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VIA ECFS

October 19, 2016

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Business Data Services in an Internet Protocol Environment,* WC Docket No. 16-143; *Investigation of Certain Price Cap Local Exchange Carrier Business Data Services Tariff Pricing Plans,* WC Docket No. 15-247*; Special Access Rates for Price Cap Local Exchange Carriers,* WC Docket No. 05-25 and RM-10593

Dear Ms. Dortch:

On October 17, 18 and 19, 2016, CenturyLink met with the FCC in three separate meetings to discuss the above-captioned proceedings. On October 17, Melissa Newman and Jeff Lanning, in person, and John Jones, by telephone, all of CenturyLink, met with Claude Aiken, Legal Advisor to Commissioner Clyburn; on October 18, Melissa Newman and Jeff Lanning met with Nick Degani, Legal Advisor to Commissioner Pai; and, on October 19, Melissa Newman met with Travis Litman, Legal Advisor to Commissioner Rosenworcel.

In the meetings, CenturyLink explained that moving forward with a downward adjustment in price cap of 11% over 3 years could limit CenturyLink's efforts to improve and expand broadband service to its customers. The rate reductions in the proposed order would make the business case for deploying fiber and broadband even more difficult, especially in less densely populated areas that are already hard to serve. The result would be less competition and less broadband investment, not more. We urged the Commission to adopt a more balanced approach that recognizes the state of competition in the BDS market and does not negatively affect infrastructure investment.

CenturyLink also addressed the proposed order's finding that there is evidence of emerging competition and falling prices for Ethernet-type services. CenturyLink agrees with that conclusion. The data and Rysman analysis found no evidence of market power. CenturyLink reiterated its support for no *ex ante* pricing regulation of these services.

In addition, we addressed CLECs arguments that the order should be implemented in January 2017. The simple fact is that it is not possible to modify all the systems involved by that date. CenturyLink must update and reconfigure systems used for pre-order, order, provisioning, billing, compliance and reporting. Existing tariffs require extensive modification and will need to be rewritten. This effort will take much longer than two months to accomplish.

Lastly, CenturyLink addressed the lack of a competitive market test for TDM services. For almost a decade, including up until a few months ago, the FCC has said that the previous collocation triggers were under inclusive and over inclusive. The FCC undertook the most comprehensive data request, perhaps in the history of the FCC, to determine where competition for TDM business services exists and where it does not. After all this work and effort, the proposed order would find that competition does not exist anywhere. That includes New York City, which was often cited as the reason the collocation triggers was under inclusive, and dedicated transport markets that the FCC has consistently recognized as substantially competitive for nearly 20 years.

It simply cannot be the case that competition over the last decade decreased or remained constant or that dedicated transport competition simply evaporated. Customers are switching at a rapid rate, much of the time to competitors. There are many buildings/census blocks/census tracts with more than three providers. In fact, there are many census blocks where a competitor has BDS customers but the ILEC does not.

Simply put, the FCC cannot credibly determine that there is no competition for TDM services in the entire country.

Sincerely,

/s/ Melissa Newman

Copy via email to:
Claude Aiken
Nick Degani
Travis Litman