

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of	)	
	)	
Commission Launches Modernization of	)	MB Docket No. 17-105
Media Regulation Initiative	)	
	)	
Amendment of the Commission's Rules	)	MB Docket No. 10-71
Related to Retransmission Consent	)	
	)	
Implementation of Section 103 of the	)	MB Docket No. 15-216
STELA Reauthorization Act of 2014:	)	
Totality of the Circumstances Test	)	

**REPLY COMMENTS OF CENTURYLINK<sup>1</sup>**

CenturyLink submits these reply comments in response to the *Public Notice* in the first above-captioned proceeding.<sup>2</sup> As a provider of video services including cable service and internet-protocol-delivered television, CenturyLink appreciates the Commission's initiation of a review of its media rules with the aim of eliminating or modifying regulations that are outdated, unnecessary, or unduly burdensome and provides these brief comments for the record in the above-referenced dockets.

As an operator of some small cable systems, CenturyLink supports the opening comments filed by American Cable Association (ACA) that identify several Commission rules applicable to cable operators that should be eliminated or modified.<sup>3</sup> CenturyLink also agrees with NCTA – The Internet and Television Association's (NCTA) recommendation that the Commission continue to evaluate whether greater flexibility in the provision of information to

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<sup>1</sup> This filing is made on behalf of CenturyLink, Inc. and its subsidiary entities that provide video services.

<sup>2</sup> *Commission Launches Modernization of Media Regulation Initiative*, Public Notice, MB Docket No. 17-105, FCC 17-58, 32 FCC Rcd 4406, rel. May 18, 2017.

<sup>3</sup> *See generally* Comments of American Cable Association, MB Docket No. 17-105 (July 5, 2017).

customers is appropriate including whether having information available for customers on a company website for viewing at any time should now be a sufficient tool for providing information to customers.<sup>4</sup> Also, CenturyLink, like Verizon, views that the Commission should eliminate its non-duplication and syndicated exclusivity rules and modify its retransmission consent rules for all the reasons CenturyLink has previously advocated.<sup>5</sup>

In addition to the regulations pertinent to video distributors already flagged in initial comments for elimination or modification, the Commission should review and modify its customer service standards. The Commission's customer service standards are typically not enforced by the Commission directly.<sup>6</sup> Instead, it is left to individual local franchising authorities (LFAs) to enforce these standards if they so choose.<sup>7</sup> Customers now have numerous options to acquire video services, yet the monopoly era customer service standards remain in place and may be used as a device by LFAs to generate revenue through penalties or enforcement action which increases cost and resources, especially to second entrants in a market

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<sup>4</sup> Comments of NCTA – The Internet and Television Association, MB Docket No. 17-105, MB Docket No. 07-42, GN Docket No. 17-142, MB Docket No. 02-144, at 5 (July 5, 2017).

<sup>5</sup> Comments of Verizon, MB Docket No. 17-105, MB Docket No. 14-261, MB Docket No. 14-127, MB Docket No. 07-42, MB Docket No. 12-217, MB Docket No. 15-216, MB Docket No. 10-71, RM-11728, at 13-17 (July 5, 2017); *see generally* Comments of CenturyLink, MB Docket No. 10-71 (May 25, 2011), Comments of CenturyLink, MB Docket No. 10-71 (June 26, 2014), Reply Comments of CenturyLink, MB Docket No. 10-71 (July 24, 2014), Comments of CenturyLink, MB Docket No. 15-216 (Dec. 1, 2015).

<sup>6</sup> *See In re Complaint Against Comcast Corporation; For Systemic Abuse of Customer Service Standards Established by the Federal Communications Commission Pursuant to Section 632(b) of the Communications Act of 1934, as Amended*, Memorandum Opinion and Order, EB-02-MD-033, FCC 03-333, 19 FCC Rcd 702 (rel. Jan. 8, 2004) (dismissing complaint that cable operator had violated FCC cable customer service rules because LFAs are primary enforcer of the FCC's cable customer service rules and complaint failed to establish threshold showing that cable operator's actions constituted systematic abuses that undermine statutory objectives in order to invoke the Commission's enforcement authority regarding its cable customer service rules).

<sup>7</sup> 47 C.F.R. § 76.309(a).

resulting in the potential for decreased competition in a given market.<sup>8</sup> Eliminating or reducing these standards has the potential to encourage additional entrants resulting in reduced cost, more innovative products and improved customer experience, driven by market competition.

At a minimum, the Commission should modify its customer service call answering standard for cable operators. Currently that standard requires that a call should be answered by a customer service representative within 30 seconds, and that if a call needs to be transferred the transfer time should be less than 30 seconds and that this standard should be met at least 90% of the time under normal operating conditions measured on a quarterly basis.<sup>9</sup> The Commission should either change the standard to require that the standard as applied to all calls be met within one minute at least 80% of the time, or should limit the current standard to customer repair calls only. It is unnecessary for the standard to apply to customer calls seeking to initiate service because providers who subject callers to extended wait times have an inherent penalty, specifically, the potential loss of revenue when the caller chooses to do business with a competitor. The Commission should recognize the use and efficiency of interactive voice response (IVR) technology and clarify how call answering standards apply to use of IVR.

Modifying the federal call answering standard will potentially afford cable operators and wireline video providers more flexibility to address call answering standards with LFAs that incorporate the federal standards as baseline customer service requirements in video franchise agreements. With increasing competition, states have moved away from outdated customer service standards, and instead let the competitive market forces control. It is burdensome for

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<sup>8</sup> Some LFAs invoke these federal standards for any video service provider seeking a franchise without regard to whether the video service provider is or is not a cable operator.

<sup>9</sup> 47 C.F.R. § 76.309(c)(1)(ii).

providers to track response times for particular services, when the reality is customers often have bundled services, and may be seeking information for more than one service on a single call.

Modifying the federal call answering standard in either proposed manner would be consistent with the Commission's statutory obligation to have requirements addressing "cable system office hours and telephone availability[.]"<sup>10</sup> Further, because LFAs remain free to implement customer standards that exceed the federal standard, modifying the federal standard as proposed does not diminish LFA authority in any manner.

Respectfully submitted,

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<sup>10</sup> See 47 U.S.C. § 552(b) (setting out minimum requirements for Commission customer service standards for cable operators).