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May 29, 2009

FILED IN PDF FORMAT VIA ECFS

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

Re: *Notice of Ex Parte Presentation Correction and Clarification –
WC Docket No. 08-238*

Dear Ms. Dortch:

On Thursday, May 21, 2009, I filed in the above-captioned docket on behalf of NuVox and Socket, an ex parte letter intended to highlight certain of Embarq's interconnection and unbundling practices in states where Embarq operates more than one incumbent LEC. I used Missouri as an example of such a state and I have since been informed by Embarq personnel that I did so in error. I now understand that Kansas would have been a better choice and an accurate example – Embarq operates four incumbent LECs in Kansas, but operates only one incumbent LEC in Missouri. CenturyTel operates more than one incumbent LEC in Missouri.

During the same conversation with Embarq's representatives, they also shared their concern that the statements made in the May 21 letter regarding Embarq's practices with respect to establishment of a single point of interconnection (POI) for interconnection with more than one Embarq incumbent LEC and the availability of UNE dedicated transport between end offices and/or tandems owned by separate Embarq incumbent LECs were too general and did not set forth pertinent facts. It was not my intention to exclude pertinent facts from the record and I am happy to offer the following clarification that sets forth in more detail Embarq's policies, as explained to me by Embarq's representatives.

Embarq allows requesting carriers to establish as few as a single POI per LATA and does not necessarily require the establishment of additional POIs for each Embarq incumbent LEC in a LATA where Embarq has incumbent LEC facilities connecting those incumbent LECs. To the extent that incumbent LEC transport facilities do not connect Embarq

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incumbent LEC end offices or tandems, Embarq requires requesting carriers to establish separate POIs for such incumbent LECs.¹ Similarly, Embarq only makes dedicated transport UNEs available between different Embarq incumbent LECs when the facilities are owned by one of the Embarq incumbent LECs.

The Embarq representatives also explained that although Embarq enters into single interconnection agreements (ICAs) covering multiple Embarq incumbent LECs in a state, those ICAs may contain provisions and rates specific to particular incumbent LECs.

With these clarifications in place, it remains our position that Embarq's practices with respect to single POIs and single ICAs covering multiple Embarq incumbent LECs, as well as with respect to the availability of UNE dedicated transport between separate Embarq incumbent LECs are "best practices" that should not only be shielded from change by CenturyTel management when it assumes control over Embarq but also expanded throughout the entirety of the Applicants' expanded footprint consistent with their commitment to adopt "best practices" of either entity throughout the merged enterprise.

In accordance with the Commission's rules, this letter is being filed electronically for inclusion in the public record of the above-referenced proceeding.

Respectfully submitted,



John J. Heitmann

cc: Don Stockdale (via electronic mail)
Nick Degani (via electronic mail)
Bill Dever (via electronic mail)
Dennis Johnson (via electronic mail)
Julie Veach (via electronic mail)

Jim Bird (via electronic mail)
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Jennifer Schneider (via electronic mail)
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¹ Some Embarq ICAs may include terms that require the establishment of additional POIs where traffic volumes exceed certain thresholds and where Embarq has more than one tandem in a LATA.

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Jonathan Adler (via electronic mail)
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