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VIA ECFS

EX PARTE

April 22, 2016

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

Re: *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:

Yesterday Tony Thomas, President and CEO of Windstream Services, LLC (“Windstream”), and Eric Einhorn, Senior Vice President of Government Affairs and Strategy for Windstream, spoke by telephone with Commissioner Jessica Rosenworcel regarding the above-referenced proceedings. Mr. Einhorn also discussed the same with Rebekah Goodheart in the Office of Commissioner Mignon Clyburn via telephone yesterday.

Windstream underscored the importance of near-term action to address last-mile wholesale access. Windstream noted that last-mile access costs paid to the large ILECs are by far the largest part of its costs of providing enterprise business data solutions, and while Windstream operates the sixth-largest fiber network, the cost of leased last-mile inputs is usually determinative in whether Windstream can viably serve as a competitive option for a customer location, outside of its ILEC service area and the relatively small number of buildings in its CLEC areas to which Windstream has its own fiber. Windstream also highlighted the fact that it is now seeing situations in which the ILECs are setting Ethernet retail prices below the wholesale rates that they charge Windstream for merely one piece of an end-to-end connection for the same type of service, from 2 Mbps all the way up to 1 GB connections. This pricing is illogical and antithetical to competition, and near-term action to ensure a more appropriate relationship between wholesale and retail pricing is essential for most businesses, government entities, and nonprofits to continue to have a choice of three or more business data service providers.

Windstream also urged, as the next phase of reform is framed, that the Commission remain open to exploring a variety of options for ensuring that there are more than two business data services providers on a widespread basis. In particular, Windstream recommended that the

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Commission not tentatively conclude at this time, without presentation of further evidence and external review of the FCC economist's paper, that 50 Mbps is the appropriate threshold for when less FCC oversight is needed, especially in light of evidence showing price squeezes currently are occurring for services at capacity levels far in excess of 50 Mbps.

Please contact me if you have any questions.

Sincerely yours,

/s/ Malena F. Barzilai

Malena F. Barzilai

cc: Commissioner Jessica Rosenworcel
Travis Litman