

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Accelerating Wireline Broadband	)	WC Docket No. 17-84
Deployment by Removing Barriers to	)	
Infrastructure Investment	)	

**OPPOSITION OF CENTURYLINK**

CenturyLink, Inc.<sup>1</sup> hereby files this opposition to Public Knowledge’s Petition for Reconsideration and Motion to Hold in Abeyance the Commission’s *Second Report Order* in this docket.<sup>2</sup>

In the *Second Report and Order*, the Commission made several changes to its Section 214(a) discontinuance rules to reduce unnecessary and burdensome or redundant requirements that slow the transition to state-of-the-art broadband facilities and services. Among these reforms, the Commission established an “alternative options test,” which permits a carrier to discontinue legacy voice service on a streamlined basis as part of a technology transition, after notifying affected customers, if the carrier shows that those customers will have access to at least two substitute voice services: stand-alone interconnected VoIP service from the discontinuing carrier itself *and* stand-alone facilities-based voice service from another provider.<sup>3</sup> The

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<sup>1</sup> This submission is made by and on behalf of CenturyLink, Inc. and its wholly owned subsidiaries.

<sup>2</sup> Public Knowledge Petition for Reconsideration and Motion to Hold in Abeyance, WC Docket No. 17-84 (filed Aug. 9, 2018) (Petition), Public Notice, Report No. 3101 (Sep. 4, 2018), 83 Fed. Reg. 47325 (Sep. 19, 2018); *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Second Report and Order, FCC 18-74 (rel. Jun. 8, 2018) (*Second Report and Order*).

<sup>3</sup> *Second Report and Order* at ¶ 30.

Commission noted that this streamlining will allow carriers to more quickly redirect resources to next-generation networks and the public to receive the benefit of those new networks, while ensuring that consumers and the public interest are protected.<sup>4</sup>

In its Petition, Public Knowledge asks the Commission to eliminate the alternative options test, purportedly to prevent undue harm to federal agencies and consumers in rural areas.<sup>5</sup> But the Petition provides no legitimate basis to undo this common-sense reform. In the *Second Report and Order*, the Commission specifically rejected claims that the alternative options test would adversely affect government and large enterprise customers.<sup>6</sup> In doing so, the Commission relied on its evidence-based expectation “that carriers will ‘continue to collaborate with their [enterprise or government] customers, especially utilities and public safety and other government customers, to ensure that they are given sufficient time to accommodate the transition to [next-generation services] such that key functionalities are not lost during this period of change.’”<sup>7</sup> The Commission further noted that, as with all discontinuance applications, customers would have the opportunity to file comments opposing the application and seek to have it removed from streamlined processing.<sup>8</sup>

Nevertheless, Public Knowledge claims that a recent filing by the National Telecommunications and Information Administration (NTIA) requires the Commission to reconsider its adoption of the alternative options test – despite the fact that NTIA did not ask the

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<sup>4</sup> *Id.* at ¶ 32.

<sup>5</sup> Petition at 3-5.

<sup>6</sup> *Second Report and Order* at ¶ 38.

<sup>7</sup> *Id.* (quoting *Wireline Infrastructure Order*, 32 FCC Rcd 11128, 11149 ¶ 48 (2017), *appeal pending sub nom., Greenlining Institute, et al. v. FCC*, No. 17-73283 (9<sup>th</sup> Cir., *pet. for rev. filed* Dec. 8, 2017)) (text within brackets in original).

<sup>8</sup> *Id.*

Commission to do so. Instead, and consistent with its earlier filings,<sup>9</sup> NTIA simply noted its continuing concern about the potential impact on government customers of legacy services being discontinued in remote or less populated areas and outside the scope of U.S. General Services Administration-negotiated contracts.<sup>10</sup> NTIA expressed confidence that the Commission would continue to address these concerns on a case-by-case basis, including by removing applications from streamlined processing, as necessary.<sup>11</sup> Thus, the NTIA filing should not cause the Commission to reconsider any of the consumer-enhancing streamlining it adopted in the *Second Report and Order*.

Public Knowledge also incorrectly asserts that the Commission's adoption of the alternative options test is inconsistent with the "adequate replacement test" it adopted in 2016, because the former does not include performance metrics, and "is little more than a blank check for carriers to discontinue service without regard to the impact on consumers."<sup>12</sup> In fact, the alternative options test is in at least one respect more stringent than the adequate replacement test in that it requires the discontinuing carrier to show that affected customers will have at least *two*

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<sup>9</sup> NTIA expressed similar concerns in previous filings. *See generally, e.g.*, Petition for Reconsideration or Clarification of the National Telecommunications and Information Administration, GN Docket No. 13-5, WC Docket No. 13-3, RM-11358 (Oct. 12, 2016).

<sup>10</sup> Letter from David J. Redl, Assistant Secretary for Communications and Information, U.S. Department of Commerce, to Ajit Pai, Chairman, FCC, WC Docket No. 17-84, at 2-3 (Jul. 19, 2018). NTIA also acknowledged the Commission's reliance on carriers' incentives and long history of working with government customers to avoid disruptions in service. *Id.* at 3.

<sup>11</sup> *Id.* In CenturyLink's experience, the Commission does not hesitate to suspend a discontinuance application from streamlined processing if it receives a credible claim that the discontinuance would raise national security or public safety concerns. *See, e.g.*, Public Notice, *Application of Qwest Communications Company, LLC d/b/a CenturyLink QCC To Discontinue Domestic Telecommunications Services Not Automatically Granted*, WC Docket No. 13-266, 28 FCC Rcd 16706 (rel. Dec. 13, 2013) (suspending the automatic grant of CenturyLink's nondominant Frame Relay and ATM services in response to two comments in opposition to CenturyLink's proposed discontinuance).

<sup>12</sup> Petition at 7.

alternatives to the discontinued service, rather than the single alternative required by the adequate replacement test.<sup>13</sup> The alternative options test also represents a compromise. CenturyLink and other carriers recommended streamlined processing for discontinuance applications where at least one replacement voice service is available, but the Commission chose to require the availability of two alternative services in the alternative options test.<sup>14</sup>

For all these reasons, the Commission should reject the Petition.

Respectfully submitted,

**CENTURYLINK**

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Its Attorney

October 4, 2018

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<sup>13</sup> *Second Report and Order* at ¶ 34.

<sup>14</sup> Public Knowledge also expresses concerns about the accuracy of the Commission's broadband mapping, though it recognizes that NTIA will be updating the national broadband availability map. *See* Petition at 5. Any concerns prior to that update can be addressed on a case-by-case basis, as necessary, through the notice and comment process.

CERTIFICATE OF SERVICE

I, Ross Dino, do hereby certify that I have caused the foregoing **OPPOSITION OF CENTURYLINK** to be served via first-class U.S. Mail, postage prepaid, upon the following party:

Harold Feld  
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/s/ Ross Dino  
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Ross Dino

October 4, 2018