

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of )  
 )  
Connect America Fund ) WC Docket No. 14-93  
 )  
CAF Phase II Challenge Process )

**OPPOSITION OF CENTURYLINK TO FURTHER PETITIONS FOR LIMITED  
WAIVER OF CAF PHASE II EVIDENTIARY REQUIREMENT**

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**TABLE OF CONTENTS**

	<b>PAGE</b>
I. The Petitioners Have Not Demonstrated Good Cause To Grant The Requested Waivers. ....	2
A. The Bureau Has Appropriately Determined That Providers Must Demonstrate That They Have A Current or Former Customer in A Census Block For It To Be Deemed as Served. ....	2
B. Petitioners Have Not Demonstrated Special Circumstances. ....	4
C. Granting These Waivers Would Not Serve The Public Interest. ....	6
II. There Are No Additional Circumstances Raised In the Specific Waiver Requests That Warrant Granting The Requested Relief. ....	7
III. Conclusion. ....	16

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CenturyLink submits this opposition to several additional petitions for waiver of the CAF Phase II evidentiary requirement that a provider asserting that a census block should be deemed served must demonstrate that it provides service or has provided service in the census block to at least one current or former customer.<sup>1</sup> These waiver requests have been made in conjunction with responses to initial challenges in the CAF Phase II challenge process.<sup>2</sup> CenturyLink submits this opposition to those requests in accord with Commission rule 1.45(b).<sup>3</sup> CenturyLink opposes the petitions and requests for waiver of the customer evidentiary requirement included with CAF Phase II challenge responses of the following companies: Armstrong Utilities, Inc., Charter Communications, Inc., Cox Communications, Inc., Northland Communications

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<sup>1</sup> See *Wireline Competition Bureau Provides Guidance Regarding Phase II Challenge Process*, Public Notice, DA 14-864, WC Docket No. 10-90 (rel. Jun. 20, 2014) at ¶ 9 & n. 18 (requiring that one of the criteria for a census block to be “served” is that the provider has voice and/or broadband customers or previously had voice and/or broadband customers in the census block).

<sup>2</sup> To the extent that a responder to CenturyLink’s opening challenge has not demonstrated that it has a current or former customer in each census block for which it is responding, but has not otherwise sought a waiver of that evidentiary requirement, CenturyLink submits that such a response should be denied for failing to meet the evidentiary requirement and does not constitute a waiver request that triggers a response here.

<sup>3</sup> 47 C.F.R. § 1.45(b) permits an opposition to any motion, petition or request to be filed within ten days after the original pleading is filed.

Corporation, Shenandoah Cable Television, LLC, and Vyve Broadband. The petitions have not demonstrated that special circumstances and the public interest warrant granting the relief requested. As such the Bureau should deny the petitions.

**I. The Petitioners Have Not Demonstrated Good Cause To Grant The Requested Waivers.**

In accord with Commission Rule 1.3 the Commission may waive any of its regulations when good cause is demonstrated. To show good cause a carrier must demonstrate that (1) there are special circumstances warranting deviation from the general rule and (2) waiver will serve the public interest.<sup>4</sup> The waivers requested should be denied by the Bureau because they have failed to make this showing. Petitioners have not demonstrated that there are special circumstances warranting deviation from the evidentiary standard nor are the requested waivers demonstrably in the public interest.

**A. The Bureau Has Appropriately Determined That Providers Must Demonstrate That They Have A Current or Former Customer in A Census Block For It To Be Deemed as Served.**

The Bureau has made a reasoned decision that in this CAF Phase II challenge process in order to have sufficient evidence that a census block is “served” and thus CAF Phase II funding is not available for that census block that a provider must demonstrate (among other criteria) that it has or had at least one customer of its voice or broadband service in the challenged census block. When it established the Phase II challenge process, the Bureau made clear that in order to claim it serves a census block, a provider “must already have customers in that census block, or previously [have] had customers in that census block.”<sup>5</sup> The Bureau reaffirmed on reconsideration that the customer requirement reflects the Bureau’s determination, based on the

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<sup>4</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>5</sup> *Phase II Challenge Process Guidance PN*, 29 FCC Rcd at 7507-08.

*USF/ICC Transformation Order*, “that something more than ‘offering’ service should be required to exclude an area from Phase II support.”<sup>6</sup>

The evidentiary rule is a simple, clear showing. In the absence of this showing that a provider has successfully provided their broadband or voice service to a single customer in a census block, the census block would not be deemed served and would remain eligible for CAF Phase II support. This approach reasonably protects against consumers’ locations being left behind without broadband service.

Having adopted this evidentiary requirement, and reaffirmed it, the Bureau must exercise care in any decision to grant a waiver of this requirement.<sup>7</sup> As the U.S. Court of Appeals for the D.C. Circuit has explained, it is arbitrary and capricious for the Bureau to waive a procedural requirement unless the Bureau can “explain why deviation better serves the public interest, *and*

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<sup>6</sup> *In the Matter of Connect America Fund*, WC Docket No. 10-90, Order, 29 FCC Rcd 9624, 9625 (rel. Aug. 11, 2014) (“*Phase II Challenge Recon Order*”) (citing *Connect America Fund et al.*, WC Docket No. 10-90 et al., R&O et al., 26 FCC Rcd 17663, 17673, 17701, 17725, 17729-30 (2011)) (“*USF/ICC Transformation Order*”).

<sup>7</sup> Thus far, the Bureau previously granted certain evidentiary waiver requests because it concluded “that the public interest would be served by allowing these challenges to proceed to the next phase in the Phase II challenge process.” *Replies Sought In Connect America Phase II Challenge Process*, Public Notice, DA 14-1397, WC Docket Nos. 10-90, 14-93 (rel. Sept. 26, 2014) at 4. The Bureau also expressly provided that “parties opposing grant of the waiver will have an opportunity in the response period to present their arguments as to why the census blocks in question should [be] treated as not served.” *Id.* at 4 & n.18. CenturyLink submits that the Bureau’s grant of the waivers for purposes of the challenge process is thus provisional in nature, and on the Bureau’s consideration of “the totality of the evidence in adjudicating these Phase II challenges” the Bureau should conclude that the initial waiver petitions and the response waiver petitions do not demonstrate special circumstances, are not ultimately in the public interest, and thus should be denied. *See In the Matter of Connect America Fund*, Report & Order, DA 14-1569, WC Docket No. 10-90 (rel. Oct. 29, 2014) (adopting a specific methodology for calculating reasonable comparability benchmarks for fixed broadband services, permitting parties to use the new benchmarks in challenge process replies, and assuring that the Bureau will consider all the evidence in deciding the Phase II challenges).

articulate the nature of the special circumstances” justifying a waiver.<sup>8</sup> The waivers requested do not enable the Bureau to provide such an explanation here.

**B. Petitioners Have Not Demonstrated Special Circumstances.**

The petitioners have not demonstrated special circumstances that would warrant that the Bureau deviate from its established evidentiary standard. This is because (1) they have only speculated about the circumstances presented, but have not demonstrated that the circumstances actually exist and (2) even to the extent the circumstances do exist, they are not sufficiently unusual or unique to constitute special circumstances that would support the requested waiver of the evidentiary requirement.

Most of the petitioners have speculated about why they cannot demonstrate that they have a current or former customer in the census blocks.<sup>9</sup> They suggest that their lack of any current or former customer in the challenged census blocks may be because these census blocks have a very low population with few potential customers, that the customers may not want broadband, or that the services may not be affordable. The petitioners provide no data to support these musings.

In fact, CenturyLink has demonstrated that several of the prior waiver requests by several of these same petitioners based on assertions that the census blocks have lower density or lower incomes warranting special evidentiary treatment are not based on any statistically significant difference in density or income between blocks for which those petitioners sought a waiver and

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<sup>8</sup> See *NetworkIP, LLC v. FCC*, 548 F.3d 116, 127 (D.C. Cir. 2008) (emphasis in original).

<sup>9</sup> See discussions of the waiver petitions of Armstrong Utilities, Charter Communications, Northland Communications, Shenandoah Cable Television, and Vyve Broadband in Section II, *infra*.

those for which they did not.<sup>10</sup> Further, even if there are statistically significant differences, lower density alone – a hallmark of high-cost areas – should not substantiate waiver of the requirement to demonstrate a current or former customer. If anything, a lower density area should raise a heightened concern to ensure that the challenger who will be deemed to serve the census block, and thus eliminate the block from supported broadband deployment, is actually providing service to customers in the census block. Fundamentally, how can a provider truly be serving a census block if it has no customers there?

To best protect consumers, the Bureau should stand its evidentiary ground and find that the requested waivers do not demonstrate special circumstances warranting relief. It should not be sufficient for those requesting waivers to merely speculate as to why they do not have customers in these census blocks. To the extent that there are so few customers in these census blocks that the responder could serve, the responder should be able to determine through their own marketing efforts why these consumers have not purchased their service. Presumably, if the requesters have deployed facilities to make service available in these census blocks then they would like to sell their services in these census blocks. To sustain a waiver request by merely guessing as to why a petitioner does not have a customer in a census block and thus cannot meet the evidentiary requirement should not be sufficient. The petitioners should be required to demonstrate that there are, in fact, unusual circumstances that make application of the customer evidentiary requirement inappropriate and contrary to the public interest.<sup>11</sup> But, where

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<sup>10</sup> See CenturyLink CAF Phase II Response to Challenges, Exhibit 1, CenturyLink Response to CAF Phase II Challenges Seeking to Reclassify Unserved Census Blocks as Served, pp. 4-18 and Exhibit 14, Declaration of Daniel R. Gordon.

<sup>11</sup> Special circumstances sufficient to justify a waiver could be a demonstration that there are not and have not been consumers residing in the census block, or a demonstration that the petitioner has directly communicated with the consumers residing in the census block regarding the petitioner's voice and broadband service offering. Only advertising one's broadband internet

conjecture is the basis for the waiver request, the public interest in promoting universal access to broadband is not served and the waiver request should be denied.

**C. Granting These Waivers Would Not Serve The Public Interest.**

Further, deviating from the established evidentiary standard in these instances will not serve the public interest. Petitioners argue that the waiver requested is in the public interest as it will promote the important policy decision not to subsidize broadband deployment where an unsubsidized competitor already offers service.<sup>12</sup> But, that policy decision must be carefully evaluated within the context of the overarching universal service policy goal of extending broadband service to unserved areas. Further, the Bureau should take care to ensure that in finalizing the census blocks that are to be eligible for CAF Phase II support that it does not “unduly elevate the interest of competing providers over those of unserved and under-served consumers who live in high-cost areas of the country.”<sup>13</sup> As the Commission has clearly stated “[u]nserved communities across the nation cannot continue to be left behind.”<sup>14</sup>

And yet, the only thing that can be definitively concluded from these waiver petitions is that these petitioners cannot demonstrate that they are actually providing service to any consumers in these census blocks. In short, all indications are that the consumers in these census blocks are already being left behind. And, most waiver requesters want to skirt the customer evidentiary requirement because they claim – and let us assume for the moment that they are correct – that these census blocks are too rural and their consumers too impoverished to permit

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access service on a website may not be sufficient to provide notice to consumers who do not have broadband internet access service that such service is available to them.

<sup>12</sup> See, e.g., Petition for Limited Waiver of CAF Phase II Evidentiary Requirement filed by Armstrong Utilities (“*Armstrong Waiver Petition*”) in WC Docket No. 14-93 on Nov. 10, 2014 at 3.

<sup>13</sup> *USF/ICC Transformation Order*, at ¶ 178.

<sup>14</sup> *Id.* at ¶ 11.

application of the very evidentiary rule intended to protect those consumers from being left out of the movement to universal access to broadband service. It is not in the public interest to relax the customer evidentiary requirement in the very census blocks that may be most in need of CAF Phase II support. Determining that these census blocks would be ineligible for CAF Phase II support may only serve to perpetuate a situation where the provider “serving” these census blocks has no customers in these census blocks. The public interest is better served by denying the requested waiver relief and permitting these census blocks where there are consumers, but the petitioner cannot demonstrate that they are serving or have ever served those consumers, to remain eligible for CAF Phase II support.

**II. There Are No Additional Circumstances Raised In the Specific Waiver Requests That Warrant Granting The Requested Relief.**

In this section CenturyLink addresses the companies’ specific requests for waiver.

**Armstrong Utilities, Inc.**

With its CAF Phase II Challenge response Armstrong seeks a waiver of the customer evidentiary requirement for 36 census blocks that CenturyLink initially challenged as unserved. Armstrong’s reasons for not having customers in these census blocks and thus needing a waiver are (1) “these are very rural areas with a low population density per census block” such that “the number of potential customers per census block is significantly lower than in more populated urban and suburban area”; and (2) “many of these census blocks are in areas where the income level is quite low, and residents may not have the means (or desire) to purchase broadband service.”<sup>15</sup> These are the same arguments that Armstrong made in its first waiver with its initial challenge and to which CenturyLink has already responded. Armstrong provides no further detail about the particular population densities or income levels in these census blocks. High-

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<sup>15</sup> *Armstrong Waiver Petition* at 4.

cost areas inherently have a lower population density than urban and suburban areas and should not be “special circumstances” warranting a waiver of the evidentiary requirement. Further, CenturyLink has provided statistical data that demonstrates that there is not a statistically significant difference in either population density or per capita income in census blocks for which Armstrong previously sought a waiver and those in which it did not.<sup>16</sup> This data disputes Armstrong’s contention that it faces special income- or density-based barriers in these census blocks where it has no current or former customers. Accordingly, Armstrong’s waiver should be denied, and the Bureau should not classify as “served” any census block for which Armstrong cannot provide evidence of at least one current or former broadband or voice customer.

**Charter Communications, Inc.**

With its CAF Phase II Challenge response Charter seeks a waiver of the customer evidentiary requirement for 4,155 census blocks of which many are census blocks that CenturyLink initially challenged as unserved. Charter offers the following reasons as to why it cannot meet the customer evidentiary requirement: (1) “some census blocks are located in extremely rural areas where there are few potential customers,” (2) “[i]n other census blocks, Charter may have deployed plant in new housing subdivisions where home purchasers have not yet taken possession,” (3) in other census blocks “Charter may serve video customers who could easily purchase broadband and voice services using the same plant, but have not yet chosen to do so,” and (4) in other census blocks “the difficulty of geolocating some addresses with precision, particularly in rural areas, prevents Charter from confirming the census blocks in which its existing customers are located with sufficient reliability to prove the census block numbers

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<sup>16</sup> CenturyLink CAF Phase II Response to Challenges, Exhibit 1 at 7 and Exhibit 14.

associated with those addresses.”<sup>17</sup> In sum, Charter offers speculations and insufficient records as its bases for waiver. With respect to its first “reason” Charter provides no further detail about the particular population densities in any of these census blocks. High-cost areas inherently have a lower population density than urban and suburban areas and should not be “special circumstances” warranting a waiver of the evidentiary requirement. Further, CenturyLink has provided statistical data that demonstrates that there is not a statistically significant difference in population density in census blocks for which Charter previously sought a waiver and those in which it did not.<sup>18</sup> This data disputes Charter’s contention that it faces special density-based barriers in census blocks where it has no current or former customers.

Next, to the extent Charter suggests that its inability to identify a customer in some blocks should be excused because “Charter may have deployed plants in new housing subdivisions where home purchasers have not yet taken possession,” the Charter petition fails to provide any specific evidence to support that contention. Charter does not identify the specific census blocks where new housing subdivisions would justify an evidentiary waiver, nor does Charter even assert affirmatively that this excuse applies to any of the census blocks at issue. Moreover, even if Charter has deployed infrastructure to new subdivisions in a census block, that does not explain why Charter should be excused from meeting the customer-evidence requirement by identifying a current or former customer in other, already-developed portions of the census block.

Still further, Charter’s next speculation that in some census blocks it “may” have video customers that have not purchased voice or broadband, also does not affirmatively assert that this

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<sup>17</sup> Petition for Limited Waiver of CAF Phase II Evidentiary Requirement filed by Charter Communications, Inc. (“*Charter Waiver Petition*”) in WC Docket Nos. 10-90 & 14-93 on Nov. 10, 2014 at 4.

<sup>18</sup> CenturyLink CAF Phase II Response to Challenges, Exhibit 1 at 10-12 and Exhibit 14.

“reason” to waive the evidentiary requirement applies to any particular census block at issue. Finally, the shortcomings of Charter’s process for geo-locating its customer service addresses should not constitute special circumstances warranting waiver relief. Charter’s lack of precision in its own processes should not be the basis on which the Bureau relies to conclude that thousands of customer locations are served and excluded from CAF Phase II support.

Thus, Charter has failed to provide any evidence of “special circumstances” justifying a waiver of the customer-evidence requirement in any of the challenged census blocks. Accordingly, Charter’s waiver should be denied, and the Bureau should not classify as “served” any census blocks for which Charter cannot provide evidence of at least one current or former broadband or voice customer.

**Cox Communications, Inc.**

With its CAF Phase II Challenge response Cox seeks a waiver of the customer evidentiary requirement for 178 census blocks of which some number are census blocks that CenturyLink initially challenged as unserved.<sup>19</sup> Cox requests a waiver of the customer evidentiary rule for 168 census blocks where Cox could not match a billing address with a serviceable address. Cox also requests a waiver for 10 census blocks where there are unfinished subdivisions. CenturyLink has previously addressed why these are not valid bases for waiver relief and repeats those arguments here.

For most of these census blocks, Cox does not assert that any special characteristics of the *blocks* justify a waiver. Rather, Cox asserts the Bureau should waive the customer-evidence requirement because *Cox* in many cases has failed to update its network deployment database to

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<sup>19</sup> Cox’s full Form 505 for its response to the initial challenges is not available in ECFS and as such, CenturyLink does not know for which census blocks CenturyLink challenged Cox is seeking a waiver, other than the two expressly identified in the waiver petition.

account for street address changes and similar developments, thus preventing Cox from using its billing records to identify current or former customers in these census blocks.<sup>20</sup> In essence, Cox asserts that the Bureau should presume Cox has customers in any census block where Cox has deployed available infrastructure. That is precisely the presumption the Bureau has repeatedly refused to make.

The Bureau already has determined that a census block generally may not be considered “served” by a provider — even if the provider has infrastructure in the block and holds itself out as offering service in the block — unless the provider has a current or former voice or broadband customer.<sup>21</sup> The shortcomings of Cox’s recordkeeping system do not constitute special circumstances that would justify relieving Cox of its burden to prove it serves or has served a customer in each census block it wishes to exclude from CAF Phase II funding. Cox’s request amounts to an improper collateral attack on the customer-evidence requirement, which the Bureau should not entertain.

Cox also requests waivers for 10 census blocks in which Cox asserts it has deployed infrastructure to unfinished subdivisions.<sup>22</sup> Cox argues a waiver of the customer-evidence requirement is justified because “the reason that Cox does not have any actual customers in these areas is that there are no customers to serve,” and Cox “already is committed to serving any customers who may appear [sic] those areas.”<sup>23</sup> Presumably, because these census blocks have been initially identified as eligible for CAF Phase II support, these census blocks have existing

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<sup>20</sup> Request for Waiver of Cox Communications, Inc. (“*Cox Waiver Petition*”) in WC Docket Nos. 10-90 & 14-93 on Nov. 10, 2014 at 4.

<sup>21</sup> *Phase II Challenge Recon Order*, 29 FCC Rcd at 9625; *Phase II Challenge Process Guidance PN*, 29 FCC Rcd at 7507-08.

<sup>22</sup> *Cox Waiver Petition* at 5-7.

<sup>23</sup> *Id.*, at 7.

consumer locations that have been identified for funding.<sup>24</sup> Cox has not explained why a failure to identify a current or former customer from among these census blocks' existing residents should be excused. To the extent that there are no consumers living in these census blocks, no CAF Phase II funding should be available. As such, either there are no special circumstances warranting a waiver for these 10 census blocks or the waiver request is moot.

Because Cox has failed to provide any evidence of “special circumstances” justifying a waiver of the customer-evidence requirement in any of the census blocks discussed herein, Cox’s waiver request should be denied. The Bureau should not classify as “served” any of these census blocks for which Cox cannot provide evidence of at least one current or former broadband or voice customer.

### **Northland Communications Corporation**

With its CAF Phase II Challenge response Northland seeks a waiver of the customer evidentiary requirement for 39 census blocks that CenturyLink initially challenged as unserved. Northland’s reasons for not having customers in these census blocks and thus needing a waiver are (1) “these are very rural areas with a low population density per census block” such that “the number of potential customers per census block is significantly lower than in more populated urban and suburban area”; and (2) “many of these census blocks are in areas where the income level is quite low, and residents may not have the means (or desire) to purchase broadband service.”<sup>25</sup> Northland provides no further detail about the particular population densities or income levels in these census blocks. High-cost areas inherently have a lower population density

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<sup>24</sup> The locations eligible for funding should result from U.S. Census data that reflects that customers are living in the census blocks.

<sup>25</sup> Petition for Limited Waiver of CAF Phase II Evidentiary Requirement filed by Northland Communications Corporation (“*Northland Waiver Petition*”) in WC Docket No. 14-93 on Nov. 10, 2014 at 4-5.

than urban and suburban areas and should not be “special circumstances” warranting a waiver of the evidentiary requirement. Further, as addressed above, mere guessing as to why one cannot meet the customer evidentiary requirement should not be sufficient to support waiver of the requirement. A petitioner should have to demonstrate the actual – not just the possible – existence of circumstances that warrant waiver relief. Accordingly, in the absence of such a showing, Northland’s waiver should be denied, and the Bureau should not classify as “served” any census block for which Northland cannot provide evidence of at least one current or former broadband or voice customer.

**Shenandoah Cable Television, LLC (Shentel)**

With its CAF Phase II Challenge response Shentel seeks a waiver of the customer evidentiary requirement for 58 census blocks that CenturyLink initially challenged as unserved. Shentel’s reasons for not having customers in these census blocks and thus needing a waiver are (1) “these are very rural areas with a low population density per census block” such that “the number of potential customers per census block is significantly lower than in more populated urban and suburban areas; and (2) “many of these census blocks are in areas where the income level is quite low, and residents may not have the means (or desire) to purchase broadband service.”<sup>26</sup> These are the same arguments that Shentel made in its first waiver with its initial challenge and to which CenturyLink has already responded. Shentel provides no further detail about the particular population densities or income levels in these census blocks. High-cost areas inherently have a lower population density than urban and suburban areas and should not be “special circumstances” warranting a waiver of the evidentiary requirement. Further,

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<sup>26</sup> Petition for Limited Waiver of CAF Phase II Evidentiary Requirement filed by Shenandoah Cable Television (“*Shentel Waiver Petition*”) in WC Docket Nos. 10-90 & 14-93 on Nov. 10, 2014 at 4.

CenturyLink has provided statistical data that demonstrates that there is not a statistically significant difference in either population density or per capita income in census blocks for which Shentel previously sought a waiver and those in which it did not.<sup>27</sup> This data disputes Shentel's contention that it faces special income- or density-based barriers in these census blocks where it has no current or former customers.

Shentel also argues, as it did previously, that a waiver is justified in a number of census blocks where it acquired systems as long as five years ago but apparently did not obtain historical billing records for the acquired systems.<sup>28</sup> CenturyLink responds, as it did previously, that the fact that Shentel failed to acquire these records from the systems' prior owners is not a valid basis on which to waive the customer-evidence requirement. Shentel essentially asks the Bureau to presume the blocks Shentel identified were served in the absence of evidence to the contrary. It is, however, the burden of the provider wishing to demonstrate that it serves a census block to present evidence of current or former customers in each census block the provider seeks to exclude from CAF Phase II finding eligibility. Sales of cable systems are common; Shentel's failure to obtain historical billing records for its acquired systems does not constitute a "special circumstance" that would justify relieving Shentel of the Bureau's evidentiary requirements. Thus, Shentel has failed to provide any evidence of "special circumstances" justifying a waiver of the customer-evidence requirement in any of the challenged blocks. Accordingly, Shentel's waiver should be denied, and the Bureau should not classify as "served" any census blocks for which Shentel cannot provide evidence of at least one current or former broadband or voice customer.

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<sup>27</sup> CenturyLink CAF Phase II Response to Challenges, Exhibit 1 at 14-16 and Exhibit 14.

<sup>28</sup> *Shentel Waiver Petition* at 4.

## **Vyve Broadband**

With its CAF Phase II Challenge response Vyve seeks a waiver of the customer evidentiary requirement for 35 census blocks that CenturyLink initially challenged as unserved. Vyve's reasons for not having customers in these census blocks and thus needing a waiver are (1) "these are very rural areas with a low population density per census block" such that "the number of potential customers per census block is significantly lower than in more populated urban and suburban area"; and (2) "many of these census blocks are in areas where the income level is quite low, and residents may not have the means (or desire) to purchase broadband service."<sup>29</sup> Vyve provides no further detail about the particular population densities or income levels in these census blocks. High-cost areas inherently have a lower population density than urban and suburban areas and should not be "special circumstances" warranting a waiver of the evidentiary requirement. Further, Vyve's mere speculation as to why customers are not purchasing their services in some of these census blocks should not be sufficient to sustain the requested waiver relief. Accordingly, Vyve's waiver should be denied, and the Bureau should not classify as "served" any census block for which Vyve cannot provide evidence of at least one current or former broadband or voice customer.

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<sup>29</sup> Petition for Limited Waiver of CAF Phase II Evidentiary Requirement filed by Vyve Broadband ("*Vyve Waiver Petition*") in WC Docket No. 14-93 on Nov. 10, 2014 at 5.

**III. Conclusion.**

For these reasons and all of the reasons that CenturyLink has previously expressed, CenturyLink continues to object to waiver of the customer evidentiary requirement to demonstrate that a census block is served for CAF Phase II purposes, and CenturyLink requests that the Bureau deny the requested waiver relief.

Respectfully submitted,

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