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VIA ELECTRONIC FILING

EX PARTE

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

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

Dear Ms. Dortch:

On February 24, 2012, I met by telephone with Michael Steffen, Chief Counsel and Senior Legal Advisor to Chairman Genachowski. I reiterated Windstream's request that the FCC confirm that its comprehensive universal service and intercarrier compensation reform order did not reduce originating access rates for toll traffic originating on the PSTN and terminating in IP format. I observed that a contrary finding would be inconsistent with the consensus framework urged by members of the America's Broadband Connectivity Plan.¹ These discussions were

¹ See Joint Comments of AT&T, CenturyLink, Fairpoint, Frontier, Verizon, and Windstream ("Joint Comments"), Docket Nos. 10-90, *et al.*, at 22 (Aug. 24, 2011) ("The ABC Plan does not call for reductions in originating access charges, and the Commission should not undermine support for the Plan by altering this aspect of the carefully-negotiated compromise"); *id.* at 26-27 (noting that "[t]he ABC Plan does not call for reductions in originating access charges," and "if the Commission *does* mandate such reductions, it will need to address rate rebalancing through potential end-user rate increases and additional recovery from the transitional access replacement mechanism"); *id.* at 26, n.85 (expressly finding that "[o]riginating intrastate dedicated transport rates are the only exception..." to the ABC Plan signatories' position that reductions to originating access rates should be avoided at this time). See also Connect America Fund *et al.*, Docket Nos. 10-90 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, at ¶ 1304, n.2352 (rel. Nov. 18, 2011) (recognizing that the ABC Plan signatories "urg[ed] the Commission not to undermine support for the ABC Plan by ordering reductions to originating access charges").

consistent with the Petition for Reconsideration and/or Clarification that Windstream jointly filed with Frontier.²

We also discussed Windstream's pending request for reconsideration of the "one unserved location per \$775" deployment requirement for Connect America Fund Phase I support.³ Consistent with Windstream's prior advocacy on this issue, I asserted that this requirement should be replaced with a more targeted mechanism, which would account for differences in individual companies' service territories and ensure that unserved consumers in Windstream's high-cost areas may benefit from Phase I support. Without this reform, I noted, consumers served by price cap carriers such as Windstream that have aggressively deployed broadband in rural areas may not be able to benefit from funds because \$775 per unserved location may be insufficient to offset the costs to serve many of the carriers' remaining, truly high-cost unserved locations.

Please contact me if you have any questions regarding this submission.

Sincerely,

/s/ Eric N. Einhorn

Eric N. Einhorn

cc: Michael Steffen

² See Petition for Reconsideration and/or Clarification filed by Frontier Communications Corp. and Windstream Communications, Inc., WC Docket 10-90, *et al.*, (Dec. 29, 2011) at 21.

³ *Id.*