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June 16, 2017

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: WC DOCKET 16-403, *CENTURYLINK INC. AND LEVEL 3 COMMUNICATIONS INC.,
APPLICATIONS FOR TRANSFER OF CONTROL*

Dear Ms. Dortch:

I am writing today in my capacity as President of commio, LLC to express our concerns about the proposed acquisition of Level 3 Communications, Inc. by CenturyLink Inc. I believe that the proposed transaction will eliminate Level 3 as an aggressive independent competitor in the wholesale space both within the CenturyLink region and out-of-region. I am particularly concerned about the effect of the transaction on the availability of wholesale switching and transport (a/k/a access homing tandem) services for customer owned telephone numbers.

commio is a provider of Internet protocol communications services, including interconnected VoIP (iVoIP™) services, to IP communications services providers and enterprise customers. We received authorization to obtain numbering resources as a provider of interconnected VoIP services pursuant to the Numbering Policies for Modern Communications, Report and Order, rel. June 22, 2015 (Docket Nos. WC 13-97, WC 04-36, WC 07-243, CC 95-116, CC 01-92, WC 10-90, and CC 99-200) (the “Numbering Order”). We have requested and received numbering resources in a number of states, and have begun offering numbers as a part of an integrated iVoIP service for customers.

In considering whether to approve the transaction, the Commission is not limited to traditional antitrust principles, but rather also considers the broader public interest. Recent proceedings at the Commission demonstrate the dire need for an increase in the number of competitors for enterprise services, particularly those using new technologies. Therefore, the Commission must critically assess the impact of the proposed transaction in that market.

The acquisition of Level 3 by CenturyLink has significant implications for competitive service providers such as us, because we depend on unbundled wholesale services in order to deliver services to our customers. It is crucial for the growth of the competitive interconnected VoIP market that carriers continue to offer on a nationwide basis wholesale access homing tandem services for customer owned telephone numbers.

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At present, to the best of our knowledge, the only providers of this unbundled inbound service are Level 3, Peerless and Inteliquent. Level 3 is now declining to sell the product to new customers because after the merger the combined CenturyLink will likely not offer the product to competing service providers.

These services are critical for many competitive providers of IP communications services to serve their customers, especially in the more rural service areas where Level 3 has extensive coverage. The absence of wholesale switching and transport service offerings at reasonable rates and on reasonable terms will stifle the further development of the types of new voice competition envisioned by the Commission in the Numbering Order.

I urge the Commission to secure commitments to ensure that the transaction will increase, rather than reduce, wholesale competition. This competition ultimately results in more choices for consumer and business end-users. If it is to grant the Applications, the Commission should condition the grant on a specific, enforceable merger condition that ensures continuity and fairness in the offering and pricing of these wholesale services to enable competition in the communications marketplace. Specifically, the Commission should require that after the merger is approved Level 3 (or its successor entity) continue to offer at reasonable prices and on a nationwide basis wholesale switching and transport services for customer owned telephone numbers.

If you have any questions, please feel free to contact me at gocommio@gmail.com.

Sincerely,

/s/ Sam Shiffman

Cc: Jim Bird, OGC
Joel Rabinovich, OGC
Terri Natoli, WCB
Michael Ray, WCB
Zach Ross, WCB
Ramesh Nagarajan, WCB
Ginny Metallo, WCB
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