

COVINGTON

BEIJING BRUSSELS DUBAI JOHANNESBURG LONDON
LOS ANGELES NEW YORK SAN FRANCISCO SEOUL
SHANGHAI SILICON VALLEY WASHINGTON

Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 6000

September 12, 2017

Via 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:

In various submissions filed in this proceeding, CenturyLink, Inc. (“CenturyLink”) and Level 3 Communications, Inc. (“Level 3,” and together with CenturyLink, the “Applicants”) have reported the presence of fiber-based competitors both within and in proximity to overlap locations in CenturyLink’s ILEC region.¹ On September 8, 2017, the Applicants filed a letter in this docket reporting an anomaly in the data on which they relied to make these submissions and correcting it for certain competitor locations in the Tucson, Arizona, MSA.² The purpose of this submission is to report that this same anomaly had the effect of potentially overstating the presence of this same competitor in up to 99 locations in CenturyLink’s ILEC region outside of the Tucson MSA. After investigating the matter, the Applicants have determined that, for purposes of an overlap analysis, the data submitted previously for this competitor is unchanged for 70 of these locations³ and requires material correction for 29 of these locations, though in one

¹ See *Ex Parte* Presentation Letter from Yaron Dori to Marlene Dortch, WC Docket No. 16-403 (filed August 15, 2017); *Ex Parte* Presentation Letter from Yaron Dori to Marlene Dortch, WC Docket No. 16-403 (filed July 5, 2017); Initial Joint Response of CenturyLink, Inc. and Level 3 Communications, Inc. to Information and Document Requests at 5-7, WC Docket No. 16-403 (filed Apr. 7, 2017); Joint Reply Comments of CenturyLink, Inc. and Level 3 Communications, Inc. at 5-6, WC Docket No. 16-403 (filed Feb. 7, 2017); Consolidated Application to Transfer Control of Domestic and International Section 214 Authorizations at B-18 to B-20, WC Docket No. 16-403 (filed Dec. 12, 2016).

² See *Ex Parte* Presentation Letter from Yaron Dori to Marlene Dortch, WC Docket No. 16-403 (filed September 8, 2017).

³ In seven of these 70 locations, the presence of the competitor changed from being within 164 feet of the overlap location to being in the overlap location, or vice versa.

REDACTED – FOR PUBLIC INSPECTION

COVINGTON

Letter to Ms. Dortch
September 12, 2017
Page 2

location it turns out that the fiber-based competitor is present in the overlap location rather than within 0.25 mile of the location. More detailed information and corrections for these locations, including information about nearby fiber-based competitors for all of them, is set forth in the Highly Confidential attachment hereto [Bates Number CTLLVLT-000183].

The Applicants also take this opportunity to note that in identifying fiber-based competitors in the Highly Confidential attachment to this submission as well as the Highly Confidential attachment to the September 8th submission, the Applicants identified fiber-based competitors based on their lit buildings, not fiber route information.

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 submission 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.

Respectfully submitted,

/s/

Yaron Dori
Brandon Johnson
Ani Gevorkian
Counsel to CenturyLink, Inc.

cc: Terri Natoli
Pam Megna
Mike Ray
Zach Ross
Joel Rabinovitz
Darren Fernandez
Thomas Jones (Counsel to Level 3)
Mia Guizzetti Hayes (Counsel to Level 3)

REDACTED – FOR PUBLIC INSPECTION

Document CTLLVLT-000183 has been produced in native Excel format and is Highly Confidential in its entirety.