



1801 California Street, 10th Floor
Denver, Colorado 80202
Phone 303 992-2503
Facsimile 303 896-1107

Craig J. Brown
Senior Associate General Counsel

VIA ECFS

October 27, 2015

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

Re: In the Matters of Special Access for Price Cap Local Exchange Carriers; AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services; Technology Transitions; AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition, WC Docket No. 05-25, RM-10593, GN Docket Nos. 13-5, 12-353

Dear Ms. Dortch:

CenturyLink respectfully objects to the disclosure of its Confidential and Highly Confidential Information and Data to Neil Stevens,¹ under the *Data Collection Protective Order*, *Second Protective Order*, and *Modified Protective Order* in WC Docket No. 05-25,² and the

¹ See Letter from Neil Stevens, RedState.com, to Ms. Marlene H. Dortch, FCC, WC Docket No. 05-25, RM-10593, GN Docket Nos. 13-5 and 12-353 (dated Oct. 22, 2015) (*Stevens Acknowledgements*).

² *In the Matter of Special Access for Price Cap Local Exchange Carriers; AT&T Corp. 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 and Data Collection Protective Order, DA 14-1424 (rel. Oct. 1, 2014) (*Data Collection Protective Order*); *see In re Special Access for Price Cap Local Exchange Carriers*, WC Docket No. 05-25, RM-10593, Second Protective Order, DA 10-2419 (rel. Dec. 27, 2010) (*Second Protective Order*); *In re Special Access for Price Cap Local Exchange Carriers*, WC Docket No. 05-25, RM-10593, Modified Protective Order, DA 10-2075 (rel. Oct. 28, 2010) (*Modified Protective Order*).

Technology Transitions Protective Order and *Second Technology Transitions Protective Order* in GN Docket Nos. 13-5 and 12-353 (collectively, the *Protective Orders*).³

Each of the three *Protective Orders* governing access to Highly Confidential Information (the *Data Collection Protective Order*, *Second Protective Order*, and *Second Technology Transitions Protective Order*) limits access to such information to Outside Counsel of Record, Outside Consultants, and certain of their associated employees.⁴ Mr. Stevens does not fit within any of these definitions, as he is not an “Outside Counsel” or “Outside Consultant” for any Participant in this proceeding, nor is he employed by such an Outside Counsel or Outside Consultant. Nor does Mr. Stevens represent or otherwise consult for any Participant in the proceedings in question.

Moreover, neither Mr. Stevens nor his employer (RedState.com) is a “Participant” in the above-captioned proceedings. Under the *Protective Orders*, a “Participant” is defined as “a person or entity that has filed, or has a good faith intention to file, material comments in this proceeding.”⁵ Mr. Stevens and RedState.com have made no submissions in these proceedings, other than Mr. Stevens’ submission seeking access to Confidential and Highly Confidential Information and Data. In fact, based on a search of the Commission’s Electronic Comment Filing System, it appears that neither Mr. Stevens nor RedState.com has ever made a filing in a Commission proceeding. Nor has Mr. Stevens asserted that RedState.com is seeking access to the Confidential and Highly Confidential Information and Data so that it can file material comments in these proceedings.

But, even if RedState.com or Mr. Stevens attempted to make such a good faith showing, a simple statement expressing an intention to file comments would not be sufficient. Given that RedState.com, which is a political blog, has never participated in the above-captioned proceedings, Mr. Stevens would need to demonstrate that RedState.com has the ability to submit “material” comments—*i.e.*, comments that would make use of the highly sensitive (and, often, highly technical) data filed pursuant to the *Protective Orders*. This is particularly true for data submitted in the Special Access Data Collection, which includes some of the submitting companies’ most competitively sensitive information, and for which the Commission has taken

³ *In the Matter of Technology Transitions; AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition*, GN Docket Nos. 13-5 and 12-353, Protective Order, DA 14-272 (rel. Feb. 27, 2014) (*Technology Transitions Protective Order*); *In the Matter of Technology Transitions; AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition*, GN Docket Nos. 13-5 and 12-353, Second Protective Order, DA 14-273 (rel. Feb. 27, 2014) (*Second Technology Transitions Protective Order*).

⁴ See, e.g., *Data Collection Protective Order*, Appendix A ¶ 5.

⁵ See, e.g., *Data Collection Protective Order*, Appendix A ¶ 1.

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extraordinary steps to limit access to outside counsel and consultants truly engaged in the *Special Access* proceeding. Allowing access to such data to RedState.com would be inconsistent with both the terms and intent of the *Protective Orders* to protect this critically sensitive business information.

Given that Mr. Stevens (as well as RedState.com) is not a “Participant” in the *Special Access* or *Technology Transitions* proceedings, Mr. Stevens also is not entitled to access Confidential Information under the *Modified Protective Order* or *Technology Transitions Protective Order*. In addition, the *Modified Protective Order* permits access only by Counsel, who, in turn, may share those materials with outside consultants or experts, but only if those outside consultants or experts were “retained for the purpose of assisting Counsel[.]”⁶

Mr. Stevens is also precluded from obtaining access to information pursuant to the *Technology Transitions Protective Order* and *Second Technology Transitions Protective Order* because his acknowledgements are invalid. While those acknowledgements refer to the docket numbers in the *Technology Transitions* proceeding, the text of the acknowledgements appears to be from the *Data Collection Protective Order* in the *Special Access* proceeding.⁷

For all these reasons, CenturyLink objects to the Acknowledgements of Confidentiality filed by Neil Stevens and requests that the Commission decline to authorize Mr. Stevens’ access to Confidential or Highly Confidential Information and Data in the above-captioned proceedings.

Sincerely,

/s/ Craig J. Brown

Encl. (certificate of service)

⁶ *Modified Protective Order* ¶ 10.

⁷ See Stevens Acknowledgements at 6-7.

CERTIFICATE OF SERVICE

I, Ross Dino, do hereby certify that I have caused the foregoing **OBJECTION OF CENTURYLINK** to be:

- 1) Filed with the Wireline Competition Bureau of the FCC via ECFS in WC Docket No. 05-25, RM-10593, GN Docket No. 13-5, GN Docket No. 12-353; and
- 2) Served via first-class U.S. Mail, postage prepaid, and/or via electronic mail on the person and FCC mailbox identified on the attached service list.

/s/ Ross Dino

Ross Dino

October 27, 2015

Neil Stevens
Red State
POB 15238
Arlington, VA 22215
neil@redstate.com

SpecialAccess@fcc.gov