

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
South Dakota Network, LLC Petition for)	
Waiver of Rule 69.3(f)(1))	
)	WC Docket No. 18-100
Minnesota Independent Equal Access)	
Corporation Petition for Expedited Temporary)	
Waiver of Rule 69.3(f)(1))	

CENTURYLINK OPPOSITION TO PETITION FOR WAIVER AND
PETITION FOR EXPEDITED TEMPORARY WAIVER

CenturyLink, Inc. (CenturyLink)¹ submits these comments in response to the Petition for Waiver filed by South Dakota Network, LLC (SDN) on May 4, 2018 (SDN Waiver Petition) and the Petition for Expedited Temporary Waiver filed by Minnesota Independent Equal Access Corporation (MIEAC) on May 9, 2018 (MIEAC Waiver Petition).²

The SDN Waiver Petition and MIEAC Waiver Petition, which are nearly identical, present the same issues and both petitions should be denied. In a November 2017 order (the *INS/Aureon Order*), the Commission found that INS/Aureon, a Centralized Equal Access (CEA) provider, is a competitive local exchange carrier (CLEC) for purposes of the Commission's

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

² *South Dakota Network, LLC Petition for Waiver*, WC 18-100 (filed May 4, 2018); *Minnesota Independent Equal Access Corporation Petition for Expedited Temporary Waiver*, WC 18-100 (filed May 9, 2018); *See also Pleading Cycle Established for Comment on Petitions for Waiver and Expedited Temporary Waiver*, WC Docket No. 18-100, Public Notice, DA 18-499 (May 15, 2018).

intercarrier compensation rules.³ CEA providers like SDN and MIEAC (both CLECs) are subject, among other things, to the Commission’s longstanding CLEC benchmark rule⁴ and its *ICC Transformation Order* transitional rules applicable to CLECs.⁵ Neither SDN nor MIEAC comply with these requirements in their current state and FCC tariffs. And, now, in their petitions, SDN and MIEAC seek relief from the next standard tariff filing deadline – the requirement under Rule 69.3(f)(1)⁶ that they make an access tariff filing for the biennial period July 1, 2018 for a period of one year (*i.e.*, until July 1, 2019). It is self-evident that SDN and MIEAC cannot meet the Rule 1.3 “good cause shown” standard in these circumstances. Nor do SDN and MIEAC present equivalent circumstances to those at issue when the Commission recently granted INS/Aureon a waiver.⁷ INS/Aureon was granted a waiver because its most recent tariff filing in response to the *INS/Aureon Order* is currently the subject of a Commission investigation. SDN and MIEAC seek a waiver in order to continue to avoid filing a tariff following the *INS/Aureon Order*. The Commission should deny both petitions.

³ *AT&T Corp. v. Iowa Network Services, Inc. d/b/a Aureon Network Services*, Memorandum Opinion and Order, Proceeding Number 17-56, EB-17-MD-001 (rel. Nov. 8, 2017) (*ISN/Aureon Order*) at ¶ 25.

⁴ See 47 CFR § 61.26.

⁵ See 47 CFR § 51.911; see also *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (subsequent history omitted) (*ICC Transformation Order*).

⁶ See 47 CFR § 69.3(f)(1).

⁷ *In the Matter of Iowa Network Access Division Tariff F.C.C. No. 1*, WC Docket No. 18-60, Order Designating Issues for Investigation, DA 18-395, ¶ 33 (rel. Apr. 19, 2018).

CONCLUSION

For the reasons stated above, the Commission should take the action described herein.

Respectfully submitted,

CENTURYLINK

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