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**VIA ECFS**

***EX PARTE***

May 15, 2015

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 May 13, 2015, Jennie Chandra (by telephone) and Malena Barzilai of Windstream Services, LLC (hereinafter “Windstream”) and John Nakahata and Henry Shi of Harris, Wiltshire & Grannis LLP, counsel to Windstream, met with Carol Matthey, Daniel Kahn, Randy Clarke, David Zesiger, Virginia Metallo, and Heather Hendrickson to discuss the Commission’s *Technology Transitions NPRM*.<sup>1</sup> In particular Windstream discussed its six principles for effectuating the Commission’s proposed requirement that an ILEC must provide at least equivalent wholesale access at equivalent rates, terms, and conditions as a condition of obtaining

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<sup>1</sup> *Technology Transitions et al.*, Notice of Proposed Rulemaking and Declaratory Ruling, FCC 14-185, 29 FCC Rcd. 14,968, 14,972-73 ¶ 6 (2014) (“*Technology Transitions NPRM*” or “*NPRM*”).

Section 214 authorization to retire its TDM services. The discussions were consistent with Windstream’s comments and reply comments on the *NPRM*.<sup>2</sup>

Windstream elaborated on several points with respect to its proposed principle that “the price per Mbps of the IP replacement product shall not exceed the price per Mbps of the TDM product that otherwise would have been used to provide comparable special access service at 50 Mbps or below.”<sup>3</sup> Windstream explained that when it specifies “50 Mbps” in the principle, and when it refers to different service tiers in its attachment detailing application of the pricing principle,<sup>4</sup> those speed tiers should be viewed as symmetrical or “full-duplex,” i.e., 50 Mbps means 50 Mbps upstream and 50 Mbps downstream. This is how TDM special access services and switched Ethernet products typically are provisioned today.

Windstream also discussed why it used 50 Mbps Ethernet service as the upper threshold for this particular proposed principle. Windstream explained that it was focused on IP products used to provision capacity that otherwise could be delivered with TDM special access services. TDM special access encompasses two circuit types at lower capacity levels: DS1 (1.5 Mbps) and DS3 (45 Mbps). The IP offering in the market that typically is closest in transmission capacity to DS3 special access service is 50 Mbps Ethernet.<sup>5</sup> Thus, limiting application of this principle to 50 Mbps Ethernet means TDM-versus-IP pricing equivalency generally only would be considered for capacity that is currently provided with tariffed special access inputs<sup>6</sup> and rate limitations would be preserved consistent with the current status quo.

Windstream added that such rate protections continue to be important for the many business, nonprofit and government customers who choose to purchase lower bandwidth connectivity—currently enabled by TDM special access—as part of service solutions provided

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<sup>2</sup> See Comments of Windstream Corp., GN Docket Nos. 13-5, 12-353, at 26-30 (filed Feb. 5, 2015); Reply Comments of Windstream Services, LLC, GN Docket Nos. 13-5, 12-353, at 17-20, Attachment (filed Mar. 9, 2015) (“Windstream Reply Comments”).

<sup>3</sup> See *NPRM* at ¶ 111.

<sup>4</sup> See Attachment to Windstream Reply Comments.

<sup>5</sup> See, e.g., Qwest Communications Rates and Services Schedule Interstate No. 1 (Effective May 19, 2014), Part 2, Section 8, at 269 (discussing bandwidth profile of Metro Optical Ethernet (MOE) offerings), available at <http://www.centurylink.com/Pages/AboutUs/Legal/Tariffs/displayTariffInfoPage.html>; AT&T Switched Ethernet Guidebook (Effective December 15, 2014), Part 5—Special Access Services, Common, Section 4—AT&T Switched Ethernet Service, at 19 (discussing rates for non-critical class of service), available at <http://cpr.bellsouth.com/guidebook/is/0005-0004.pdf>. There are TDM services at higher speed levels (e.g., OCNs), but Windstream did not intend to include them in the scope of this interim pricing proposal.

<sup>6</sup> While it is technically feasible to bond multiple DS3 circuits (with two providing 90 Mbps of capacity to a single location), a bonded DS3 solution is rarely used in practice, because other wholesale inputs usually can be used to deliver higher capacity service more efficiently.

by competitive carriers.<sup>7</sup> Windstream, for example, is a service provider for the University of Arkansas for Medical Sciences (UAMS) Center for Distance Health, which uses DS1 special access services and other services to connect more than 400 rural health care facilities to specialists via live, two-way video and enables rural patients to access cutting-edge medical treatment. Through its Arkansas SAVES (Stroke Assistance through Virtual Emergency Support) program, UAMS uses DS1 connectivity to link rural stroke patients to specially trained vascular neurologists, enabling the administration of a clot-busting drug that, when given soon after onset of a stroke, significantly improves patients' chances of recovery.<sup>8</sup> The availability of lower-bandwidth options at reasonable prices enables UAMS to direct funding toward providing essential services to consumers in rural areas rather than toward unnecessary telecom expenditures. The UAMS Center for Distance Health has received federal funding from the Commission's Rural Health Care Pilot Program as well as the Broadband Technology Opportunities Program, which is administered by the National Telecommunications & Information Administration in the U.S. Department of Commerce.

Finally, Windstream reiterated its rationale for specifying that the per-Mbps price for the IP replacement product shall not exceed the DS1 per-Mbps rate for service at or below 12 Mbps and the DS3 per-Mbps rate for service above 12 Mbps. It is not technologically feasible to bond DS1 special access circuits to provide more than 12 Mbps in capacity, so if a wholesale purchaser seeks to deliver more than 12 Mbps service to a customer location, the only viable TDM special access option is DS3 service.<sup>9</sup>

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<sup>7</sup> See Letter from Jennie B. Chandra, Windstream, to Marlene H. Dortch, Secretary, FCC, GN Docket Nos. 13-5, 12-353, WC Docket No. 05-25, RM-10593, at 3 (Sept. 26, 2014) (noting Windstream's monthly last-mile wholesale expense); Windstream Reply Comments at 16 (referencing Atlantic-ACM market data and Windstream data demonstrating that TDM-based high-capacity services remain critical wholesale inputs for competitors). See also TeleGeography Local Access Pricing Service, *2014 Local Access Market Summary*, at 1 (finding "[s]maller legacy TDM circuits, T-1s in the U.S. & Canada, and E-1s elsewhere in the world, remain the most prominent circuit types globally").

<sup>8</sup> For more information, see [www.arsaves.uams.edu](http://www.arsaves.uams.edu). See also <http://www.katv.com/story/28922788/doctors-use-telemedicine-to-save-batesville-mans-hand> (describing how the UAMS Center for Distance Health remotely connected a patient with an orthopedic specialist that helped save his hand).

<sup>9</sup> See Windstream Reply Comments at Attachment, fn.1.

Please contact me if you have any questions.

Sincerely yours,

/s/\_\_\_\_\_

Malena F. Barzilai

cc: Carol Matthey  
Daniel Kahn  
Randy Clarke  
David Zesiger  
Virginia Metallo  
Heather Hendrickson