



1801 California Street, 10th Floor
Denver, Colorado 80202
Phone 303 992-2503
Facsimile 303 296-4576

Craig J. Brown
Associate General Counsel

**REDACTED – FOR PUBLIC INSPECTION
REQUEST FOR CONFIDENTIAL TREATMENT**

Via Courier

February 5, 2015

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

Re: *Ensuring Customer Premises Equipment Backup Power for Continuity of Communications, et al.*, PS Docket No. 14-174, *et al.* – CenturyLink’s Comments

Dear Ms. Dortch:

CenturyLink requests that specified information contained in the enclosed Comments in response to the Notice of Proposed Rulemaking in the above-captioned proceeding be withheld from public disclosure pursuant to Sections 0.457 and 0.459 of the Commission’s rules, 47 C.F.R. §§ 0.457, 0.459. Such information is proprietary and commercially sensitive confidential information that CenturyLink does not disclose to the public in the normal course of business and thus should not be available for public inspection. Release of the confidential information in the Comments would have a substantial negative competitive impact on CenturyLink. Pursuant to 47 C.F.R. § 0.459(b), CenturyLink provides justification for the confidential treatment of this information in the Appendix to this letter.

Because it was not feasible to separate out the confidential information without destroying the integrated nature of the information presented in the Comments, CenturyLink is submitting two versions of its Comments: (1) a version that discloses the confidential information that is subject to this confidentiality request (the “confidential version”); and (2) a version that redacts the confidential information subject to this confidentiality request (the “public version”). CenturyLink also requests that no further copies be made of the confidential version of the Comments.

Consistent with this request, CenturyLink has labeled the confidential version of the Comments with a banner at the top of each page stating “CONFIDENTIAL – NOT FOR PUBLIC INSPECTION – COPYING PROHIBITED” and has identified the specific information for which it is seeking confidential treatment by placing it between the notice “[BEGIN

**REDACTED – FOR PUBLIC INSPECTION
REQUEST FOR CONFIDENTIAL TREATMENT**

Ms. Marlene H. Dortch
February 5, 2015
Page 2

CONFIDENTIAL]” and the notice “[END CONFIDENTIAL].” CenturyLink has labeled the public version with a banner at the top of each page stating “REDACTED – FOR PUBLIC INSPECTION.” CenturyLink is also filing the public version of its Comments via the Commission’s Electronic Comment Filing System (“ECFS”).

In order to avoid the proliferation of copies of the confidential version of the Comments and the attendant risk of disclosure of confidential information, CenturyLink is submitting with this request one original hard copy of the confidential version of the Comments, along with an extra copy to be stamped and returned to the courier. In addition, CenturyLink will be providing courtesy copies of the confidential version to staff from the Pricing Policy Division and the Competition Policy Division of the Wireline Competition Bureau. CenturyLink is also submitting an original and one copy of the public version of the Comments.

This letter includes no confidential information, and the text is the same in both the confidential and public versions except for the confidentiality markings at the top of each page.

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

Sincerely,

/s/ Craig J. Brown

Enclosures

**REDACTED – FOR PUBLIC INSPECTION
REQUEST FOR CONFIDENTIAL TREATMENT**

Ms. Marlene H. Dortch
February 5, 2015
Page 3

APPENDIX

Confidentiality Justification

CenturyLink requests confidential treatment of the identified information provided in its Comments because this information is competitively sensitive under Exemption 4 of the Freedom of Information Act, and its disclosure would have a negative competitive impact on CenturyLink. Such information would not ordinarily be made available to the public and should be afforded confidential treatment under both 47 C.F.R. §§ 0.457 and 0.459.

47 C.F.R. § 0.457

Competitive information in the Comments is confidential and proprietary to CenturyLink as “commercial or financial information” under section 0.457(d). Disclosure of such information to the public would risk revealing company-sensitive proprietary information in connection with CenturyLink’s ongoing business plans and customer contracts. Therefore, in the normal course of Commission practice, this information should be considered “Records not routinely available for public inspection.”

47 C.F.R. § 0.459

Specific information in the Comments is also subject to protection under 47 C.F.R. § 0.459. CenturyLink provides the following information in support of its request, as required by Section 0.459(b):

Information for which confidential treatment is sought

CenturyLink requests that specific information in the confidential version of the Comments (set off with brackets and confidential markings), be treated on a confidential basis under Exemption 4 of the Freedom of Information Act. This information is competitively sensitive data that CenturyLink maintains as confidential and does not normally make available to the public. Release of the information would have a substantial negative competitive impact on CenturyLink. The confidential information in the confidential version of CenturyLink’s Comments is contained between the notice “[BEGIN CONFIDENTIAL]” and the notice “[END CONFIDENTIAL].”

**REDACTED – FOR PUBLIC INSPECTION
REQUEST FOR CONFIDENTIAL TREATMENT**

Ms. Marlene H. Dortch
February 5, 2015
Page 4

Commission proceeding in which the information was submitted

The information is being submitted in CenturyLink's Comments filed in response to the Notice of Proposed Rulemaking in the proceeding captioned *Ensuring Customer Premises Equipment Backup Power for Continuity of Communications*, PS Docket No. 14-174, *et al.*

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

The competitive information designated as confidential in the Comments concerns CenturyLink's existing and/or potential contracts with wholesale partners. As noted above, this data is competitively sensitive information that is not normally released to the public, as such release would have a substantial negative competitive impact on CenturyLink. This data would reveal both the extent of CenturyLink's and/or its suppliers' penetration in an important service market and the availability of competitive alternative sources of customer access. Such data would provide competitors with valuable insight into CenturyLink's business plan and operations, as well as those of other entities with which CenturyLink does business.

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 commercial information in question relates to CenturyLink's provision of business Ethernet service, one of the most dynamic, competitive markets in the communications industry, and thus "concerns a service subject to competition." 47 C.F.R. § 0.459(b)(4). This type of commercial information 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 correctly anticipates that the release of this kind of information likely would produce competitive harm. Indeed, the Commission has frequently permitted confidential treatment of this type of information. CenturyLink confirms that release of the information designated as confidential in the Comments would cause it substantial competitive harm by allowing its competitors to become aware of sensitive proprietary information regarding the operation of CenturyLink's business and the businesses of its suppliers in a highly competitive industry. CenturyLink thus has shown the requisite "[a]ctual competition and the likelihood of substantial competitive injury" that is "sufficient to bring commercial information within the realm of confidentiality." *Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1291 (D.C. Cir. 1983) (quoting *Gulf & Western Industries v. U.S.*, 615 F.2d 527, 530 (D.C. Cir. 1979)).

**REDACTED – FOR PUBLIC INSPECTION
REQUEST FOR CONFIDENTIAL TREATMENT**

Ms. Marlene H. Dortch
February 5, 2015
Page 5

Measures taken by CenturyLink 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 non-public information disclosed in the Comments as confidential and has protected it from public disclosure to parties outside the company.

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

CenturyLink cannot determine at this time any date on which this information should not be considered confidential or would become stale for purposes of the current matters, except that the information would be handled in conformity with general CenturyLink records retention policies, absent any continuing legal hold on the data.

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

Under applicable Commission 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.