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June 23, 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 – WC Docket No. 08-238

Dear Ms. Dortch:

On Monday, June 22, 2009, and on Tuesday, June 23, 2009, on behalf of NuVox and Socket, I communicated by telephone with Jennifer Schneider of Chairman Copps's office and Mark Stone of Commissioner Adelstein's office regarding the Applicants' June 19, 2009 filing in the above-captioned docket. My comments focused on the revised set of voluntary commitments offered by the Applicants in their ex parte filing. In particular, I made the following points:

(a) The Applicants' new articulation of their commitment to maintain current Embarq service levels appears to be unduly watered-down. Applicants' June 19 Ex Parte at 2 ("Embarq will maintain service at a level that is no less than one standard deviation from the benchmark value, 90 percent of the time").

(b) The Applicants should use "best efforts" to minimize adverse potential impacts that wholesale systems integration and/or conversion may have on competitors and should provide wholesale customers with 60 days advance notice of integration on a market-by-market basis. *See id.*

(c) The commitment addressing CenturyTel's number porting limits should be changed to read "The Applicants will not utilize any quantity or geographic limits with respect to local number portability orders" – or something similar that applies to both entities and both types of porting restrictions objected to by numerous commenters in this docket. *See id.* at 3.

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(d) The post-OSS integration DS1 provisioning interval should be revised to reflect an interval that wholesale customers and consumers can plan on being met more than 4 out of 5 times, or other reasonable exceptions to the 6-day interval should be specified, so that wholesale customers can rely on the 6-day interval and plan customer ports based on it. *See id.*

(e) The Applicants' "hot cut" commitment should expressly state that the Applicants will re-use loops currently used in serving customers. *See id.*

(f) The Applicants' commitment to "provide dedicated resources to handle wholesale maintenance and repair calls" should be fleshed-out to ensure that CenturyTel provides, pending transition to the Embarq wholesale operations center, toll-free access distinct from retail customer care and queuing to customer care representatives trained in wholesale customer support and on DS1 maintenance issues in particular. *See id.*

(g) The Applicants should define "Rural" and "Nonrural", as used in their interconnection agreement negotiations commitment. In addition, such commitment should be expanded to allow for use of a carrier's existing interconnection agreement as a baseline for negotiations of a successor agreement. *See id.* at 4.

(h) The phrase "over the objections of an interconnecting party" should be removed from the interconnection agreement extension provisions, thereby avoiding potential squabbles over how and when such objections should be made. In addition, it should be clarified that carriers can use section 252(i) to opt-in to "extended ICAs" that are beyond their initial term. *See id.*

(i) The special access commitment should be expanded to include a rate cap pending final Commission action in WC Docket 05-25. *See id.* at 5.

(j) The ADSL commitment should be revised to correct an apparent typographical error. This commitment, which appears intended to mirror the one contained in the Commission's AT&T/BellSouth merger order, applies to ADSL transmission services offered by the Applicants that are "functionally the same as the services they offered as of the date of the merger closing." It is our understanding that CenturyTel and Embarq currently offer retail ADSL services with maximum asymmetrical download speeds of 20 and 10 Mbps, respectively. Thus, it appears that the reference to 3 Mbps in the commitment (apparently, the maximum download speed offered by AT&T at the time of closing of its merger with BellSouth) should be changed to 20 Mbps for CenturyTel and 10 Mbps for Embarq.

I also noted that the words "would" and "plan to" should be converted to "will" or "shall" in any final version of the commitments.

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In accordance with the Commission's rules, this letter is being filed electronically for inclusion in the public record of the above-referenced proceeding. If you have any questions, please contact me at 202/342-8544.

Respectfully submitted,



John J. Heitmann

cc: Jennifer Schneider (via electronic mail)  
Mark Stone (via electronic mail)  
Nick Alexander (via electronic mail)  
Jonathan Adler (via electronic mail)

Nick Degani (via electronic mail)  
Bill Dever (via electronic mail)  
Dennis Johnson (via electronic mail)  
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