

Jennie B. Chandra
Senior Counsel, Federal Policy
Windstream Communications, Inc.
1101 17th Street, N.W., Suite 802
Washington, DC 20036

(202) 223-7667
jennie.b.chandra@windstream.com



April 19, 2012

VIA ECFS

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*

Dear Ms. Dortch:

On April 18, 2012, Eric Einhorn had a telephone conversation with Christine Kurth, Commissioner McDowell's Policy Director and Wireline Counsel, regarding the intercarrier compensation treatment of VoIP-PSTN traffic and Connect America Fund Phase I.

If originating access rates for PSTN-to-VoIP traffic are reduced to interstate levels, Windstream asserted that the Commission must either (1) extend access recovery mechanism support to compensate for such reductions or (2) forbear from enforcing the "equal access obligation," originally imposed by the AT&T Consent decree and now applicable through 47 U.S.C. § 251(g),¹ *and* permit LECs an immediate opportunity to move third-party IXC customers over to their own long-distance service.² Windstream asked that the Commission, at a minimum, seek comment on these issues and commit to resolve the issues prior to the start of any such originating access rate reductions.

¹ See generally Notice of Inquiry, *Notice of Inquiry Concerning a Review of the Equal Access and Nondiscrimination Obligations Applicable to Local Exchange Carriers*, 17 FCC Rcd 4015, 4017-18 ¶ 6 (2002).

² More limited relief—for example, relief only from the equal access scripting requirement—would be insufficient, given a carrier still would suffer significant losses in originating access revenues associated with customers utilizing a grandfathered IXC service.

In addition, Windstream recommended that the Commission reform CAF Phase I so that the \$300 million allocated to the program can be utilized fully for near-term broadband deployment. In particular, Windstream requested that the Commission adopt its proposal to allow more CAF Phase I support to be spent on second-mile fiber facilities.³

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

Sincerely,

/s/ Jennie B. Chandra

Jennie B. Chandra

cc: Christine Kurth

³ See Letter from Michael Rhoda, Senior Vice President, Government Affairs, Windstream, to Chairman Julius Genachowski, Commissioner Robert McDowell, and Commission Mignon Clyburn, WC Docket No. 10-90 et al., and Attachment (April 16, 2012) (elaborating on how Windstream's proposal can serve the Commission's articulated goals, estimating the significant benefits that would flow from adopting the recommended reforms, and expanding on how and why Windstream's proposal can and should be readily operationalized).