

**Before the
Navajo Nation Telecommunications Regulatory Commission**

**In the Matter of Application for)
Certificate of Convenience)
and Necessity (CCN))
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No. NNTRC-11-001

**WINDSTREAM COMMUNICATION’S
COMMENTS TO FURTHER NOTICE OF PROPOSED RULEMAKING**

Valor Telecommunications of Texas, LLC d/b/a Windstream Communications Southwest (“Windstream”), submits these Comments to the Further Notice of Proposed Rulemaking (“NOPR”) issued by the Navajo Nation Telecommunications Regulatory Commission (“NNTRC”) on August 27, 2012. Windstream’s Comments are as follows:

1. The NNTRC issued its Report and Order and Further Notice of Proposed Rulemaking (“Order”) on August 27, 2012 and provided that parties may file additional comments on or before September 28, 2012.

2. Windstream commends the NNTRC in proposing a more flexible regulatory approach by creating different categories of operators, and thus taking into account that some carriers may have a minimal presence within the Navajo Nation.

3. However, Windstream would suggest that the NNTRC consider one modification that affects the proposed classification of both the “Small Operator” and the “General Operator”. Specifically, as set out in Section II.3.A.1 and 2 of the Order, a Small Operator must be serving less than 50 customers and a General Operator would be serving more than 50. While it’s not entirely clear why the 50 customer count was chosen, Windstream would recommend that this

number be increased to at least 100 customers for the following reason. Currently Windstream's customer count within the Navajo Nation is less than 50 and it would prefer to be regulated as a Small Operator particularly because of the significant regulation already imposed by the New Mexico Public Regulation Commission. Yet, there may still be opportunities that additional customers could potentially be served in the area through the application of Windstream's line extension tariff or the possibility that federal funding for broadband would become available for the area. If the customer benchmark is too low it may provide some disincentive to connect new customers in order to avoid exceeding the benchmark, and thus requiring a new operator classification. This would be disadvantageous to an individual who wants and can get new service. Therefore, having a customer benchmark of at least 100 provides for some level of growth in the customer count, and it still represents a rather minimal presence within the Navajo Nation. This minimal presence would still fit the classification of a Small Operator as proposed by the NNTRC.

Dated: September 28, 2012

Respectfully Submitted,



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