

# DESCRIPTION AND JUSTIFICATION

## I. Introduction

### A. Background

Windstream Telephone System Tariff FCC No. 6 issuing carriers as listed in Exhibit #1 (“Windstream”) hereby submit this filing to include additional intrastate terminating revenues to the FY2011 Base Period Revenue (“Base Period Revenue”) used in the ICC-CAF calculations for the issuing carriers.

### B. Description of Tariff Filing

In this filing, Windstream files revised TRP worksheets to include intrastate terminating access revenues subject to a petition for waiver filed by Windstream Services, LLC on behalf of its incumbent local exchange carriers.<sup>1</sup> On May 24, 2017, the FCC granted Windstream’s limited waiver<sup>2</sup> to permit Windstream to include certain intrastate terminating access revenues in its Base Period Revenue that had not been included in the original calculations.

This filing meets all the conditions set forth in the Order and include all the required certifications. The Order specifically required the following:

- First, that it terminated all of the intrastate access (compensable traffic) sent to it by Halo for termination during FY 2011 that it seeks to add to its recovery calculations.
- Second, that it billed Halo for such compensable traffic during FY 2011 or before the close of the next regular billing cycle in Fiscal Year 2012 for the amounts to be added to the Eligible Recovery calculations.
- Third, that a court or state regulatory agency of competent jurisdiction (e.g., a state commission) has made a finding of liability against Halo regarding the requested compensation for such traffic.

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<sup>1</sup> Windstream Services, LLC Petition for Limited Waiver of Section 51.917 (c) and (d), WC Docket No. 10-90 et al. (filed Sept. 1, 2015) (“Petition”).

<sup>2</sup> *In the Matter of Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, 32 FCC Rcd 4119 (2014) (“Order”).

- Fourth, that it filed a timely claim in the Halo bankruptcy case that requests compensation for such traffic, and any adjustment for a study area resulting from this Order does not exceed the terminating portion of such petitioner's bankruptcy claim for that study area.
- Fifth, that its adjustment amounts do not include any interest, late payment fees, collection fees, or attorney fees, in order to ensure that the requested adjustments are limited to revenue associated with compensable traffic, and do not include other types of revenue. In addition, such certification must confirm that the revenues supporting the requested adjustments are not already included in the Eligible Recovery calculations.

Windstream timely filed claims in the United States Bankruptcy Court for the Eastern District of Texas Sherman Division ("Court"). The Court found against Halo and approved the Windstream claims. See *In Re: Halo Wireless, Inc., Debtor*, United States Bankruptcy Court, Eastern District of Texas, Sherman Division, Case No. 11-42464-R, Order Allowing Administrative Expense Claims of Participating Claimants pursuant to 11 U.S.C. §§ 503(b)(1)(A) AND 507(a)(2) (July 12, 2013); *In Re: Halo Wireless, Inc., Debtor*, United States Bankruptcy Court, Eastern District of Texas, Sherman Division, Case No. 11-42464, Chapter 7 Trustee's Final Account and Distribution Report Certification that the Estate has been fully administered and application to be discharged (December 22, 2015); *In Re: Halo Wireless, Inc., Debtor*, United States Bankruptcy Court, Eastern District of Texas, Sherman Division, Case No. 11-42464-BTR, Order Discharging Chapter 7 Trustee and Closing Chapter 7 Case (January 4, 2016).

### **C. Intrastate Terminating Revenue Calculations**

The amounts of terminating intrastate revenues uncollected from Halo and the subject of the Petition were obtained from the recovery amounts approved by the bankruptcy court. These amounts were then used to recalculate the uncollectible factor Windstream used in the initial filing for each of the Windstream study areas. The revised uncollectible factor was then applied to the revenues for the base period for each of the Windstream study areas. The resulting amount is then included in the Base Period Revenue calculations for each study area.

Attached as Exhibit #2 is the amount of uncollectible revenue claimed and approved by the bankruptcy court for the applicable Windstream study areas. Windstream is filing a certification verifying the accuracy of these amounts.

Note that Exhibit #2 includes only those study areas for which claims were filed and approved by the Bankruptcy Court. Also, note that issuing carriers in Windstream Telephone System Tariff FCC No. 7 were not included in the Petition

and therefore no adjustments to Base Period Revenue were made to these study areas.

#### **IV. Conclusion**

Windstream is submitting the accompanying information consistent with the requirements of the Order. The adjustments proposed herein are demonstrated to be just and reasonable, and are supported by exhibits reflecting the revisions to Base Period Revenue to effectuate the relieve granted in the Order.

# EXHIBIT #1

<b>Issuing Carrier</b>	<b>COSA</b>
Windstream Alabama	WSAL
Windstream Arkansas	WSAR
Windstream Florida	WSFL
Georgia Properties <sup>3</sup>	WSGP
Windstream Standard	WSST
Windstream Kentucky West	WSKY
Windstream Kerrville	WSKR
Windstream Mississippi	WSMS
Windstream Missouri	WSMO
Windstream North Carolina	ALNC
New York Properties <sup>4</sup>	WSNY
Windstream Ohio	WSOH
Oklahoma Properties <sup>5</sup>	WSOP
Windstream Pennsylvania	ALPA
Windstream South Carolina	WSSC
Windstream Sugar Land	WSSL
Texas Windstream	WSTX
Windstream Western Reserve	ALWR
Windstream Concord	WSCT
Windstream Lexcom	WSLX
Windstream Nebraska	LTNE
Windstream Kentucky East – Lexington	GTKY
Windstream Kentucky East – London	COKY
Valor Oklahoma	VAOK
Valor New Mexico No. 1	VANM
Valor New Mexico No. 2	VANN
Valor Texas No. 1	VATX
Valor Texas No. 2	VCTX
Windstream Lakedale, Inc.	WSLD
Windstream Lakedale, Inc. - Connections	WSSB

<sup>3</sup> Georgia Properties includes Windstream Georgia, Georgia Windstream and Windstream Georgia Communications.

<sup>4</sup> New York Properties includes Windstream New York – Fulton, Windstream New York – Jamestown and Windstream New York – Red Jacket.

<sup>5</sup> Oklahoma Properties includes Windstream Oklahoma and Oklahoma Windstream.