



June 28, 2017

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VIA ECFS

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

Re: CenturyLink, Inc. and Level 3 Communications, Inc. Consolidated Applications for Consent to Transfer Control of Domestic and International Authorizations Pursuant to Section 214 of the Communications Act of 1934, As Amended, WC Docket No. 16-403

Dear Ms. Dortch:

Level 3 Communications, Inc. (“Level 3”) hereby responds to the recent *ex parte* letters submitted by Barr Tell USA, Inc. (“Bar Tell”), Telengy, LLC (“Telengy”), VoIP Innovations, FracTEL, LLC (“FracTEL”) and commio, LLC (“commio”) (together, the “Filers”) in the above-referenced docket, which are similar in substance to the letter previously filed by Telnyx, LLC (“Telnyx”).¹

As an initial matter, Level 3 has no record of having been contacted by any of the Filers regarding Level 3’s access tandem product, its customer owned telephone number (COTN) product, or any other “wholesale switching and transport (a/k/a access homing tandem) services for customer owned telephone numbers.”² Indeed, Level 3 has no record of *any* contact between Level 3 and Barr Tell, Telengy, or commio in the last three years.³ It is therefore unclear upon what basis – beyond the incorrect assertions set forth in the April 17 Telnyx Letter – the Filers make the claim that Level 3 is declining to sell the services in question.

Further, as Level 3 stated in its response to the April 17 Telnyx Letter, the transaction through which CenturyLink, Inc. proposes to acquire Level 3 (the “Transaction”) has no bearing on Level 3’s ability or willingness to offer the products in question to the Filers, or to any other company.⁴ To Level 3’s knowledge, no decision has been made regarding whether the combined company will offer a wholesale access tandem product or COTN, either as a

¹ Letter from Harold Barr, President, Barr Tell USA, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 16-403 (filed May 23, 2017) (“Barr Tell Letter”); Letter from Gregory Borodiansky, CTO, Telengy, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 16-403 (filed May 23, 2017) (“Telengy Letter”); Letter from Sebastian Kiely, Director of Business Development, VoIP Innovations, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 16-403 (filed June 13, 2017) (“VoIP Innovations Letter”); Letter from Michael A Crown, President, FracTEL, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 16-403 (filed June 15, 2017) (“FracTel Letter”); Letter from Sam Shiffman, President, commio, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 16-403 (filed June 16, 2017) (“commio Letter”); Letter from Mark C. Del Bianco, Counsel to Telnyx LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 16-403 (filed Apr. 17, 2017) (“April 17 Telnyx Letter”).

² See Bar Tell Letter at 1; Telengy Letter at 1; VoIP Innovations Letter at 1, FracTEL Letter at 1; commio Letter at 1.

³ Level 3 has had contact with FracTEL and VoIP Innovations in the last three years, but that contact did not involve the services at issue here.

⁴ Letter from Nicholas G. Alexander, Associate General Counsel, Level 3 Communications, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 16-403 at 1 (filed Apr. 27, 2017).

specialized, custom-built product or a more widely available product, following the consummation of the Transaction.⁵ In this regard, however, Level 3 again notes that the increased scale and resources available to the combined company may make it possible to pursue more product offerings like COTN in the future.⁶

As Level 3 stated previously, there is no basis for the claim that the Transaction will reduce the availability of access tandem services or COTN.⁷ Thus, the requests of the Filers – and any substantially similar requests – that Level 3 be required to continue to offer access tandem services or COTN as a condition of the Commission’s approval of the Transaction should be denied.⁸ Further, Level 3 reiterates that any request that Level 3 be required to sell a non-standard, not generally available product as a condition of the Commission’s approval of the Transaction should be denied.⁹

Please contact the undersigned with any questions regarding the foregoing.

Respectfully submitted,

/s/ Nicholas G. Alexander

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⁵ *Id.* at 2.

⁶ *Id.*

⁷ *Id.*

⁸ See Letter from Mark C. Del Bianco, Counsel to Telnyx LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 16-403, attach. (filed June 21, 2017) (noting that Telnyx anticipates “similar filings in the near future”).

⁹ See *id.*