

**Summary of Windstream Communications' Oral Comments
Before the Navajo Nation Telecommunication Regulatory Commission
January 30, 2012**

- Introduction: Members of the NNTRC, my name is Bill Garcia, I'm the New Mexico Vice President of Governmental Affairs & Legal Counsel for Windstream Communications. Windstream previously submitted written comments on September 19, 2011.
- Windstream provides service in New Mexico and received a CCN from the New Mexico Public Regulation Commission ("NMPRC") to provide service in designated exchanges across the state, which includes lands that are likely owned by the Navajo Nation.
- The specific area where we likely provide service on Navajo Nation land is in our Lybrook exchange, which includes the communities of Lybrook and Counselor. In this area Windstream has right-of-way grants in and around State Highway 550 and it is our estimate that we may be providing service to approximately 20-25 households and businesses that are located on Navajo Nation land. Therefore, at this time the service provided by Windstream within the Navajo Nation is rather limited. Overall, Windstream serves around 68,000 customers in New Mexico.
- As noted previously, Windstream has already received a CCN from the NMPRC. Windstream is not only heavily regulated by the NMPRC, but is also subject to the regulation of the Federal Communications Commission ("FCC"). Today under state law, Windstream is subject to very detailed pricing restrictions, quality of service requirements and consumer protection standards.
- Although Windstream did not address specific jurisdictional issues in its written comments, Windstream does believe that the arguments presented by AT&T in their written comments

do raise significant questions as to whether the regulation proposed in the NOPR is in conflict with federal and state law.

- Windstream clearly recognizes the sovereignty of the Navajo Nation and their stated interest in the provision of telecommunications services within the reservation. However, Windstream's believes the dual regulation proposed by the NOPR is not the correct approach in meeting the telecommunications objectives of the Navajo Nation. Creating more regulation and the associated cost will in fact deter future investment and the deployment of services.
- Windstream requests that the NNTRC consider other options, including those which are identified in the NOPR. Specifically, these options would include:
 - (1) create an exemption that excludes carriers who falls below a certain threshold based on the number of customers served.
 - (2) instead of imposing duplicate CCN requirements on carriers who have already secured a CCN, the NNTRC could take administrative notice that those documents are on file with another regulatory body.
 - (3) the NNTRC should enter into joint agreements with the NMPRC to exchange information that is already on file and is accessible as a public document.
- Thank you for the opportunity to speak before the NNTRC.