

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
)	
Developing an Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Lifeline and Link-Up)	WC Docket No. 03-109
)	
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208

**COMMENTS OF WINDSTREAM COMMUNICATIONS, INC.
ON AT&T PETITION FOR LIMITED WAIVER**

Windstream Communications, Inc., on behalf of itself and its affiliates (collectively “Windstream”), submits the following comments in response to AT&T Inc.’s petition for a limited waiver of the new call signaling rules adopted in the above-captioned proceedings (hereinafter the “Petition”).¹ As Windstream understands the Petition, AT&T is seeking a limited waiver of the obligation, set forth in new 47 C.F.R. § 64.1601(a)(1), to transmit the Charge Number (“CN”) in either SS7 or multi-frequency (“MF”) signaling only in those

¹ AT&T Inc. Petition for Limited Waiver, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, GN Docket No. 09-51, CC Docket Nos. 01-92, 96-45, WT Docket No. 10-208 (December 29, 2011) (Petition).

instances where AT&T is acting as the originating provider of dedicated interexchange service.² Windstream does not oppose such a request for waiver in those limited circumstances.

If AT&T's waiver request is granted, Windstream, however, urges the Commission to clarify that such a waiver is limited to the specific circumstances stated by AT&T and does not extend to other obligations set forth in section 64.1601(a), nor to providers in situations other than where the provider is acting as an originating provider of dedicated interexchange service (e.g., in circumstances where it is an Intermediate Provider as defined in new section 64.1600(f)). It would be very problematic if such a waiver were extended to address transmission of the Calling Party Number, or extended to apply to intermediate providers. Regarding the former, CPNs are typically displayed in Caller ID services and used by terminating local exchange carriers to validate call records; a waiver with respect to CPN would undermine the new rules and invite carrier mischief. With respect to the latter, the new call signaling rules are designed to thwart arbitrage schemes in which providers intentionally obscure the origin of calls by removing or changing calling information to avoid higher intercarrier compensation rates. As Windstream has discussed in previous filings, much of the misbehavior in this regard occurs when traffic is laundered through an Intermediate Provider who populates or repopulates the CN field with an incorrect number.³ This misbehavior would be reborn if the Commission granted a waiver beyond the limited circumstances that AT&T delineates.

² In its capacity as the originating provider, AT&T would not be the Intermediate Provider as defined at 47 C.F.R. § 64.1600(f).

³ *See, e.g.*, Comments of Windstream Communications, Inc. on Section XV, WC Docket Nos. 10-90, 07-235, 05-337, GN Docket No. 09-51, CC Docket No. 01-92, at 15-16 (April 1, 2011); letter from Malena F. Barzilai, Windstream, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 09-51, CC Docket Nos. 01-92, 99-68, WC Docket Nos. 04-36, 10-90, 05-337, 07-135, at attachment (June 30, 2011).

Windstream also uses these comments as an opportunity to note that—consistent with the Commission’s findings⁴—the established waiver procedures provide an effective, efficient process by which providers can obtain necessary relief in connection with the new call signaling rules. AT&T’s Petition illustrates the workability of the waiver process: AT&T submitted its Petition within six weeks after the Commission’s *Report and Order* was released, and the Commission put the Petition out for comment two weeks thereafter.⁵ Accordingly, general technical feasibility and industry standards exceptions to the call signaling rules are unnecessary—and, as Windstream indicates today in its opposition to Verizon’s Petition for Reconsideration in these proceedings,⁶ could lead to further arbitrage and/or extensive and costly disputes and litigation, as the Commission reasoned when it rejected such exceptions in the *Report and Order*.⁷

⁴ See *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform – Mobility Fund*, CC Docket Nos. 01-92 and 96-45, WC Docket Nos. 10-90, 07-135, 05-337, and 03-109, GN Docket No. 09-51, and WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, at ¶ 723 (rel. November 18, 2011) (*Report and Order*).

⁵ Public Notice, Wireline Competition Seeks Comment on AT&T Petition for Limited Waiver of Call Signaling Rules, CC Docket Nos. 01-92, 96-45; GN Docket No. 09-51; WC Docket Nos. 03-109, 05-337, 07-135, 10-90; WT Docket No. 10-208 (January 10, 2012).

⁶ Petition for Clarification or, In the Alternative, for Reconsideration of Verizon, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, GN Docket No. 09-51, CC Docket Nos. 01-92, 96-45, WT Docket No. 10-208 (December 29, 2011).

⁷ See *Report and Order* at ¶ 723 (rel. November 18, 2011) (stating that the Commission “agree[s] with the concern expressed by some commenters that any exceptions would have the potential to undermine the rules” and it “decline[s] to adopt any general exceptions to our new call signaling rules”).

Respectfully submitted,

/s/ Malena F. Barzilai

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