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December 13, 2021
Via Electronic Filing
Confidential Response Via Overnight Delivery

Secretary of the Commission
Pennsylvania Public Utilities Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

RE:

R-2021-3029138	PAETEC Communications, Inc.; Supplement No. 46 to Tariff Telephone- PA P.U.C. No. 3
R-2021-3029460	Business Telecom, LLC dba EarthLink Business III; Supplement No. 29 to PA Local Resale Tariff No. 3
R-2021-3029314	US LEC of Pennsylvania LLC dba PAETEC Business Services; Supplement No. 46 to Tariff Telephone- PA P.U.C. No. 1
R-2021-3029312	American Telephone Company, LLC; Supplement No. 3 to Tariff Telephone- Pennsylvania P.U.C. No. 1
R-2021-3029380	Broadview Networks, Inc. Supplement No. 88 to Tariff Telephone- PA P.U.C. No. 1
R-2021-3029501	Cavalier Telephone Mid-Atlantic LLC; Supplement No. 49 to Tariff Telephone -PA P.U.C. No. 1
R-2021-3029516	Choice One Communications of Pennsylvania, Inc.; Supplement No. 72 to Tariff Telephone- PA P.U.C. No. 1
R-2021-3029526	CTC Communications Corp. dba EarthLink Business; Supplement No. 44 to Tariff Telephone- PA P.U.C. No. 2
R-2021-3029575	Lightship Telecom, LLC; Supplement No. 16 to Tariff Telephone- PA P.U.C. No. 1
R-2021-3029580	MassComm, LLC; Supplement No. 7 to Tariff Telephone- PA P.U.C. No. 1
R-2021-3029554	Earthlink Business, LLC; Supplement No. 12 to Tariff Telephone- PA P.U.C. No. 5
R-2021-3029686	Talk America, LLC; Supplement No. 52 to Tariff Telephone- PA P.U.C. No. 2
R-2021-3029698	Windstream Communications LLC; Supplement No. 14 to Tariff Telephone- PA P.U.C. No. 2
R-2021-3029720	Windstream D&E Systems, Inc.; Supplement No. 12 to Tariff Telephone- PA P.U.C. No. 5 & Supplement No. 5 to Tariff Telephone- PA P.U.C. No. 9

Dear Commission Secretary,

Submitted via electronic filing are responses to the PA PUC Staff Data Requests – Set I, TUS-1 through TUS-12, submitted by PAETEC Communications, Inc.; Business Telecom, LLC dba EarthLink Business III; US LEC of Pennsylvania LLC dba PAETEC Business Services; American Telephone Company, LLC; Broadview Networks, Inc.; Cavalier Telephone Mid-Atlantic LLC; Choice One Communications of Pennsylvania, Inc.; CTC Communications Corp. dba EarthLink Business; Lightship Telecom, LLC; MassComm, LLC; Earthlink Business, LLC; Talk America, LLC; Windstream Communications LLC; and Windstream D&E, Inc. (collectively, “the Companies”), for the above-captioned and docketed filings.

Responses to Data Requests Nos. TUS-1 through TUS-4, and TUS-8 through TUS-12, are submitted via electronic filing. The Response to Data Requests No. TUS-5 through TUS-7, are Confidential and Proprietary, and have been submitted via overnight delivery to the Commission Secretary. A copy of both the Public and Confidential versions will be emailed to Derek Vogelsong at devogelson@pa.gov as directed.

Please contact me with any questions about the foregoing at (585) 340-2709, or via email at Katherine.Hoagland@Windstream.com.

Sincerely,

/s/ Katherine Hoagland

Katherine Hoagland
Regulatory & Tariff Analyst

cc: Derek Vogelsong (via email)

**Windstream Responses to
Pennsylvania Public Utility Commission – First Data Requests
Regarding Supplemental Tariff Filings**

Re: PAETEC Communications, Inc. Supplement No. 46 to Tariff Telephone- PA P.U.C. No. 3	R-2021-3029138
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Talk America, LLC Supplement No. 52.to Tariff Telephone- PA P.U.C. No. 2	R-2021-3029686
Windstream Communications LLC Supplement No. 14 to Tariff Telephone- PA P.U.C. No. 2	R-2021-3029698
Windstream D&E Systems, Inc. Supplement No. 12 to Tariff Telephone- PA P.U.C. No. 5	R-2021-3029720

**Windstream Responses to
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**Responsible Witness: David Schirack
Title: Senior Vice-President – Enterprise Finance**

TUS-1 Exactly what services qualify as “alternative IP-based service(s)” (“AIPBS”) for purposes of determining whether or not the proposed TDM Connectivity Charge (“TCC”) would apply in a given area? Specifically indicate what qualifies as AIPBS for DS0 customers and what qualifies as AIPBS for DS1 customers. If any such AIPBS are tariffed, please provide tariff citations.

RESPONSE: The Companies consider its Office Suite and Dynamic IP products to be its AIPBS and these services are provided over a broadband or ethernet connection and are available to all business customers in the Commonwealth. Additional details can be found below on these products.

Dynamic IP Voice - The Dynamic IP product provides a single network connection for business phone services and high-speed data, rather than separate channels for each. Dynamic IP supports multiple call paths enabling a customer to use their existing phone equipment. Dynamic IP automatically adjusts bandwidth allocations based on call volume. As calls come in, data speed is shifted towards voice services. When calls diminish, it’s shifted back to data.

Office Suite – A cloud-based phone system with hundreds of features and unlimited calling. Options included in the service are company-wide chat, mobile applications, video and audio conferencing. Enables remote working capabilities and management tools from any location and any device.

The TDM Connectivity Charge will not be assessed on residential customers. None of the “AIPBS” offerings are tariffed.

**Windstream Responses to
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**Responsible Witness: David Schirack
Title: Senior Vice-President – Enterprise Finance**

TUS-2 What classification criteria is used to determine if an existing AIPBS is within a given customer's area?

RESPONSE: The Office Suite and Dynamic IP products are available to all business customer locations in the Commonwealth.

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Title: Senior Vice-President – Enterprise Finance**

TUS-3 How can customers determine whether or not they will be subject to the proposed TCC?

RESPONSE: All impacted customers will be notified via a bill message. In the event any of the covered services were to be added to an account, the TCC will be included in the quote to the customer.

**Windstream Responses to
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TUS-4 Have there been any complaints in opposition to the implementation of the proposed TCC from affected customers? If so, please detail the number and nature of the complaints.

RESPONSE: No complaints received to date.

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**Responsible Witness: David Schirack
Title: Senior Vice-President – Enterprise Finance**

TUS-8 How will the revenue from the proposed TCC be classified jurisdictionally? Do any of the Companies have a TCC or similar charge in their interstate tariff?

RESPONSE: Revenue will be classified as local service. At this time, no similar charge is included in the Companies' interstate tariff.

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Title: Senior Vice-President – Enterprise Finance**

TUS-9 Have the Companies proposed or implemented a TCC or similar charge in any other states? If so, provide the state(s), docket number(s) and disposition(s) of the filing(s).

RESPONSE: The Companies’ have proposed or plans to propose the TCC in all of its fifty-state service territory. However, as a result of deregulation and detariffing rules, many states no longer require any type of tariff filing.

For those states in which the Companies’ operate that do require tariff filings, filings have thus far only been submitted in the District of Columbia, Pennsylvania and West Virginia.

State	Docket	Status
District of Columbia	<ul style="list-style-type: none"> • Broadview Networks, Inc.- TA2000-07 • Business Telecom, LLC- TA1998-05 • Cavalier Telephone Mid-Atlantic, LLC - TA01-26 • CTC Communications Corp.- TA1998-19 • Masscomm, LLC d/b/a MASS Communications- TA10-2 • PAETEC Communications, LLC- TA1996-25 • US LEC of Virginia, LLC- TA1999-04 	Deemed approved and effective upon filing.
West Virginia	<ul style="list-style-type: none"> • 21-0828-T-T 	Pending. Outstanding set of questions for the Companies’ response.

The Companies will also file tariffs in Arizona, Hawaii, Minnesota, New Mexico, and South Carolina and will be filed over the next 60 days. If necessary, the Companies will supplement its response once those are filed.

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TUS-10 Will the Companies allow any customers currently subject to an unexpired multi-month fixed-term contract an opportunity to terminate their contract without incurring any Term Liability or Termination Charges prior to the implementation of the proposed TCC?

RESPONSE: Customers subject to the TCC may disconnect at any time with no early termination fee. The Companies will continue to provide the services pursuant to the contract until the expiration date or upon termination by the customer.

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TUS-11 Explain how the imposition of the proposed TCC based on the availability of AIPBS in a given area does not violate 66 Pa.C.S. § 1304 which states, in pertinent part, that “No public utility shall, as to rates, make or grant any unreasonable preference or advantage to any person, corporation, or municipal corporation, or subject any person, corporation, or municipal corporation to any unreasonable prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, either as between localities or as between classes of service.”

RESPONSE: The proposed TCC does not violate 66 Pa.C.S. § 1304 as it does not unreasonably create a preference or advantage based on the type of services received. First, the TCC applies to specific products offered throughout the Commonwealth, therefore there is no prejudice or disadvantage based on where a customer is located. Secondly, the perceived disadvantage to customers subscribing to DS0 and DS1 services is not unreasonable. As outlined in the response in TUS-7 and further described in response to TUS-12 there are both financial and operational justifications to support the application of the TCC. It is documented through various proceedings with the FCC that the costs to maintain a legacy TDM network outweigh the benefit to end users¹. Newer more reliable service options are available that do not require the separate maintenance costs associated with a legacy TDM network.

¹ *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, Memorandum Opinion And Order, WC Docket 18-141, 24 FCC 6503 (2019), para 3. and *Technology Transitions, USTelecom Petition for Declaratory Ruling That Incumbent Local Exchange Carriers Are Non-Dominant in the Provision of Switched Access Services, Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers*, Declaratory Ruling, Second Report and order, And Order On Reconsideration, GN Docket No. 13-5; WC Docket No. 13-3, 2016 FCC LEXIS 2463 para 111 (2016)

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TUS-12 Provide any additional information or documentation that demonstrates the reasonableness of the proposed TCC and its amount.

RESPONSE: The move from legacy TDM networks is the direction the telecommunications industry is making. In 2017, the FCC’s Broadband Data Service “BDS” order deregulated TDM services in 70 of the 97 counties in the Commonwealth. The vast majority of the Companies’ customers are located in these 70 counties. The Companies purchase a significant percentage of the TDM network serving its customers from another network carrier in these counties. These carriers are experiencing the same cost to provide and cost to repair as the Companies incur with maintaining an outdated TDM network. As a result, the Companies will incur an average expense increase assessed by the carriers which will range from 25% to 175% in 2022.

To ensure its customers are receiving the best possible service at the best possible price, the Companies are actively decommissioning the TDM network for both operational and financial reasons. As part of the decommissioning efforts, the Companies are actively working with customers to convert them to modern IP based products. The Companies have found that a price increase on the legacy TDM service in conjunction with a product conversion offer to a modern IP based product is the most effective and least disruptive approach for our customers. The proposed TDM Connectivity Charge is a simplified mechanism to increase prices on these legacy services.

In addition to the customer impact, the Companies are also directly impacted by the changing market:

Operational Reasons

The Companies’ TDM networks are rapidly nearing the end of useful life. TDM network related outages account for the most “customer outage hours” across all products and services sold by the Companies. In some instances, replacement parts are no longer available from the equipment vendors when aging systems fail. These system failures and outages translate to a poor customer experience which negatively impacts the Companies’ reputation as a service provider and puts its customers at risk for voice outages.

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Financial Reasons

Recent deregulation has resulted in price instability from the Companies' underlying network vendors, which it relies on to provide the circuits required for TDM services. In particular, the Companies' themselves are starting to be assessed significant pricing increases on TDM services. Similar to industry trends, the Companies are seeing a consistent decline in TDM circuit counts as existing customers either convert to modern products or leave Windstream in favor of a new provider. This decline in the TDM circuit counts has resulted in an inability to secure lower circuit costs from our vendors in exchange for spend/circuit commitments.

Also, many of the Companies' customers understand the Companies' need to decommission its TDM networks, but those customers require additional time to prepare for a transition away from TDM services. These customers have expressed a willingness to pay an increased amount for TDM services in the short term to help offset the Companies' continued increased costs while those customers take the necessary time to transition to new services.

Additionally, TDM services are provided via a system of end user circuits (DS0 and DS1 circuits) connected to a shared network infrastructure. The Companies' shared network infrastructure consists of LEC colocations, DS3 circuits, and TDM switches. In addition, the Companies lease colocations and DS3s from LECs and rent the office space required to house its TDM switches. These expenses are fixed regardless of how many customers/circuits utilize the shared network. As the TDM circuit counts decline for reasons mentioned above, the shared network expense burden increases for the circuits that remain.

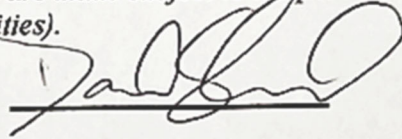
Lastly, the Companies have alternative service offerings available to its customers that would not be assessed the proposed TDM Connectivity Charge.

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Verification pursuant to 52 Pa. Code § 1.36

I, David Schirack, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Signature



Title

SVP – Enterprise Finance