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VIA ECFS ***EX PARTE***

May 19, 2009

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

Re: ***Embarq Corporation, Transferor, and CenturyTel, Inc., Transferee, Application for Transfer of Control of Domestic Authorizations Under Section 214 of the Communications Act, as Amended,*** **WC Dkt. No. 08-238**

Dear Ms. Dortch:

Charter Communications, Inc. ("Charter"), through its undersigned attorneys, hereby submits this letter in the above-referenced proceeding to respond to numerous claims made by CenturyTel, Inc. ("CenturyTel") and Embarq Corporation ("Embarq") (collectively, the "Applicants") in their April 10th Ex Parte Letter.[1]

Directory Listings and Directory Assistance

As Charter has described in detail, the Applicants have engaged in several discriminatory directory assistance and directory listing practices in violation of Section 251(b)(3) of the Act.[2]

[1] Letter from Gregory J. Vogt et al., Counsel for CenturyTel, Inc., and Samuel L. Feder et al., Counsel for Embarq Corporation, to Marlene H. Dortch, WC Dkt. No. 08-238 (filed Apr. 10, 2009) ("Applicants' April 10th Ex Parte Letter" or "April 10th Ex Parte Letter").

[2] *See* Letter from Thomas Jones, Counsel for Charter Communications, Inc., to Marlene H. Dortch, Secretary, FCC, WC Dkt. No. 08-238, at 7-12 (filed Feb. 27, 2009) ("Charter February 27th Ex Parte Letter"). With respect to CenturyTel's 411 practices in particular, CenturyTel points out that "Charter has admitted in written testimony that there have been no problems since" CenturyTel retained a new third-party vendor that performed the required database queries when CenturyTel customers in Missouri dialed 411 and requested listing information for Charter customers. *See* Applicants' April 10th Ex Parte Letter n.11. But that testimony was before the *Missouri* Public Service Commission about CenturyTel's 411 practices *in Missouri*. As Charter

The Applicants respond that because they rely on third-party vendors to maintain and publish their own customers' directory listing information, "the Applicants are providing [Charter] access that is precisely 'equal' to what the Applicants receive" when they "hav[e] Charter deal directly with these third-party vendors."[3] The Applicants' assertion blithely ignores their duty under existing law to perform the *listing function* on behalf of competitors on a nondiscriminatory manner. As Charter has explained, the FCC has interpreted Section 251(b)(3) to mean that an incumbent LEC must perform the act of listing information in directory assistance databases and published directories in a nondiscriminatory manner as between the incumbent's customers and competitors' customers.[4] This means that, if CenturyTel performs the function of ensuring that its customers' information is "listed" in a third-party directory assistance database or a third-party publisher's directory, then CenturyTel must perform that function for competitors. It must do so by accepting competitors' customer information and sending it the third-party vendor in question in exactly the way that CenturyTel performs that function for its own customers' information.

As Charter has also explained, at least two federal courts have held that an incumbent LEC must comply with its Section 251(b)(3) duty to place a competitor's customer listing information in a published directory on the same rates, terms and conditions, and with the same level of quality, as the incumbent LEC provides its own customers, *even if the incumbent LEC outsources directory publishing to a third-party publisher*.[5] In *U.S. West v. Hix*, for example, the

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has clearly stated, although CenturyTel eventually retained a new third-party vendor that performed the required database queries in Missouri and Wisconsin, CenturyTel customers *in Texas* are still frequently unable to obtain directory listing information for Charter customers when they dial 411. *See* Declaration of Carrie L. Cox and Amy W. Hankins on Behalf of Charter Communications, Inc. ¶ 19 ("Cox-Hankins Declaration"), *attached to* Charter February 27th Ex Parte Letter.

[3] Applicants' April 10th Ex Parte Letter at 4.

[4] *See* Charter February 27th Ex Parte Letter at 8-9 (citing *In re Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information*, Third Report and Order, Second Order on Reconsideration, and Notice of Proposed Rulemaking, 14 FCC Rcd. 15550, ¶ 160 (1999) ("*Directory Listing Third Report and Order*")).

[5] *See* Charter February 27th Ex Parte Letter at 8-9 & n.38 (citing *MCI Telecomms. Corp. v. Mich. Bell Co.*, 79 F. Supp. 2d 768, 801-02 (E.D. Mich. 1999) and *U.S. West Comms., Inc. v. Hix*, 93 F. Supp. 2d 1115, 1133 (D. Colo. 2000)). In *MCI Telecomms. Corp.*, 79 F. Supp. 2d at 801-02, the court held that:

> Ameritech reasons that because it does not publish a yellow pages directory, it has no duty to publish MCI's listings in such a directory. This argument is specious. . . . The FCC did not indicate that "the act of placing a customer's listing" must be performed directly by the incumbent carrier itself. To the contrary, the regulations define "directory listings" more broadly as any information "that *the telecommunications carrier or an affiliate* has published, *caused to be published,*

court rejected the incumbent LEC's argument that, because the incumbent LEC was not "the one that actually publishes the directories," it was not required to place CLEC customers' directory listings in its directories on equal terms, rates and conditions as the incumbent LEC provided to its own customers.[6] The logic of this decision applies to incumbent LECs that rely on third-party directory assistance providers. Thus, Charter does not seek "*superior* access" to directory services as the Applicants allege;[7] rather, Charter merely seeks the Applicants' compliance with the Act and the Commission's rules.

The Applicants argue that, in any event, they offer "superior access," but "for a fee."[8] As Charter has pointed out, however, Embarq has not made any attempt to demonstrate that its electronic storage and maintenance and directory service request ("DSR") processing charges are nondiscriminatory vis-à-vis charges, if any, that Embarq imposes on its own end-user customers.[9] Moreover, such charges are not "just and reasonable" under Section 201(b) of the Act.[10] The Applicants have no response to these arguments.

Points of Interconnection ("POIs")

As Charter and other parties have explained,[11] CenturyTel requires separate POIs for multiple CenturyTel incumbent LECs, even when two CenturyTel incumbent LECs operate within the same LATA. In defense of this practice, the Applicants assert that "[t]he FCC has not adopted a general rule regarding the number of POIs in a LATA and has not specifically addressed that issue for independent telephone companies [such as CenturyTel]."[12] This claim is

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> or accepted for publication in any directory format." 47 C.F.R. § 51.5. Thus, the duty to publish competitors' business customers in a yellow pages directory on a nondiscriminatory basis extends to incumbent carriers who have caused their own customers[']listings to be published in a yellow pages directory.

Id. (emphasis in original).

[6] 93 F. Supp. 2d at 1133.

[7] Applicants' April 10th Ex Parte Letter at 4 (emphasis in original).

[8] *Id.* at 4.

[9] *See* Charter February 27th Ex Parte Letter at 10.

[10] *See id.* at 11.

[11] *See* Cox-Hankins Declaration ¶ 24; *see also, e.g.*, Supplemental Declaration of R. Matthew Kohly on Behalf of Socket Telecom, LLC ¶ 14, *attached to* Letter from John J. Heitmann et al., Counsel to NuVox et al., to Marlene H. Dortch, Secretary, FCC, WC Dkt. No. 08-238 (filed Apr. 29, 2009) ("NuVox et al. April 29th Ex Parte Letter").

[12] Applicants' April 10th Ex Parte Letter n.18.

specious. The Commission has expressly held that Section 251(c)(2) of the Act and Section 51.305(a)(2) of the FCC's rules require all incumbent LECs—not just Bell Operating Companies—to provide a requesting carrier with a single point of interconnection in a LATA so long as it is technically feasible:

> Section 251, and our implementing rules, require an incumbent LEC to allow a competitive LEC to interconnect at any technically feasible point. *This means that a competitive LEC has the option to interconnect at only one technically feasible point in each LATA.* The incumbent LEC is relieved of its obligation to provide interconnection at a particular point in its network only if it proves to the state public utility commission that interconnection at that point is technically infeasible.

Texas 271 Order[13] ¶ 78 (emphasis added).[14] As Charter has stated, CenturyTel has no apparent basis for claiming that a single POI for all of its incumbent LEC operations in a LATA is not technically feasible.[15]

The Applicants also claim that competitors must establish separate POIs for multiple CenturyTel incumbent LECs because "requiring a single POI for multiple ILECs would require CenturyTel to purchase transport and tandem switching from a third party, such as a Bell Operating Company ('BOC'), which is something that the interconnecting carrier is equally capable of doing for itself."[16] According to the Applicants, "CenturyTel thus requires the interconnecting carrier—the cost-causer—to bring traffic to a POI on the CenturyTel ILEC's

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[13] *In re Application by SBC Communications Inc. et al. Pursuant to Section 271 of the Telecommunications Act of 1996 To Provide In-Region, InterLATA Services In Texas,* Memorandum Opinion and Order, 15 FCC Rcd. 18354 (2000) ("*Texas 271 Order*").

[14] The Applicants claim that the FCC is still examining in its intercarrier compensation proceeding whether "independent companies" such as CenturyTel must allow requesting carriers to interconnect at a single technically feasible POI per LATA. *See* Applicants' April 10th Ex Parte Letter nn.17-18 (citing *In re Developing a Unified Intercarrier Compensation Regime,* Notice of Proposed Rulemaking, 16 FCC Rcd. 9610, ¶¶ 112-14 (2001) ("*Intercarrier Compensation NPRM*"). The text cited by the Applicants, however, concerns *cost-recovery once a carrier has already established a single POI in a LATA. See Intercarrier Compensation NPRM* ¶¶ 112-114. Indeed, the Commission explicitly states in the *Intercarrier Compensation NPRM* that "an ILEC must allow a requesting telecommunications carrier to interconnect at any feasible point, including the option to interconnect at a single POI per LATA." *Id.* ¶ 112.

[15] Charter February 27th Ex Parte Letter at 14 & Cox-Hankins Declaration ¶ 24. Furthermore, the fact that "independent telephone companies [such as CenturyTel] are only rarely arranged by LATAs" is irrelevant. Applicants' April 10th Ex Parte Letter at 7. If CenturyTel were acting in good faith, it would propose a geographic area that is analogous to a LATA.

[16] Applicants' April 10th Ex Parte Letter at 6.

network" and "CenturyTel's policy is consistent with Commission rules."[17] But the Applicants do not cite to a *single* FCC decision to support this assertion. In fact, the Applicants' reasoning is in direct contravention of the FCC's interpretation of Section 251(c)(2):

> [N]ew entrants may select the "most efficient points at which to exchange traffic with incumbent LECs, thereby lowering the competing carriers' costs of, among other things, transport and termination." Indeed, "*section 251(c)(2) gives competing carriers the right to deliver traffic terminating on an incumbent LEC's network at any technically feasible point in the network, rather than obligating such carriers to transport traffic to less convenient or efficient interconnection points.*"

Texas 271 Order ¶ 78 (quoting *Local Competition Order*[18] ¶¶ 172 & 209) (emphasis added).[19]

Moreover, to the extent that the Applicants argue that competitors seek interconnection that is superior to that which CenturyTel provides itself,[20] this argument fails. CenturyTel already purchases transport from a third party for the purpose of transmitting its traffic between the exchanges on its network that are nearby but not contiguous. Thus, if CenturyTel purchased transport from a third party for the purpose of transmitting Charter traffic between the exchanges on CenturyTel's network that are not contiguous, CenturyTel would not be providing "superior" interconnection to Charter.

Operations Support Systems ("OSS") and Number Portability

Charter has submitted evidence in the record that CenturyTel unilaterally limits the number of orders, including port requests, that it will process from a single competitor to an aggregate of 50 per day across CenturyTel's territory.[21] In response, the Applicants claim that "[i]t is difficult to evaluate Charter's vague allegations."[22] But there is absolutely nothing vague

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[17] *Id.*

[18] *In re Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, 11 FCC Rcd. 15499, First Report and Order (1996) (subsequent history omitted) ("Local Competition Order").

[19] Applicants argue that "Charter itself agreed to use multiple POIs in an interconnection agreement in Wisconsin." Applicants' April 10th Ex Parte Letter at 6. However, Charter is not precluded from establishing multiple POIs in a LATA where it is efficient to do so. In fact, under the Act, it is Charter—not CenturyTel—that has the right to determine where it is most efficient for Charter to interconnect with CenturyTel's network. *See, e.g., Texas 271 Order* ¶ 78.

[20] *See* Applicants' April 10th Ex Parte Letter n.16.

[21] *See* Charter February 27th Ex Parte Letter at 3-4 & Cox-Hankins Declaration ¶ 7.

[22] Applicants' April 10th Ex Parte Letter at 10.

about the assertion that "[a]s a result of [CenturyTel's] policy, in Missouri, Texas, and Wisconsin combined, CenturyTel rejected an average of 10 Charter port requests per day in November 2008; an average of 35 Charter port requests per day in December 2008; and an average of 45 Charter port requests per day in January 2009."[23]

Notwithstanding their purported inability to evaluate the facts submitted by Charter, the Applicants provide three justifications for CenturyTel's port request limit. *First*, CenturyTel explains that it cannot satisfy competitors' port requests and other wholesale orders today because in the past, CenturyTel's order volumes were too small "to justify establishing a fully automated OSS for all CLEC orders."[24] This is irrelevant. The FCC has held that in order to satisfy its duty to provide nondiscriminatory access to OSS functions under Section 271, a BOC must, among other things, demonstrate that its "OSS is handling current demand and will be able to handle *reasonably foreseeable future volumes* [of UNE orders]."[25] The Commission reasoned that, without nondiscriminatory access to an incumbent's OSS, a competing carrier "will be severely disadvantaged, if not precluded altogether, from fairly competing in the local exchange market."[26] Given that number portability is critical to ensuring local competition,[27] the same rationale applies here, and an incumbent LEC's OSS must be able to handle reasonably foreseeable demand for porting. Nevertheless, CenturyTel maintains that its 50 order-per-day limit is appropriate and that Charter "need[s] to coordinate with CenturyTel a larger than expected order volume so that a processing solution can be arranged for the spike in orders."[28] But CenturyTel can reasonably foresee that Charter's demand (and that of CenturyTel's other competitors) will exceed 50 orders on any given day. In fact, CenturyTel has instituted a 50 order-per-day limit precisely because it can foresee that demand regularly exceeds that limit. It must therefore expand its capacity to accommodate at least reasonably foreseeable demand for number porting.

Second, CenturyTel asserts that the true purpose of its port request limit is to prevent one carrier's unanticipated order volume peak from negatively impacting other carrier orders and

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[23] Cox-Hankins Declaration ¶ 7.

[24] Applicants' April 10th Ex Parte Letter at 9.

[25] *Texas 271 Order* ¶ 98 (emphasis added).

[26] *Id.* ¶ 92 (internal quotations omitted).

[27] *See, e.g., In re Local Number Portability Porting Interval and Validation Requirements*, Report and Order and Further Notice of Proposed Rulemaking, WC Dkt. No. 07-244, FCC 09-41, ¶ 6 (rel. May 13, 2009) ("*2009 LNP Order*") ("As the Commission has stated previously, [local number portability] 'eliminates one major disincentive to switch carriers' and thus facilitates 'the successful entrance of new providers,' which in turn 'stimulate[s] the development of new services and technologies, and create[s] incentives for carriers to lower prices and costs.'") (internal footnotes omitted).

[28] Applicants' April 10th Ex Parte Letter at 10.

thereby "maintain[] parity of treatment for all requesting carriers."[29] By this logic, however, even a system in which CenturyTel processed only two port requests per day from each of its competitors would suffice. This is obviously inconsistent with the Commission's interpretation of the scope of incumbent LECs' Section 251 obligations.

Third, CenturyTel implies that its 50 order-per-day limit is inconsequential because "[i]n the overwhelming majority of cases, exceeding 50 orders does not impact the timeliness of responding to orders."[30] Even if this were true, which it is not, it is irrelevant that *most* of the port requests that CenturyTel receives are processed in a timely manner. It is also not true, as CenturyTel contends, that simple port orders "*ordinarily should* be processed within four business days."[31] Under the FCC's current rules, a carrier *must* complete simple port requests within four business days.[32] As Charter has explained, *as a direct consequence of CenturyTel's port request rejections*, CenturyTel violates Rule 52.26 and causes a delay of the date on which Charter will be able to serve the prospective customer, thereby increasing the likelihood that the customer will cancel his or her request to switch to Charter.[33] Given that CenturyTel currently fails to complete all simple ports within four business days, a process which the Commission has noted "was economically and technologically feasible more than five years ago,"[34] it is virtually guaranteed that CenturyTel will not comply with the FCC's new one-business-day porting interval.[35]

CenturyTel's justification of its attempt to require competitors to submit a CenturyTel subscriber's Personal Identification Number ("PID") as one of the four fields required for all incoming port requests[36] also fails. Specifically, CenturyTel points out that the Commission's *2007 LNP Order* explicitly permits carriers to require "pass codes" as one of four fields for port

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[29] *Id.*

[30] *Id.*

[31] *Id.* n.23 (emphasis added).

[32] *See* 47 C.F.R. § 52.26.

[33] *See* Charter February 27th Ex Parte Letter at 4 & Cox-Hankins Declaration ¶ 7. Indeed, the Commission has recently recognized that "[d]elays in porting cost consumers time and money and limit consumer choice and competition because when consumers get frustrated with slow porting, they often abandon efforts to switch providers." *2009 LNP Order* ¶ 6.

[34] *2009 LNP Order* n.29.

[35] *See id.* ¶¶ 1, 7; *see also id.* ¶ 8 ("We conclude that reducing the porting interval for simple wireline-to-wireline and simple intermodal ports to one business day is necessary to enable customers to port their numbers in a timely fashion and to enhance competition.").

[36] *See* Charter February 27th Ex Parte Letter at 4-5 & Cox-Hankins Declaration ¶¶ 9-10.

validation.[37] But in its *2007 LNP Order*, the Commission also expressly held that "no entities obligated to provide [local number portability] may obstruct or delay the porting process by demanding from the porting-in entity information in excess of the minimum information needed to validate the customer's request."[38] A randomly generated, 11-digit number that appears only on the subscriber's first CenturyTel bill and that can be changed only by contacting CenturyTel[39] is clearly information in excess of the minimum needed to validate the subscriber's number.[40] Furthermore, it is difficult to understand how such a number could, as CenturyTel claims, "enable[] CenturyTel to ensure customer privacy . . . whenever a customer makes inquiries to CenturyTel"[41] given that the customer likely cannot remember or even remember being provided the number.

Finally, CenturyTel maintains that the charges it imposes on Charter for the recovery of costs related to processing local service requests ("LSRs") for porting are lawful because the Missouri Public Service Commission has said so.[42] But the Arbitrator's decision in that case rests on the erroneous premise that such costs are not directly related to providing local number portability.[43] In fact, the FCC's Common Carrier Bureau has clarified that the "porting of telephone numbers from one carrier to another" *specifically includes* the act of "transmitting porting orders between carriers."[44] Therefore, as Charter has explained, the costs for which CenturyTel seeks recovery are clearly carrier-specific costs directly related to providing number

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[37] *See* Applicants' April 10th Ex Parte Letter at 11 (citing *In re Telephone Number Requirements for IP-Enabled Services Providers*, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, 22 FCC Rcd. 19531 (2007) ("*2007 LNP Order*")).

[38] *2007 LNP Order* ¶ 16.

[39] *See* Charter February 27th Ex Parte Letter at 4 & Cox-Hankins Declaration ¶ 10.

[40] Moreover, while CenturyTel points out that "T-Mobile and Sprint themselves advocated that the FCC include the pass code field in its four field validation requirement" (*see* Applicants' April 10th Ex Parte Letter n.30), the entire basis for T-Mobile and Sprint's petition was, as the Commission described, to prevent carriers from "request[ing] excessive amounts of information as part of the porting process, creating significantly longer times for ports and a correspondingly higher number of intermodal port request cancellations." *2007 LNP Order* ¶ 15. The PID proposed by CenturyTel is exactly this type of information.

[41] Applicants' April 10th Ex Parte Letter at 11.

[42] *See id.* at 12 & n. 34.

[43] *See Petition of Charter Fiberlink-Missouri, LLC for Arbitration of Interconnection Rates, Terms, Conditions and Related Arrangements with the CenturyTel of Missouri, LLC Pursuant to 47 U.S.C. § 252(b)*, Final Arbitrator's Report, Case No. TO-2009-0037, at 95 (Jan. 6, 2009).

[44] *In re Telephone Number Portability Cost Classification Proceeding*, Memorandum Opinion and Order, 13 FCC Rcd. 24495, ¶ 14 (1998) (Chief, CCB).

portability under Section 52.33 of the FCC's rules and cannot be recovered from Charter.[45] Of course, the FCC's precedent preempts any inconsistent state rulings and should be applied here.

Negotiation of Interconnection Agreements

In response to Charter's argument that CenturyTel has a history of slow rolling the negotiation of interconnection agreements,[46] the Applicants respond that "Charter's claims . . . are extremely vague, providing no specific examples."[47] The Applicants apparently did not read paragraph 26 of the Cox-Hankins Declaration submitted by Charter:

> CenturyTel's posture in interconnection agreement negotiations has forced Charter to seek resolution via state arbitrations or formal complaints to a far greater extent than has been the case with other incumbent LECs. Most recently, Charter filed arbitration petitions in Missouri, Texas, and Wisconsin in July 2008 after negotiations with CenturyTel for replacement with interconnection agreements in all three states failed. At the time Charter filed its arbitration petitions, Charter had to seek resolution of approximately 30 to 40 issues each with CenturyTel's non-rural incumbent LECs in Wisconsin, CenturyTel's rural incumbent LEC in Wisconsin, CenturyTel's incumbent LECs in Missouri, and CenturyTel's incumbent LECs in Texas. Charter was forced to arbitrate such basic issues as: (1) whether either party can unilaterally terminate the agreement without state regulatory commission approval; and (2) when certain changes in the law should be given retroactive effect.

Cox-Hankins Declaration ¶ 26. Moreover, CenturyTel declares that it "has a long history of entering into multiple interconnection contracts without arbitrations in a reasonable period of time"[48] but it fails to provide any specific examples or support.

The Applicants' "Voluntary Commitments"

The Applicants make several voluntary commitments which, as other parties have already explained,[49] are directionally helpful but insufficient to address the public interest harms posed by the proposed transaction. For example, the Applicants "commit that, *for Embarq companies*, they will, at the very least, maintain the service levels that Embarq has provided for wholesale operations, *subject of course to the process of integration, which can involve temporary*

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[45] *See* Charter February 27th Ex Parte Letter at 6-7.

[46] *See id.* at 13.

[47] Applicants' April 10th Ex Parte Letter at 13.

[48] *Id.*

[49] *See, e.g.,* NuVox et al. April 29th Ex Parte Letter at 1-5.

adjustments and changes in the procedures and scheduling of ordering activity."[50] By limiting this promise to the legacy Embarq operations of the merged firm, the Applicants fail to provide a solution that applies to the entire merged firm. Given that CenturyTel's wholesale processes are materially inferior to Embarq's,[51] this is obviously a serious limitation. In addition, the "subject of course to the process of integration" caveat renders the entire commitment potentially meaningless. Likewise, the Applicants state that they "are willing to negotiate multiple contracts in a state at the same time in most circumstances when such consolidated negotiations will aid in addressing common issues."[52] It is unclear, however, what "most circumstances" means or who decides whether "consolidated negotiations will aid in addressing common issues." The Applicants also commit to "converting to Embarq's automated systems for processing number ports within 15 months of the merger close,"[53] but they have yet to commit to eliminating CenturyTel's 50 order-per-day limit on port requests, as Charter has requested.[54] If the Applicants stand behind their broad "voluntary commitments," then they should have no objection to agreeing explicitly to eliminate the 50 order-per-day limit as well as to Charter's other specific proposed conditions.[55] The Applicants' resistance yields only the logical inference that, post-merger, they plan to continue precisely the anticompetitive practices that Charter seeks to prevent with its proposed conditions.

For these reasons and the reasons discussed in Charter's previous filings in this docket, the Commission should impose Charter's proposed conditions on its approval of the CenturyTel-Embarq transaction.

Respectfully submitted,

/s/ Thomas Jones
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[50] Applicants' April 10th Ex Parte Letter at 8 (emphasis added).

[51] *See, e.g.,* Charter February 27th Ex Parte Letter n.5.

[52] Applicants' April 10th Ex Parte Letter at 2.

[53] *Id.*, Attachment at 5.

[54] *See* Charter February 27th Ex Parte Letter at 15.

[55] *See id.* at 14-17; *see also* Letter from Thomas Jones, Counsel for Charter Communications, Inc., to Marlene H. Dortch, Secretary, FCC, WC Dkt. No. 08-238, Attachment, at 3-5 (filed Mar. 9, 2009).

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