

WINDSTREAM SERVICES II, LLC

4001 N. Rodney Parham Road
Little Rock, Arkansas 72212

Nicole Winters
Senior Counsel

501.748.6313
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July 28, 2022

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

**Re: PAETEC iTEL, L.L.C.'s Restated Application for Interconnected VoIP
Numbering Authorization
WC 20-416**

Dear Ms. Dortch:

PAETEC iTEL, L.L.C. (“Windstream IPES”) submits this Restated Application for Interconnected VoIP Numbering Authorization (“Restated Application”) to incorporate information provided in supplements filed on March 9, 2021 as well as a request for confidential treatment.

This Restated Application includes confidential information, pursuant to 47 C.F.R. §§ 0.457 and 0.459, Windstream IPES respectfully requests the Commission grant confidential treatment to ***Exhibit A***, which contains sensitive trade secrets and commercial information that falls within Exemption 4 of the Freedom of Information Act (“FOIA”).¹ Windstream IPES would suffer substantial competitive harm if this information were disclosed, as such it has marked ***Exhibit A*** with the header “SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT – NOT FOR PUBLIC INSPECTION.”

In support of this request and pursuant to Section 0.459(b) of the Commission’s rules²

**1. IDENTIFICATION OF THE SPECIFIC INFORMATION FOR WHICH
CONFIDENTIAL TREATMENT IS SOUGHT:³**

Windstream IPES seeks confidential treatment of ***Exhibit A*** to the enclosed restated application.

¹ 5 U.S.C. § 552(b)(4).

² 47 C.F.R. § 0.459(b).

³ 47 C.F.R. § 0.459(b)(1).

2. DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO THE SUBMISSION.⁴

As proof of Windstream IPES facilities readiness as required by Section 52.15(b)(3)(i)(D) of the Commission's rules, Windstream IPES is submitting the agreement between it and its carrier partner as *Exhibit A*.

3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR CONTAINS A TRADE SECRET OR IS PRIVILEGED.⁵

The information for which Windstream IPES seeks confidential treatment contains sensitive commercial information which would customarily be guarded from competitors.⁶ *Exhibit A* is a copy of its carrier partner and contains proprietary commercial information concerning the operations and pricing of Windstream IPES' carrier partner and Windstream IPES' network, services, and operating costs and expenses.

4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERN'S A SERVICE THAT IS SUBJECT TO COMPETITION.⁷

Exhibit A contains information relating to commercial matters that could be used by competitors to Windstream IPES' disadvantage. Windstream IPES has numerous competitors in the Voice over Internet Protocol ("VoIP") services sector in which it operates. Detailed operations and commercial information of the type provided by Windstream IPES could compromise Windstream IPES' position in this highly competitive industry. Release would therefore result in substantial competitive harm to Windstream IPES.

5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM.⁸

Competitors could use Windstream IPES' proprietary commercial and operational information to Windstream IPES' detriment as they would gain access to sensitive information about how Windstream IPES provides services as well as about Windstream IPES' commercial agreements with others in the market that are not normally disclosed to the public.

⁴ 47 C.F.R. § 0.459(b)(2).

⁵ 47 C.F.R. § 0.459(b)(3).

⁶ 47 C.F.R. § 0.457(d) and 0.459

⁷ 47 C.F.R. § 0.459(b)(4)

⁸ 47 C.F.R. § 0.459(b)(5)

6. IDENTIFICATION OF ANY MEASURES TAKEN BY THE SUBMITTING PARTY TO PREVENT UNAUTHORIZED DISCLOSURE.⁹

Windstream IPES has not distributed the information in *Exhibit A* to the public.

7. IDENTIFICATION OF WHETHER THE INFORMATION IS AVAILABLE TO THE PUBLIC AND THE EXTENT OF ANY PREVIOUS DISCLOSURE OF THE INFORMATION TO THIRD PARTIES.¹⁰

Windstream IPES has not previously disclosed the information in *Exhibit A* to the public or to the third parties.

8. JUSTIFICATION OF THE PERIOD DURING WHICH THE SUBMITTING PARTY ASSERTS THAT MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC DISCLOSURE.¹¹

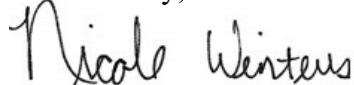
Windstream IPES requests that *Exhibit A* be treated as confidential for a period of ten years. This period is necessary due to proprietary nature of the information in *Exhibit A*.

9. OTHER INFORMATION THAT WINDSTREAM IPES BELIEVES MAY BE USEFUL IN ASSESSING WHETHER ITS REQUEST FOR CONFIDENTIALITY SHOULD BE GRANTED.¹²

The information concerns Windstream IPES' proprietary network information, related to current and planned commercial and operational information, and, as such, is commercially sensitive.

Should you have any questions or need additional information please feel free to contact me.

Sincerely,



Nicole Winters
Senior Counsel

⁹ 47 C.F.R. § 0.459(b)(6).

¹⁰ 47 C.F.R. § 0.459(b)(7).

¹¹ 47 C.F.R. § 0.459(b)(8).

¹² 47 C.F.R. § 0.459(b)(9)

**BEFORE THEN
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)
)
PAETEC iTEL, L.L.C., Applicant)
For Authorization to Obtain Numbering) WC Docket No. 20-416
Resources Pursuant to Section 52.15(g) of)
the Commission's Rules)

**RESTATED APPLICATION OF PAETEC iTEL, L.L.C. FOR
INTERCONNECTED VOIP NUMBERING AUTHORIZATION**

PAETEC iTEL, L.L.C. (“Windstream IPES”), is a provider of interconnected voice over internet protocol (“iVoIP”) service, and files this restated application with the Federal Communications Commission (the “Commission”) for authorization to acquire telephone numbers directly from the North American Numbering Plan Administrator and the Pooling Administrator (the “Numbering Administrators”) pursuant to Commission rule section 52.15(g)(3).¹

In support of its Application, Windstream IPES provides the following information:

1. Company Information.

- a. Address: 4001 N. Rodney Parham Road, Little Rock, AR 72212
- b. General corporate telephone number: (501) 748-5000.
- c. For purposes of this Application, inquiries pertaining to issues associated with 9-1-1, law enforcement, and general compliance with Commission rules can be directed to Nicole Winters, Senior Counsel, by telephone at (501) 748-6313 or by electronic mail at nicole.winters@windstream.com.
- d. Windstream IPES’ ultimate parent company Windstream Holdings II, LLC

¹ 47 C.F.R. § 52.15(g)(3).

(“Holdings II”) holds its interest in Windstream IPES through a vertical chain of several wholly-owned subsidiary companies that are U.S. domestic entities. On August 28, 2020, the FCC approved the transfer of control of Holdings II, which was simultaneously converted from a corporation to a limited liability company, in connection with its emergence from Chapter 11 bankruptcy protection. See DA 20-985, WC Docket No. 20-151 et al. (“Emergence Order”). The Emergence Order permitted the transfer of control to occur in two steps. At the end of Step One, which occurred on September 21, 2020, Holdings II’s equity ownership by non-U.S. holders is approximately 3.64%. The Emergence Order permitted Holdings II and two of its direct investors to issue Special Warrants to foreign investors. Pursuant to the Emergence Order, Holdings II was also required to file within 30 days of emergence a Petition for Declaratory Ruling requesting a waiver to exceed the 25% statutory foreign ownership benchmark, to secure specific approval for a number of foreign entities to hold direct or indirect equity and voting interests in Holdings II, and to have up to 100% aggregate non-U.S. ownership. Holdings II filed the required Petition for Declaratory Ruling on October 21, 2020, in IBFS File No. ISP-PDR-20201021-00010, on March 18, 2022, the Commission issued a Public Notice on the Petition and the matter is currently under review by Team Telecom. Step Two, the exercise of the Special Warrants, will not be consummated until the Commission has granted the requested Declaratory Ruling.

2. Acknowledgements.

Windstream IPES acknowledges that:

- a. grant of the authorization sought by this Application is subject to compliance with applicable Commission numbering rules, numbering authority delegated to the States, and industry

guidelines and practices regarding numbering as applicable to telecommunications carriers; and

- b. it must file requests for numbers with the relevant State commissions at least thirty (30) days before requesting numbers from the Numbering Administrators.

3. Service Readiness.

- a. Windstream IPES intends to provide interconnected VoIP service in the following states: Florida, Georgia, Indiana, North Carolina, South Carolina, Washington, and Wisconsin.
- b. Windstream IPES is capable of providing iVoIP service within sixty (60) days of the numbering resources activation date in accordance with Commission Rule Section 52.15(g)(2)² because its affiliates own and operate facilities for the provision of iVoIP services and it has secured an agreement with at least one third party network provider to use their network. A copy of the confidential agreement is included in **Exhibit A**, Windstream IPES has requested confidential treatment under the Commission's rules. Windstream IPES' and its affiliates have provided iVoIP services for several years and continue to provide those services. In addition to local voice and long-distance services, Windstream IPES's iVoIP's affiliates portfolio includes but is not limited to: Office Suite UC³ (a cloud-based phone and unified communications system) and Dynamic IP⁴. Windstream IPES' and its affiliates contribute to the Universal Services Fund ("USF") and Telecommunications Relay Services Fund ("TRSF") applicable to the provision of services. Such services are offered to enterprise and medium size business customers via multiple sales channels, including its website at www.windstreambusiness.com.

- c. Windstream IPES, via its affiliates, owns and operates some of the network facilities it

² 47 C.F.R. § 52.15(g)(2).

³ Office Suite product and service information available at <https://business.windstream.com/office-suite-uc#/>

⁴ Dynamic IP product and service information available at <https://windstreamenterprise.com/wp-content/uploads/2018/02/wol-guide-for-voip.pdf>

uses to serve its base of enterprise and mid-market business customers. In areas where neither Windstream IPES or its affiliates own and operate the networks Windstream IPES has secured an agreement with at least one third party for the use of their network. Numbers acquired directly from the Numbering Administrators will be used for customers subscribing to the services provided over these facilities. Windstream IPES is obtaining a separate operating company number (“OCN”) for its iVoIP services and will use this OCN to acquire numbers for its iVoIP services only, directly from the Numbering Administrators following grant of this Application. Once this Application is approved, affiliates of Windstream IPES intend to transfer some existing numbers to Windstream IPES.

4. Certifications.

Windstream IPES certifies to the following, as supported by the attached certification of Tim Loken, Director – Regulatory Reporting:

a. Windstream IPES complies with its USF contribution obligations under Commission Rule Part 54,⁵ its TRSF contribution obligations under Commission Rule Section 64.604(c)(5)(iii),⁶ its NANP and LNP administration contribution obligations under Commission Rule Sections 52.17 and 52.32,⁷ its obligations to pay regulatory fees under Commission Rule Section 1.1154,⁸ and its 911 obligations under Commission Rule Part 9.9.⁹

b. Windstream IPES possesses the financial, managerial, and technical expertise to provide reliable iVoIP service. The senior management of Windstream IPES has extensive experience in the telecommunications industry and offers widespread telecommunications

⁵ 47 C.F.R. Part 54, Subpart H.

⁶ 47 C.F.R. § 64.604(c)(5)(iii).

⁷ 47 C.F.R. §§ 52.17, 52.32.

⁸ 47 C.F.R. § 1.1154.

⁹ 47 C.F.R. Part 9.

business, technical and managerial expertise. Key management and technical personnel include, among others:

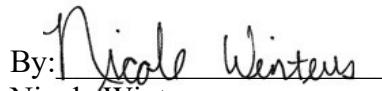
Tony Thomas, President & Chief Executive Officer
Ron "Buddy" Bayer – Windstream Enterprise & Wholesale President
Stephen Farkouh – Chief Information Officer

None of whom are currently or have previously been investigated by the Commission or any law enforcement or regulatory agency for failure to comply with any law, rule, or order.

5. No party to the Application, as defined in Commission rule section 1.2002(b) is subject to a denial of Federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988.
6. Pursuant to Commission Rule Section 52.15(g)(3), Windstream IPES respectfully requests the Commission authorize it to obtain numbering resources directly from the Numbering Administrators.

Respectfully submitted,

PAETEC iTEL, L.L.C.

By: 
Nicole Winters
Senior Counsel
4001 N. Rodney Parham Road
Little Rock, AR 72212
501-748-6313
Nicole.Winters@windstream.com

Dated: July 28, 2022

Certification of
Tim Loken, Director – Regulatory Reporting

I certify as follows:

My name is Tim Loken and my business address is 4001 N. Rodney Parham Road, Little Rock, AR 72212. I am Director – Regulatory Reporting for Windstream Services, LLC, the parent company of PAETEC iTEL, L.L.C. (“Windstream IPES”). I am authorized to provide this testimony on behalf of Windstream Services II, LLC and its subsidiary Windstream IPES.

In addition to local voice and long-distance services, Windstream IPES will be capable of providing interconnected VoIP service, including but not limited to services like Office Suite UC (a cloud-based phone and unified communications system)¹⁰ and Dynamic IP¹¹. Such services are offered to enterprise and medium size business customers via multiple sales channels, including its website at www.windstreambusiness.com.

1. Numbers acquired by authorization obtained through this application will be put into use within sixty (60) days.
2. Windstream IPES will comply with its USF contribution obligations under Commission Rule Part 54, its TRSF contribution obligations under Commission Rule Section 64.604(c)(5)(iii), its NANP and LNP administration contribution obligations under Commission Rule Sections 52.17 and 52.32, its obligations to pay regulatory fees under Commission Rule Section 1.1154, and its 911 obligations under Commission Rule Part 9.9.

¹⁰ OfficeSuite UC product and service information available at <https://business.windstream.com/office-suite-uc#/>.

¹¹ Dynamic IP product and service information available at <https://www.windstreamenterprise.com/wp-content/uploads/2018/02/wol-guide-for-voip.pdf>

3. Windstream IPES possesses the financial, managerial, and technical expertise to provide reliable interconnected VoIP service. Key management and technical personnel include, among others:

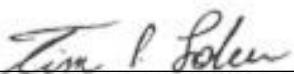
Tony Thomas, President & Chief Executive Officer
Ron “Buddy” Bayer – Windstream Enterprise & Wholesale President
Stephen Farkouh – Chief Information Officer

None of whom are currently or have previously been investigated by the Commission or any law enforcement or regulatory agency for failure to comply with any law, rule, or order.

4. No party to the Application, as defined in Commission rule section 1.2002(b), is subject to a denial of Federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988.

The foregoing is true and correct based upon my personal knowledge, review of corporate and business records, and information provided to me by persons knowledgeable about Windstream IPES and its operations.

Executed on July 28, 2022



Tim Loken
Director - Regulatory Reporting

EXHIBIT A

CONFIDENTIAL MATERIALS OMITTED

AGREEMENT BETWEEN PAETEC iTel, L.L.C. AND CARRIER PARTNER

**SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT – NOT FOR PUBLIC
INSPECTION**