

Jennie B. Chandra
Director Federal Regulatory Affairs
Windstream Communications, Inc.
1101 17th Street, N.W., Suite 802
Washington, DC 20036

(202) 223-7667
jennie.b.chandra@windstream.com



July 31, 2008

Electronic Filing

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

Re: ***Ex Parte*** in WC Docket No. 07-244, Local Number Portability Porting Interval and Validation Requirements; CC Docket 95-116, Telephone Number Portability

Dear Ms. Dortch:

Today, Eric Einhorn, Vice President – Federal Government Affairs, Brian Regan, Legal Intern, and I met with Nicholas Alexander, Legal Advisor to Commissioner Robert McDowell. We discussed various issues regarding local number portability, consistent with the attached document that we presented to Mr. Alexander.

We outlined Windstream's position that the costs of a reduced porting interval would significantly outweigh the benefits. We noted that adoption of the proposed porting interval rule would require Windstream to automate its porting systems and/or hire additional staff. If the Commission nonetheless decides to adopt a shorter interval, we asked that the Commission allow carriers to recover implementation costs (preferably by pooling carrier-specific costs). We added that the Commission should continue to require interconnection agreements for wireline-to-wireline ports.

Please feel free to contact me if you require additional information.

Sincerely,

/s/

Jennie B. Chandra

cc (by e-mail): Nicholas Alexander

Attachments

LOCAL NUMBERING PORTABILITY

WC Docket 07-244

Costs required to meet a shorter porting interval far outweigh any potential benefits.

- *The proposed porting interval rule would impose significant new costs.*
 - ❑ Each step of Windstream's current porting process requires human action.
 - ❑ To guarantee ports can be processed in 48 hours, Windstream expects it would need to devote significant resources to automating its systems and/or hiring staff.
- *Any benefits from reducing the porting interval would be minimal.*
 - ❑ Many companies have shown little desire for shorter intervals: 95.8% of the port out requests Windstream received in 2007 sought an interval of *more than* four days.
 - ❑ There is little evidence of consumer dissatisfaction. When reviewing complaints referred by federal and state agencies in 2007, Windstream (which has ~3.2 million customers) found only five complaints regarding the duration of number porting.

If it nevertheless decides to adopt a shorter porting interval, the FCC should allow affected carriers to recover associated implementation costs.

- *The Communications Act and FCC precedent establish that carriers should be able to recover costs directly related to providing LNP.*
 - ❑ Section 251 requires portability costs to be borne on “a competitively neutral basis.”
 - ❑ The FCC previously has permitted rate regulated carriers to recover costs that would not have been incurred but for implementation of LNP rules.
- *The FCC should pool all new LNP costs and allocate the costs among all voice providers.*
 - ❑ Pooling carrier-specific costs would ensure that customers of small and mid-size ILECs, who likely will bear a disproportionate share of new LNP implementation costs, are not unduly burdened with LNP expenses.
- *The FCC should allow carriers to use a separate LNP line item if it opts to permit cost recovery through an end-user surcharge.*
 - ❑ It would be difficult for many carriers – particularly those in rural areas – to recover all new LNP implementation costs through an end-user common line charge.

The FCC should continue to require interconnection agreements for wireline-to-wireline ports.

- *The Communications Act establishes that an interconnection agreement is a necessary precondition for wireline-to-wireline ports.*
 - ❑ Section 251 confirms that a wireline-to-wireline port is central to carrier interconnection and should be included in publicly filed interconnection agreements.
 - ❑ No party has established that forbearance from enforcing the statute is warranted.