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REDACTED – FOR PUBLIC INSPECTION

Via ECFS

October 14, 2014

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

Re: *In the Matter of CenturyLink’s Petition for Forbearance Pursuant to 47 U.S.C. §160(c) from Dominant Carrier and Certain Computer Inquiry Requirements on Enterprise Broadband Services*, WC Docket No. 14-9 – Response to September 12, 2014 Request – Answers to Questions 2-13

Dear Ms. Dortch:

Enclosed for filing in the above-referenced proceeding is material responsive to Questions 2 through 13 of the Wireline Competition Bureau’s September 12, 2014 Information, Data and Document Request.¹ The material provided in answer to Questions 2 through 13 includes highly confidential information, confidential information and public information in the form of narrative and attached documents. The highly confidential information is the proprietary commercial and financial information of CenturyLink that is entitled to highly confidential treatment and protection from public disclosure. It also includes highly confidential information of third-party vendors. Although the highly confidential and confidential information is specifically protected from disclosure pursuant to the terms of the Second Protective Order² and Protective Order,³ both

¹ Letter from Julie A. Veach, FCC, to Craig J. Brown, CenturyLink, Attachment I, pp. 2-5 (Sept. 12, 2014). Answers to Questions 1 and 14 were filed on October 3, 2014.

² 29 FCC Rcd 2200 (2014). *See also* Letter from Julie A. Veach, FCC to Craig J. Brown, CenturyLink, DA 14-1338 (Sept. 16, 2014), revising Appendix A to the Second Protective Order, and Erratum, DA 14-1384 (Sept. 24, 2014).

adopted in this proceeding, attached to this correspondence is an Appendix in which CenturyLink provides separate justification for highly confidential and confidential treatment under 47 C.F.R. §§ 0.457, 0.459.

The narrative and documents being submitted in answer to Questions 4 through 13 that are highly confidential include: price comparison information for Listed Services;⁴ data on commercial buildings with competitor facilities;⁵ the number of commercial buildings with unbundled network elements (UNEs); CenturyLink retail and wholesale revenue information by customer category; data on CenturyLink's top twenty non-competitive LEC wholesale and retail customers; narrative on dark fiber Indefeasible Rights of Use; data on top ten competitive LECs by UNEs and lines; data on the locations to which CenturyLink provides certain business services; and data on the wholesale and retail services CenturyLink provides. All of this information is highly sensitive financial and/or commercial information in connection with the services for which CenturyLink seeks forbearance relief. The information submitted in answer to Questions 4 through 13 is the type of highly confidential information specifically covered in Appendix A (as revised) to the Second Protective Order and which is entitled to highly confidential treatment and protection from public disclosure.

The narrative and documents being submitted in answer to Questions 2 and 3 that are confidential include information on how CenturyLink categorizes its potential customers for Listed Services and the methods used by CenturyLink in marketing Listed Services to both retail and wholesale customers. The information submitted in answer to Questions 2 and 3 is the type of confidential information covered under the Protective Order as it is competitively sensitive commercial information relating to the services for which CenturyLink seeks forbearance relief. This information is not otherwise available from public sources and thus is entitled to confidential treatment and protection from public disclosure.

³ DA 14-37 (Jan. 14, 2014).

⁴ One document provided in answer to Question 4, "IT Market Clock for Communications Services, 2014", published September 11, 2014, by Gartner, is considered confidential by CenturyLink, and thus covered by the Protective Order and the portions of the Confidentiality Justification related to confidential treatment.

⁵ The data in Answer 5.a is vendor-derived, from GeoResults' National Competitive Infrastructure Databases and the Telcordia CLONES network equipment-level databases. CenturyLink considers this vendor-provided information highly confidential and subject to non-disclosure under the Second Protective Order and under sections 0.457(d) and 0.459 of the Commission's rules as described in the Appendix.

Consistent with the highly confidential nature of the information provided in answer to Questions 4 through 13, as required by the Second Protective Order, this information is marked “**HIGHLY CONFIDENTIAL INFORMATION – SUBJECT TO SECOND PROTECTIVE ORDER IN WC DOCKET NO. 14-9 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION – ADDITIONAL COPYING RESTRICTED**”. The highly confidential information included in these documents is competitively sensitive financial and commercial information and thus should not be available for public inspection, nor subject to further copying. Such information would not ordinarily be made available to the public. Release of the highly confidential information in answer to Questions 4 through 13 would have a substantial negative competitive impact on CenturyLink and potentially on the vendors that supplied data used in the answer to Question 5.a Accordingly, the non-redacted information provided in answer to Questions 4 through 13 is appropriate for non-disclosure pursuant to the Second Protective Order and under sections 0.457(d) and 0.459 of the Commission’s rules (as detailed in the attached Appendix).

And, consistent with the confidential nature of the information provided in answer to Questions 2 and 3, as required by the Protective Order, this information is marked “**CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN WC DOCKET NO. 14-9 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION – ADDITIONAL COPYING PROHIBITED**”. The confidential information included in these documents is competitively sensitive commercial information that is not available from public sources and thus should not be available for public inspection, nor subject to further copying. Such information would not ordinarily be made available to the public. Release of the confidential information in answer to Questions 2 and 3 would have a negative competitive impact on CenturyLink. Accordingly, the non-redacted information provided in answer to Questions 2 and 3 is appropriate for non-disclosure pursuant to the Protective Order and under sections 0.457(d) and 0.459 of the Commission’s rules (as detailed in the attached Appendix).

Pursuant to the Second Protective Order and Protective Order, CenturyLink is submitting to the Secretary’s office one copy of the non-redacted version of its submission with the highly confidential and confidential information (a hard copy of this cover letter, the response, the index of documents produced and one CD).⁶ Additionally as required by the Second Protective Order and Protective Order, CenturyLink is separately providing two copies of the non-redacted version with the highly confidential and confidential information to Matt Warner of the

⁶ Also included with the non-redacted version of the submission are those portions containing no confidential information.

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Competition Policy Division of the Wireline Competition Bureau (two hard copies of this cover letter, the response, the index of documents produced and two CD copies).⁷

CenturyLink is also submitting today under separate cover, via the Commission's Electronic Comment Filing System (ECFS), a redacted version of this submission (including the answers to Questions 2 through 13, along with the portions of its submission that contain no highly confidential or confidential information). The redacted submission is marked "**REDACTED – FOR PUBLIC INSPECTION**," with the highly confidential and confidential information omitted.

This letter includes no highly confidential or confidential information and the text is the same for both the non-redacted and redacted versions except for the confidentiality markings and the manner of submission noted in the heading on the initial page.

Please contact me via the above contact information or Melissa Newman in CenturyLink's Federal Regulatory Affairs office (202-429-3120) if you have any questions.

Sincerely,

/s/ Craig J. Brown

Enclosures

cc: Matt Warner (two copies of non-redacted submission)

⁷ Also included with the non-redacted version of the submission are those portions containing no confidential information.

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APPENDIX

Confidentiality Justification

47 C.F.R. § 0.457

Information included with CenturyLink's October 14, 2014 answers to Questions 4 through 13 of the September 12, 2014 Information, Data and Document Request of the Wireline Competition Bureau is entitled to highly confidential treatment under 47 C.F.R. § 0.457 as well as the March 7, 2014 Second Protective Order in WC Docket No. 14-9. The information includes: price comparison information for Listed Services;⁸ data on commercial buildings with competitor facilities;⁹ the number of commercial buildings with unbundled network elements (UNEs); CenturyLink retail and wholesale revenue information by customer category; data on CenturyLink's top twenty non-competitive LEC wholesale and retail customers; narrative on dark fiber Indefeasible Rights of Use; data on top ten competitive LECs by UNEs and lines; data on the locations to which CenturyLink provides certain business services; and data on the wholesale and retail services CenturyLink provides. The information submitted in answer to Questions 4 through 13 is the type of highly confidential and proprietary commercial and financial information that is not routinely available for public disclosure by the Commission and thus is protected from public availability under 47 C.F.R. § 0.457(d). Additionally, this is among the types of highly confidential information specifically covered in Appendix A (as revised) to the Second Protective Order and which thus is entitled to protection from public disclosure.

Information included with CenturyLink's October 14, 2014 answers to Questions 2 and 3 of the September 12, 2014 Information, Data and Document Request of the Wireline Competition Bureau is entitled to confidential treatment under 47 C.F.R. § 0.457 as well as the January 14, 2014 Protective Order in WC Docket No. 14-9. Included is information on how CenturyLink categorizes its potential customers for Listed Services and the methods used by

⁸ One document provided in answer to Question 4, "IT Market Clock for Communications Services, 2014", published September 11, 2014, by Gartner, is considered confidential by CenturyLink, and thus covered by the Protective Order and the portions of the Confidentiality Justification related to confidential treatment.

⁹ The data in Answer 5.a is vendor-derived, from GeoResults' National Competitive Infrastructure Databases and the Telcordia CLONES network equipment-level databases. CenturyLink considers this vendor-provided information highly confidential and subject to non-disclosure under the Second Protective Order and under sections 0.457(d) and 0.459 of the Commission's rules as described in this Appendix.

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CenturyLink in marketing Listed Services to both retail and wholesale customers. The information submitted in answer to Questions 2 and 3 is the type of confidential and proprietary commercial information not routinely available for public disclosure by the Commission and thus is protected from public availability under 47 C.F.R. § 0.457(d). This information is covered under the Protective Order as it is competitively sensitive commercial information relating to the services for which CenturyLink seeks forbearance relief. This information is not otherwise available from public sources and thus is entitled to confidential treatment and protection from public disclosure.

47 C.F.R. § 0.459

CenturyLink also considers the highly confidential and confidential information submitted with its October 14, 2014 answers to Questions 2 through 13 of the Wireline Competition Bureau's September 12, 2014 Information, Data and Document Request in WC Docket No. 14-9 as protected from public disclosure pursuant to 47 C.F.R. § 0.459(b) as described as follows.

Information for which confidential treatment is sought

CenturyLink seeks highly confidential treatment for the information included with its October 14, 2014 answers to Questions 4 through 13, which is highly confidential and proprietary commercial and financial information that is protected from public disclosure and availability. As such, this information is marked "**HIGHLY CONFIDENTIAL INFORMATION – SUBJECT TO SECOND PROTECTIVE ORDER IN WC DOCKET NO. 14-9 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION – ADDITIONAL COPYING RESTRICTED**". CenturyLink seeks confidential treatment for the information included with its October 14, 2014 answers to Questions 2 and 3, which is confidential and proprietary commercial information that is protected from public disclosure and availability. As such, this information is marked "**CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN WC DOCKET NO. 14-9 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION – ADDITIONAL COPYING PROHIBITED**".

Commission proceeding in which the information was submitted

The answers to Questions 2 through 13 are being submitted as part of CenturyLink's response to the September 12, 2014 Information, Data and Document Request of the Wireline Competition Bureau in WC Docket No. 14-9, *In the Matter of CenturyLink's Petition for Forbearance Pursuant to 47 U.S.C. §160(c) from Dominant Carrier and Certain Computer Inquiry Requirements on Enterprise Broadband Services*, DA 14-1324.

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Degree to which the information in question is commercial or financial, or contains a trade secret or is privileged

The answers to Questions 4 through 13 include information CenturyLink considers proprietary and highly confidential as it includes price comparison information for Listed Services; data on commercial buildings with competitor facilities; the number of commercial buildings with unbundled network elements (UNEs); CenturyLink retail and wholesale revenue information by customer category; data on CenturyLink's top twenty non-competitive LEC wholesale and retail customers; narrative on dark fiber Indefeasible Rights of Use; data on top ten competitive LECs by UNEs and lines; data on the locations to which CenturyLink provides certain business services; and data on the wholesale and retail services CenturyLink provides. This highly confidential and proprietary commercial and financial information is not routinely available for public disclosure from CenturyLink and thus is protected from public availability under 47 C.F.R. § 0.457(d). Data included in Answer 5.a is highly sensitive commercial information obtained via outside vendor databases.

The answers to Questions 2 and 3 includes information CenturyLink considers proprietary and confidential as it includes information on how CenturyLink categorizes its potential customers for Listed Services and the methods used by CenturyLink in marketing Listed Services to both retail and wholesale customers. This confidential and proprietary commercial information is not routinely available for public disclosure from CenturyLink and thus is protected from public availability under 47 C.F.R. § 0.457(d). A document provided in answer to Question 4 is confidential commercial information obtained from an outside vendor.

Degree to which the information concerns a service that is subject to competition; and manner in which disclosure of the information could result in substantial competitive harm

The types of highly confidential and confidential information in CenturyLink's answers to Questions 2 through 13 would generally not be subject to routine public inspection under the Commission's rules (47 C.F.R. § 0.457(d)), demonstrating that the Commission already anticipates that its release likely would produce competitive harm. The telecommunications services CenturyLink provides -- local exchange and interexchange services, etc. -- are all competitive. The release of this highly confidential and confidential proprietary information would cause competitive harm by allowing competitors to become aware of sensitive financial and commercial information regarding CenturyLink's business and internal operations, and the status of competition in the markets in which CenturyLink seeks forbearance relief.

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Measures taken to prevent unauthorized disclosure; and availability of the information to the public and extent of any previous disclosure of the information to third parties

CenturyLink and the outside vendors have treated and treat the information disclosed in the answers to Questions 2 through 13 as highly confidential and confidential, and have protected it from public disclosure.

Justification of the period during which CenturyLink asserts that the material should not be available for public disclosure

At this time, CenturyLink cannot determine any date on which the information included with the answers to Questions 2 through 13 should not be considered highly confidential and confidential.

Other information that CenturyLink believes may be useful in assessing whether its request for confidentiality should be granted

Under applicable FCC and court rulings, the information in question should be withheld from public disclosure. Exemption 4 of the Freedom of Information Act shields information that is (1) commercial or financial in nature; (2) obtained from a person outside government; and (3) privileged or confidential. The information in question satisfies this test.

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