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June 30, 2011

Amended Ex Parte

Marlene H. Dortch, Secretary
Federal Communications Commission
Room TW-A325
445 12th Street, SW
Washington, DC 20554

Re: *A National Broadband Plan for Our Future*, GN Docket No. 09-51; *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92; *Intercarrier Compensation for ISP-Bound Traffic*, CC Docket No. 99-68; *IP-Enabled Services*, WC Docket No. 04-36; *Connect America Fund*, WC Docket No. 10-90; *High-Cost Universal Service Support*, WC Docket No. 05-337; *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135

Dear Ms. Dortch:

On June 28, 2011, Jennie Chandra, Shaked Hoter, Edward Krachmer, Stephen Weeks, and I, from Windstream Communications, Inc. (“Windstream”), met with Randy Clarke, Victoria Goldberg, Rebekah Goodheart, Albert Lewis, Travis Litman, and Marcus Maher, from the Wireline Competition Bureau. Consistent with its April 1, 2011, comments in the above-referenced dockets,¹ Windstream expressed its support for the Federal Communications Commission’s proposed phantom traffic rules and urged that these rules be adopted without delay. Windstream also proposed some rule clarifications and refinements that are detailed in the attached document, which was distributed at the meeting.

Please contact me if you have any questions or need more information.

Sincerely,

/s/

Malena F. Barzilai

¹ See Comments of Windstream Communications, Inc., on Section XV, WC Docket Nos. 10-90, 07-135, 05-337, GN Docket No. 09-51, CC Docket No. 01-92, at 2, 13-19 (April 1, 2011).

Attachment

cc: Randy Clarke
Victoria Goldberg
Rebekah Goodheart
Albert Lewis
Travis Litman
Marcus Maher

- **Revised phantom traffic rules should be adopted without delay.**
 - Further delay is unfair to carriers that are not being compensated appropriately for services rendered, and to those that do not exploit perceived loopholes in the rules.
 - Since some abusers lack substantial assets, the longer phantom traffic problems can linger, the more potentially unrecoverable losses terminating carriers will suffer.
 - Unresolved phantom traffic issues hinder comprehensive reform efforts.
 - It is difficult to prove/disprove the veracity of an access customer's calculation of its factors. The FCC, therefore, should ensure the delivery of accurate actual call information whenever possible to minimize carriers' reliance on factoring.

- **The FCC should clarify that its proposed rules do not permit intermediate providers to claim a call "reoriginates" any time there is a change in the format or technology by which traffic is transmitted.**
 - In particular, the FCC should clarify that the term "intermediate provider," as used in Section 64.1601(a)(2) of its proposed rules, means "any telecommunications provider or entity providing interconnected voice over Internet protocol who (a) carries or processes traffic that at any point traverses the public switched telephone network and (b) neither originates nor terminates the traffic. A change in the format or technology by which traffic is transmitted does not constitute termination of traffic."

- **Companies seeking to avoid compliance with the phantom traffic rules should not be allowed to hide behind unsubstantiated claims of "technical infeasibility."**
 - Specifically, the FCC should clarify that Section 64.1601(a)(1) of its proposed rules applies "unless the Commission determines such transmission is not feasible with network technology deployed at the time a call is originated." A company seeking a determination that such transmission is not feasible should bear the burden of proof for establishing the need for an exemption.

- **The FCC should make clear that Calling Party Numbers always must be functioning ten-digit North American Numbering Plan telephone numbers.**
 - Researching potential phantom traffic issues is difficult, if not impossible, if the CPN is not valid, because an invalid CPN obscures the location of the calling party.
 - Further, CPNs that are not ten digits in length corrupt the SS7 stream, resulting in the delivery of invalid caller identification information to the end user and corruption of the information relied upon to create interstate and intrastate intercarrier billing records.
 - To prevent these problems, the FCC should clarify that the CPN, which is defined in Section 64.1600 of the FCC's existing rules, must be a functioning ten-digit North American Numbering Plan telephone number.