

Malena F. Barzilai
Senior Government Affairs Counsel
Windstream Corporation
1101 17th Street, N.W., Suite 802
Washington, DC 20036

(202) 223-4276
malena.barzilai@windstream.com



VIA ECFS

EX PARTE

October 8, 2014

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *GN Docket No. 13-5, Technology Transitions; GN Docket No. 12-353, AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition; WC Docket No. 05-25, In the Matter of Special Access Rates for Price Cap Local Exchange Carriers; RM-10593, AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*

Dear Ms. Dortch:

On October 6, 2014, Jennie Chandra from Windstream Corporation and Angie Kronenberg from COMPTTEL met with Matthew DelNero, Deputy Chief of the Wireline Competition Bureau, at the COMPTTEL PLUS Fall 2014 Convention in Dallas.

Consistent with their earlier filings on the subject, Chandra and Kronenberg emphasized that the Commission should act as soon as possible to establish ground rules for the evaluation of requests for Section 214 discontinuance of TDM-based products, including clarifying that TDM-based products must be replaced with, at a minimum, comparable IP products at equivalent rates.¹ Moreover, Chandra and Kronenberg noted that they agree with Public Knowledge's suggestion in a recent ex parte that the Commission clarify that all "telecommunications"

¹ See, e.g., Letter from Malena F. Barzilai, Windstream Corporation, to Marlene H. Dortch, Secretary, FCC, GN Docket Nos. 13-5 and 12-353, WC Docket No. 05-25 and RM-10593 (August 22, 2014); Letter from Karen Reidy, COMPTTEL, to Marlene H. Dortch, Secretary, FCC, GN Docket Nos. 13-5, 12-353, 09-51, WC Docket Nos. 10-90, 07-135, 01-92, 05-25, at 2 (Aug. 13, 2014) (COMPTTEL Letter); Letter from Jennie B. Chandra, Windstream Corporation, to Marlene H. Dortch, Secretary, FCC, GN Docket Nos. 13-5 and 12-353 (August 7, 2014) (August 7 Ex Parte); Letter from Eric Einhorn et al., representing Windstream Corporation, to Julie Veach, Chief, Wireline Competition Bureau, FCC, and Jonathan Sallet, General Counsel, FCC, GN Docket Nos. 13-5 and 12-353 (April 28, 2014) (April 28 Ex Parte).

services, even if they are not tariffed, are subject to the Section 214 discontinuance requirements.²

In addition, Chandra and Kronenberg reiterated that it is important for the Commission to clarify that Section 214 discontinuance *does not* relieve an ILEC of its obligation to provide DS1 or DS3 unbundled (“UNE”) loops pursuant to 47 C.F.R. §§ 51.319(a)(4) and (5) when it transitions from TDM-based to IP-based technologies or avails itself of the copper retirement procedures set forth in 47 C.F.R. § 51.333.³ Because UNEs are facilities that exist regardless of the technology used—either TDM or IP—any effort to discontinue UNEs should be handled under forbearance procedures, not Section 214 discontinuance.

Finally, Chandra and Kronenberg observed that a proposal to provide competitors with the opportunity to purchase copper from incumbents raises significant operational, technological, and economic questions. Before taking action to adopt any such proposal, the Commission should be sure to consider carefully these issues.

Please contact me if you have any questions.

Sincerely yours,

/s/ Malena F. Barzilai

Malena F. Barzilai

cc: Matthew DelNero

² See Letter from Jodie Griffin, Public Knowledge, to Marlene H. Dortch, Secretary, FCC, GN Docket Nos. 13-5, 12-353, at 2 (Sept. 25, 2014).

³ See COMPTTEL Letter at 2; April 28 Ex Parte at 11-13. See also Letter from Karen Reidy, COMPTTEL, to Marlene H. Dortch, Secretary, FCC, GN Docket Nos. 13-5, 12-353, RM-11358, at 2-5 (filed June 27, 2014). These filings respond to AT&T and Verizon claims to the contrary. See “Short Term Public Notice Under Rule 51.333(A)” for Lynnfield, MA, Belle Harbor, NY, Hummelstown, PA, Farmingdale, NJ, and Ocean View, VA, *available at* <http://www.verizon.com/about/networkdisclosures/> (stating only that a 64 kbps voice-grade channel will be available to competitors as a UNE upon copper retirement); Letter from Robert C. Barber, AT&T, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 13-5, et al., attachment at 11 (filed May 30, 2014); AT&T Reply Comments, GN Docket Nos. 13-5 and 12-353, at 40-41 (filed April 10, 2014).