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REDACTED – FOR PUBLIC INSPECTION

Via ECFS

January 29, 2015

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

Re: *In the Matter of Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25; RM-10593 – Redacted Response to Data Collection

Dear Ms. Dortch:

Enclosed for filing in the above-referenced proceedings is a redacted version of CenturyLink's responses to the essay questions in the Commission's special access data collection,¹ except for Question II.A.5.² CenturyLink is making this filing pursuant to the instructions in the *Data Collection Protective Order*.³ As also instructed,⁴ CenturyLink has filed "Confidential" and

¹ *In the Matter of Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25; RM-10593, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 16318 (2012); Notice of Office of Management and Budget Action, OMB Control No. 3060-1197 (Aug. 15, 2014); Order on Reconsideration, DA 14-1327 (rel. Sept. 15, 2014), Order, DA 14-1706 (rel. Nov. 26, 2014) (establishing a January 29, 2015 deadline for submissions by large companies); Public Notice and attached administrative subpoena, DA 15-66 (rel. Jan. 16, 2015).

² CenturyLink will file its responses to the remaining questions in the data collection in a subsequent response. Also related to today's data response submission, CenturyLink is separately filing a Petition for Limited Waiver of Deadline for Data Submission.

³ See *In the Matter of Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25; RM-10593, Order

“Highly Confidential” versions of its responses to these essay questions in the Special Access Web Portal established for this purpose.

CenturyLink’s response submitted through the Special Access Web Portal includes highly confidential information, confidential information and public information in the form of essay responses and exhibits. The highly confidential and confidential information is the proprietary commercial and financial information of CenturyLink that is entitled to protection from public disclosure. Although the highly confidential and confidential information is specifically protected from disclosure pursuant to the terms of the *Data Collection Protective Order*, CenturyLink has attached to this correspondence an Appendix providing separate justification for highly confidential and confidential treatment under FOIA⁵ and the Commission’s implementing rules, 47 C.F.R. §§ 0.457, 0.459.

The essay responses submitted through the Special Access Web Portal include highly confidential information of the following types: rules and assumptions for making build decisions; recently won requests for proposal; CenturyLink’s experiences in changing transport providers in 2013; identification of circuits purchased under tariff to meet volume commitments since 2013; details on switching dedicated service providers during the past five years; and explanations of the circumstances under which the company paid one-month term-only rates since January 1, 2013. All of this information is highly sensitive financial and/or commercial information regarding CenturyLink’s operations and service offerings. This information is the type of highly confidential information specifically covered in Appendix B to the *Data Collection Protective Order*, and thus is entitled to highly confidential treatment and protection from public disclosure.

Additionally, one essay response includes confidential information related to how CenturyLink’s sales commitments as a Competitive Provider differ from similar incumbent LEC sales. This data is considered confidential because it reveals proprietary information concerning the manner in which the company structures its commercial offerings. This type of confidential information is competitively sensitive commercial information that is not otherwise available from public sources and thus is entitled to confidential treatment and protection from public disclosure.

and Data Collection Protective Order, DA-1424 ¶ 22 (Wireline Comp. Bur. rel. Oct. 1, 2014) (*Data Collection Protective Order*).

⁴ *In the Matter of Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25; RM-10593, Order on Reconsideration, 29 FCC Rcd 10899, Appendix A, Questions II.A.8; II.A.10, II.A.11, Part 2; II.A.18-19; II.D.1-2; II.F.8-12 (Wireline Comp. Bur. 2014).

⁵ 5 U.S.C. § 552. See also *Data Collection Protective Order*, Appendix A, ¶ 1.

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The highly confidential information included in the documents submitted via the Special Access Web Portal 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 would have a substantial negative competitive impact on CenturyLink. Accordingly, the submitted highly confidential information is appropriate for non-disclosure pursuant to the *Data Collection Protective Order* and under sections 0.457(d) and 0.459 of the Commission's rules (as detailed in the attached Appendix).

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. Such information would not ordinarily be made available to the public. Release of the confidential information would have a negative competitive impact on CenturyLink. Accordingly, the submitted confidential information is appropriate for non-disclosure pursuant to the *Data Collection Protective Order* and under sections 0.457(d) and 0.459 of the Commission's rules (as detailed in the attached Appendix).

CenturyLink's redacted essay responses to the data collection, in which the highly confidential and confidential information has been omitted, along with the portions of its response to the data collection containing no highly confidential or confidential information, are being submitted today via the Commission's Electronic Comment Filing System (ECFS). This letter and confidentiality justification, which includes no highly confidential or confidential information, is marked "**REDACTED – FOR PUBLIC INSPECTION**".

Please contact me via the above contact information or Jeff Lanning in CenturyLink's Federal Regulatory Affairs office (202-429-3113) if you have any questions.

Sincerely,

/s/ Craig J. Brown

Enclosures

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APPENDIX

Confidentiality Justification

47 C.F.R. § 0.457

Information included with CenturyLink's January 29, 2015 response to the Commission's special access data collection is also entitled to highly confidential treatment under 47 C.F.R. § 0.457, as well as the October 1, 2014 Order and Data Collection Protective Order (*Data Collection Protective Order*) in WC Docket No. 05-25 and RM-10593. The following types of highly confidential information are included: rules and assumptions for making build decisions; recently won requests for proposal; CenturyLink's experiences in changing transport providers in 2013; identification of circuits purchased under tariff to meet volume commitments since 2013; details on switching dedicated service providers during the past five years; and explanations of the circumstances under which the company paid one-month term-only rates since January 1, 2013. All of this information is highly sensitive financial and/or commercial information regarding CenturyLink's operations and service offerings. This information 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 information is the type of highly confidential information specifically covered in Appendix B to the *Data Collection Protective Order*, and which is thus entitled to highly confidential treatment and non-disclosure to the public.

Additionally, one essay response includes confidential information related to how CenturyLink's sales commitments as a Competitive Provider differ from similar incumbent LEC sales. This data is considered confidential because it reveals proprietary information concerning the manner in which the company structures its commercial offerings. This type of confidential information is competitively sensitive commercial information that is not otherwise available from public sources and thus is entitled to confidential treatment and protection from public availability under 47 C.F.R. § 0.457(d). This information is also covered under the *Data Collection Protective Order* as it is competitively sensitive commercial information relating to the services CenturyLink provides.

47 C.F.R. § 0.459

CenturyLink also considers the highly confidential and confidential information submitted with its response to the Commission's special access data collection in WC Docket No. 05-25 and RM-10593 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 January 29, 2015 response, which is highly confidential and proprietary commercial and financial information that is protected from public disclosure and availability. CenturyLink also seeks confidential treatment for information included with its January 29, 2015 response, which is confidential and proprietary commercial information that is protected from public disclosure and availability.

Commission proceeding in which the information was submitted

The response to the Commission's special access data collection is being submitted in WC Docket No. 05-25 and RM-10593, *In the Matter of Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*.

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

The essay responses include data CenturyLink considers proprietary and highly confidential as it includes information related to rules and assumptions for making build decisions; recently won requests for proposal; company experiences in changing transport providers in 2013; identification of circuits purchased under tariff to meet volume commitments since 2013; details on switching dedicated service providers during the past five years; and explanations of the circumstances under which the company paid one-month term-only rates since January 1, 2013. 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).

One essay response includes confidential information related to how CenturyLink's sales commitments as a Competitive Provider differ from similar incumbent LEC sales. 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).

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 essay responses 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

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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 operates.

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 has treated and treats the sensitive financial and commercial information disclosed in its essay responses as highly confidential and confidential, and has 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 sensitive financial and commercial information included with its essay responses 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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**SPECIAL ACCESS DATA COLLECTION
CENTURYLINK ESSAY RESPONSES**

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II.A.8. Explain your business rule(s) used to determine whether to build a Connection to a particular Location. Provide underlying assumptions.

- a. Describe the business rules and other factors that determine where you build your Connections. Examples of such rules/factors are minimum Term Commitments or minimum capacity commitments by the buyer; maximum build distances from the building to your core network; and/or number of competitors in the area. Include, also, any factors that would prevent you from building a Connection to an otherwise suitable Location. These could be factors that are under your control or those that are not.*
- b. Explain how, if at all, business density is incorporated into your business rule, and if so, how you measure business density.*
- c. In areas where your business rule has been most successful, explain why. Provide examples of geographic regions (if any) where you generally were or are able to successfully deploy Connections, and where you generally have experienced or currently experience serious difficulties in deploying Connections, and, if you are able to provide examples of both kind of regions, indicate what distinguishes these different regions.*

Response:

a., b. [BEGIN HIGHLY CONFIDENTIAL]

[END HIGHLY CONFIDENTIAL]

c. There are several factors that tend to improve CenturyLink's ability to successfully deploy Connections in a particular area, including the presence of customer locations in relatively close proximity to the company's network backbone or other existing facilities in that area. In addition, deploying in areas where density and other factors noted in our response to II.A.8.a.,b. above are present also contributes to successful deployments. CenturyLink also has found that, regardless of geography, successful deployments occur more frequently when the company has, or can establish, a good working relationship with the local municipality, to ensure a smooth permitting and right-of-way process -- which enables fast and efficient, facility deployment. Establishing and maintaining a good working relationship with the building- or land-owner involved, or having a customer who has those relationships, also aids in successful deployment. Conversely, deploying the first Connections in a new market where those relationships have not yet been established can make those deployments more challenging.

***II.A.10. Marketing Plans.** Provide data, maps, information, marketing materials, and/or documents identifying those geographic areas where you, or an Affiliated Company, advertised or marketed Dedicated Service over existing facilities, via leased facilities, or by building out new facilities as of December 31, 2013, or planned to advertise or market such services within twenty-four months of those dates.*

Response:

CenturyLink advertises and provides Dedicated Services on a nationwide basis. A sampling of CenturyLink's marketing and advertising can be found on the company's website. See CenturyLink website, Small-Medium Business, <http://www.centurylink.com/small-business/>; Large Business, <https://www.centurylink.com/business/>.

II.A.11 Part 2. Lastly, identify the business rules you rely upon to determine whether to submit a bid in response to an RFP.

Response:

[BEGIN HIGHLY CONFIDENTIAL]

[END HIGHLY CONFIDENTIAL]

II.A.18. If you offer Dedicated Services pursuant to an agreement or Tariff that contains either a Prior Purchase-Based Commitment or a Non-Rate Benefit, then explain how, if at all, those sales are distinguishable from similarly structured ILEC sales of DS1s, DS3s, and/or PBDS.

Response:

QCC Corporation, CenturyTel Solutions, LLC, Embarq Communications, Inc.,
CenturyTelAcquisitions, LLC. **[BEGIN CONFIDENTIAL]**

[END CONFIDENTIAL]

Due to the highly competitive environment in our CLEC markets, one non-rate benefit that is offered by these entities is **[BEGIN CONFIDENTIAL]**

[END CONFIDENTIAL]

II.A.19. Business Justification for Term and Volume Commitments. Provide the business justification for the Term or Volume Commitments associated with any Tariff or agreement you offer or have in effect with a customer for the sale of Dedicated Services.

Response:

Term and volume discounts are standard in the industry and are offered by all types of providers. The business justification for such discounts is that they guarantee sufficient revenue to justify the cost of deploying facilities necessary to provide service to a given location or locations. The more a customer commits, in term or volume, the greater the discount. Because of the massive capital expenditures required to maintain and operate communications networks, multi-year commitments are needed to adequately recover those investments, ensure adequate returns on investment, and provide expected returns to shareholders.

II.D.1. Short Term and Long Term Strategies. Describe your company's short term and long-range promotional and advertising strategies and objectives for winning new – or retaining current – customers for Dedicated Services. In your description, please describe the size (e.g., companies with 500 employees or less, etc.), geographic scope (e.g., national, southeast, Chicago, etc.), and type of customers your company targets or plans to target through these strategies.

Response:

CenturyLink is a national provider of Dedicated Services. Our 240,000 route-mile fiber network spans the U.S. from coast to coast. Our strategies and objectives for winning new customers and retaining existing customers for our Dedicated Services center on our network investment and the innovative service solutions we provide to our customers. We compete in an environment that is broadband-enabled and Internet Protocol (IP) driven. Our long-term investment focus therefore is on developing the technologies and capabilities we need to deliver differentiated services with an outstanding customer experience.

In this vein, we recently combined the organizations serving our enterprise and small-to-medium business customers into one operating group. This move is designed to streamline our end-to-end service delivery and sales to our network services enterprise customers and to maintain our local market focus for small-to-medium size businesses.

II.D.2. Identify where your company's policies are recorded on the following Dedicated Service-related processes: (a) initiation of service; (b) service Upgrades; and (c) service Disconnections. For instance, identify where your company records recurring and non-recurring

charges associated with the processes listed above. If recorded in a Tariff, provide the specific Tariff section(s). If these policies are recorded in documents other than Tariffs, list those documents and state whether they are publicly available. If they are publicly available, explain how to find them. For documents that are not publicly available, state whether they are conveyed to customers orally or in writing.

Response:

See:

Exhibit II.D.2-1 ILEC Intrastate Access Service Tariff References

Exhibit II.D.2-2 ILEC FCC Access Service Tariff References

Exhibit II.D.2-3 Embarq and CenturyTel Local Service Tariff References

Exhibit II.D.2-4 Qwest Corporation Local Service Tariff References

II.F.8. Terms and Conditions Constraints. (Optional) Explain whether the terms and conditions of any Tariff or contract to which you are a party for the purchase of Dedicated Services or the policies of any of your Providers constrain your ability to:

- a. Decrease your purchases from your current Provider(s);*
- b. Purchase services from another Provider currently operating in the geographic areas in which you purchase services;*
- c. Purchase non-tariffed services, such as Ethernet services, from your current Provider of tariffed DS1, DS3, and/or PBDS services or from other Providers operating in the geographic areas in which you purchase tariffed services;*
- d. Contract with Providers that are considering entering the geographic areas in which you purchase tariffed services;*
- e. Move circuits, for example, moving your DS1 and/or DS3 End-User Channel Terminations to connect to another Transport Provider; or*
- f. Otherwise obtain Dedicated Services or change Providers.*

Response:

- a. Consistent with their intent, tariffs or contracts with volume-based commitments generally do not permit CenturyLink to reduce its purchases below the committed level without penalty during the term of the tariff or contract. But these tariffs and contracts generally do not constrain CenturyLink's ability to do so at the end of the term.
- b. In CenturyLink's experience, such tariffs and contracts do not contain terms constraining CenturyLink's purchase of services from other providers.
- c. In CenturyLink's experience, such tariffs and contracts do not contain terms constraining CenturyLink's purchase of non-tariffed services.
- d. In CenturyLink's experience, such tariffs and contracts do not contain terms constraining CenturyLink's ability to contract with other providers.

e. In CenturyLink's experience, such tariffs and contracts do not contain terms constraining CenturyLink's move of circuits to other providers.

f. In CenturyLink's experience, such tariffs and contracts do not contain terms constraining CenturyLink's ability to obtain Dedicated Services or change Providers.

II.F.9. Changing Transport Providers. (Optional) *If you purchase, or purchased, Transport Service and End User Channel Terminations from the same Provider, explain your experience with changing Transport Service from one Provider to another between January 1 and December 31, 2013 while keeping your End User Channel Terminations with the original Provider. Where appropriate, identify the Provider(s) in your responses below and indicate whether they are an ILEC or a Competitive Provider.*

- a. *How many times did you change Transport Service while keeping your End User Channel Terminations with the original Provider? An estimate of the number of circuits moved to a new Transport Provider, or the number of such changes requested, is sufficient.*
- b. *What was the length of time, on average, it took for the original Provider to complete the process of connecting your last-mile End-user Channel Terminations to another Transport Provider? An estimate is sufficient.*
- c. *Were you given the opportunity to negotiate the amount of time it would take to complete the process of connecting your End User Channel Terminations to another Transport Provider on a case-by-case basis? In answering this question, also describe and provide citations to the ILEC's or Competitive Provider's policies, rules or, where relevant, Tariff provisions, if known, explaining the transition process.*
- d. *How did connecting to a new Transport Provider impact the rate you paid for the End User Channel Terminations you continued to purchase from the original Provider?*
- e. *Did connecting to a new Transport Provider typically impact the rate you continued to pay for Transport Service from the original Provider while the change in Transport Providers remained pending? If so, how? What was the average percentage change in rates? For example, did you ever pay a One Month Term Only Rate during that time?*

Response:

a. For CenturyLink's out-of-region affiliate, CenturyLink Communications, LLC (CCLC), this is a relatively common occurrence, driven by various optimization strategies. In terms of volume, approximately [BEGIN HIGHLY CONFIDENTIAL] [END HIGHLY CONFIDENTIAL] percent of CCLC's Channel Terminations [BEGIN HIGHLY CONFIDENTIAL] [END HIGHLY CONFIDENTIAL] are impacted annually by such changes of transport providers. These transfers occur through [BEGIN HIGHLY CONFIDENTIAL] [END HIGHLY CONFIDENTIAL] projects annually. This includes multiple types of transitions: (1) from transport provided by an ILEC to newly-established CCLC transport, (2) from transport provided by an ILEC to transport provided by a CLEC, (3) from transport provided by a CLEC to newly-established CCLC

transport, and (4) from transport provided by one CLEC to another.

b. For a typical project in which CenturyLink is moving Channel Terminations at [BEGIN HIGHLY CONFIDENTIAL] [END HIGHLY CONFIDENTIAL] ILEC end offices from ILEC transport to newly-placed CCLC transport, it may take approximately [BEGIN HIGHLY CONFIDENTIAL] [END HIGHLY CONFIDENTIAL] to complete such a project. [BEGIN HIGHLY CONFIDENTIAL]

[END HIGHLY CONFIDENTIAL]

c. These timelines are generally dictated in the applicable tariff, contract or policy of the Transport Provider from which CCLC is disconnecting Transport Services, [BEGIN HIGHLY CONFIDENTIAL]

[END HIGHLY CONFIDENTIAL]

d. [BEGIN HIGHLY CONFIDENTIAL]

[END HIGHLY CONFIDENTIAL]

e. [BEGIN HIGHLY CONFIDENTIAL]

[END HIGHLY CONFIDENTIAL]

II.F.10. Purchases Solely for the Purpose of Meeting a Prior Purchase-Based Commitment.
(Optional) Describe any circumstances since January 1, 2013, in which you have purchased circuits pursuant to a Tariff, solely for the purpose of meeting a Prior Purchase-Based Commitment required for a discount or Non-Rate Benefit from your Provider (i.e., you would not have purchased the circuit but for the requirement that you meet a Volume Commitment required for a discount or Non-Rate Benefit from your Provider). In your description, provide at least one example, which at a minimum, lists:

- a. The name of the Provider providing the circuits at issue;*
- b. A description of the Prior Purchase-Based Commitment;*
- c. The Tariff and section number(s) of the specific terms and conditions described;*
- d. The number of circuits you would not have purchased but for the Prior Purchase-Based Commitment requirement to receive a discount or Non-Rate Benefit;*
 - i. Of the circuits reported in II.F.10.d, how many did you not use at all?*
- e. A comparison of the dollar amount of the unnecessary circuit(s) purchased versus the dollar amount of penalties your company would have had to pay under the Prior Purchase-Based Commitment had it not purchased and/or maintained the circuit(s), and a description of how that comparison was calculated.*

- f. *How many circuits were activated under the identified Tariff plan and not used when you initially entered into the plan? What were these unused circuits as a percent of the total circuits currently purchased under this Tariff plan? Indicate the percent of the total circuits currently purchased under this Tariff plan that exceed your Prior Purchase-Based Commitment.*
- g. *For the Prior Purchase-Based Commitment, indicate whether you are able to buy any DS1s or DS3s from the Provider outside of the identified Tariff plan, or are you required to make all purchases from the Provider pursuant to the identified Tariff plan?*

Response:

[BEGIN HIGHLY CONFIDENTIAL]

[END HIGHLY CONFIDENTIAL]

II.F.11. Switching Providers. *For each year for the past five years, state the number of times and in what geographic area(s) you have switched from purchasing End-User Channel Terminations from one Provider of Dedicated Services to another.*

Response:

[BEGIN HIGHLY CONFIDENTIAL]

[END HIGHLY CONFIDENTIAL]

II.F.12. Paying One Month Term Only Rates. *(Optional) Explain the circumstances since January 1, 2013 under which you have paid One Month Term Only Rates for DS1, DS3, and/or PBDS services and the impact, if any, it had on your business and your customers. In your response, indicate any general rules you follow, if any, concerning the maximum number of circuits and maximum amount of time you will pay One Month Term Only Rates, and your business rationale for any such rules.*

Response:

[BEGIN HIGHLY CONFIDENTIAL]

[END

HIGHLY CONFIDENTIAL]

CenturyLink purchases a relatively small volume of Dedicated Services from a large percentage of its vendors. In particular, **[BEGIN HIGHLY CONFIDENTIAL]**
[END HIGHLY CONFIDENTIAL] vendors have annual billing of less than \$2000, and approximately **[BEGIN HIGHLY CONFIDENTIAL]** **[END HIGHLY CONFIDENTIAL]** have annual billing of less than \$5000.

[BEGIN HIGHLY CONFIDENTIAL]

[END HIGHLY CONFIDENTIAL]