

**STATEMENT OF
CHAIRMAN KEVIN J. MARTIN**

Re: *Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as Amended, for Forbearance from Sections 251(c)(3) and 252(d)(1) in the Anchorage Study Area, WC Docket No. 05-281*

Today we remove the application of legacy network unbundling requirements on ACS of Anchorage, Inc. (ACS), the incumbent LEC operating in Anchorage, Alaska. This relief is warranted based on the specific market facts before us. These facts demonstrate that General Communication Inc. (GCI) has made a substantial infrastructure investment in the Anchorage study area and has used these facilities to provide competing telephone services to thousands of residential and business customers. As was the case in the Commission's *Qwest Omaha Order*, this success of intermodal competition warrants the Commission's careful exercise of its forbearance authority.

Significantly, however, our grant of forbearance in this item is conditional. Specifically, we require ACS to continue to provide loops at the same rates, terms, and conditions that it is currently offering pursuant to an existing commercially negotiated agreement covering Fairbanks, Alaska. ACS must make this offering until commercially negotiated rates are reached. It is my hope that commercial agreements will quickly be reached.