

**REDACTED – FOR PUBLIC INSPECTION**

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**VIA ECFS AND COURIER**

***EX PARTE***

March 5, 2012

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 Inter-carrier Compensation Regime*

Dear Ms. Dortch:

Today, Jennie Chandra, Eric Einhorn, and I, from Windstream Communications, Inc. (“Windstream”) and Mike Saperstein from Frontier Communications, Inc. (“Frontier”) met with Randy Clarke, Victoria Goldberg, and Travis Litman of the Wireline Competition Bureau and Marcus Maher and Douglas Klein of the Office of General Counsel. Cesar Caballero and Kerry Smith, both from Windstream, participated by phone. Consistent with their jointly-filed Petition for Reconsideration and/or Clarification and Reply in support of the Petition,<sup>1</sup> Windstream and Frontier reiterated their request that the FCC confirm that its comprehensive reform Order did not reduce originating access charges for toll traffic originating on the PSTN and terminating in IP format (“PSTN-VoIP traffic”).<sup>2</sup> A copy of our joint Reply was distributed at the meeting and is attached hereto.

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<sup>1</sup> Reply to Oppositions to Petition for Reconsideration and/or Clarification, WC Docket No. 10-90, et al. (February 21, 2012); Petition for Reconsideration and/or Clarification filed by Frontier Communications Corp. and Windstream Communications, Inc., WC Docket 10-90, et al., (Dec. 29, 2011).

<sup>2</sup> The Reply does not adopt a position on the appropriate originating access charges for IP-originated traffic.

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On March 1, 2012, Eric Einhorn and I, from Windstream, met with Rebekah Goodheart, Randy Clarke, and Travis Litman of the Wireline Competition Bureau. Cesar Caballero and Kerry Smith, both from Windstream, participated by phone. Consistent with its joint filings with Frontier, Windstream further explained that a flash cut of intrastate originating access rates for PSTN-VoIP traffic to interstate levels would have an adverse financial impact on Windstream.

Specifically, Windstream discussed the estimated reductions in annual originating access revenues that are detailed on the attached chart. Windstream explained that the estimates exclude revenue from situations where the retail customer is presubscribed to Windstream's long-distance affiliate. Windstream also noted that it is impossible at this time to provide an exact impact of proposed rate reductions because intrastate originating access for PSTN-VoIP traffic has never been in dispute and incumbent LECs have no visibility into what percentage of traffic interexchange carriers will claim is PSTN-VoIP traffic. Finally, Windstream explained that a significant portion of its estimated revenue reductions relate to payments to its competitive LEC affiliates; thus, a recovery mechanism that would permit incumbent LECs to recover lost revenues would be insufficient.

Windstream submits the attached chart pursuant to the Protective Order in CC Docket No. 01-92, WC Docket Nos. 05-337, 07-135, and 10-90 and GN Docket No. 09-51 (DA 10-1749, rel. Sept. 16, 2010) (Protective Order). This confidential treatment is required to protect proprietary and confidential information. Pursuant to the Protective Order, Windstream is submitting to the Secretary one copy of the Stamped Confidential Document, and two copies of their Redacted Confidential Document, as defined in the Protective Order. Windstream also is sending two copies of the Stamped Confidential Document to Ms. Lynne Hewitt Engledow, Pricing Policy Division, Wireline Competition Bureau, and is filing the Redacted Confidential Document electronically via ECFS.

Please contact me if you have any questions.

Sincerely yours,

/s/ Malena F. Barzilai

Malena F. Barzilai

Attachments

cc:     Rebekah Goodheart  
          Randy Clarke  
          Travis Litman  
          Victoria Goldberg  
          Douglas Klein  
          Marcus Maher  
          Lynne Hewitt Engledow

**Intrastate Originating Access Analysis**

<b><i>Windstream Total</i></b>	Revenues	Reduction	% Reduction
Intrastate Originating Access			
10% VoIP traffic			
20% VoIP traffic			
30% VoIP traffic			
40% VoIP traffic			
50% VoIP traffic			
60% VoIP traffic			
70% VoIP traffic			
80% VoIP traffic			
90% VoIP traffic			
100% VoIP traffic			

<b><i>ILEC</i></b>	Revenues	Reduction	% Reduction
Intrastate Originating Access			
10% VoIP traffic			
20% VoIP traffic			
30% VoIP traffic			
40% VoIP traffic			
50% VoIP traffic			
60% VoIP traffic			
70% VoIP traffic			
80% VoIP traffic			
90% VoIP traffic			
100% VoIP traffic			

<b><i>CLEC</i></b>	Revenues	Reduction	% Reduction
Intrastate Originating Access			
10% VoIP traffic			
20% VoIP traffic			
30% VoIP traffic			
40% VoIP traffic			
50% VoIP traffic			
60% VoIP traffic			
70% VoIP traffic			
80% VoIP traffic			
90% VoIP traffic			
100% VoIP traffic			

**Notes:**

1) Analysis based on 4th quarter 2011 data

2) Excludes minutes/revenues if WIN retail customer is presubscribed to WIN long distance.