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

Re: *Ex parte* in Commission's Consultative Role in the Broadband Provisions of the Recovery Act, GN Docket No. 09-40

Dear Ms. Dortch:

Yesterday I met with staff of the Wireline Competition Bureau, Wireless Telecommunications Bureau, and the Office of Engineering and Technology to discuss the consultative role of the Federal Communications Commission ("Commission") in implementing broadband provisions of the American Recovery and Reinvestment Act ("Recovery Act"). The following individuals represented Commission offices at the meeting: Jennifer McKee, Claude Aiken, and Jennifer Prime, all in the Wireline Competition Bureau; Kevin Holmes and Jennifer Salhus, both of the Wireless Telecommunications Bureau; and Ron Repasi and Walter Johnson, both with the Office of Engineering and Technology.

Windstream offered recommendations regarding each of the five specific terms and conditions listed in the Commission's Notice seeking comment on its consultative role. With respect to definitions of "unserved" and "underserved" areas, Windstream asserted that speed thresholds offer the best measure for whether areas are "unserved" or "underserved." It stated that these thresholds should distinguish between areas based upon whether terrestrial (i.e., non-satellite) broadband is available at specified, advertised speeds in one direction. Windstream added that federal policymakers should avoid adopting a bright line test for what qualifies as "unserved" or "underserved," and instead should define different degrees to which areas may be "unserved" by certain broadband services or "underserved" more generally.

Windstream advised that if a definition of "broadband" is adopted, it should only be for the limited purpose of administering broadband provisions in the Recovery Act. Windstream urged that any such definition contemplate an evolving standard, consistent with the definition of "advanced telecommunications capability" in Section 706(c). Windstream further proposed that federal policymakers prioritize broadband projects according to the level of speeds offered by applicants. Windstream noted that policymakers also may want to consider placing additional priority on applications submitted by entities that have

demonstrated their ability to leverage facilities deployed so that, with further investment, they can offer next-generation speeds to residential subscribers.

Finally, Windstream recommended that any non-discrimination and network interconnection obligations be limited to a certification of compliance with the Commission's Policy Statement (FCC 05-15, adopted August 5, 2005). Enforcement of this certification should be limited in duration, which is consistent with merger commitments previously approved by the Commission. If more burdensome obligations are adopted, Windstream stated that it and other experienced broadband providers might not apply for funding.

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

Sincerely,

/s/

Jennie B. Chandra

Attachment

cc: Jennifer McKee
Claude Aiken
Jennifer Prime
Kevin Holmes
Jennifer Salhus
Ron Repasi
Walter Johnson