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VIA ELECTRONIC FILING

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

Re: *Petition of Vaya Telecom, Inc. For Declaratory Ruling Regarding LEC-to-LEC VoIP Traffic Exchanges*, CC Docket No. 01-92

Dear Ms. Dortch:

Windstream Communications, Inc. (“Windstream”) submits this filing in opposition to the above-referenced petition of Vaya Telecom, Inc. (the “Vaya Petition”).¹ The current intercarrier compensation regime offers no rational basis for treating interconnected Voice over Internet Protocol (“VoIP”) traffic differently from other traffic terminating on the Public Switched Telephone Network (“PSTN”). Any prospective changes to the appropriate treatment of VoIP traffic should occur in the context of comprehensive reforms, as proposed by the America’s Broadband Connectivity Plan (“ABC Plan”).²

Interconnected VoIP providers currently are required to pay approved rates for terminating traffic on the PSTN. There is no rational basis for treating VoIP and other PSTN traffic differently under current rules: The traffic uses the same network components; terminating carriers incur the same costs; and from a consumer’s perspective, the voice services appear virtually identical and are marketed as substitutes. Moreover, differential treatment encourages harmful arbitrage that undermines universal service and broadband deployment in high-cost areas. Windstream has discussed the existing application of access charges to VoIP in

¹ Petition of Vaya Telecom, Inc. For Declaratory Ruling Regarding LEC-to-LEC VoIP Traffic Exchanges, CC Docket No. 01-92 (filed August 26, 2011).

² Letter from Robert W. Quinn, Jr., AT&T, Steve Davis, CenturyLink, Michael T. Skrivan, FairPoint, Kathleen Q. Abernathy, Frontier, Kathleen Grillo, Verizon, and Michael D. Rhoda, Windstream, to Marlene H. Dortch, FCC, WC Docket No. 10-90 et al. (filed July 29, 2011), Attachment 1 (Framework of the Proposal).

numerous filings, including the attached comments in response to the Commission's most recent Notice of Proposed Rulemaking addressing this subject.³

Looking to the future, the appropriate prospective treatment of VoIP should be addressed by the Commission in the context of comprehensive reform of the universal service and intercarrier compensation systems.⁴ Specifically the Commission should act now to adopt the comprehensive reforms recommended by the ABC Plan, rather than issuing a declaratory ruling on a single petition. The ABC Plan proposes a new rule addressing treatment of VoIP traffic as part of consensus-based reforms that would modernize the universal service system; bring all terminating intercarrier compensation rates to a low, uniform level; and provide reasonable opportunities for recovery of lost intercarrier compensation revenues.

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

Sincerely yours,

/s/ Malena F. Barzilai

Malena F. Barzilai

Attachment

cc: Amy Goodman

³ 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 3-13 (April 1, 2011).

⁴ Public Notice, Pleading Cycle Established for Comments on Vaya Telecom Petition for Declaratory Ruling Regarding LEC-to-LEC VoIP Traffic Exchanges, CC Docket No. 01-92, DA 11-1561, at 1 (September 20, 2011) (recognizing that the Commission currently is considering the appropriate treatment of VOIP traffic in conjunction with other universal service and intercarrier compensation reforms).