

Good afternoon, Mr. Chairman and members of the committee. For the record, my name is Kristi Catlin, Director of Government Affairs for AT&T Alascom, with its main business address at 210 E. Bluff Drive, Anchorage, Alaska 99501. Thank you for the opportunity to testify at this hearing.

Throughout this session, AT&T Alascom has consistently supported its Dominance amendment language, while reserving its opinion about the other proposed amendments until our internal analysis could be completed on those amendments. As you know, this amendment process has taken on a life of its own, and what started out to be a reasonable request for market definitions has now turned into a far-reaching amendment, parts of which cannot be supported by AT&T Alascom.

With that in mind, and after a great deal of thought and consideration, as a result of some of the changes that have been added to the amendment, AT&T Alascom intends to separate its pursuit of a definition of Dominance from the legislation re-authorizing the RCA. We continue to believe, however, that regulatory relief from Dominance is essential and must be dealt with as soon as possible. If a market is truly opened to competition, regulation should be decreased rather than increased. Under the current circumstances, we believe that our best course of action is to pursue the opening of a docket at the RCA that will deal exclusively with the issue of interexchange Dominance.

For these reasons, AT&T Alascom will support a clean bill with a 2-year reauthorization, which is the term recommended by legislative audit. The Commission's unwillingness to reduce regulation in competitive markets, however, must change. Until we are able to gauge the new Commission's ability and willingness to work toward reduced regulation in competitive markets, AT&T believes that a 3-4 year extension of the RCA is too long.

Thank you once again for this opportunity to present our testimony. I will be happy to answer any questions you may have.

Subject: Pass HB 111 & all its critical amendments

Date: Fri, 16 May 2003 19:44:57 -0800

From: "Bruce VanVleck" <bvanvleck@acsalaska.net>

To: <Representative_Lesil_McGuire@legis.state.ak.us>

HB 111 and all of its' critical amendments needs to be passed. This is a bill that will allow real competition in the telecommunications industry in Alaska.

I see your vote on this bill as a measure of your intelligence and integrity. If you currently understand the RCA and the decisions it has made since 1999, you can see this bill is necessary to the health of telecommunications in Alaska and you'll pass this bill with the critical amendments. If you understand and vote against HB 111, you have sold your soul.

Do what's right for Alaskans - pass HB 111 and all its critical amendments.

Regards,
Nancy VanVleck

Subject: RCA


Date: Fri, 16 May 2003 23:09:04 -0800

From: Nanette Rose <nanrose@gci.net>

To: Representative_Lesil_McGuire@legis.state.ak.us

PLEASE do the right thing and remove the amendments from 111 and reinstate the RCA for 4 more years. Let the RCA do what they were created for and ste the guidelines for the Utilities.

Thanks
Nanette Rose

 winmail.dat	Name: winmail.dat Type: Netscape File (application/ms-tnef) Encoding: base64
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Subject: HB111

Date: Fri, 16 May 2003 16:51:42 -0800

From: "Richard Tweet" <rtweet@ptialaska.net>

To: <Representative_Lesil_McGuire@legis.state.ak.us>

Dear Ms. McGuire

I am writing you to request that your committee pass HB111 with amendments that provide for fair competition in the telecommunications industry. What good becomes the bill if in a short period of time, an incumbent LEC is driven out of business leaving what was once the competitor to become king of the block and able to charge at will?

I ask that you not look at this bill as a way to fill ACS's coffers, but in fact to allow the incumbent LEC's to charge a fair cost for lines which they own. These LEC's are more than aware that the quickest way to lose customers is to become greedy with their pricing, so I urge you to level the playing field by passing HB111 with amendments.

Thank you for your time and the opportunity to express my opinions,

Richard Tweet
2442 Forest Park Dr.
Anchorage, AK 99517

Subject: RE: FW: HB111 with Amendments

Date: Fri, 16 May 2003 17:24:18 -0800

From: "Fifield, Donese L." <dfifield@acsalaska.com>

To: "Senator_Con_Bunde@Legis.state.ak.us" <Senator_Con_Bunde@Legis.state.ak.us>

CC: "Representative_Lesil_McGuire@legis.state.ak.us" <Representative_Lesil_McGuire@Legis.sta
"Representative_Tom_Anderson@legis.state.ak.us" <Representative_Tom_Anderson@Legis.st
"Representative_Dan_Ogg@legis.state.ak.us" <Representative_Dan_Ogg@Legis.state.ak.us>,
"Representative_Jim_Holm@legis.state.ak.us" <Representative_Jim_Holm@Legis.state.ak.us>,
"Representative_Ralph_Samuels@legis.state.ak.us" <Representative_Ralph_Samuels@Legis.st
"Representative_Les_Gara@legis.state.ak.us" <Representative_Les_Gara@Legis.state.ak.us>,
"Representative_Max_Gruenberg@legis.state.ak.us" <Representative_Max_Gruenberg@Legis.s
"Senator_Ben_Stevens@legis.state.ak.us" <Senator_Ben_Stevens@Legis.state.ak.us>,
"Senator_Gene_Therriault@legis.state.ak.us" <Senator_Gene_Therriault@Legis.state.ak.us>,
"Senator_Johnny_Ellis@legis.state.ak.us" <Senator_Johnny_Ellis@Legis.state.ak.us>,
"office_of_the_governor@gov.state.ak.us" <office_of_the_governor@gov.state.ak.us>

Mr. CON,

To think someone like you represents THE PEOPLE. Me being an employee of ACS and an IBEW member, ACS Management has NEVER frighten us in any way. How dreadful you see an ACS employee speaking there mind on behalf of their jobs! We are PROUD to work at ACS; as a matter of fact our competitors can't function with out us, because we do all their work - even paying for their facilities and telling them how to write an order correctly. You have no idea Mr. CON - you really don't.

We (the employee's- aka THE PEOPLE) have the first hand information as to what is truly fair because we do all our competitors work and we see it on a daily basis.

If you would educate you're self in basic Telephony you would see that what is currently happening is not fair competition! You're statement as to "ACS, has possibly...." says right their you have a pre-set favor over one company. It's not hard to read between your lines. Don't think we ACS employee's are threatening you, If you feel that way then you have apparent deeper issues than just being narrow minded. We are not a special interest group. We are citizens who pay taxes and vote and have the RIGHT to speak our minds to our Government. You may think you represent one small part of this city, but in the long run you should be thinking a little more "out of the box" due to the fact what you are voting on effects this WHOLE community. Shame on you.

Making competition fair should be a no-brainer, that is IF you have all the facts straight. I also hate to inform you're source of information as to ACS's on-going's, sounds a bit fishy to me.

You are not worthy of representing any district. You're reply to my co-worker and union "sister" was so utterly unprofessional. You are NOT being asked to "pick" one side or the other, rather to make a fair playing field for competition, because as it stands now, it is absolute a joke.

The RCA allows parasites to suck the life out of other company's, and call it " competition at work". If I might quote our Governors web page "Our goal is to build a robust, growing economy with good-paying job opportunities, so our young people may choose to stay in Alaska." By voting against HB111 and all its Amendments you are not representing you're Governments goal, not in the long run.

I have attached a link to Illinois Senate Bill SB-885 which was passed into law May 5, 2003 and sets precedence for the LEC not only in Alaska but the

I have attached a link to Illinois Senate Bill SB-885 which was passed into law May 5, 2003 and sets precedence for the LEC not only in Alaska but the remaining states as well. I thought you might want to start reading all you're facts.

Thank you for you're time ~

DONESE FIFIELD
ACS BUSINESS SERVICE REPRESENTATIVE
564 7972
564 1444 FAX

-----Original Message-----

From: Con Bunde [mailto:Senator_Con_Bunde@Legis.state.ak.us]
Sent: Friday, May 16, 2003 3:48 PM
To: Hanley, Abigail
Subject: Re: FW: HB111 with Amendments

Abigail,

I'm sorry that we disagree on this important issue. I will explain my position.

ACS has, possibly, made some bad business decisions. However, the information that I have is that ACS has the resources now to successfully compete in the market.

I also regret that the management at ACS has chosen to frighten their employees in order to lobby legislators for special regulatory allowances. I feel that is an ineffective lobbying strategy as well as being cruel to you and your fellow employees.

While I do not always agree with the decisions the RCA makes, I must allow them to remain an independent agency that is not pre-set to favor one company over another. My job is to represent all the residents of Senate District P. I will not be threatened by any special interest group.

Con

"Hanley, Abigail" wrote on 5/16/03:

> -----Original Message-----

> From: Larsen, Robert

> Sent: Friday, May 16, 2003 1:35 PM

> To: WRLS-All Employees; Internet Alaska CSR's; Whitt, Ralph; Notar,

> Mike; All Represented Employees; Knapp, Johnny; Lewis, Edith; Charlton,

> Gregory; Cowles, Christine E.; Erickson, Rickey D.; Ferree, John B.;

> Forbes, Howard G.; Henchman, J. Michael; McNabb, Mary E.; McWilliams,

> James T.; Olson, Rick G.; Stephenson, Heather; Banisch, Elinor; Bissell,

> Brenda; Borroz, Kathryn F; Dupree, Randy; Green, Michael J.; Hughes,

> Mary E.; Hutzell, Andrea; Jacobson, Melinda; King, Christine E.;

> Langness, Elise; Liegl, Kathy; Olson, Kirsten; O'Malley, Terence;

> Rondeau, Jane; Simmons, Celestina; Simpson, William (Bill); Watson,

> Donald; Zellner, Dale; Mccoy, Jessie F.; Johnson, Joni B.


> Subject: FW: HB111 with Amendments

> Senator Bunde:

>
> I'm sorry I thought you represented us, the public, not the governor. I will
> be sure to share your utter disregard for the actual issue with my very
> large (and politically active) family.
>
> Abigail Hanley
> A very proud employee and customer of ACS
>
> -----Original Message-----
> From: Con Bunde [mailto:Senator_Con_Bunde@Legis.state.ak.us]
> Sent: Friday, May 16, 2003 12:58 PM
> To: Ketchum, Judy
> Subject: Re: HB111 with Amendments
>
> Judy,
>
> As the Governor supports an unamended bill and House Finance has passed an
> unamended bill, it is highly unlikely that an amended RCA bill
> will pass the legislature. I support a clean, unamended RCA bill.
>
> -Con
>
> "Ketchum, Judy" wrote:
>
> > Con,
> >
> > I have worked here at Alaska Communications System for almost 17 years.
> I
> > am really concerned that if we don't manage to make the competitive
> market
> > more fair that ACS will eventually go down and many many layoffs will
> occur,
> > possibly my job. I have invested a career in this business and am very
> > concerned that is this HB111 with Amendments doesn't pass that what I
> have
> > invested will be gone. The competition out there is not fair, our
> > competitors can lease facilities cheaper than it costs us to maintain
> these,
> > that makes it difficult to stay in business very long. In order to have
> > fair competition out there we need to have the HB111 with Amendments to
> be
> > passed as this will allow our competitors to lease at a price that will
> be
> > fair in order to stay in business.
> >
> > Having a government regulators setting all the rules does not do justice
> to
> > competition, we need the market forces to do this to ensure that all
> > competition is open and fair. Passing this House Bill with Amendments
> will
> > allow ACS and GCI to complete in a fair business and allow ACS to be
> able
> to
> > run our business in a very competitive fashion.
> >
> > I urge you to please vote on passing this HB111 with Amendments in hopes
> > that it will even out our competition and we can run a business with
> > competitive prices on products, services. Thank you for your time, I
> will
> > be following carefully and very attentively to what is happening with
> this
> > HB as this may be my job or a retirement in the future depending on if
> it

> > passes or not. I hope I can count on you to pass the HB111 with
> Amendments
> > so we can enjoy a fair competition market here in Anchorage.
> >
> > Judy Ketchum
> >
> > This transmittal may contain confidential information intended solely
for
> > the addressee. If you are not the intended recipient, you are hereby
> > notified that you have received this transmittal in error; any review,
> > dissemination, distribution or copying of this transmittal is strictly
> > prohibited. If you have received this communication in error, please
> notify
> > us immediately by reply or by telephone (collect at 907-564-1000) and
ask
> to
> > speak with the message sender. In addition, please immediately delete
this
> > message and all attachments. Thank you.
>
> This transmittal may contain confidential information intended solely for
> the addressee. If you are not the intended recipient, you are hereby
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Name: Illinois General Assembly
- Bill Status for
SB0885.htm

Type: Hypertext Markup
Language (text/html)

Encoding: quoted-printable

Download Status: Not downloaded with
message

Subject: HB 111

Date: Fri, 16 May 2003 16:28:21 -0800

From: "Hanley, Abigail" <Abigail.Hanley@acsalaska.com>

To: "'Representative_Lesil_McGuire@legis.state.ak.us'" <Representative_Lesil_McGuire@legis.stat

I have written in once before, but this issue is simply so important to me, that I felt I needed to write again. I was born and raised here in Alaska, and have chose to remain a resident of this state. If HB 111 is passed without the amendments that future will be destroyed, and I will very likely be having to move out of state to find a job. I have thought a lot of how I could present our situation to help you understand, and I hope this works.

Imagine please: It's time for reelection and you are running against 'John Doe'. Because you are the incumbent you are required to pay for all of Mr. Doe's expenses in getting set up to run against you.

You have to have all of your ads and speeches approved by a board that often takes months if not years to push anything through. John Doe gets to say and print anything he wants, and it doesn't matter if it is true or not.

Once the polls show that John Doe has 60% of the vote, you still have to support him. Your campaign workers have to post his signs, and pass out his bumper stickers BEFORE they can post their own.

Does this feel fair to you?

I am a firm believer in fair competition and that is all I'm asking for. If HB 111 must be passed than PLEASE pass it WITH all of the amendments.

Thank you,
Abigail Hanley

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Subject:

Date: Fri, 16 May 2003 15:06:19 -0800

From: "Rachelle Alger" <algerrachelle@hotmail.com>

To: representative_lesil_mcguire@legis.state.ak.us

Hi Lesil,

I was pretty upset today when I received news that after your request to have HB111 in the House Judiciary Committee that all of the ACS amendments were tacked right back onto the bill.

You've been an Alaskan long enough to know how hard we have had to fight for choices. It wasn't that long ago when not only didn't we have a choice for telephone service, but also none for shopping, grocery stores, shipping, restaurants and many others. It saddens me to see a fellow long time Alaskan in support of limiting our choices and therefore costing us more money. We pay higher shipping rates than the rest of the United States, higher cell phone costs, and higher travel costs to name a few. Do we really need to pay more for phone service as well?

I hope in your hearing today that you are very detailed in EXACTLY why competition isn't good and why Alaskans deserve to pay more for services. With deepest respect for you as a person and our friendship, I must say I view this as a play to further your career politically, which saddens me. These are not thoughts I ever thought I would have regarding your career in politics. I truly believe that to further ones career in politics one must do the right thing for the people, not the corporations. I am a GCI employee but in all three short years of my employment here I have seen nothing less than people around me bending over backwards for the community and the customers including try to lower rates and improve quality. One story I will share with you hits home to the sort of people we have here:

A family member lost telephone service at her home. Her service was through ACS. The loss was due to some digging in her yard. She called ACS quite upset about losing service but admitted to them she wasn't after all angry with them. She explained that her husband was away on military duty and she had three kids at home, one of which was an infant. They told her they couldn't do anything for her for an extended period of time. Having a sick child at home and her being sick as well sent her into a more desperate state if you will. She called me and explained the situation; she was very upset and pretty quick in describing the circumstance. I assumed she was a GCI customer. I got on my cell phone, with her on the land line and called GCI Technicians, they listened to the situation asked for her phone number and placed me on hold. I was on hold for quite awhile. Upon return of the Technician I was informed that ACS was called and the problem would be handled right away. I asked "ACS? WHY was ACS called?" The GCI employee then informed me that she was an ACS customer. I didn't know the person I was talking to, so they were not doing me any "favors", however they took it upon themselves to call ACS and take care of this for a customer that wasn't even ours.

Please reconsider your actions regarding HB111 and the negative outcome that passing this bill with the amendments will surely have.

Respectfully,
Rachelle A. Alger

Protect your PC - get McAfee.com VirusScan Online
<http://clinic.mcafee.com/clinic/ibuy/campaign.asp?cid=3963>

Subject: HB111

Date: Fri, 16 May 2003 15:46:43 -0800

From: Jd Schultz <jd@pci.net>

To: Representative_Lesil_McGuire@legis.state.ak.us

Dear Representative McGuire,

I am concerned about proposed special interest legislation that will increase consumer and business local phone rates. Although the special interests pushing this legislation are calling it pro-competitive, the proposed legislation is both anti-competitive and anti-consumer.

Proposed legislation has been added to HB111 to extend the life of the Regulatory Commission of Alaska. Please protect ratepayers throughout Alaska by extending the life of the Regulatory Commission with no special interest amendments.

Please, no amendments to HB111. Support it just as introduced by Governor Murkowski.

Sincerely,

Jerome Schultz
2534 Brookstone Lp
Anchorage, AK 99515

Subject: Please support HB 111 and all its critical amendments

Date: Fri, 16 May 2003 14:40:13 -0800

From: "Kellman, Casey (Carol)" <CKellman@acsalaska.com>

To: "'Representative_Lesil_McGuire@legis.state.ak.us'" <Representative_Lesil_McGuire@legis.stat

I work in the Telecommunications industry and I find myself in a situation where my company is not allowed to compete. My job security and retirement are at stake. Please support HB 111 and all its critical amendments.

ACS should be allowed to compete by the same rules as GCI. For example, ACS should be allowed to bundle together regulated and unregulated services such as local, long distance, Internet and Wireless (the cable monopoly- GCI- has been able to do this for over seven years). I encourage you to support HB 111 and all its critical amendments.

What we have witnessed through full-page ads, radio spots, Internet sites, and political maneuvering is an attempt to maintain a structure, which requires ACS to subsidize its chief competitor, GCI, the cable monopolist. This subsidy takes root in lease rates that are a mere fraction of the true cost ACS has incurred. I encourage you to support HB 111 and all its critical amendments.

Would ACS raise its Local and/or Business Customer Rates by \$100 million annually? Of course not. Such action by ACS would drive customers to the competition. ACS would raise its interconnection fees so that GCI was paying a compensatory rate for use of the ACS Network. This is competition at work.

When House Bill 111 as amended passes, Alaskan telecommunications consumers will have real competition for the first time. Competition which allows all service providers to offer their "best" deals because all the competing companies will be operating under the same set of rules on a level playing field.

As a voter in your district, I encourage you to represent my family and myself when you cast your vote on this important legislation. Please support HB 111 and all its critical amendments.

Forcing ACS to subsidize its competitors is not competition. Please vote to support HB 111 and all its critical amendments.

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Subject: HB111

Date: Fri, 16 May 2003 14:45:26 -0800

From: mdthompson@gci.net

To: Representative_Lesil_McGuire@legis.state.ak.us

Lesil, I live in your district and happily voted for you in this last election and I am extremely opposed to the ammendments on HB111. I am worried about how the this would effect my utility rates & how lack of competition will decrease the technologies that I rely upon.

Subject: House Bill 111 with amendments

Date: Fri, 16 May 2003 14:58:44 -0800

From: "Bill Bissett" <bbissett@kib.co.kodiak.ak.us>

To: "Lesil McGuire (E-mail)" <representative.lesil.mcguire@legis.state.ak.us>

Dear Mrs.. McGuire,

I'm e-mailing you to ask for your support with this Bill 111 with it's amendments. I don't have to tell you how unfair these cheap phone, Johnny come latelys, are to get unfair advantage over others.

Thanking you in advance,

Bill Bissett

Subject: My testimony on CSHB11

Date: Fri, 16 May 2003 16:02:07 -0700

From: akpirg@akpirg.org

To: Representative_Lesil_McGuire@legis.state.ak.us

Comment on CSHB 111

Stephen Conn

Alaska Public Interest Research Group

<?xml:namespace prefix = st1 ns = "urn:schemas-microsoft-com:office:smarttags" />May 16, 2003

<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

I have attempted for two days to testify on the bill which would strip the RCA of regulatory authority over retail telephone service in Alaska. This substitution for RCA authority at the 11th hour ignores the consumer perspective.

ACS not only inherited the infrastructure of telephone equipment in each of Alaska's major cities but-by definition- 100 percent of the customer base. In addition, it has received favorable treatment from local taxing authorities.

Consumer complaints regarding customer service by ACS have been persistent to the RCA. Those statistics are available at that agency. Chief among these complaints was the refusal of ACS to extend copper wire to new housing developments because consumers might opt to go with GCI. ACS knew full well that this was its obligation when it purchased those properties. Apparently it assumed it could change the rules of the game before the RCA or before the Legislature.

The Alaska Telephone Association is comprised of monopolies. What it desires is unregulated authority to retain the powers of a monopoly to dictate terms of entry into the market.

Barriers to entry in the Alaska Market are higher than in the lower 48. So rewarding

those phone companies who hold both the original infrastructure and the original customer base with a singular finding that any competition means complete deregulation will both allow these players to act in a predatory fashion to their customers and to would-be competitors.

Real competition will be retained and achieved only if the RCA is allowed to police the market top to protect the consumers. How rarely was consumer protection or their interests mentioned in your hearings!

Here is an analysis of the bill:

1. The changes contemplated will kill off competition and allow for exploitation of both residential and business customers. The changes encourage perpetuation of monopolistic practices inimical to a competitive market. The bill's stated purposes are lies.
2. The 60 percent definition whether applied as a statewide definition or as a local market definition will guarantee that there will be no "dominant carriers." In the same manner that your redefinition of "lobbyist" did not eliminate these figures and their ability to buy favorable support as they fell out of

the restrictions of the campaign finance reform law., the native –but now deregulated dominant carriers will continue to influence the market. Ironically, this definition would reward those players who sought to lower their customer base to trigger deregulation by the terms of this proposed law.

3. To employ IRS rules of depreciation means guaranteed rate increases to customers, this for the same proponents who desire to be immune from requests for either retrofitting or improvement of their equipment.
4. As soon as the market is deemed “competitive,” it will be deregulated. It will not be monitored- as in Illinois-for future changes or future predatory behavior by one or more players that perverts a truly competitive market. RCA will be permanently out of the picture.
5. If consumers want to know the telephone rates, they can either visit the company or check the web for updates. With the RCA out of the picture, there will be no

mediator for consumers.

I am sure you are aware that Governor Murkowski has already made major changes in staff at RCA and sharply reduced the role of the Public Advocacy Section. Apparently this is not enough for the ACS and the Alaska Telephone Association. They are demanding more blood from consumers for their future campaign contributions.

If you deliver, you will sacrifice both residential and business consumers, both rural and urban. Sooner or later consumers will learn what happened however skillfully CSHB111 is run through the state legislative process.

Subject: Support HB 111

Date: Fri, 16 May 2003 14:15:22 -0800

From: "anne fleming" <sham@ptialaska.net>

To: <representative_lesil_mcguire@legis.state.ak.us>,
<representative_tom_anderson@legis.state.ak.us>,
<representative_Dan_Ogg@legis.state.ak.us>, <representative_jim_holm@legis.state.ak.us>,
<representative_ralph_samuels@legis.state.ak.us>,
<representative_les_gara@legis.state.ak.us>,
<representative_max_gruenberg@legis.state.ak.ua>

I am proud to say I've worked for ACS and its predecessor companies for 30 years. We've strived to bring the most state-of-the-art telecommunications system to all areas of Alaska.

It is extremely crucial that ACS be allowed to function as a true competitor. ACS should be allowed to bundle regulated and nonregulated services as GCI has done for many years. This is what the public expects and deserves.

GCI receives federal support dollars and they should not be allowed to lease facilities at below-cost rates. I don't know of another business that is forced to subsidize its competition.

As a dedicated Alaskan citizen and voter, I encourage you to represent myself and my family in this important matter. Please support HB 111 and its critical amendments. This will preserve Alaskan jobs and ensure true competition that will bring greater benefits for all Alaskans now and in the future.

Anne Fleming

Citizen and Voter – House District 31; Senate P

Don Fleming

sham@ptialaska.net

Donald.Fleming@gesupply.com

Subject: HB111**Date:** Fri, 16 May 2003 14:34:22 -0800**From:** "Joni Johnson" <joni.johnson@acsalaska.net>

To: <Representative_Tom_Anderson@legis.state.ak.us>,
 <Representative_Lesil_McGuire@legis.state.ak.us>,
 <Representative_Max_Gruenberg@legis.state.ak.us>,
 <Representative_Max_Gruenberg@legis.state.ak.us>,
 <Representative_Ralph_Samuels@legis.state.ak.us>,
 <Representative_Dan_Ogg@legis.state.ak.us>, <Representative_Jim_Holm@legis.state.ak.us>

Let's set the record straight. Yes, Alaska Communications Systems is seeking RCA changes. The amendments are not about consumer rates; instead they seek a level playing field between two companies. The issues are complex, but boil down to this: Who should earn profit on ACS investments, ACS or GCI? And should the \$360 million (market value) GCI receive special regulatory protection from the far smaller \$80 million (market value) ACS?

One editorial said the legislation is bad because it will allow ACS to more quickly depreciate equipment. In fact, it is intended to level the playing field-to allow ACS to depreciate equipment at the same rapid rates as its chief competitor, GCI, does.

That editorial also says the legislation will allow ACS to increase the amount it charges GCI for leasing ACS facilities. Today, ACS is required by state regulators to lease ACS facilities to GCI at a fraction of the true cost. In fact, it costs ACS in Fairbanks \$30 per line to provide GCI service in Fairbanks, yet regulators ordered ACS to make facilities available to GCI for about \$19 per month. On each line ACS provides to GCI, ACS loses \$11 per month, while GCI can make a profit substantially more than ACS' losses. The editorial says the legislation would require GCI to pay ACS for use of equipment even after customers leave ACS. This is not true. The truth seems stranger than fiction; regulators now require ACS to construct new facilities for GCI to serve GCI customers--ACS is required to finance its competitor's capital costs. In theory, ACS should recover the facilities' cost over the next 20 years through monthly lease rates. But if GCI does, as planned, migrate its customers to its own network, the facilities ACS built for GCI will become unused and their costs never recovered. It is in these situations that ACS asks to be fairly compensated.

Finally, the editorial asserts that ACS would be allowed to increase rates without approval from regulators. In fact, that's what GCI can do today. Today GCI can change its rates whenever it wants by simply filing them with the RCA. ACS, on the other hand, goes through lengthy rate review proceedings, sometimes taking more than two years, before initiating new marketing campaigns. The amendments aren't about rate increases; they're about a level playing field.

Price regulation is necessary when there is no competition. Fairbanks has competition for local phone service, so there is no reason to give one company--GCI--a competitive advantage over another--ACS, by regulating only ACS' prices.

Telephone issues are complex, and we all get tired of legislative "phone wars." So let's look at a newspaper analogy. Suppose the News-Miner were a regulated monopoly, and a competitor came to town, and regulators required the following:

- * The new paper could use the News-Miner's presses, but the News-Miner couldn't charge what it costs to print the new paper;
- * News-Miner carriers would have to deliver the new paper on their regular routes, but the News-Miner would have to pay the carriers and couldn't get full reimbursement from the new paper;
- * If the new paper attracted a new customer 40 miles outside Fairbanks, the News-Miner would have to deliver the new paper to that customer. But once again, couldn't get paid the full cost by the new paper;
- * The News-Miner would have to publish the price of every advertising deal two weeks in advance, but the new paper could price advertising however it wanted, and could change the prices after reading the News-Miner's prices.

Sound far-fetched? It is, but those are essentially the circumstances ACS now faces. The ACS proposed amendments to HB 111 are designed to level the playing field, allowing fair competition. That's what the Illinois Legislature and governor just did, passing a similar bill to ensure fair competition in local telephone service.

And while we're talking about fair competition, have you ever wondered why monopoly cable rates aren't regulated, while competitive phone rates are? Or why cable rates have increased more than 75 percent in 10 years, while phone rates have fallen? Or why ACS is required to let GCI use ACS' phone lines, but GCI isn't required to let ACS use GCI's cable lines? Those would be good questions to ask if the News-Miner wants balanced treatment of telecommunications issues, and a level competitive playing field.

This was written by Brian Rogers, who is a director of Alaska Communications Systems Inc. and Jim Sampson, who is head of the Alaska State AFL-CIO, but common sense would beg a thinking person to agree.

Thank you for your time.

Joni Johnson
ACS Internet Service Center Manager
907-565-2558
joni.johnson@acsalaska.net

Subject: RCA_House Bill 111

Date: Fri, 16 May 2003 13:19:49 -0800

From: "Jon Shepherd" <jshep@nhtiusa.com>

To: <Representative_Lesil_McGuire@legis.state.ak.us>

Dear Representative McGuire,

This email is to express my views regarding the Regulatory Commission of Alaska. Competition is a good thing, but competition must be fair. House Bill 111, with all amendments is the only practical way to ensure that the RCA has the necessary tools, as well as the necessary constraints, to insure that the market for telecom services is regulated fairly and in the best interests of Alaska residents. The RCA has favored one major telecommunications carrier that still tries to represent itself as an underdog, when in fact they have become the dominant carrier. They would have us believe that the status quo regarding the RCA is somehow "fair competition" and that those pushing for the amendments are "special interests". Actually, I believe the inverse is true, and the amendments are needed to provide FAIR competition among carriers.

I support fair competition with no carrier receiving unfair advantage. The amendments are needed to level the playing field that has been skewed by previous action. I encourage you to support HB-111 with all amendments

Thank you for your consideration on this matter. Please feel free to call if you have any questions regarding my position, 907-761-6012.

Jon Shepherd

Subject: HB 111 legislation

Date: Fri, 16 May 2003 12:03:40 -0800

From: Arthur Corliss <arthur@corlissfamily.org>

To: Representative_Lesil_McGuire@legis.state.ak.us

Greetings:

As an Anchorage and Alaskan resident I wanted to voice my opinion on the bill you are now considering (HB 111). Before doing so, I must provide the following disclaimer: while I believe I have an objective perspective on this matter it must be disclosed that I am currently an ACS employee. I would point out, too, though, that I used to be GCI employee as well, so I think I have some insight to the truth due to personal observations.

Let's be clear: both companies are guilty of attempting to manipulate public opinion and legislation to give them an advantage in the marketplace. Any attempts by either to paint themselves as altruistically campaigning on behalf of the consumer should be reject as absurd and disingenuous.

That said, I would like to see some of the amendments proposed for guiding the RCA passed. The truth is very simple: regulation of the price of wholesale services provided between competitors does not provide any protection for the incumbent LEC against the real rising costs of delivery. It is absolutely true that it is (to an extent) a subsidy for the competition. It may have been necessary at one time for fledging competition, but it is no longer appropriate for a well established and entrenched competition.

This is further compounded by the advantages CLECs have in being able to bundle regulated and unregulated services and not having to maintain money-losing ventures in rural areas since they are not the carrier of last resort. All advantages that are denied to the ILEC.

I believe that it is imperative that wholesale services be sold at realistic levels which are adjusted dynamically according to the true costs incurred in the market place. I also believe that large and established competitors should start sharing the cost of delivering services to areas that are not economically viable.

Failure to do either of these things makes a mockery of any concept of a "competitive marketplace" in Alaska, and reduces the benefit to the consumer. If we are indeed capitalists then it is time to truly allow market forces to take effect, and quit penalizing the ILEC simply because it existed prior to the competition. Again: the competition has been well established in Alaska, there is no reason to continue treating them as fledging operations that would disappear without such subsidies.

It is my sincere hope that you will pass HB 111 with all amendments in tact.

Thank you for your time and consideration.

--Arthur Corliss

Bolverk's Lair -- <http://arthur.corlissfamily.org/>

Digital Mages -- <http://www.digitalmages.com/>

"Live Free or Die, the Only Way to Live" -- NH State Motto

Subject: PASS HB 111 WITH AMENDMENTS

Date: Fri, 16 May 2003 12:15:00 -0800

From: Barb <iceworm@alaska.net>

To: Representative_Lesil_McGuire@legis.state.ak.us,
Representative_Tom_Anderson@legis.state.ak.us, Representative_Dan_Ogg@legis.state.ak.us,
Representative_Jim_Holm@legis.state.ak.us,
Representative_Ralph_Samuels@legis.state.ak.us, Representative_Les_Gara@legis.state.ak.us,
Representative_Max_Gruenberg@legis.state.ak.us

Representative_Lesil_McGuire@legis.state.ak.us
Representative_Tom_Anderson@legis.state.ak.us
Representative_Dan_Ogg@legis.state.ak.us
Representative_Jim_Holm@legis.state.ak.us
Representative_Ralph_Samuels@legis.state.ak.us
Representative_Les_Gara@legis.state.ak.us
Representative_Max_Gruenberg@legis.state.ak.us

Dear Legislators:

I am an Alaska Supervoter. Please note that I wish to let everyone know that I do not approve of the way you are removing the AMENDMENTS attached to HB111. The bill without the amendments does not allow for fair competition in the State of Alaska.

Please pass the HB111 WITH ALL AMENDMENTS to allow for fair competition. It is way beyond the time for this problem to be fairly resolved.

Thank you.

Barb Jansen
P.O.Box 3609
Palmer AK 99645-3609
Phone: 746-2963
Fax: 746-2964

Subject: HB 111 legislation

Date: Fri, 16 May 2003 11:22:09 -0800

From: "Valencia, Haydee" <HValenci@acsalaska.com>

To: "Representative_Lesil_Mcguire@legis.state.ak.us" <Representative_Lesil_Mcguire@legis.state.ak.us>

Dear Representative:

As a voter in your district, I encourage you to represent my family and myself when you cast your vote on this important legislation. Please support HB 111 and all its critical amendments.

Forcing ACS to subsidize its competitors is not competition. Please vote to support HB 111 and all its critical amendments.

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Subject: HB 111

Date: Fri, 16 May 2003 11:16:34 -0800

From: silenus@alaska.net

To: Representative_Lesil_McGuire@legis.state.ak.us

I have worked in the Telecommunications industry for many years and I find myself in a situation where my company is not allowed to compete... my job security, retirement, and my children's future are at stake. Please support HB 111 and all its critical amendments.

ACS should be allowed to compete by the same rules as GCI. For example, ACS should be allowed to bundle together regulated and unregulated services such as local, long distance, Internet and Wireless (the cable monopoly- GCI- has been able to do this for over seven years). I encourage you to support HB 111 and all its critical amendments.

What we have witnessed through full-page ads, radio spots, Internet sites, and political maneuvering is an attempt to maintain a structure, which requires ACS to subsidize its chief competitor, GCI, the cable monopolist. This subsidy takes root in lease rates that are a mere fraction of the true cost ACS has incurred. I encourage you to support HB 111 and all its critical amendments.

Would ACS raise its Local and/or Business Customer Rates by \$100 million annually? Of course not. Such action by ACS would drive customers to the competition. ACS would raise its interconnection fees so that GCI was paying a compensatory rate for use of the ACS Network. This is competition at work.

When House Bill 111 as amended passes, Alaskan telecommunications consumers will have real competition for the first time. Competition which allows all service providers to offer their "best" deals because all the competing companies will be operating under the same set of rules on a level playing field.

As a voter in your district, I encourage you to represent my family and myself when you cast your vote on this important legislation. Please support HB 111 and all its critical amendments.

Forcing ACS to subsidize its competitors is not competition. Please vote to support HB 111 and all its critical amendments.

Yours truly,
Robert James

Subject: HB 111 w/Amendments

Date: Fri, 16 May 2003 09:46:55 -0800

From: "Battle, Sabrina" <SBattle@acsalaska.com>

To: "'Representative_Lesil_McGuire@legis.state.ak.us'" <Representative_Lesil_McGuire@legis.stat

I would like to voice my concerns about HB 111 w Amendments. I realize that we live in a competetive world and I also feel as though since that is a fact all rules should apply to all businesses. There should not be one set of rules for one business and not the other. It should be a fair and equal playing field across the board. Whatever happened to "do unto others as you would have them do unto you"? As an ACS employee I am exposed to the daily abuse we get from our competitor's customers (because of the way the "Law" is written) about why they have to wait for their service, and GCI said to call you, and GCI does not charge for this and that and so and so on. What they are not telling the customers is that they will have to raise their prices and charge customers to establish service. Why do we have to build and maintain our lines at a high cost and then lease them to the competition for a lower cost, have them sell our own lines at a even lower cost to sometimes our own customers? Where is the fairness in that? The time we spend on the phone trying to convince the competitions's customers that we are not the villians here we could be spending giving our customers the care that they need. Also why can't we lease GCI's cable lines and resell them? I wholeheartedly support the HB 111 with amendments and I pray that you all do the right thing in passing it.

Sincerely,

Sabrina Battle

Sabrina Battle
Customer Service Representative
459-6153

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Subject: House Bill 111

Date: Fri, 16 May 2003 09:48:02 -0800

From: ibewjno@ptialaska.net

To: Representative_Lesil_McGuire@legis.state.ak.us,
Representative_Tom_Anderson@legis.state.ak.us,
Representative_Jim_Holm@legis.state.ak.us, Representative_Dan_Ogg@legis.state.ak.us,
Representative_Ralph_Samuels@legis.state.ak.us, Representative_Les_Gara@legis.state.ak.us,
Representative_Max_Gruenberg@legis.state.ak.us

Fairbanks Daily News-Miner

ACS just wants level field
By Brian Rogers and Jim Sampson

Friday, May 16, 2003 - Two News-Miner editorials criticize amendments to House Bill 111, extending the Regulatory Commission of Alaska, as "special interest legislation."

Let's set the record straight. Yes, Alaska Communications Systems is seeking RCA changes. The amendments are not about consumer rates; instead they seek a level playing field between two companies. The issues are complex, but boil down to this: Who should earn profit on ACS investments, ACS or GCI? And should the \$360 million (market value) GCI receive special regulatory protection from the far smaller \$80 million (market value) ACS?

One editorial said the legislation is bad because it will allow ACS to more quickly depreciate equipment. In fact, it is intended to level the playing field-to allow ACS to depreciate equipment at the same rapid rates as its chief competitor, GCI, does.

That editorial also says the legislation will allow ACS to increase the amount it charges GCI for leasing ACS facilities. Today, ACS is required by state regulators to lease ACS facilities to GCI at a fraction of the true cost. In fact, it costs ACS in Fairbanks \$30 per line to provide GCI service in Fairbanks, yet regulators ordered ACS to make facilities available to GCI for about \$19 per month. On each line ACS provides to GCI, ACS loses \$11 per month, while GCI can make a profit substantially more than ACS' losses.

The editorial says the legislation would require GCI to pay ACS for use of equipment even after customers leave ACS. This is not true. The truth seems stranger than fiction; regulators now require ACS to construct new facilities for GCI to serve GCI customers--ACS is required to finance its competitor's capital costs. In theory, ACS should recover the facilities' cost over the next 20 years through monthly lease rates. But if GCI does, as planned, migrate its customers to its own network, the facilities ACS built for GCI will become unused and their costs never recovered. It is in these situations that ACS asks to be fairly compensated.

Finally, the editorial asserts that ACS would be allowed to increase rates without approval from regulators. In fact, that's what GCI can do today. Today GCI can change its rates whenever it wants by simply filing them with the RCA. ACS, on the other hand, goes through lengthy rate review proceedings, sometimes taking more than two years, before initiating new marketing campaigns. The amendments aren't about rate increases; they're about a level playing field.

Price regulation is necessary when there is no competition. Fairbanks has competition for local phone service, so there is no reason to give one company--GCI--a competitive advantage over another--ACS, by regulating only ACS' prices.

Telephone issues are complex, and we all get tired of legislative "phone wars." So let's look at a newspaper analogy. Suppose the News-Miner were a regulated monopoly, and a competitor came to town, and regulators required the following:

- * The new paper could use the News-Miner's presses, but the News-Miner couldn't charge what it costs to print the new paper;
- * News-Miner carriers would have to deliver the new paper on their regular routes, but the News-Miner would have to pay the carriers and couldn't get full reimbursement from the new paper;
- * If the new paper attracted a new customer 40 miles outside Fairbanks, the News-Miner would have to deliver the new paper to that customer. But once again, couldn't get paid the full cost by the new paper;
- * The News-Miner would have to publish the price of every advertising deal two weeks in advance, but the new paper could price advertising however it wanted, and could change the prices after reading the News-Miner's prices.

Sound far-fetched? It is, but those are essentially the circumstances ACS now faces. The ACS proposed amendments to HB 111 are designed to level the playing field, allowing fair competition. That's what the Illinois Legislature and governor just did, passing a similar bill to ensure fair competition in local telephone service.

And while we're talking about fair competition, have you ever wondered why monopoly cable rates aren't regulated, while competitive phone rates are? Or why cable rates have increased more than 75 percent in 10 years, while phone rates have fallen? Or why ACS is required to let GCI use ACS' phone lines, but GCI isn't required to let ACS use GCI's cable lines? Those would be good questions to ask if the News-Miner wants balanced treatment of telecommunications issues, and a level competitive playing field.

Brian Rogers is a director of Alaska Communications Systems Inc. Jim Sampson is head of the Alaska State AFL-CIO.

Subject: HB 111 with all amendments

Date: Fri, 16 May 2003 09:07:42 -0800

From: "Sherwood II, Donald E." <DSHERWOO@acsalaska.com>

To: "Senator_John_Cowdery@legis.state.ak.us" <Senator_John_Cowdery@legis.state.ak.us>, "Representative_Ralph_Samuels@legis.state.ak.us" <Representative_Ralph_Samuels@legis.state.ak.us>, "Representative_Lesil_McGuire@legis.state.ak.us" <Representative_Lesil_McGuire@legis.state.ak.us>, "Representative_Tom_Anderson@legis.state.ak.us" <Representative_Tom_Anderson@legis.state.ak.us>, "Representative_Dan_Ogg@legis.state.ak.us" <Representative_Dan_Ogg@legis.state.ak.us>, "Representative_Jim_Holm@legis.state.ak.us" <Representative_Jim_Holm@legis.state.ak.us>, "Representative_Les_Garsa@legis.state.ak.us" <Representative_Les_Garsa@legis.state.ak.us>, "Representative_Max_Gruenberg@legis.state.ak.us" <Representative_Max_Gruenberg@legis.state.ak.us>

Dear Representatives & Senator,

I have lived in Anchorage for 27 years and have worked in the telecommunications industry for over 20 years. I have worked for ACS/ATU for 12 years in Anchorage. I feel that my job security, retirement and my children's future are in jeopardy with the current RCA administration. ACS should be allowed to compete by the same rules as GCI. If GCI is allowed and helped out to operate without the regulatory restrictions as we are, it will only be a matter of time before our competitor is able maneuver and recruit our most profitable subscribers. The local phone services sold to our neighborhoods by both telecommunication businesses is a prime example of what unfair regulatory tariffs can do. ACS no longer holds the higher percentage of local phone loops provided. We had to hold to unfair RCA regulations causing our company to lose thousands of local residents phone services.

I welcome competition and a fair playing ground for everyone., I ask that you support HB 111 and all of its amendments.

Arthur Gonzales
CT-Cable Splicer, ACS, Anchorage.

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Subject: HB 111 with Amendments

Date: Fri, 16 May 2003 09:12:25 -0800

From: "Granger, Jenifer" <JGranger@acsalaska.com>

To: "'Representative_Lesil_McGuire@legis.state.ak.us'" <Representative_Lesil_McGuire@legis.stat

Dear Elected Official,

I began working for ACS two years ago. My husband has been here for four years.

Before I began working at ACS, I had heard general stories about ACS and GCI but thought, well, it seems so one-sided there must be a part of the story that I just don't understand or know about.

To my surprise, I've learned that it really is as one sided as it seemed.

I do understand and support bringing competition into markets. And I do understand that typically the competition has a struggle in the beginning competing. So, believe it or not, I do understand the competition receiving a little assistance in the beginning to get them up and running. What I don't understand is why, when the incumbent company is about to be drowned by carrying the competition that this is continuing?

I know this is hard, but if you would, imagine just for a moment if ACS was YOUR company. Imagine if ACS was YOUR entire family's livelihood. And the government took away all the tools your company uses to support itself. Can you now see the injustice?

And to add insult to injury, every time I hear GCI's lies and half-truths on the radio and TV I'm physically sick to my stomach that GCI gets away with what they do and that people actually believe their fear tactics. And that my family and co-workers are directly hurt by these tactics.

How has the RCA gone unchecked for so long. How can the RCA be so obviously biased? How has this continued?

Please, vote for what you know is right. Vote with your conscious. If you do vote to extend the RCA, vote to extend it with the amendments.

My family, my 9 year-old son is depending on you.

Thank you for your time.

P.S. Lesil, thank you for being not being afraid to stand up for justice. We will remember.

Jenifer Granger
Alaska Super Voter
Jenifer Granger
ACS Training Department
(907)564-1151 (907)562-3051fax

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Subject: HB 111

Date: Fri, 16 May 2003 11:39:50 -0500

From: "Regina Henneman" <btrfly@cheerful.com>

To: Representative_Lesil_McGuire@legis.state.ak.us

HB111 with Amendments - PLEASE

This is a plea to be heard that we NEED HB111 with Amendments -
As we know life is not always fair and sometimes things truly get OUT OF BALANCE . .
. So when there is an opportunity to put things back in balance, to better serve the
public and make things fair . . . we need to reach out and seize that opportunity.

Pass HB111 with Amendments

Not sure where to start- I am proud to be an Alaskan of 28 years, a registered voter,
an avid volunteer in the community and truly believe that changes need to be made.

As a consumer: In Alaska I know that we pay higher prices for many things -
(shipping, fresh vegetables etc.) that is the price we pay for living here. Yes!!
Living here is certainly worth it. When it comes to the necessities of living -
water, lights, telephone, cable you would like to shop around but usually there is
only one sole source. What ever the cost, these items are necessities and you have
NO choice but to pay. I have no choice when it comes to cable services -I have been
a customer of GCI Cable, Inc since there were Prime Cable of Alaska (too far out for
Satellite-other wise I would choose to switch). My services that were once \$29.50 a
month are now \$65.99 (prices have gone up twice in the last year) HMMMMMMMM!!!!
All the negative newspaper ads about ACS raising there telephone prices and GCI
didn't - yet my cable bill went up at that time! Made me wonder!

HB111 with Amendments - PLEASE

As an employee: I am very proud to say I am employed by Alaska Communications
Systems as a Customer Service Representative. My job is to provide quality customer
service when establishing phone services for our customers. There are many
restrictions that make providing that quality of service a difficult task. I do
believe that if the government allows two companies to provide the same services that
they should be governed by the same guidelines. When my customer calls . . . to
establish local residential services I can assist them, if my customer inquires about
long distance choices, internet choices - I am required to transfer them to another
department. And as any of us KNOW waiting on hold and then to only get a portion of
the services then to get transferred to someone else - this tends to be frustrating,
aggravating and makes you wonder why this company can't do it all?!?! I assure my
customer this is to better service them and to provide the quality of service they
are requesting. This is SO frustrating - and often customer states well GCI
does.....this and GCI does that.....

My biggest concern is for the customer - they chose to sign up for GCI and their
phone service takes to long and they are told ACS is holding up the line and to call
ACS or they call for cable service and are automatically switched to GCI for phone
service. Or an example of telemarketing gone bad - a 94 year old customer of ACS
living at the Pioneer Home was solicited and switched to GCI not knowing that is what
was done.

In closing - please make the telecommunications market FAIR. This is IMPORTANT for
the customer, the companies involved and the employees.

Thank you for any consideration made in this matter! Regina L. Henneman

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Sign-up for your own FREE Personalized E-mail at Mail.com
<http://www.mail.com/?sr=signup>

Subject: HB111

Date: Fri, 16 May 2003 08:06:31 -0800

From: "Campbell, Harold" <HCampbel@acsalaska.com>

To: "'Representative_Lesil_McGuire@legis.state.ak.us'" <Representative_Lesil_McGuire@legis.state.ak.us>

Ms. McGuire,

Thank you for your support of the telecom industry in regards to HB111.

I have worked for ACS (ATU) for the last 27 years and am concerned about parity in the industry. I would like you to strongly consider supporting the amended version of HB111. The 'reverse discrimination' implemented by deregulation of the industry was to prevent monopoly and allow a foothold for competition. The situation has now progressed to the point of LECs subsidizing anyone wanting to enter the communications market. If a free market place is best for competition then it is time to allow the LECs to compete and the ALECs to pay their fair share of the infrastructure costs.

I am sure you are swamped with the budget and session closure so I will not list all my concerns. However, if you need any further input I will help any way I can.

Thank you and good luck

hc

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Subject: HB 111 with amendments

Date: Fri, 16 May 2003 07:47:01 -0800

From: ~ec~ Stephen Johnson <pidge@ptialaska.net>

To: <Representative_Lesil_McGuire@legis.state.ak.us>

Rep. McGuire,

As a voter in your district, an ACS employee, and consumer I ask that you support HB 111 in amended form in order to allow fair competition in Alaska's telecommunications industry. The inclusion of these amendments is critical; without them my job (and that of many others) is at serious risk.

Thank you

Elinor Banisch

Subject: HB111

Date: Fri, 16 May 2003 07:28:13 -0800

From: "Jeff Retterer" <retterer@bigfoot.com>

Reply-To: "Jeff Retterer" <jeff.retterer@acsalaska.net>

To: <Representative_Lesil_McGuire@legis.state.ak.us>

Representative McGuire,

I am a twenty year employee of ACS/FMUS. I am writing to ask you to support HB111 including all amendments. GCI has been given an unfair advantage by the RCA. Please allow true competition, through a level playing field, to occur. I encourage you to read the Community Perspective in the Friday edition of the Fairbanks Daily News-Miner. Brian Rogers and Jim Sampson lay out the case for HB111 and its amendments very well. Why is it that a company such as GCI, that is valued at approximately 360 million dollars, is in need of regulatory protections from ACS, valued at approximately 80 million dollars. Why is the RCA mandating corporate welfare for the larger company? Why is GCI concerned about the rates people pay for their local telephone service and their long distance telephone service but are not worried about what people pay for their cable television service? GCI is not interested in competition; they are only interested in a free ride. To date the RCA has given GCI a free ride. Please support HB111 with all amendments. Level the playing field. Make GCI earn their profit.

Subject: HB 111**Date:** Fri, 16 May 2003 06:19:12 -0800**From:** Tony Hansen <tony.hansen@alaska.com>**To:** Representative_Lesil_McGuire@legis.state.ak.us,
Representative_Tom_Anderson@legis.state.ak.us, Representative_Dan_Ogg@legis.state.ak.us,
Representative_Jim_Holm@legis.state.ak.us,
Representative_Ralph_Samuels@legis.state.ak.us, Representative_Les_Gara@legis.state.ak.us,
Representative_Max_Gruenberg@legis.state.ak.us, Representative_Dan_Ogg@legis.state.ak.us

May 16, 2003

Dear Representative,

It is my sincere hope that as my representative you will take the time to read this letter and seriously consider the consequences.

My youngest son has recently entered a trade and unfortunately his family and their well being is being threatened by "RCA" their friendly relationship with GCI and the supposed "Fair Competition" the RCA is invoking on ACS. My son and his little family are in the process of buying a home and raising my precious sixteen month old granddaughter who means the world to me. However, my voice is for myself as well. A "monopoly is a monopoly" no matter who owns it. The names can change but the game (and consequences to the public) remain the same.

It is totally unfair that the "RCA" continues to allow GCI to lease lines from ACS for the unfair costs of \$14.19 per line and GCI is also allowed to continue receive Federal Government subsidizes of \$10.00 per line for maintenance (that ACS is providing) on those same lines. This means the "supposed" fair competition allows GCI to sell a phone line for \$30.00 a month and only pay \$4.19 for that same line. ACS cannot even provide the line at COST for the rate of \$30.00 a month. I would like to address another issue that may appear to be unrelated, but when a smart person takes a good look at the "whole" picture, one would see that a terrible monopoly is being born through it. Consider that GCI currently holds the monopoly in the cable industry in this area and interestingly enough, there is no legislation or legislating body such as RCA forcing GCI to share their cable wiring or access to certain buildings such as RCA is forcing ACS to do for GCI (thanks to the "special" relationship between GCI and RCA). Who is GCI that they have been given the right by the RCA to say that ACS is being unfair by asking them for fair market price for using their technology! Since the inception of the RCA and their "unfair dictates", GCI has failed to install any telecommunication equipment outside of their Central Office. Why would they, since their friend, RCA is allowing them to ride on ACS lines, ACS technology and ACS maintenance, for pennies on the dollar. When ACS is forced out of business, whose going to ensure that the big monster, "GCI" is controlled, since not only will they own a monopoly on the cable industry, but the telecommunications industry as well? It certainly won't be GCI's friend, RCA.

Somebody had better wake up and smell the roses and they better do it now.

I am asking you as one of your constituents to ensure that the critical amendments included in House Bill #111 are added to ensure truly "fair competition" in our community.

Sincerely,

Deborah K. Hansen

HB 111

7555 Whitehawk Drive
Anchorage, AK 99507

Subject: HB 111 WITH AMENDMENTS PLEASE SUPPORT THIS BILL

Date: Thu, 15 May 2003 22:46:15 -0800

From: "akclarks" <akclarks@acsalaska.net>

To: <Representative_Harry_Crawford@legis.state.ak.us>,
<Representative_Mike_Chenault@legis.state.ak.us>,
<Representative_John_Coghill@legis.state.ak.us>,
<Representative_Nancy_Dahlstrom@legis.state.ak.us>,
<Representative_Hugh_Fate@legis.state.ak.us>,
<Representative_Carl_Gatto@legis.state.ak.us>,
<Representative_John_Harris@legis.state.ak.us>,
<Representative_Mike_Hawker@legis.state.ak.us>,
<Representative_Cheryll_Heinze@legis.state.ak.us>,
<Representative_Jim_Holm@legis.state.ak.us>,
<Representative_Vic_Kohring@legis.state.ak.us>,
<Representative_Pete_Kott@legis.state.ak.us>,
<Representative_Bob_Lynn@legis.state.ak.us>,
<Representative_Beverly_Masek@legis.state.ak.us>,
<Representative_Lesil_McGuire@legis.state.ak.us>,
<Representative_Kevin_Meyer@legis.state.ak.us>,
<Representative_Carl_Morgan@legis.state.ak.us>,
<Representative_Dan_Ogg@legis.state.ak.us>,
<Representative_Norman_Rokeberg@legis.state.ak.us>,
<Representative_Ralph_Samuels@legis.state.ak.us>,
<Representative_Paul_Seaton@legis.state.ak.us>,
<Representative_Bill_Stoltze@legis.state.ak.us>,
<Representative_Bruce_Weyhrauch@legis.state.ak.us>,
<Representative_Jim_Whitaker@legis.state.ak.us>,
<Representative_Bill_Williams@legis.state.ak.us>,
<Representative_Peggy_Wilson@legis.state.ak.us>,
<Representative_Kelly_Wolf@legis.state.ak.us>,
<Representative_Ethan_Berkowitz@legis.state.ak.us>,
<Representative_Sharon_Cissna@legis.state.ak.us>,
<Representative_Eric_Croft@legis.state.ak.us>,
<Representative_Richard_Foster@legis.state.ak.us>,
<Representative_Les_Gara@legis.state.ak.us>,
<Representative_Max_Gruenberg@legis.state.ak.us>,
<Representative_David_Guttenberg@legis.state.ak.us>,
<Representative_Reggie_Joule@legis.state.ak.us>,
<Representative_Mary_Kapsner@legis.state.ak.us>,
<Representative_Beth_Kerttula@legis.state.ak.us>,
<Representative_Albert_Kookesh@legis.state.ak.us>,
<Representative_Carl_Moses@legis.state.ak.us>

CC: <sclark@acsalaska.com>, <Susan@acsalaska.com>

Dear Representative Crawford;

Please support HB 111 WITH AMENDMENTS only. The RCA must be taken in hand. Their efforts to make sure the consumers of Alaska are able to obtain Telephone service at a reasonable price is a mockery of common sense. I started working for ACS when it was still ATU in 1993. The message I would like to deliver, however is based on over 38 years in "service" industries. The competition in service industries should be based on customer service not on who can provide the service the cheapest. Especially when one private enterprise is forced to

subsidize the cost of doing business for another private enterprise.

Guaranteeing that all consumers can get dialtone at an affordable rate has already been addressed a Federal Action. It is called Residential Service Assistance. I know customer service. I also know how to sell. It has been said that I could sell ice in the ARCTIC, however, I have a golden rule. The customer comes first. If I cannot show the customer the value of the product to them, I cannot and will not sell that product to the customer. That is customer service. GCI's idea of customer service is to lobby a regulatory agency into forcing their chief competitor to pay for the cost of GCI doing business. GCI's idea of customer service is to tell their customer to CALL ACS, it's their fault you don't have dial tone. Or, how about this one: "GCI told me to call you to switch my service back to you so I could get it moved sooner, and then when I switch back to them, they will reimburse me the cost of moving the service". I lost count of the number of times I've answered the phone as a Customer Service Representative for ACS and heard that story. I'd like to think that more than 75% of the customers that told me that, stayed with ACS even AFTER we moved their service *because of the quality of the customer service that I provided*. More and more however, as the economy dips here and there, I am forced to watch the customer go with the cheapest rates. Rates that I cannot offer because my rates are regulated, and my company is not being subsidized by anyone other than the hard work and years of experience of our own employees.

As long as ACS is forced to lease facilities to GCI for a substantial amount less than what it actually costs to provide and maintain those facilities, GCI will be able to continue to win the customers, not because they are a more efficient company with better customer service but because RCA decisions are forcing ACS to subsidize them.

My job is in danger of going away. ACS can no longer afford to pay my wages while supporting GCI. and providing the infrastructure for them to steal our customers with cheaper rates due to biased decisions made under the guise of promoting competition. The number of calls I get from very nice, pleasant would be ACS customers that tell me in a very nice, pleasant way that they are sorry, but unless I can offer them the same deals for the same amount of money as GCI, they will go with GCI. I've always taken the high road on that, and thanked them for calling and told them I was very sorry I couldn't offer them the same thing. I've never told a customer that it was due to unfair and biased decisions made by the RCA. Based on actions by the RCA, GCI can well afford to resell services at a lower price than ACS can. We have been forced to wholesale those services to GCI at a substantial loss. HOW does that make the market a place where fair competition can thrive?

In short. I know how to make the phone. I know how to operate the phone. I know how to teach the customers how to operate the phone. I even know how to repair the phone. BUT I DON'T KNOW HOW TO SELL THE PHONE THAT I CAN NO LONGER AFFORD TO MAKE BECAUSE I HAD TO SELL SUPPLIES AND SERVICES TO MY COMPETITOR AT A LOSS.

Please help save my job. I'm 2 years from retirement and I cannot afford to go without work now.

Sincerely Sue Clark

Subject: Please continue support of HB 111 with amendments

Date: Thu, 15 May 2003 23:03:42 -0800

From: "Stephanie Carroll" <Stephanie@AlaskaSlippers.com>

To: <Representative_Lesil_McGuire@legis.state.ak.us>

Dear Representative McGuire,

I saw you on Channel 2 this evening and I agree wholeheartedly...it is the right thing to do to consider carefully what and how the RCA has operated for the last few years. Selling a product/service for less than cost is simply not sustainable for any company in any industry sector. It is not in Alaska's best interest for ACS to be so hampered that capital investments in building more infrastructure can't be made.

Please encourage true competition by supporting HB 111 with amendments. Yes, I do work for ACS as do many Alaskans. I've lived on the Kenai Peninsula for 17 years and I see my co-workers on the Chamber Boards, in Rotary, on the Challenger Learning Center Board, cleaning up the highway, participating in our communities. We need our company to be viable and we need our jobs. These are good jobs with good benefits; please help them stay that way. Our customers can only benefit from these changes; we want the chance to serve them better and at reduced cost to the consumer. ACS does not fear competition; we welcome it.

Sincerely,
Stephanie Carroll
Account Executive - Southwest District
Alaska Communications Systems, Inc.

Subject: Bill HB 111 with Amendments

Date: Thu, 15 May 2003 23:04:54 -0800

From: "Ken,Darlene,Linda Buttolph" <lindab@ptialaska.net>

To: <Representative_Lesil_McGuire@legis.state.ak.us>

I urge you to VOTE for HB 111 with Amendments. I live in your district.
It sounds like you are against this Bill. Let me help you to understand why these Amendments are important.

Lets say you just purchased a New H20 Hummer for \$70,000, Now I want to lease this vehicle from you for Ten dollars a month, BUT you have to Pay for all the Maintenance and Gas. OH! don't forget you still have to make your Loan Payments and Pay for the Insurance.

Doesn't sound like a very good deal for you, does it. Well that is how it feels Leasing Facilities to GCI.

It Cost ACS a LOT more to install and maintain all the Facilities, than what GCI is Paying. Why would ACS want to continue to spend money, just so they can lease the Facilities to GCI for Cheaper, than they can even provide it to there Own Customers.

I feel we are forced to treat GCI, better than we treat our own Customers.

If you want to truly see Competition then you will Vote FOR HB 111 WITH THE AMENDMENTS

RCA & GCI have been screwing ACS & ATU for years !!

Subject: RCA & GCI have been screwing ACS & ATU for years !!

Date: Thu, 15 May 2003 23:08:17 -0800

From: "Dan Zantek" <dan.zantek@acsalaska.net>

To: <Representative_Lesil_McGuire@legis.state.ak.us>

Dear Rep. Lesil McGuire,

It's refreshing to have some one like you alert to the problems with the RCA and their true sponsors, GCI.

They have been screwing ACS(formerly ATU) for years. Time to end the RCA or at least restrict them greatly to prevent anymore of their unfortunate decisions and delays.

Gov. Frank doesn't have a clue regarding this issue, but I think you are on the right track and I want to thank you.

Four more years of this "unrestricted" RCA is unacceptable.

Thank you again,

"Polka Dan" Zantek

Alaska resident since 1957

Rep. Norm Rokeberg and Sen. John Cowdery can vouch for me.

Subject: Fwd: In favor of HB 111 with Amendments

Date: Thu, 15 May 2003 22:12:40 -0900

From: smokeylake@acsalaska.net

To: representative_lesil_mcguire@legis.state.ak.us

CC: representative_tom_anderson@legis.state.ak.us

Subject: In favor of HB 111 with Amendments

Date: Thu, 15 May 2003 22:07:58 -0900

From: smokeylake@acsalaska.net

To: lesil_mcguire@legis.state.ak.us

CC: tom_anderson@legis.state.ak.us

I have lived in Alaska since 1984, I am a firm believer in competition and believe it is good for all. I am also a registered voter in the State of Alaska. Competition can be beneficial to the consumer when similar businesses have the same ground rules. We are not afraid of competition, we welcome it and have been preparing for it, for quite sometime as a 10 year plus employee of ATU and now ACS we have skilled dedicated workers who are your neighbors, friends people in the grocery store. We take pride in the work we do and only ask that the rules be made the same for all players. Competition is only competition when there are no special favors or rules to give a company an unfair advantage over their competitor. Let GCI compete with the same rules and limitations as other utilities, when they truly do this only then can they say they are the better company for product and services. It is easy to offer your customers the same service as their competitor for considerably less money when they use our services at a fraction of the cost. If I lived next door to you and made less money would you subsidize me so that I could have the same standard of living as you? I believe the answer would be no. So why is GCI given an unfair advantage? All we ask is for the playing field to be level and let competition do the rest. I have worked for ATU/ACS for 10.5 years. I guess you could say I am somewhat biased, I am not asking for special treatment of ACS only fair treatment, if GCI wants to compete then let them do so if having the same limitations/rules that ACS has. Please support HB111 with amendments and stop the special interests group from sabotaging competition. Thank you for your time.

Karen Hoeft
332-5262

Subject: In Support of HB 111, to Amend the RCA Regulations....

Date: Thu, 15 May 2003 23:37:01 -0800

From: "James Noblin" <jnoblinsr@alaska.net>

To: <Representative_Lesil_McGuire@legis.state.ak.us>,
<Representative_Tom_Anderson@legis.state.ak.us>,
<Representative_Jim_Holm@legis.state.ak.us>, <Representative_Dan_Ogg@legis.state.ak.us>,
<Representative_Ralph_Samuels@legis.state.ak.us>,
<Representative_Les_Gara@legis.state.ak.us>,
<Representative_Max_Gruenberg@legis.state.ak.us>

In response to the hyperbole, distortion and, arguably outright false statements in an advertisement by GCI in the Sunday, 5-13-03 Anchorage Daily News Business section, I wish to respond to their ad by recording my support of HB 111 to the Rules Committee members.

While the intent of the 1996 FCC Local Telecommunications regulation, as it pertained to Unbundled Network Equipment owned by the Incumbent Carriers, was an attempt to encourage competition and economic benefit to the consumer, the enabling regulations had a long-term, much different effect as the Incumbent Carriers were required to provide service over their installed network, while the "Competitive" Carriers had little obligation beyond reselling network usage and service, and providing consumers with telephone numbers. The simplest description of this practice is to term these carriers as little more than brokers of goods and services provided by others.

The result is most analogous to a Travel Agent, providing a ticket to a passenger -- in essence, brokering and re-selling seats on equipment it has little or no obligation to select, finance or service, beyond satisfying a regulated, deliberately below-cost compensation fee to the actual provider selected and promulgated by a rate-and-fee-setting commission, without regard for available installed capacity, or available seats.

This fee, established to encourage and promote competition and benefit consumers, has resulted in a unique and unfair cost advantage to the new 'competitive' brokers, allowing them to pick and choose which network components they chose to resell, while not providing sufficient capital to establish expansion, maintain and extend current networks, nor upgrade essential network equipment.

This effect was by design, in order to allow the competitive carrier the means to establish presence in a market with pricing to increase market share and recover costs associated with establishing this presence. The inevitable result was a "churning" of de-provisioning and provisioning as customers, lured by price, switched service to the new providers.

The regulated fees paid to the incumbent were to simply allow the competitor to rent installed network facilities and did not cover the additional carrier costs involved with the churning, nor does it allow the Universal Service fee to be passed to the carrier actually doing the provisioning, nor allow sufficient profit for the incumbent to make improvements to it's network equipment in the face of adding customers to it's base subscribers without assurance those customers would not immediately switch to a provisioner not responsible to actually provision or maintain the circuits added. Regulated fees paid to the incumbents were designed to this end to give competitive opportunities to competitive carriers without the huge capital costs required by duplicating or building out an established network..

The duration of FCC-mandated fee regulation was to be limited to allow the competitors to establish a service base and obtain sufficient capital to be able to build out their own competitive network, or establish a financial basis for creating a wholesale/retail relationship with the incumbent carrier.

This goal has been largely met in Alaska , and the FCC has allowed for changes in regulatory fees and pricing. It is time to allow the marketplace, operating under financial reality, to establish rates and to allow the re-sellers and sellers of telecommunications to establish their own pricing levels with provisioning fees allowing coverage of actual costs and contingencies so sufficient capital resources are available to sustain the overall network and encourage new innovation in network capability.

Respectfully,

James W. Noblin

3501 E Huffman Rd, Anchorage, AK 99516 907-345-3697

A 'Super Voter' constituent of: Rep. Bob Lynn, Sen. Con Bunde

Subject: HB-111 & SB-72

Date: Thu, 15 May 2003 23:46:08 -0800

From: "John Lee" <johnlee@nhtiusa.com>

To: <Representative_Lesil_McGuire@legis.state.ak.us>

Dear Representative McGuire

I am writing to express my views concerning HB-111 and SB-72. I encourage you to support the amendments to HB-111 and to include similar language in SB-72. GCI would have us believe that the status quo regarding the RCA is somehow "competition" and that those pushing for the amendments are "special interests". Actually, I think the inverse is true. GCI is, in fact, the special interest at play here, and they are clearly desperate to retain an undeserved advantage.

GCI has cleverly manipulated the Telecom Act of 1996 into GCI becoming the dominant carrier in Alaska. I think that their rewards already have gone far beyond the spirit of the Act. The RCA has been in GCI's pocket and has clearly favored GCI to the detriment of AT&T Alascom and ACS. The HB-111 amendments are absolutely necessary to provide the restraints necessary to insure that the RCA is forced to regulate carriers even-handedly and in the public interest, not in the interest of GCI or anyone else. The amendments level the playing field and insure fair competition and also insure healthy technology growth and development of services available to Alaskans.

In the mid 1970's Alaska had the most modern telecommunications network that could be found anywhere. Today that is not the case. That is the price we paid for growing GCI into dominant carrier status. Other carriers have stopped growing as a result, severely retarding investment in new technology, causing Alaska to fall behind many other states in available service options, coverage, safety, and price.

GCI would have us believe that they are still the telecom underdog in Alaska and continue to need to leach subsidy from ACS and AT&T Alascom. Is it not a curiosity then, that ACS and AT&T are being forced to lay off many of their Alaskan workers while GCI enjoys corporate executive excess? For years now, GCI has kept a fleet of expensive airplanes and other equipment to support their lavish executive lodge and retreat at Tikchik Lakes near Dillingham. This Enron-like behavior fails to convince me that GCI needs to continue to feed off the flesh of the other carriers, forcing them to sell services to GCI at less than cost so that GCI can underprice them using their own equipment, just so GCI can continue to live high on the hog.

I am one among many that is getting very tired of listening to GCI whine to the legislature. I'm tired of them hiring expensive movie actors to thrust their snow-job upon us. They have been at it so long I would guess they must consider us too dumb to believe anything else. It reminds me of a street beggar sporting a \$1000 suit and Italian shoes. Something is wrong with the picture.

Once again, please support the language of the amendments. Promote growth and lowest possible consumer cost through fair competition.

Thank You,

John S. Lee

Subject: HB 111

Date: Thu, 15 May 2003 21:45:38 -0800

From: "Matt Bowman" <matt.bowman@acsalaska.net>

To: <Representative_Dan_Ogg@legis.state.ak.us>, <Representative_Jim_Holm@legis.state.ak.us>, <Representative_Lesil_McGuire@legis.state.ak.us>, <Representative_Max_Gruenberg@legis.state.ak.us>, <Representative_Ralph_Samuels@legis.state.ak.us>, <Representative_Tom_Anderson@legis.state.ak.us>

Dear Alaskan Representatives,

I am not one who normally takes the initiative to write my representatives how ever, I feel compelled to at this time. There is a great injustice being done to the wonderful residents of this great state, and I must get involved and speak my mind.

I write to you today as very concerned Alaskan, and as a regular voter and as a life long Alaskan. I have a **major concern over HB111 and it's critical amendments.**

I have worked in the Telecommunications industry for well over 10 years and I find myself in a very difficult situation. As I have been a life long Alaskan I have come to enjoy the consumer friendly market that competition has brought to this great state. Well I want to see that continue and I'm afraid I need your help for that to happen. I work for ACS, and while I try to not be biased, they are not allowed to compete evenly with GCI. ACS is not allowed to bundle it's many services as GCI now does and has been able to do for over 7 years. This does not benefit the consumer's as it truly could and should. What the legislature is allowing GCI to do is shameful. ACS is *required* to subsidize it's major competitor, GCI, which is already the local cable monopoly. This subsidy takes place in the form of lease rates that ACS is mandated to lease to GCI at a fraction of the cost that it truly takes to operate, maintain and deploy.

I encourage you to pass HB111 and all of it's critical amendments. When HB 111 as amended passes, Alaskan telecommunications consumers will have real competition for the first time in the history of the state. This competition will allow service providers to offer their best to the public because all of the competing companies will be playing on an even playing field.

Foreing ACS to subsidize it's competitors is not competition. Please vote to support HB 111 and all of it's critical amendments.

Thank you for your concern,

Matt Bowman
3425 Wesleyan Drive
Anchorage, Ak. 99508

House district 22, Senate K, Vid # 01161699

Subject: HB111

Date: Thu, 15 May 2003 21:19:36 -0800

From: "J Thibault" <thibault@ptialaska.net>

To: <representative_lesil_mcguire@legis.state.ak.us>,
<representative_tom_anderson@legis.state.ak.us>,
<representative_dan_ogg@legis.state.ak.us>, <representative_jim_holm@legis.state.ak.us>,
<representative_ralph_samuels@legis.state.ak.us>,
<representative_les_gara@legis.state.ak.us>,
<representative_max_gruenberg@legis.state.ak.us>

Hello! I hope everyone here is a good listener. I wish to convey to you my support of HB111 w/amendments. I believe in competition, however, one must be fair in order to compete. GCI clearly has an advantage to destroy a long time successful business in the State of Alaska with out HB111 being approved. It is clear to me ACS should not be forced to subsidize its prime competitor. Please act with fairness and equality, the American way. Thanks for listening.

Sincerely,

Jean Thibault
18036 Birchwood Loop
Chugiak, Alaska 99567

Subject: HB111 W/Amendments

Date: Thu, 15 May 2003 18:18:43 -0800

From: "Perry & Jeannie Carter" <akstuf@acsalaska.net>

To: <Representative_Lesil_McGuire@legis.state.ak.us>

Thank you for continuing to support HB111 W/Amendments.

Perry Carter
Anchorage, Ak



Honorable Bill Williams, Co-Chair
House Finance Committee
Alaska Capitol, Room 515
Juneau, AK 99801-1182

Honorable John Harris, Co-Chair
House Finance Committee
Alaska Capitol, Room 507
Juneau, AK 99801-1182

May 5, 2003

RE: HB 111 (Governor Murkowski) – Support Without Amendments

Dear Chairs Williams and Harris:

On behalf of the AARP members in Alaska, we encourage you and your colleagues on the House Finance Committee to support HB 111 as submitted by the House Rules Committee at the request of Governor Murkowski. We urge you to drop all amendments added in House Labor and Commerce.

HB 111, as submitted by Governor Murkowski, would reauthorize the Regulatory Commission of Alaska for a period of four years. Much of the debate over the RCA in the past has focused on the utilities supervised by the Regulatory Commission of Alaska and the relationship of the RCA with the entities it supervises. AARP relies on the RCA because it offers our members and all Alaskans the best opportunity to achieve basic consumer protections:

- The ability to make informed choices about utility services
- The security of safe and reliable energy and telecommunications services
- The assurance that sales practices and advertisements are fair, so they do not confuse, mislead, or frighten the public
- The reassurance that consumers receive accurate information, communicated clearly and in plain language so we understand our rights and remedies

The RCA assures consumers the right to affordable rates and access to such basic necessary services as utilities and communications. We emphasize "reasonable" rates but we also emphasize access for our rural citizens.

The RCA allows consumers an opportunity to participate in the governmental decision-making process that shapes the marketplace and ensures meaningful consumer input.

When wronged, the RCA offers consumers redress and complaint resolution.

AARP believes the Regulatory Commission of Alaska is necessary for our organization and for our members. Without the RCA, we would be deprived of any public oversight of energy and telecommunications services and, when a complaint is warranted, we would not have the RCA available and willing to listen to a consumer's side of an argument.

Unfortunately, the amendments added in the House Labor and Commerce Committee are all market changes that should be evaluated and resolved before the Regulatory Commission of Alaska in an open process, not via legislation.

As amended by the Labor and Commerce Committee, two pages are spent outlining the findings and purpose of the bill and contain some very strong and (according to our attorneys) unsubstantiated findings. Namely, the bill finds that (1) state law fails to recognize that policies designed to encourage competition are disproportionately burdensome and financially threatening to the state's small carriers, (2) Alaska's outdated policies impede deployment of advanced services, and (3) state law fails to reflect national policy. See, for example, section 1, subsections 3, 4 and 5. If this is true, a proceeding to alter the RCA rules should be initiated at the Commission. Section 2 prohibits the RCA from regulating the local incumbent carrier as the dominant carrier (where that company's market share is less than 60%) when another carrier enters the market. However there are no requirements for the new entrant's market share or service territory to justify such a change. Section 5 designates the local market in Anchorage and the statewide long distance market as competitive areas. The term "competitive service area" is defined as a service area in which at least 50% of all retail customers have a choice of "facilities-based providers." However the definition of what qualifies as "facilities based" is very broad and would include practically any kind of provider. A competitive carrier that offers only a "portion" of its products and services by means of facilities it owns or operates or via leased facilities or any combination thereof would create a competitive market. Section 6 prohibits the RCA from regulating a long distance carrier as a dominant carrier in the long distance market if the carrier's statewide market share is less than 60%. But, again, this type of change should be made by the RCA which can hold a public proceeding and has the

expertise to determine if such a change is truly in the public interest. Section 8 allows an incumbent carrier to immediately adjust and implement new rates for "existing" interconnection agreements with other carriers. The ability to exercise what appears to be unilateral authorization to alter an existing contract is fundamentally unfair.

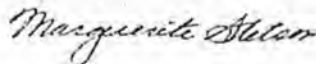
The RCA protects our rights as consumers. We ask that the House Finance Committee support Governor Murkowski's bill to reauthorize the RCA for four years as a clean bill with no amendments. Our AARP families need it. All Alaskans need it. Please allow the RCA to do its job under its new leadership. The amendments offered by House Labor and Commerce do not belong in legislation and should be removed.

AARP urges an "AYE" vote on HB 111, without amendments.

Should you have any questions about our position, please feel free to contact Marie Darlin (907.586.3637), Coordinator of the AARP Capital City Task Force; Patrick Luby (907.762.3314), AARP Legislative Representative; or me (907.245.5259).

Thank you for your consideration.

Sincerely,



Marguerite Stetson
AARP Alaska
Executive Council Member for Advocacy
3009 Northwood Street
Anchorage, AK 99517-1871
907.245.5259 voice
907.245.5279 fax
ffmas@aurora.uaf.edu

cc: Governor Frank Murkowski
Labor and Commerce Chair Tom Anderson
Labor and Commerce Vice-Chair Bob Lynn
Representative Nancy Dahlstrom
Representative Carl Gatto
Representative Norman Rokeberg
Representative Harry Crawford
Representative David Guttenberg
Finance Committee Vice-Chair Kevin Meyer

Representative Richard Foster
Representative Mike Hawker
Representative Mike Chenault
Representative Bill Stoltze
Representative Jim Whitaker
Representative Eric Croft
Representative Reggie Joule
Representative Carl Moses
Marie Darlin
Patrick Luby

5-15-03

(Kevin Meyers

Please support HB 111 with
amendments to ensure an
open & fair competition to
Alaskans -

FORREST CHARLTON

Box 112929

Anch AK 99511

5-15-03

Kevin Meyers

Please support HB 111 with
amendments to ensure an
open + fair competition to
Alaskans -

Regina Chartter

Box 112929

Anch AK 99511

5-15-03

KEVIN MEYERS

Please support HB 111 with
amendments to ensure an
open & fair competition to
Alaskans -

CAM CHARLTON

Box 112929

Anch AK 99511

Deanna C. Borgen
P.O. Box 244555
Anchorage, AK 99524

TO: ALASKA STATE LEGISLATURE
ATTN: House 24 Cheryl Heinze.

SUBJECT HB 111

Hi my name is Deanna Borgen I have worked in the Telecommunications industry for many years. I feel my job security, retirement and my family's well being and futures are at risk. If the amendments for HB 111 are not kept in place I may lose my job.

When House Bill 111 as amended passes all Alaskan telecommunications consumers will have competition for the first time, and competing companies will have the same set of rates on a level playing field.

Please as a voter, I encourage you to represent my family and myself when you cast your VOTE on this important legislation. Please Support HB 111 and all its critical Amendments.

Thank you
Deanna C. Borgen

May 13, 2003

Dear Bob Lynn,

I understand HB 111 is in danger of being stripped of all of its amendments. I am writing to ask that you work to pass HB 111 with all of its amendments intact. This is crucial because if HB 111 passes without these amendments my job security + retirement are in jeopardy.

Respectfully,

Laurie Mack

6860 O'Malley
Anchorage, AK 99507

May 13, 2003

Dear Kevin Meyer,

I understand that HB 111 is in danger of being stripped of all its amendments.

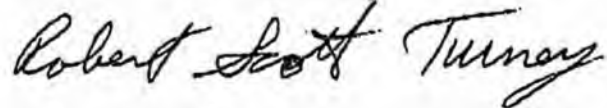
I am writing to ask that you work to pass HB 111 with all of its amendments intact. This is crucial because if HB 111 passes without these amendments my job security & retirement are in jeopardy.

Respectfully,

Laurie Mack
6860 O'Malley
Anchorage, AK 99507

My family and I are VERY CONCERNED about the implications of NOT passing HB 111. As the sole earner for my family, I am asking you to PLEASE SUPPORT PASSING HOUSE BILL 111 WITH THE AMENDMENTS. The future of our children and other families working in the telecommunications industry is depending on your support.

With sincere thanks,



**Robert Scott and Pearline Turney
HOMER, ALASKA 99603**

907-235-4741

e-Mail: turnips@alaska.net

Subject: HB111

Date: Wed, 14 May 2003 09:37:01 -0800

From: "Leder, Gary S." <GLeder@acsalaska.com>

To: "Representative_Lesil_McGuire@legis.state.ak.us" <Representative_Lesil_McGuire@legis.stat

Dear Rep McGuire,

I am writing for your help in amending HB111 to offer fairness in Alaska's telecom market. As you know, ACS has been operating at a loss as a result of being forced by law to lease their facilities to their competitor at below cost. Most people can not fathom how this can happen in America, I am one of them. Competition should be fair and true, HB 111 was amended at one point to reflect fairness. I urge you to investigate the amendments and I believe you will agree that they are logical and fair, not to mention long overdue.

The easy thing to do would be to just extend RCA's life for four years and let them deal with this. The problem, however, is that the RCA is the root cause of the gross unfairness in the telecom industry that we see today. The right thing to do, is give the RCA an extended life only with new rules to operate under, as proposed in the amendments to HB111.

This is a very deep issue and I hope you will educate yourself on the details. Alaskans will be the winners if true and fair competition were to finally come to our state in the telecom industry. Thank you for your time.
Gary Leder Juneau

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Subject: HB 111

Date: Wed, 14 May 2003 10:08:05 -0800

From: ibewjno@ptialaska.net

To: Representative_Norman_Rokeberg@legis.state.ak.us,
Representative_Pete_Kott@legis.state.ak.us, Representative_John_Coghill@legis.state.ak.us,
Representative_Lesil_McGuire@legis.state.ak.us,
Representative_Carl_Morgan@legis.state.ak.us,
Representative_Ethan_Berkowitz@legis.state.ak.us,
Representative_Beth_Kerttula@legis.state.ak.us

Dear Rules Chair Rokeberg and Committee Members,

I write this letter to you all today asking for your support of HB111 with the amendment text added back into it that came from Labor and Commerce and was stripped out in House Finance. I am a lifelong Alaskan and Telecom worker for twenty four years in our State. I believe that it is now the time for our Legislature to extend our RCA's life, but more importantly to give it specific guidelines to make it act objectively and fairly to ensure competition in Alaska. These amendments will do just that. If competition is truly going to occur in Alaska these measures must be undertaken to make all competitors for markets and customers play by the same rules.

For too long now our APUC and the current RCA have placed unfair burdens on certain companies while favorably treating entrants into the original company's markets at the original company's expense. How can it possibly be fair for one company to have to build telecommunications infrastructure and lease it to a competitor for amounts that will not allow it to recover the cost of building? How can it be fair for the FCC to recommend accelerated depreciation rates for telecommunications companies and for our RCA to controvert that in their rulings here, thus slowing investment in new infrastructure and services? This is not fair and equitable treatment to all.

I believe that the Legislature is charged with the oversight of the RCA and needs to give it clear direction for the way competition is fairly carried out in Alaska. Again I ask that you support HB111 and add the amendments back into the Bill so that Alaskan consumers can enjoy the benefits of further investment in Alaska by companies providing state of the art services at reasonable prices. Thank you for your time and consideration.

Sincerely,
Mike Notar
124 Front St.
Juneau, AK 99801
(907) 586-3050

Please support House Bill No.111 with the current amendments.

Subject: Please support House Bill No.111 with the current amendments.

Date: Wed, 14 May 2003 12:39:03 -0800

From: gilbertc@acsalaska.net

To: "Representative_Lesil_McGuire@legis.state.ak.us" <Representative_Lesil_McGuire@legis.state

Please support House Bill No.111 with the current amendments.

Section 1. (1) Findings and Purpose. Says the Telecommunications Act of 1996 was enacted to foster the rapid deployment of advanced telecommunications, information technologies, and services Americans by promoting competition and reducing regulation in telecommunications nationwide.

ILEC like ACS have to share it's products and services with CLEC like GCI, this will not encourage companies like ACS to spend on capital projects and improve the rapid deployment of advanced telecommunications to serve Alaskans. This actually discourages companies like ACS to invest on NEW advanced technologies, ACS would have to share this NEW technology service with CLEC's like GCI, and they do not get any money on their return. Companies like GCI do not invest on any capital projects and improve the rapid deployment of advanced telecommunications to serve Alaskans, because they get for below cost with ILEC companies like ACS. Who ends up suffering? The public.

Ask GCI to be the carrier of last resort and they most likely will say they are not interested in that area. So the Carriers of last resort like ACS would be forced to deploy investment and then GCI comes back and wants to enter that area. Not a fair playing field.

Please vote for House Bill No.111with the current amendments.

My wife, my kids and myself thank you for doing this.

Thank you,

Gilbert Carrillo

8301 Majestic Dr

Anchorage AK 99504

Subject: Bill HB 111 With Amendments

Date: Wed, 14 May 2003 14:19:48 -0800

From: "Buttolph, Linda K." <LButtolp@acsalaska.com>

To: "Representative_Lesil_McGuire@legis.state.ak.us" <Representative_Lesil_McGuire@legis.stat

You need to Approve Bill HB 111 with ALL AMENDMENTS! For Fair Competition, All Companies need to be on an equal playing field. I have been in the Telecommunications industry for over 21 years and have lived in Alaska for 31 years. I live in your district and request your Help to get this Bill Approved with the Amendments. I also work for ACS. If Bill HB 111 is approved without the Amendments, I feel ACS will not be able to continue Business. How can you find someone to Purchase a Company that can not turn a Profit, because your hands are tied. GCI will not be on the list to Purchase ACS, I can assure you.

The Agreement GCI is working under, was put in place when ATU was owned by the City of Anchorage. ATU did not need to show a Profit. ACS is a privately owned company, just like any other Business. If you did not show a Profit in your Own Business, you surely would not continue.

Competition to me is - Let all Companies place there own infrastructure.

NOW LET'S COMPETE

Sincerely

Linda Buttolph
2001 Shore Dr
Anchorage Alaska 99515

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Subject: HB111 must have amendments

Date: Wed, 14 May 2003 14:41:20 -0800

From: "Varness, Bob (Robert)" <Robert.Varness@acsalaska.com>

To: "Representative_Lesil_McGuire@legis.state.ak.us" <Representative_Lesil_McGuire@legis.stat

My name is Bob Varness, I currently work for ACS in Juneau. I've worked Telecommunications in Alaska since 1976. Over the years I've traveled and worked in most all of the Southeast communities and some up North. In the past I've witnessed inefficient operations, procedures and practices that have given most communications monopolies the reputation they currently enjoy today. It's no secret, everyone loves to hate the telephone company. Moving beyond old thinking and beat up payphones, the industry changed a while back but some haven't really noticed. Competitors are still working the public for their not so fond memories and feelings of the past.

I'm proud to say since Alaska Communications Systems has purchased PTI, ATU and FMUS properties, I've seen positive change in all areas of the organizations. Our procedures and operational norms look quite different than a half decade ago. As part of our re-organization efforts, services we once gave away or what was included in the overall cost of doing business is not free anymore, so we must recover costs whenever we can due to reduced revenues from competition, but like all business, this is good business (you know, mean and lean) like everyone else we want to keep our rates competitive and give our customers a service of value. To accomplish these goals were required to charge most of our customers what it costs to do business, there are others we give a good deal to, because were required to do so by the RCA.

I don't understand why the RCA continues to subsidize CLEC's at the ILEC's expense, I don't think its fair to make one companies customers pay for another companies customers, is that realistic? that's happening today. Competition is a good thing, I'm all for it. Why are CLEC's not required to build out the Plant with the Universal Service Funds they receive. It's clear to me their not re-investing in the middle mile and all Alaskans telecommunications future is ultimately on the line. If the Alaskan lawmakers continue to let the RCA operate as they have been, I believe telecommunications in Alaska may suffer more than we all know. The old phone companies and the 900 lb. Gorilla attitude left Alaska 5 years ago, I don't think it's fair to stereotype the other new guy on the block.. ACS.

Thanks
Robert A.

Varness

3819

Killewich Drive

Juneau,

Alaska 99801

789.2433

This transmittal may contain confidential information intended solely for the addressee. If you are not the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you have received this communication in error, please notify us immediately by reply or by telephone (collect at 907-564-1000) and ask to speak with the message sender. In addition, please immediately delete this message and all attachments. Thank you.

Subject: HB 111

Date: Thu, 15 May 2003 06:44:03 -0800

From: "Joni" <jonij@arctic.net>

To: <Representative_Lesil_McGuire@legis.state.ak.us>

Dear Ms. McGuire,

The RCA has consistently misinterpreted FCC regulations and manipulated them to bring about a slow death for competition in Alaska's Telephone Services and Internet Services market, as well as placing unfair burden on the Electrical Utilities in this great state. I can see subsidizing a new comers arrival in the market place for a year or two - but long term subsidies at the direct expense of the companies (now one) who spent decades and millions building the copper network that links Alaskans to each other, and to the outside world is not only unfair but should be brought to an end before there are over a thousand families with their bread winners in the unemployment lines!<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

I have been employed by both Chugach Electric and ACS through my years in Alaska and have seen jobs lost and red ink flow across the ledger pages because of actions by the RCA that are in direct contradiction to the advisements of the FCC that were designed to keep competition healthy and thriving in the lower 48. If the RCA were fair and effective in the regulations they produce and enforce - Alaskans would have a CHOICE about who to buy their technology services from in even the most remote locations. As things stand today - ACS operates the existing network at a loss and can't possibly expand the network or invest in new technology because it is required to serve GCI customers before it's own and at a loss of millions of dollars each year as customers go to GCI so enjoy the preferential treatment by ACS. How can this be fair or "free enterprise"?

I ask you - please reconsider the amendments that have been stripped from House Bill 111 and do NOT approve this bill without adding those amendments. We do not need to give anyone an advantage - we just need to make the playing field LEVEL for everyone! That's what these amendments would do - just make it fair so hard working Alaskans can stay in Alaska to raise their children and watch future generations benefit from wise legislative action taken today.

Thank you for your time.

Joni Johnson

Eagle River Alaska

Subject: House Bill 111

Date: Thu, 15 May 2003 07:49:25 -0800

From: ibewjno@ptialaska.net

**To: Representative_Lesil_McGuire@legis.state.ak.us,
Representative_Tom_Anderson@legis.state.ak.us,
Representative_Jim_Holm@legis.state.ak.us, Representative_Dan_Ogg@legis.state.ak.us,
Representative_Ralph_Samuels@legis.state.ak.us, Representative_Les_Gara@legis.state.ak.us,
Representative_Max_Graenberg@legis.state.ak.us**

Dear Judiciary Chair McGuire, Vice-Chair Anderson and Committee Members,

I ask myself what is the main purpose of a corporation or any business? I believe I already know the answer. It is to make money. A novel conclusion and I am impressed with my analytical powers. Then I ask myself again why a certain "competitive" telecommunications corporation in our State would be so concerned for consumers, and willing to spend big money on full-page ads, radio and TV spots, and have an unsuccessful gubernatorial candidate endorse their efforts. It is greed, and their own knowledge that they enjoy unfair advantages in the telecommunications market, coupled with them feeling threatened by the possibility that they may lose these unfair advantages. Another novel conclusion, and again I am impressed with myself for figuring out that all the ads are an attempt to deceive the public. I question how effective they've actually been, but then realize they have at least succeeded in fooling Arliss and AARP with their scary misinformation and Madison Avenue ads.

Then I apply my knowledge of the industry in our State through my own twenty-plus years of experience in it. Having gone through the scary and uncertain times of deregulation in the 1980's, I've now come to the conclusion that there are not any telecommunications monopolies in Alaska anymore. If competition is what was wanted, then now let it truly and fairly begin. The Legislature can extend and give the RCA guidelines in statute that will assure that one company is not favored over another, or have to provide its facilities to the other for under-market and non-recoverable costs. If the RCA is only extended, without the necessary amendments to achieve this, that may well serve to further foster the success of one company and continue the downward spiral of another, resulting in the loss of nearly one thousand good paying jobs across our State. That would be bad public policy in my mind. I urge you to vote HB111 out of your Committee with the amendments added back in that were eliminated in the House Finance Committee. Thank you for your consideration.

Sincerely,
Mike Notar
124 Front St.
Juneau, AK 99801
(907) 586-3050

Subject: HB 111

Date: Thu, 15 May 2003 08:29:30 -0800

From: "Diamond, Barbara" <barbara.diamond@acsalaska.com>

To: "Representative_Lesil_McGuire@legis.state.ak.us" <Representative_Lesil_McGuire@legis.stat

Dear Representative McGuire:

I have worked in the Telecommunications industry for twenty years and I find myself in a situation where my company is not allowed to compete.... my job security, retirement, and my future are at stake. Please support HB 111 and all its critical amendments.

ACS should be allowed to compete by the same rules as GCI. For example, ACS should be allowed to bundle together regulated and unregulated services such as local, long distance, Internet and Wireless (the cable monopoly- GCI- has been able to do this for over seven years). I encourage you to support HB 111 and all its critical amendments.

What we have witnessed through full-page ads, radio spots, Internet sites, and political maneuvering is an attempt to maintain a structure, which requires ACS to subsidize its chief competitor, GCI, the cable monopolist. This subsidy takes root in lease rates that are a mere fraction of the true cost ACS has incurred. I encourage you to support HB 111 and all its critical amendments.

Would ACS raise its Local and/or Business Customer Rates by \$100 million annually? Of course not. Such action by ACS would drive customers to the competition. ACS would raise its interconnection fees so that GCI was paying a compensatory rate for use of the ACS Network. This is competition at work.

When House Bill 111 as amended passes, Alaskan telecommunications consumers will have real competition for the first time. Competition which allows all service providers to offer their "best" deals because all the competing companies will be operating under the same set of rules on a level playing field.

As a voter in your district, I encourage you to represent my family and myself when you cast your vote on this important legislation. Please support HB 111 and all its critical amendments.

Forcing ACS to subsidize its competitors is not competition. Please vote to support HB 111 and all its critical amendments.

Thank you

Sincerely

Barbara L. Diamond

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Subject: HB111 WITH AMENDMENTS

Date: Thu, 15 May 2003 08:37:55 -0800

From: "Rondeau, Jane" <jrondeau@acsalaska.com>

To: "Representative_Lesil_McGuire@legis.state.ak.us" <Representative_Lesil_McGuire@legis.stat

I am currently an ACS employee with an insider view of the telecommunications industry within Alaska.

The competition between ACS and GCI is and has been controlled from the onset. Unlike the GCI commercial spin, it has never been a matter of letting freedom ring.

This restrained, deregulated environment has imposed regulations on ACS that are detrimental to its survival. First, ACS is forced to lease lines to its major competitor, GCI, below the cost of maintaining those lines. There is no incentive for ACS to enhance the infrastructure it's losing money on, and there is no incentive for GCI to get off the gravy train. Second, unlike GCI, ACS is restricted from bundling its products. What this means is that the consumer who calls GCI has the ability to make one phone call, speak to one person, and order numerous products. If placing that order at ACS, the call would be transferred from department to department. Last, the rate of phone line depreciation is slanted in GCI's favor even though the burden of maintaining those lines lies with ACS. Due to legal trappings ACS has lost 50% of the Anchorage market share, and is steadily losing more. ACS can't continue to exist and provide the service that Alaska depends upon unless there is legislative relief. No company can.

What other company would buy into this losing proposition? Will the infrastructure eventually collapse, or be propped up by corporate welfare?

The option of ACS failing doesn't benefit Anchorage citizens or its politicians.

In order to counter the downward spiral of the Alaskan communications systems, I urge you to vote yes on HB111, with amendments.

Sincerely,
Jane Rondeau

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Subject: HB111 With Amendments

Date: Thu, 15 May 2003 08:39:50 -0800

From: "Ketchum, Judy" <JKETCHUM@acsalaska.com>

To: "'Representative_Lesil_McGuire@legis.state.ak.us'" <Representative_Lesil_McGuire@legis.stat

I have worked here at Alaska Communications System for almost 17 years. I am really concerned that if we don't manage to make the competitive market more fair that ACS will eventually go down and many many layoffs will occur, possibly my job. I have invested a career in this business and am very concerned that is this HB111 with Amendments doesn't pass that what I have invested will be gone. The competition out there is not fair, our competitors can lease facilities cheaper than it costs us to maintain these, that makes it difficult to stay in business very long. In order to have fair competition out there we need to have the HB111 with Amendments to be passed as this will allow our competitors to lease at a price that will be fair in order to stay in business.

Having a government regulators setting all the rules does not do justice to competition, we need the market forces to do this to ensure that all competition is open and fair. Passing this House Bill with Amendments will allow ACS and GCI to compete in a fair business and allow ACS to be able to run our business in a very competitive fashion.

I urge you to please vote on passing this HB111 with Amendments in hopes that it will even out our competition and we can run a business with competitive prices on products, services. Thank you for your time, I will be following carefully and very attentively to what is happening with this HB as this may be my job or a retirement in the future depending on if it passes or not. I support the HB111 with Amendments and I hope I can count on you to pass the HB111 with Amendments so we can enjoy a fair competition market here in Anchorage.

Judy Ketchum
CABS Billing Specialist

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Subject: PLEASE SUPPORT HB 111 WITH AMMENDMENTS

Date: Thu, 15 May 2003 08:41:23 -0800

From: "Powell, Laura A." <lpowell@acsalaska.com>

To: "representative_Max_Gruenberg@legis.state.ak.us" <representative_Max_Gruenberg@legis.state.ak.us>
"Representative_Lesil_McGuire@legis.state.ak.us" <Representative_Lesil_McGuire@legis.state.ak.us>
"Representative_Jim_Holm@legis.state.ak.us" <Representative_Jim_Holm@legis.state.ak.us>,
"Representative_Dan_Ogg@legis.state.ak.us" <Representative_Dan_Ogg@legis.state.ak.us>,
"Representative_Les_Gara@legis.state.ak.us" <Representative_Les_Gara@legis.state.ak.us>,
"Representative_Tom_Anderson@legis.state.ak.us" <Representative_Tom_Anderson@legis.state.ak.us>,
"Representative_Ralph_Samuels@legis.state.ak.us" <Representative_Ralph_Samuels@legis.state.ak.us>

Dear Honorable Representatives,

> My name is Laura Powell. I am a born and raised Alaskan. For most of my
> life I lived in Homer where there has always been only 1 phone company.
> So, I really want to see fair competition. I believe in it, as I feel it
> benefits the customer and it can also benefit the companies and our state
> to have fair competetion among companies.

>
> I work at ACS so it may seem that I am a little biased. But, I try to
> look at it from a laymans standpoint.

>
> If you can imagine having 2 small town bakers. One has a factory to
> manufacture the pie pans. They also have a full service bakery where they
> bake the pies with ingredients that they purchase. Baker B down the block
> doesn't have a factory or the ovens to make the pans or the pies. But the
> Baking commision tells Baker A that they must lease the pie pans to Baker
> B for less than what Baker A can make them for. But, not only must they
> lease them the pans, they must bake the pies and sell them to Baker B,
> below cost as well. Eaker B sells the pies at a cheaper price than Baker
> A can and then when the pie pans get broken or dented they just have Baker
> A's factory repair them, at NO cost to Baker B.

>
> In this sceneric there is NO incentive for Baker B to buy their own
> factory or ovens. Why should they? They are getting a product at a cost
> that is cheaper than it would cost them to make the pies themselves.

>
> Where is the fairness? Where is the competition? Where is the
> regulation? Where is the monopoly? Where does that leave the customer
> when the "supplier" goes out of business and the re-seller doesn't own the
> equipment?

>
> This is a very simplistic way to look at the whole picture, I realize.
> This is how I would explain it to my children, who depend on me to keep my
> job. I am concerned that if HB111 passes without ammendments, that I may
> have to explain to my children why they can't have new clothes for
> school...And not only that, I will be explaining to my family who live in
> Homer, why another service provider in that town will be suffering because
> of "regulations." They already have lost out on other services that the
> rest of the state enjoys....

>
> I urge you to support HB111 WITH ammendments.

>
> It's the fair thing to do. It's the right thing to do, for the companies
> involved, for all the customers involved and for all Alaskans.
> Competition is a great tool, when it is used properly.

>
> Thank you for your time and consideration.

- > *Laura Powell*
- > *564-1466 work*
- >
- >
- >
- >
- >
- >

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Subject: I support HB 111

Date: Thu, 15 May 2003 08:43:33 -0800

From: "Johnson, Maydeen R." <maydeen.johnson@acsalaska.com>

To: "'Representative_Lesil_McGuire@legis.state.ak.us'" <Representative_Lesil_McGuire@legis.stat

What the RCA has done to ACS is unfair.

The public is also being mislead, misinformed & deceived by GCI & the media. ACS is a long time alaskan corporation, what are these fellow alaskans doing?

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Subject: HB111

Date: Thu, 15 May 2003 12:43:50 -0400

From: "Connie Maze" <cmaze@acsalaska.com>

To: "The Honorable Lesil L. McGuire" <Representative_Lesil_McGuire@legis.state.ak.us>

Connie Maze
1506 Wolverine Street
Anchorage, AK 99504

May 15, 2003

The Honorable Lesil L. McGuire
House of Representatives
Juneau, AK 99801-1182

Dear Representative McGuire:

I have worked in the Telecommunications industry for a relatively short time but decided to start a career in this field. Now I find myself in a situation where my job security and retirement, my future, is at stake because the company I work for is not allowed to compete. Please support HB111 and all its critical amendments.

When House Bill 111 as amended passes, Alaskan telecommunications consumers will have real competition for the first time. Competition which allows all service providers to offer their best deals because all the competing companies will be operating under the same set of rules, on a level playing field. For seven years GCI has been allowed to bundle together regulated and unregulated services, such as, local, long distance, Internet and Wireless. ACS has not been allowed to do so. ACS is required to subsidize GCI by lease rates that are a fraction of the true cost ACS incurs. Basically, ACS is forced to give GCI use of our company infrastructure, for the sake of competition, without being allowed to collect proper compensation for that use. This is not competition it's subsidy. Please support HB111 and all its critical amendments.

I have seen TV ads, heard radio ads, by politicians, paid for by GCI, stating that, ACS will raise its rates by \$100 million annually if HB111 is passed. This is ridiculous! That would drive our customers to the competition. ACS would raise its interconnection fees so that GCI was paying a compensatory rate for use of the ACS Network. GCI doesn't want to give up their free ride, that they have enjoyed far too long. If the concern is really competition, why has nothing been done to address the monopoly that GCI has in the cable industry.

As a voter, I encourage you to represent my family and myself when you cast your vote on this important legislation. Please support HB111 and all its critical amendments.

Sincerely,

Connie Maze