

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

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



**VIA ECFS**

***EX PARTE***

July 31, 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 July 30, 2015, Tony Thomas, President and Chief Executive Officer of Windstream Holdings, Inc. (together with its subsidiaries, “Windstream”), and Eric Einhorn, Windstream’s Senior Vice President of Government Affairs and Strategy, spoke by telephone with Commissioner Jessica Rosenworcel and her legal advisor Travis Litman to discuss the above-referenced proceedings.

Windstream urged the Commission to adopt clear rules and guidance to make sure that incumbent local exchange carriers (“ILECs”) do not use the IP transition as an unjustified excuse to raise prices for connections to small and medium-sized businesses, nonprofits, and government customers. Windstream noted that it builds its own fiber network to support backbone connectivity as well as last-mile service for larger customer locations, but the viability of its backbone investments depends on its ability to connect to many customer locations in the last mile, where there is often no business case to overbuild the ILECs’ networks. The decisions the Commission makes in these proceedings will have a significant impact on whether and how Windstream can serve smaller customer locations in the future. Moreover, allowing ILECs to raise the costs of last-mile connections through the IP transition will slow the overall deployment of fiber networks and reduce competition critical to driving further IP service innovations.

Windstream also discussed the letter filed by the National Telecommunications and Information Administration on July 29, 2015 in Docket No. 13-5, in which NTIA expressed

concern about possible cost increases for federal users resulting from the IP transition.<sup>1</sup> According to NTIA, federal agencies often require only low-bandwidth products and have learned through discussions with carriers that the minimum bandwidth levels for IP-enabled services may be considerably higher. NTIA notes that such a change in service options, if accompanied by a significant increase in price, may raise concerns about a carrier's compliance with its statutory obligation to provide service upon reasonable request and on just and reasonable terms.<sup>2</sup>

Please feel free to contact me if you have any questions or need more information.

Sincerely,

/s/ Malena F. Barzilai

cc: Commissioner Rosenworcel  
Travis Litman

---

<sup>1</sup> Letter from Lawrence E. Strickling, Assistant Secretary for Communications and Information, United States Department of Commerce, to Tom Wheeler, Chairman, FCC, GN Docket No. 13-5, at 2 (July 29, 2015).

<sup>2</sup> *Id.* at 3.