

Ruth Nettles

From: Pam Keillor [pkeillor@radeylaw.com]
Sent: Monday, October 13, 2008 4:33 PM
To: Filings@psc.state.fl.us
Cc: Beth Salak; Bill McCollum; Carolyn Mason; Carolyn Ridley; Cecilia Bradley; Cindy Miller; Dale Mailhot; David Konuch; Douglas Nelson; Floyd Self; Gail Marie Perry; Howard Adams; J.R. Kelly; Jeffry Wahlen; Marsha Rule; Mike Twomey; Rebecca Ballesteros; Samantha Cibula; Scott Boyd; Vicki Kaufman; Wink Infinger
Subject: Electronic Filing - Docket No. 080159-TP
Attachments: WINPICFreeze.pdf

Electronic Filing

- a. Person responsible for this electronic filing:

Bettye Willis
Windstream Communications
State Government Affairs - AL, FL, MS
4001 Rodney Parham Road
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Little Rock, AR 72212

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- b. Docket No. 080159-TP – In re: Joint Petition of Verizon Florida LLC, BellSouth Telecommunications, Inc. d/b/a AT&T Florida, Embarq Florida, Inc., Quincy Telephone Company d/b/a TDS Telecom and Windstream Florida, Inc. to initiate rulemaking to reflect the changed telecommunications market
- c. Document being filed on behalf of Windstream Communications, Inc.
- d. There are 2 pages.
- e. The document attached for electronic filing is Windstream's response to the comments filed by FCTA.
(See attached file: WINPICFreeze.pdf)

Thank you for your assistance in this matter.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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October 10, 2008

Ms. Ann Cole
Director of the Office of Commission Clerk
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: FCTA Comments Regarding Preferred Carrier Freezes; Docket No. 080159-TP - In re: Joint Petition of Verizon Florida LLC, BellSouth Telecommunications, Inc. d/b/a AT&T Florida, Embarras Florida, Inc., Quincy Telephone Company d/b/a TDS Telecom and Windstream Florida, Inc. to Initiate Rulemaking to Reflect the Changed Telecommunications Market

Dear Ms. Cole:

This letter responds to the comments filed by the Florida Cable Telecommunications Association ("FCTA") on October 7, 2008. Those comments contain misleading and false allegations with respect to Windstream Communications and the placement of preferred carrier ("PIC") freezes.

FCTA contends that a PIC freeze prevents a telephone company from switching a customer's service to any competitor. More accurately, a PIC freeze is a direct line attack against slamming and prevents any *unauthorized* change in a customer's service without the customer's express permission. Windstream's policies are intended to strictly enforce all preferred carrier freezes in order to ensure that a customer's relevant services are not changed without the customer's express consent.

Contrary to the unsubstantiated claims of FCTA's members, Cox and Comcast, Windstream did not unilaterally place a freeze on all local accounts in Florida, Georgia, Arkansas, Oklahoma or in any state within which Windstream operates. Furthermore, Cox has not had "many discussions with Windstream" regarding PIC freezes. Windstream has no record of any communications from Cox in Georgia, Arkansas, or Florida. In Oklahoma, Cox sent email inquiries to Windstream regarding freezes. When Windstream requested that Cox provide factual details regarding its inquiry, Windstream received no further communication from Cox. Likewise, FCTA misleads this Commission regarding the allegations that Comcast, an FCTA member, has experienced "similar activities" by Windstream in Florida and other states.

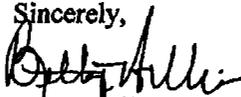
Most significantly, the allegations by Cox and Comcast that Windstream unilaterally placed freezes on all local customer accounts are untrue as evidenced by the data pertaining to the port requests submitted by both companies in Florida over the past several months. In direct contradiction to FCTA's claims that Windstream placed local freezes on all accounts, an average of over 70% of these cable companies' port requests in Florida experienced no issues related to carrier freezes. Specifically, none of the port requests in Florida with issues related to carrier freezes were related to local carrier freezes.

Notwithstanding FCTA's unsubstantiated allegations, Windstream has no policy of unilaterally placing preferred carrier freezes on all customer accounts. Windstream, however, does have a policy in favor of strictly honoring any PIC freeze initiated by a customer. Given the increased levels of competition and opportunities for customers to be slammed, it is reasonable for Windstream to strictly enforce any and all PIC freezes placed by customers on their telecommunications services.

It also should not be overlooked that FCTA's comments on this issue are self-serving and seek merely to require one type of competitor (i.e. local exchange carriers) to continue to be subject to a set of rules from which other types of competitors (e.g., cable companies) are exempt. FCTA's position does nothing to advance a level playing field for all competitors and instead impedes competition by burdening one type of competitor with unnecessary regulation to the unfair advantage of other competitors.

Windstream appreciates the opportunity to respond to FCTA's allegations.

Sincerely,



Handwritten signature of Betty Willis in cursive script.

Betty Willis