

## COVINGTON

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August 15, 2017

### Via Hand Delivery and ECFS

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

Re: *Ex Parte* Presentation, WC Docket No. 16-403

Dear Ms. Dortch:

On July 5, 2017, CenturyLink, Inc. (“CenturyLink”) and Level 3 Communications, Inc. (“Level 3,” and together with CenturyLink, the “Applicants”) submitted a number of documents to the Commission clarifying their initial response to RFI Number 3 of the Wireline Competition Bureau’s Information and Document Requests, which sought, among other things, information and documentation pertaining to the effect of the transaction on the provision of business data services (“BDS”).<sup>1</sup> A Highly Confidential spreadsheet [Bates Number CTL-18029875 - CTL-18029875], which included competitive BDS data associated with all Level 3 locations in CenturyLink’s in-region areas of eight specified MSAs (hereinafter, the “Level 3 Eight MSA Spreadsheet”), was among the documents submitted in that July 5, 2017 filing.

Since that time, the Applicants have conducted further examination and investigation into the data sources on which the Level 3 Eight MSA Spreadsheet relied and have gathered additional competitor information relating to the locations identified in that file. As a consequence, the Applicants are submitting herewith an updated Highly Confidential version of the Level 3 Eight MSA Spreadsheet [Bates Number CTLLVLT-000160]. This file supplants the earlier-filed Level 3 Eight MSA Spreadsheet in its entirety. The Level 3 Eight MSA Spreadsheet contains a variable called “Overlap” that indicates whether the location is an overlap location.

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<sup>1</sup> See Notice of *Ex Parte* Presentation, WC Docket No. 16-403 (filed July 5, 2017); see also *Applications Filed for the Transfer of Control of Level 3 Communications, Inc. to CenturyLink, Inc.*, Letter from Madeleine V. Findley, Wireline Competition Bureau, to Thomas Jones et al., Counsel for Level 3 Communications, Inc., and Yaron Dori et al., Counsel for CenturyLink, Inc., DA 17-296, WC Docket No. 16-403 (Mar. 30, 2017).

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This new Highly Confidential file reflects updated data sources. The initial Level 3 Eight MSA Spreadsheet relied on the following sources to identify competitor locations: (1) the GeoResults GeoLIT dataset; (2) GeoTel TeleTracker; (3) fiber route and on-net building information made publicly available on competitor websites; (4) CenturyLink’s CLEC database; (5) Level 3’s CLEC database; (6) manual reviews; (7) site visits; (8) webchecks; (9) an intermediate work file called “Overlap Analysis Breakdown 12222016 (L3)”<sup>2</sup>; and (10) an intermediate work file called “Building Overlap Analysis (20170507).” The attached revised file relies on data from these first four sources. It replaces data from Level 3’s CLEC database with data from Level 3 vendor contract lists, which provide a more accurate picture of competitor presence at or near Level 3 fiber locations. It drops reliance on manual reviews, webchecks, and the two intermediate work files (site visit data can be filtered out of the file manually). Furthermore, by dropping reliance on “Building Overlap Analysis (20170507.xls),” an error that was incorporated into the initial Level 3 Eight MSA Spreadsheet has been corrected.

In addition to updating the data sources, the revised Highly Confidential file presents more competitor information than previously had been provided to the Commission. In the initial Level 3 Eight MSA Spreadsheet, the Applicants provided data for only up to three competitors. The revised file now includes entries for all competitors in the eight specified MSAs that are within 0.5 mile (or less) of a Level 3 location (according to at least one of the aforementioned data sources). The new file also provides greater clarity by identifying competitor locations as either “Lit Buildings,” “Near-Net” locations, or “EoC” locations.<sup>2</sup>

The document submitted herewith is Highly Confidential and therefore is marked “HIGHLY CONFIDENTIAL INFORMATION — SUBJECT TO PROTECTIVE ORDER IN WC DOCKET NO. 16-403 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION.” Consistent with the instructions in the Protective Order in this docket, this Highly Confidential document is being hand-filed, and copies are being provided to Commission staff and will be made available to third parties pursuant to the terms of the Protective Order. The Applicants’ redacted submission is marked “REDACTED — FOR PUBLIC INSPECTION” and is being filed electronically in the Commission’s Electronic Comment Filing System.

Any questions concerning this submission should be addressed to the undersigned.

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<sup>2</sup> “Lit Buildings” are locations that the competitor has lit with fiber. “Near-Net” locations are locations to which the competitor has said it could build fiber pursuant to its stated contractual representations. “EoC” locations are locations to which the competitor has built Ethernet-over-Copper facilities. The Applicants recognize that the Commission’s analysis prioritizes fiber; EoC locations have been included (but can be isolated or excluded using filters) to provide the Commission with the broadest possible view of the competitive landscape.

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Respectfully submitted,

/s/

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Document CTLLVLT-000160 has been produced  
in native Excel format and is Highly Confidential in its entirety.