



Melissa E. Newman
Senior Vice President
Federal Policy and Regulatory Affairs
1099 New York Avenue NW
Suite 250
Washington, DC 20001
202.429.3120

NOTICE OF EX PARTE

February 24, 2015

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

Re: *CenturyLink's Petition for Forbearance Pursuant to 47 U.S.C. § 160(c) from Dominant Carrier and Computer Inquiry Tariffing Requirements on Enterprise Broadband Services*, WC Docket No. 14-9

Dear Ms. Dortch:

Throughout this proceeding, CenturyLink Inc. ("CenturyLink") has emphasized that it, virtually alone among providers of enterprise broadband services, is subject in some territories to dominant carrier and tariffing regulations with respect to those offerings. This point was hammered home by the 2014 U.S. Carrier Ethernet Leaderboard, just released by market-research and strategic-consulting firm Vertical Systems Group ("VSG").¹

Among the eight Ethernet providers that (according to VSG) led the market in 2014 – AT&T, Verizon, Level 3, CenturyLink, Time Warner Cable, Comcast, Cox and XO – *CenturyLink is the only one subject to dominant carrier and tariffing requirements for the services at issue*. Indeed, CenturyLink is *virtually alone among all providers with one percent or more of the market* in facing these regulations. There is simply no justification for this disparate treatment. The record contains no evidence that the territories in which CenturyLink is subject to such regulation are any less competitive than the areas in which others (including AT&T, Verizon, Frontier, and ACS) have won the relief CenturyLink seeks. In fact, at the end of 2014, CenturyLink provisioned *fewer* retail Ethernet ports than AT&T and Verizon, not to mention Level 3, which was never subject to these obligations in the first place.

¹ Vertical Systems Group, 2014 U.S. Carrier Ethernet LEADERBOARD (Feb. 19, 2015), available at <http://www.verticalsystems.com/vsglb/2014-u-s-carrier-ethernet-leaderboard/>.

Ms. Marlene H. Dortch
February 24, 2015
Page 2 of 2

VSG's findings confirm the central points underpinning CenturyLink's petition for forbearance. The Commission therefore should approve the petition in full, allowing CenturyLink to compete on equal terms with other providers in the nationwide enterprise broadband marketplace – including those with higher market shares than CenturyLink itself.

Sincerely,

/s/ Melissa Newman

Copy via email to:
Julie Veach
Pamela Arluk
Randy Clarke
Rebekah Goodheart
Nicholas Degani
Travis Litman
Amy Bender