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June 23, 2015

VIA ECFS

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

Re: *Technology Transitions*, GN Docket No. 13-5; *Windstream Petition for Declaratory Ruling Seeking to Confirm ILECs' Continued Obligation to Provide DS1s and DS3s on Unbundled Basis after Technology Transitions*, WC Docket No. 15-1

Dear Ms. Dortch:

On June 22, 2015, on behalf of Windstream, I spoke with Daniel Alvarez, Legal Adviser to the Chairman. My presentation is fully summarized by the ex parte letter filed on behalf of Windstream, dated June 18, 2015, which is incorporated by reference herein.[1]

Sincerely,

John T. Nakahata
Counsel to Windstream Services, LLC

cc: Daniel Alvarez

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[1] Letter from John T. Nakahata, Counsel to Windstream Services, LCC, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 13-5 & WC Docket No. 15-1 (filed June 18, 2015).

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June 18, 2015

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

Re: *Technology Transitions*, GN Docket No. 13-5; *Windstream Petition for Declaratory Ruling Seeking to Confirm ILECs' Continued Obligation to Provide DS1s and DS3s on Unbundled Basis after Technology Transitions*, WC Docket No. 15-1

Dear Ms. Dortch:

On June 16, 2015, Tony Thomas, President and Chief Executive Officer of Windstream Holdings, Inc. (together with its subsidiaries "Windstream"), Eric Einhorn, Senior Vice President – Government Affairs and Strategy, Jennie Chandra, Vice President – Government Affairs and Strategy, and I, on behalf of Windstream, met with Chairman Wheeler, Daniel Alvarez, Legal Adviser to the Chairman, Matthew DelNero, Chief, Wireline Competition Bureau, and Jonathan Sallet, FCC General Counsel. The Windstream participants urged the Commission to move forward to adopt as rules Section 214 wholesale service reforms proposed in its *Technology Transitions NPRM*, as well as to grant Windstream's Petition for Declaratory Ruling regarding the continued availability of unbundled DS1 and DS3 capacity loops after an incumbent local exchange carrier makes an IP or fiber transition. Whether together or separate, both of these actions are necessary merely to ensure that competitive carriers can migrate their customers from TDM to IP connectivity without incurring significant price hikes to attain comparable capacity.

Business consumers – including the small and medium-sized businesses that drive economic growth and job creation, state and local governments, schools and non-profit health care providers – will be hurt significantly if the IP transition deprives them of their choice of integrated communications solutions because the large incumbent LECs can raise prices for critical last-mile transmission, whether Ethernet or unbundled DS1/DS3 capacity loops. For example, the public at large will not be well served if the University of Arkansas Medical Service must divert more of its limited telemedicine budget toward telecommunications costs, and away from delivering medical services to Arkansas' rural communities. Yet that will be the result if AT&T can evade the requirement to sell unbundled loops to Windstream at regulated rates simply by converting the transmission over those loops to Internet Protocol. The same is true for other customers if AT&T or other large incumbent LECs can use the conversion to IP as an excuse to raise prices for special access services that competing providers today use to provide an alternative to the large incumbent LEC's services. Windstream has seen first-hand that direct, robust competition at the same location pushes the large incumbent LECs to offer better prices than at locations lacking alternatives.

Firming up the IP transition rules expeditiously is important. Companies like Windstream must continually evaluate where they can best invest. If the large incumbent LECs successfully free themselves of even the limited constraints on monopoly pricing that exist today, competitive carriers will have to reevaluate whether they have a feasible business case to support continued investment. Windstream today operates the nation's sixth largest fiber network. Windstream can continue to invest in that network, but only if the Commission ensures that Windstream, and other competitive providers, can economically serve smaller business consumers, who do not have sufficient purchasing power to make even a small last-mile network build economically feasible. These small businesses have a variety of competitive choices for telecommunications-dependent solutions today – and should be able to keep those choices at all their locations, not just at a handful of large downtown office buildings.

Sincerely,

John T. Nakahata
Counsel to Windstream Services, LLC

cc: Chairman Thomas Wheeler
Daniel Alvarez
Matthew DelNero
Jonathan Sallet