EX PARTE OR LATE FILED

HWG | HARRIS, WILTSHIRE & GRANNIS LLP

January 7, 2015

Accepted/Files

JAN - 7 2015

Federal Communications Commission
Office of the Secretary

Ex Parte

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

Re: *Technology Transitions,* GN Docket No. 13-5; WC Docket No. 15-1; Cincinnati Bell Telephone Company LLC's short term network change notification, Report No. NCD-2411

DOCKET FILE COPY ORIGINAL

Dear Ms. Dortch:

On January 5, 2015, on behalf of Windstream Communications, Inc. ("Windstream"), I spoke with Randy Clarke, Acting Chief of the Competition Policy Division, Wireline Competition Bureau. On January 7, 2015, Jennie Chandra of Windstream and I met with Matthew DelNero, Deputy Chief of the Wireline Competition Bureau. We discussed Windstream's objection to the request of Cincinnati Bell Telephone Company, LLC ("Cincinnati Bell") to migrate from copper to fiber infrastructure without providing any assurances that it will continue to make available DS1 capacity unbundled loops pursuant to 47 C.F.R. § 51.319(a)(4). Windstream has been in contact with Cincinnati Bell, and while Cincinnati Bell has informed Windstream that it will make available DS1s over the new fiber facilities, it has not stated that it would make available DS1 capacity unbundled loops at the rates, terms and conditions applicable thereto under its interconnection agreement with Windstream. Without Cincinnati Bell's assurance new DS1 capacity over fiber will be available at UNE rates, Windstream's end user customers cannot make informed decisions about replacement services that would then be required. I also provided Mr. Clarke with the objection filed by Windstream and the response of Cincinnati Bell, both of which were previously filed with the Commission. Cincinnati Bell should be required to make clear that it will not be disrupting the provision of DS1 capacity UNEs, at applicable UNE rates, terms and conditions, through this migration. If Cincinnati Bell does this, there need not be any delay in its migration plans. If Cincinnati Bell takes some other position, then the migration should be postponed until the Commission can resolve what would then be a dispute regarding UNE obligations.

Cincinnati Bell's contention that Windstream has not stated the reasons why it cannot accommodate Cincinnati Bell's changes is simply wrong. Windstream cannot accommodate the proposed change because Cincinnati Bell has not clearly stated that it will continue to provide DS1 capacity unbundled loops. The assistance needed to accommodate the change is apparent:

No. of Copies rec'd 0+1
List ABCDE

Cincinnati Bell need only agree to continue to provide a DS1 capacity unbundled loop at the prices set through its interconnection agreement with Windstream, as it is required to do under 47 C.F.R. § 51.319(a)(4) and 47 U.S.C. § 252.

Please contact me if you have any questions.

Sincerely,

John T. Nakahata
Counsel to Windstream Communications, Inc.

cc: Matthew DelNero
Randy Clarke
Rodney McDonald
Douglas Hart

Certificate of Service

I hereby certify that on this day, a true and correct copy of the foregoing *ex parte* letter regarding Cincinnati Bell Telephone Company, LLC's short term network change notification, Report No. NCD-2411 was sent by electronic mail and by U.S. Postal Service, postage prepaid, to the following party to the proceeding:

Douglas E. Hart
441 Vine Street
Suite 4192
Cincinnati, Ohio 45202
dhart@douglasehart.com

Counsel to Cincinnati Bell Telephone Company, LLC

Ezra Dunkle-Polier
January 7, 2015