

**ACCESS SERVICE****15. Special Construction**

When special construction of facilities is required, the provisions of this tariff apply in addition to all regulations, rates and charges as set forth in the appropriate service tariff.

**15.1 Regulations****15.1.1 Filing of Charges**

Rates, charges and liabilities for special construction to provide facilities for use for one month or more are filed in 15.1.8, following, as appropriate.

Rates, charges and liabilities for the construction of facilities for use for less than one month are filed in supplements to this tariff.

**15.1.2 Ownership of Facilities**

The Company providing specially constructed facilities under the provisions of this tariff retains ownership of all such facilities.

**15.1.3 Interval to Provide Facilities**

Based on available information and the type of service ordered, the Company will establish a completion date for the specially constructed facilities. If the scheduled completion date cannot be met due to circumstances beyond the control of the Company, a new completion date will be established and the customer will be notified.

**15.1.4 Special Construction Involving Both Interstate and Intrastate Facilities**

When special construction involves facilities to be used to provide both interstate and intrastate services, charges for the portion of the construction used to provide interstate service shall be in accordance with this tariff. Charges for the portion of the construction used to provide intrastate service shall be in accordance with the appropriate intrastate tariff.

**15.1.5 Payments for Special Construction****(A) Payment of Charges**

All bills associated with special construction charges are due in accordance with the regulations of the Company.

ACCESS SERVICE15. Special Construction (Cont'd)15.1 Regulations (Cont'd)15.1.5 Payments for Special Construction (Cont'd)(B) Start/End of Billing

Billing of recurring charges for specially constructed facilities starts on the day after the facilities are made available for use. Billing accrues through and includes the day that the specially constructed facilities are discontinued.

(C) Credit Allowance for Service Interruptions

In the event of a service interruption involving a specially constructed facility, the customer shall receive a recurring monthly charge credit in accordance with the credit allowance provisions in the appropriate service tariff associated with the affected services.

When an interruption continues due to the failure of the customer to authorize the replacement of facilities subject to a Replacement Charge, as specified in 15.1.8(A)(4) following, the credit allowance will be terminated on the seventh calendar day after the Company has provided the customer with written notification of the need for replacement. The credit allowance will resume on the day after the Company receives written authorization for the replacement from the customer.

15.1.6 Liabilities and Charges for Special Construction(A) General

This section describes the various charges and liabilities that may apply when the Company provides special construction of facilities in accordance with an order for service. Written approval of all liabilities and charges must be provided to the Company prior to the start of construction.

(B) Conditions Requiring Special Construction

Special construction is required when 1) facilities are not available to meet an order for service, 2) the Company constructs facilities, and 3) one or more of the following conditions exists:

- The Company has no other requirement for the facilities requested.
- It is requested that service be furnished using a type of facility, or via a route, other than that which the Company would normally utilize in furnishing the requested service.

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**ACCESS SERVICE**

<p>15. <u>Special Construction</u> (Cont'd)</p> <p>15.1 <u>Regulations</u> (Cont'd)</p> <p>15.1.6 <u>Liabilities and Charges for Special Construction</u> (Cont'd)</p> <p>(B) <u>Conditions Requiring Special Construction</u> (Cont'd)</p> <ul style="list-style-type: none"> <li>• More facilities are requested than would normally be required to satisfy an order.</li> <li>• It is requested that construction be expedited, resulting in added cost to the Company.</li> </ul> <p>15.1.7 <u>Development of Liabilities and Charges</u></p> <p>Special construction charges and liabilities will be developed based on estimated costs, except when actual costs are requested in writing prior to the start of special construction.</p> <p>In order to meet a scheduled service date when actual costs are requested, an initial special construction filing may be made based on estimated costs. Such a filing will be revised when actual costs are available.</p> <p>15.1.8 <u>Types of Liabilities and Charges</u></p> <p>Depending on the specifics associated with each individual case, one or more of the following special construction charges and/or liabilities may be applicable:</p> <p>(A) <u>Nonrecurring Charge</u></p> <p>A nonrecurring charge always applies and includes one or more of the following components:</p> <p>(1) <u>Case Preparation Charge</u></p> <p>A nonrecurring charge always includes a case preparation charge component to cover the administrative expenses associated with preparing a special construction case and the associated tariff filing.</p> <p>(2) <u>Expediting Charge</u></p> <p>A nonrecurring charge may include an expediting charge when it is requested that special construction be completed on an expedited basis. The charge equals the difference in estimated cost between expedited and nonexpedited construction.</p> <p>(3) <u>Optional Payment</u></p> <p>An optional payment charge may be included in the nonrecurring charge in association with a type of facility or route other than that which the Company</p>	
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15. Special Construction (Cont'd)

15.1 Regulations (Cont'd)

15.1.8 Types of Liabilities and Charges (Cont'd)

(A) Nonrecurring Charge (Cont'd)

(3) Optional Payment (Cont'd)

would normally use in furnishing the requested service if lower recurring monthly charges are desired for the specially constructed facilities. This charge is equal to the excess installed cost or the total nonrecoverable cost, whichever is less. This election must be made in writing before special construction starts. If this election is coupled with the actual cost option, the optional payment charge will reflect the actual cost of the specially constructed facilities.

(4) Replacement Charge

If any portion of specially constructed facilities for which an optional payment charge has been paid requires replacement involving capital investment, a replacement charge will apply. This charge will be in the same ratio to the total replacement cost as the initial optional payment charge was to the installed cost of the original specially constructed facilities. If any portion of the facilities subject to the replacement charge fails, service will not be restored until notification is provided in writing that replacement is required and such replacement is ordered.

(5) Rearrangement Charge

If the Company is requested to rearrange existing specially constructed facilities, a nonrecurring charge equal to the cost of any additional special construction will apply.

(6) Special construction of Facilities for Use for less than One Month

When the Company is requested to construct facilities to provide service for less than one month, a nonrecurring charge only applies. In addition to the case preparation charge component, this nonrecurring charge recovers all elements of cost, including engineering, shipping of equipment, equipment installation, line-up, equipment leasing, space rental, equipment removal, and any other costs associated with the construction of the facilities.

(B) Maximum Termination Liability and Termination Charge

A Maximum Termination Liability is equal to the nonrecoverable costs associated with specially constructed facilities and is the maximum amount which could be applied as a Termination Charge if all specially constructed facilities were discontinued before the Maximum Termination Liability expires.

**ACCESS SERVICE**

- 15. Special Construction (Cont'd)
- 15.1 Regulations (Cont'd)
- 15.1.8 Types of Liabilities and Charges (Cont'd)
- (B) Maximum Termination Liability and Termination Charge (Cont'd)

The Maximum Termination Liability is filed with the initial tariff filing in decreasing amounts at ten-year intervals over the average account life of the facilities. In the event that the average account life of the facilities is not an even multiple of ten, the last increment will reflect the appropriate number of years remaining.

Example Illustrating a 27-Year Average Account Life

Maximum Termination Liability	Effective	Expiration Date	Date
\$10,000	06/01/84	06/01/94	
7,000	06/01/94	06/01/04	
3,000	06/01/04	06/01/11	

Prior to the expiration of each liability period, the customer has the option to (A) terminate the special construction case and pay the appropriate charges, or (B) extend the use of the specially constructed facilities for the new liability period.

The Company will notify the customer six months in advance of the expiration date of each ten-year liability period. The customer must provide the Company with written notification at least 30 days prior to the expiration of the liability period if termination is elected. Failure to do so will result in an automatic extension of the special construction case to the next liability period at the filed Maximum Termination Liability amount.

A Termination Charge may apply when all services using specially constructed facilities which have a tariffed Maximum Termination Liability are discontinued prior to the expiration of the liability period. The charge reflects the unamortized portion of the nonrecoverable costs at the time of termination, adjusted for net salvage and possible reuse. Administrative costs associated with the specific case of special construction and any costs for restoring a location to its original condition are also included. A Termination Charge may never exceed the filed Maximum Termination Liability.

A partial termination of specially constructed facilities will be provided at the election of the customer. The amount of the Termination Charge associated with such partial termination is determined by multiplying the termination charge which would result if all services using the specially constructed facilities were discontinued, at the time partial termination is elected, by the percentage of specially constructed facilities to be partially terminated. A tariff filing will be made following a partial termination to list remaining Maximum Termination Liability amounts and the number of specially constructed facilities the customer will remain liable for.

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ACCESS SERVICE

15. Special Construction (Cont'd)  
 15.1 Regulations (Cont'd)  
 15.1.8 Types of Liabilities and Charges (Cont'd)  
 (B) Maximum Termination Liability and Termination Charge (Cont'd)

Example

A customer with a filed Maximum Termination Liability of \$100,000 for 3,600 specially constructed facilities requests a partial termination of 900 facilities. The Termination Charge for all facilities, at the time of election, is \$60,000. The partial termination charge, in this example, is \$60,000 x 900/3,600, or \$15,000.

- (C) Annual Underutilization Liability and Underutilization Charge

Prior to the start of special construction, the Company and the customer will agree on (1) the quantity of facilities to be provided, and (2) the length of the planning period during which the customer expects to place the facilities in service. The planning period is hereinafter referred to as the Initial Liability Period (ILP). The ILP is listed in the tariff with an effective and expiration date.

Underutilization occurs only if, at the expiration date of the ILP and annually thereafter, less than 70 percent of the specially constructed facilities are in service at filed tariff service rates.

An annual underutilization liability amount is filed on a per unit basis (e.g., per cable pair) for each case of special construction. This amount is equal to the annual per unit cost and includes depreciation, maintenance, administration, return, taxes, and any other costs identified in the supporting documentation provided at the time the special construction case is filed.

Example

Upon the expiration of the ILP, the number of underutilized facilities, if any are multiplied by the annual underutilization liability amount. This product is then multiplied by the number of years (including any fraction thereof) in the ILP to determine the underutilization charge.

Annually thereafter, the number of underutilized facilities, if any, existing on the anniversary of the ILP expiration date will be multiplied by the annual underutilization charge for the preceding 12-month period.

A customer orders 100 services, and the special construction of a 600 pair building riser cable is agreed to, based on the customer's 5-year facility requirements. The ILP, in this example, would be filed at 5 years. The annual underutilization liability is filed at \$15.00 per pair. If 400 pairs were in service at the end of the ILP, there would be an underutilization of 20 pairs, i.e., 420 (70% of 600) - 400 = 20. The total underutilization charge for the first 5 years would be \$200.00, or \$15.00 per pair x 20 pairs x 5 years.

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ACCESS SERVICE15. Special Construction (Cont'd)15.1 Regulations (Cont'd)15.1.8 Types of Liabilities and Charges (Cont'd)(C) Annual Underutilization Liability and Underutilization Charge (Cont'd)

If 420 pairs are in service at the end of the sixth year, there is no underutilization, i.e.,  $420 - 420 = 0$ .

(1) Charge for Route or Type other than Normal

When special construction is requested using a route or type of facility other than that which the Company would normally use, a recurring monthly charge, in addition to the monthly rates for service is applicable. The charge is equal to the difference between the recurring costs of the specially constructed facilities and the recurring costs of the facilities the Company would have normally used.

(a) When an Optional Payment Charge as set forth 15.1.8(A)(3) preceding has been elected, the recurring monthly charge will be reduced to include specially constructed facility operating expenses only.

(b) If the actual cost option as set forth in 15.1.7 preceding has been elected, the recurring charge will be adjusted to reflect the actual cost of the new construction when the costs have been determined. This adjusted recurring charge is applicable from the start of service.

(D) Lease Charge

This charge applies when the Company leases equipment in order to meet service requirements. The amount of the charge is equal to the net added cost to the Company caused by the lease.

(E) Cancellation Charge

If a service order with which special construction is associated is cancelled prior to the start of service, a cancellation charge will apply. The charge will include all nonrecoverable costs incurred by the Company in association with the special construction up to and including the time of cancellation.

15.1.9 Deferral of Start of Service

The Company may be requested to defer the start of service which will use specially constructed facilities subject to the provision set forth in the service tariff under which service is being provided. Requests for special construction deferral must be in writing and are subject to the following regulations:

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ACCESS SERVICE15. Special Construction (Cont'd)15.1 Regulations (Cont'd)15.1.9 Deferral of Start of Service (Cont'd)(A) Construction Has Not Begun

If the Company has not incurred any installation costs before receiving a request for deferral, no charge applies.

(B) Construction Has Begun

If the construction of facilities has begun before the Company receives a request for deferral, charges will vary as follows:

(C) All Services Are Deferred

When all services which will use specially constructed facilities are deferred, a charge based on the costs incurred by the Company during each month of the deferral will apply. Those costs include the recurring costs for that portion of the facilities already completed and any other costs associated with the deferral. The cost of any components of the nonrecurring charge which have been completed at the time of deferral will also apply.

(D) Some Services Are Deferred

When some services which will use the specially constructed facilities are deferred, the construction case will be completed and all special construction charges will apply.

15.1.10 Construction Complete

If the construction of facilities has been completed before the Company receives a request for deferral, all special construction charges will apply.