

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

| | | |
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| In the Matter of |) | |
| |) | |
| Technology Transitions |) | GN Docket No. 13-5 |
| |) | |
| Policies and Rules Governing Retirement Of |) | RM-11358 |
| Copper Loops by Incumbent Local Exchange |) | |
| Carriers |) | |
| |) | |
| Special Access for Price Cap Local Exchange |) | WC Docket No. 05-25 |
| Carriers |) | |
| |) | |
| AT&T Corporation Petition for Rulemaking to |) | RM-10593 |
| Reform Regulation of Incumbent Local Exchange |) | |
| Carrier Rates for Interstate Special Access Services |) | |

REPLY COMMENTS OF CENTURYLINK

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REPLY COMMENTS OF CENTURYLINK

CenturyLink¹ hereby files its Reply Comments in response to the Commission's *FNPRM* seeking to streamline the transition to an all-IP environment.²

I. INTRODUCTION AND SUMMARY.

As demonstrated by the initial comments, the unprecedented discontinuance process proposed in the *FNPRM* will generate protracted and resource-draining regulatory proceedings, rather than the jump start to technology transitions the Commission is seeking. In the initial

¹ This filing is made on behalf of CenturyLink, Inc. and its subsidiary entities that are incumbent local exchange carriers.

² *In the Matter of Technology Transitions; Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers; 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*, GN Docket No. 13-5; RM-11358; WC Docket No. 05-25; RM-10593, Report and Order, Order on Reconsideration and Further Notice of Proposed Rulemaking, FCC 15-97 at ¶ 203 (rel. Aug. 7, 2015) (*FNPRM*).

round of comments, the alarm monitoring industry, electric utilities, and other special interest groups accept the *FNPRM*'s invitation to suggest additional conditions on ILECs' transition to next-generation facilities and services. This lopsided focus on whether a substitute service is "adequate," to the exclusion of the other four factors in the Commission's traditional discontinuance analysis, predictably will lead to an obligation to provide a substitute service that is actually *superior* to the service being discontinued, despite decades of Commission precedent to the contrary. The proposed criteria also would unreasonably shift to ILECs other entities' costs to accommodate the IP transition—by incorporating into replacement services all of the functionalities of the service being discontinued—even if there are more efficient means of providing those functionalities over IP networks.

These misguided proposals appear to be rooted in the fundamental misconception that ILECs are dominant providers that can simply absorb such costs by passing them on to captive end users, as they might have done in previous decades. Actually, ILECs provide wireline telephone service to less than a quarter of U.S. households today. The other three-quarters of households have opted for wireline VoIP service provided by non-ILECs or abandoned wireline voice service altogether. With this declining share of the market, it would be impossible for ILECs to pass on the costs of complying with these new, unilateral regulatory requirements. Faced with these additional costs of decommissioning legacy services and the infrastructure used to provide them, ILECs will inevitably decelerate their technology transition plans despite the financial drag of maintaining duplicative and underutilized facilities and services. These new regulatory requirements would also serve little purpose, as they would apply to, at most, a quarter of the market. As aptly noted by AT&T, if a requirement is truly necessary to protect an "enduring" value, it should apply to all competitors.

The path laid out in the *FNPRM* thus will lead in exactly the opposite direction from that the Commission seeks: a thicket of detailed discontinuance proceedings, delayed technology transitions, less effective competition, and a continuing diversion of limited capital funds to maintain outdated infrastructure and services that most customers have already abandoned.

There is a better way. Through their actions, consumers have clearly signaled that certain services—namely, interconnected VoIP and 3G/4G wireless service—are adequate substitutes for traditional telephone service. The Commission has further confirmed that fixed wireless voice service meeting the performance criteria articulated in the Connect America Fund (CAF) proceeding is a reasonable substitute as well. Given this evidence, the Commission should abandon the misguided approach in the *FNPRM* and follow consumers' lead, to enable the new and innovative services they value.

If the record has revealed functionalities the Commission views as important and that are not presently found in those substitute services, it should use its rulemaking authority to explore these issues with respect to all providers. Of course, the most critical public interest obligations, such as 911 functionality and disabilities access, are already covered by generally applicable rules. And other key issues, such as network security, are being addressed by the Commission or other governmental organizations—again on an industry-wide basis as they should be.

If the Commission nevertheless insists on adopting the discontinuance procedures proposed in the *FNPRM*, it should apply that framework narrowly, while recognizing the limits of its authority. It should also omit or modify certain criteria that are particularly unnecessary and unwarranted. The Commission should also decline to extend the equivalent wholesale access rule, to lengthen the discontinuance process, or to adopt detailed requirements

implementing the requirement to communicate in good faith during the copper retirement process.

II. THE INITIAL COMMENTS CONFIRM THE “COMPLICATED MORASS” THAT WILL RESULT FROM THE NEW DISCONTINUANCE PROCESS PROPOSED IN THE *FNPRM*.

In the *FNPRM*, the Commission proposed dramatic changes to its process for reviewing applications to discontinue services related to technology transitions to an all-IP environment. Under this new framework, those filing such applications—which would almost always be ILECs—would have to certify that their replacement service (or a third party’s alternative service) satisfies a lengthy and wide-ranging checklist. If unable to make this certification, or if its certification is challenged, the petitioner would have to present evidence regarding each of these criteria in a Commission proceeding. This proposal followed the Commission’s stated intention of avoiding a “complicated morass” of Section 214 applications.³

As CenturyLink has noted, the new process proposed in the *FNPRM* would be protracted and unwieldy.⁴ Indeed, the opening comments readily confirm this. Numerous parties contend that certifications of compliance are somehow unreliable, and that petitioning ILECs therefore must be required to prove compliance with the proposed criteria through documentary evidence.⁵ Thus it is highly likely that such ILEC certifications would be challenged by multiple parties, triggering a series of drawn-out evidentiary proceedings.

³ *In the Matter of Ensuring Customer Premises Equipment Backup Power for Continuity of Communications*, PS Docket No. 14-174, Notice of Proposed Rulemaking and Declaratory Ruling, 29 FCC Rcd 14962, 14972 ¶ 5 (*NPRM*).

⁴ Comments of CenturyLink at 21-24 (filed Oct. 26, 2015) (*CenturyLink Comments*).

⁵ See, e.g., Comments of the Alarm Industry Communications Committee at 11 (filed Oct. 26, 2015) (*Alarm Industry Comments*); Comments of the Edison Electric Institute at 10-11 (filed Oct. 26, 2015) (*Edison Electric Comments*); Comments of the National Association of State Utility Consumer Advocates on Further Notice of Proposed Rulemaking at 11 (filed on Oct. 26, 2015).

As foreshadowed in the initial comments, such proceedings undoubtedly would encompass an array of detailed, and often highly technical, issues, akin to those found in the Section 271 proceedings a decade ago. For example, the alarm monitoring industry presents a detailed list of superior performance standards that it claims substitute services must meet,⁶ and also asks the Commission to require Managed Facility Voice Network (MFVN) capability, which would dictate particular technology choices for IP services covered by that standard.⁷ Similarly, electric utilities urge the Commission to mandate, through the Section 214 process, that ILEC replacement services meet additional performance metrics to satisfy utilities' unique communications needs, so they can avoid buying existing ILEC services that are priced commensurate with the functionality and performance they provide.⁸ For example, the utilities urge the Commission to impose a latency standard as low as 10 milliseconds to ILEC replacement services to avoid the cost of transitioning to services designed for such performance—whether provided by ILECs or their competitors.⁹ And certain disability advocates recommend that the Commission adopt an interoperability standard for real time text (RTT) service for all networks,¹⁰ while others express concern regarding the reliability of RTT.¹¹

⁶ See, e.g., Alarm Industry Comments at ii (urging reliability standard of 99.999% and requirements related to dialing, dial plan, call completion, carriage of signals and protocols, loop voltage treatment, backup power for customer premises, field, and central office equipment, alarm signaling, ability to reach and control a remote alarm system, and medical alert or PERs systems).

⁷ See Comments of ADT LLC d/b/a ADT Security Services at 3 (filed Oct. 26, 2015) (*ADT Comments*).

⁸ See, e.g., Edison Electric Comments at 3-6; Comments of the Utilities Telecom Council at 5-7 (filed Oct. 26, 2015).

⁹ See Edison Electric Comments at 5.

¹⁰ See Comments of Consumer Groups on Technology Transitions at 5-9 (filed Oct. 26, 2015).

One would expect these commenters to raise the same types of issues in individual discontinuance proceedings.

To be sure, CenturyLink shares the goal of maintaining robust and reliable next-generation networks and services that meet the needs of all users while satisfying key public interest objectives, such as supporting the electrical grid and enabling access and usability for disabled users. In fact, all providers have a strong interest in providing the high quality services and functionalities the market demands, while fulfilling relevant public interest obligations. Any necessary standards or protocols related to technology transitions should, in the first instance, be dealt with through industry standard-setting activities, and, if necessary, through Commission rulemaking. Carrier-specific discontinuance proceedings are simply the wrong forums to address such industry-wide issues. With less than a quarter of U.S. households subscribed to ILEC wireline phone service, ILEC-specific regulatory obligations will not accomplish their intended objectives. As noted by AT&T, if a value truly is “enduring,” one would expect it to be reflected in industry-wide requirements, rather than applied solely to providers serving a small minority of affected users.¹²

Even some special interest groups asking the Commission to impose additional requirements through the discontinuance process appear to be seeking industry-wide rules. For example, ADT urges the Commission to “promulgate an MFVN rule.”¹³ And the Consumer Groups on Technology Transitions recommend that the Commission “adopt the Internet Engineering Task Force (IETF) RFC 4103 standard for RTT services for *all* networks and

¹¹ See Disability Coalition for Technology Transition Comments at 11 (filed Oct. 26, 2015). See also Comments of AARP at 16-18 (noting numerous open questions related to the TTY to RTT transition) (filed Oct. 26, 2015) (*Comments of AARP*).

¹² Comments of AT&T at 7 (filed Oct. 26, 2015) (*AT&T Comments*).

¹³ ADT Comments at 3.

network devices that can support it[.]”¹⁴ But, of course, the Commission can adopt rules and requirements applicable to all networks only through its rulemaking processes. Such rulemaking proceedings are also the right context to navigate the many multi-faceted considerations inherent in technology transitions such as battery backup issues (the subject of PS Docket No. 14-174), the transition from TTY to RTT (GN Docket No. 15-178), and standards for high definition voice (GN Docket No. 13-5).

Nevertheless, both special interest groups and non-ILEC providers have strong incentives to use the Commission’s Section 214 proceedings to further their own agendas and shift as much of the costs of technology transitions away from themselves and onto the underlying network owner or service provider. Such a process will lead the Commission far afield from Section 214’s core objective of ensuring continuity of service to communities and enmesh the Commission in the regulatory morass it hoped to avoid.

III. ADOPTION OF THE DISCONTINUANCE REQUIREMENTS PROPOSED IN THE *FNPRM* WILL DELAY CRITICAL TECHNOLOGY TRANSITIONS.

Each of the National Broadband Plan’s long term goals depends on a transition from legacy services and infrastructure to next-generation, high speed services provided over modern networks.¹⁵ The Commission has further recognized that “[t]he lives of millions of Americans could be improved by the direct and spillover effects of the technology transitions, including innovations that cannot even be imagined today.”¹⁶ But the pace and breadth of these transitions

¹⁴ Comments of Consumer Groups on Technology Transitions at 3 (emphasis added).

¹⁵ See United States Telecom Association Comments at 4 (filed Oct. 26, 2015) (*USTelecom Comments*). See also Comments of the Telecommunications Industry Association at 5 (noting Commission’s strong preference for ever-increasing broadband speeds, which depends on increased investment) (filed Oct. 26, 2015).

¹⁶ *In the Matter of Technology Transitions; AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition*, GN Docket Nos. 13-5, 12-353, Order, 29 FCC Rcd 1433 at ¶ 2 (rel. Jan. 31, 2014) (*Technology Transition Order*).

depend, in large part, on ILECs' ability to discontinue TDM services and decommission the legacy copper networks over which those services are provided, as demand for them wanes.¹⁷

As Chairman Wheeler noted last year, “[d]ue in part to outdated rules, the majority of the capital investments made by U.S. telephone companies from 2006 to 2011 went toward maintaining the declining telephone network, despite the fact that only one-third of U.S. households use it at all.”¹⁸ If anything, such capital investments will grow, as vendors increasingly cease to provide technical support of obsolete network equipment and technicians with the requisite expertise retire.

Such inefficiencies create incentives for ILECs to retire legacy networks and redirect the associated capital investments to new networks and services. Yet the proposed “conditions” on discontinuance create counter-incentives for ILECs to maintain their old networks and services, to avoid the new, asymmetric regulations triggered by the discontinuance and the resource drain of protracted and virtually unbounded regulatory proceedings. Thus, the new process proposed in the *FNPRM* would put ILECs (and, ultimately, American consumers) in a no-win situation. They can continue to devote much of their capital budgets to maintain underutilized legacy services and networks, or handicap their ability to compete in the marketplace for newer services, by assuming the obligation to provide features and functionalities superior to that offered by their competitors or demanded by consumers.

¹⁷ While it is technically possible to provide TDM services over all-fiber networks, doing so results in significant expense for little gain, as fewer and fewer customers buy these services, particularly when more full-featured IP-based alternatives are available.

¹⁸ Tom Wheeler, Chairman, FCC, Prepared Remarks at Silicon Flatirons, University of Colorado Law School, Boulder, Colorado at 5 (Feb. 10, 2014), *available at* <http://www.fcc.gov/document/fcc-chairman-tom-wheeler-remarks-silicon-flatirons>. As noted, even a smaller percentage of households use those legacy networks today.

Make no mistake: adoption of the seemingly endless list of new requirements proposed in the *FNPRM* and initial comments will delay the technology transitions the Commission seeks to advance.¹⁹

IV. CERTAIN PROPOSED CRITERIA ARE PARTICULARLY PROBLEMATIC.

For all the reasons discussed here and in CenturyLink’s initial comments, the Commission should not adopt the new discontinuance framework proposed in the *FNPRM*. But, if the Commission insists on doing so, it should eliminate or modify any criteria—such as service quality—that might categorically exclude wireless services as a reasonable substitute.²⁰ The fact that nearly one-half of U.S. households have voluntarily substituted mobile wireless for wireline voice service demonstrates the flaw in any discontinuance rule that ignores the existence of these services.²¹

The Commission also should avoid criteria that would force ILECs to provide dead or dying services and functionalities, simply because they are supported by legacy networks. As AT&T notes, for example, the *FNPRM* curiously would require substitute services to support calling cards, dial-around calling, and other operator service functionality, even though cell

¹⁹ The new discontinuance process proposed in the *FNPRM* will also unlawfully ignore adequate substitute services provided by third parties. CenturyLink Comments at 16-18. As AARP and the Alarm Industry Committee acknowledge, ILECs are not in a position to certify that a service provided by a third party satisfies the detailed criteria proposed in the *FNPRM*. See Comments of AARP at 9; Alarm Industry Comments at 3.

²⁰ See AT&T Comments at 10-11.

²¹ See USTelecom Comments at 11 (“[T]hat consumers have overwhelmingly chosen services based on newer technology is conclusive proof that they are adequate substitutes.”) These metrics should also be rejected because they relate to the facilities and networks over which services travel, rather than the services themselves, and therefore are irrelevant to the discontinuance process. See Comments of Verizon at 11-12 (filed Oct. 26, 2015) (*Verizon Comments*).

phones have almost completely displaced these services.²² Indeed, when did you last see someone use a calling card? For similar reasons, the Commission should avoid requiring substitute or alternative services to support TDM-based equipment and services, which are likely to be obsolete in the near future, as manufacturers design updated equipment and services to accommodate the three-quarters of customers who have abandoned ILEC wireline phone service. Finally, the Commission need not establish criteria to evaluate issues that are already being dealt with in other contexts, on an industry-wide basis, such as network security, 911 service and disabilities access.²³

V. THE COMMISSION SHOULD APPLY ANY NEW DISCONTINUANCE RULES NARROWLY.

In the *FNPRM*, the Commission sought comment on when any new criteria it adopts for discontinuance proceedings should apply, and specifically whether their application should be dependent on the nature of the existing service and the newer service to which the carrier is transitioning.²⁴ The short answer is yes. If the Commission adopts any criteria, it should apply them, at most, when a carrier is replacing a TDM-based interstate voice service with a previously unproven service and no other proven alternative is available.²⁵ Given that local telephone service is an intrastate service, the Commission's authority to regulate the proposed

²² See AT&T Comments at 6.

²³ See AT&T Comments at 13-14; Verizon Comments at 15-17. As noted by AT&T, the *FNPRM*'s proposed criteria would give no weight to the countervailing advantages of replacement services, in clear contradiction with the holistic approach applied by the Commission for decades in reviewing petitions to discontinue service. See AT&T Comments at 5.

²⁴ See *FNPRM* at ¶ 209.

²⁵ See CenturyLink Comments at 6-7.

discontinuance of such service is questionable at best,²⁶ and the Commission should rely on state commissions in this area.

VI. THE COMMISSION SHOULD ADOPT A REBUTTABLE PRESUMPTION THAT OTHER PROVEN VOICE SERVICES ARE ADEQUATE SUBSTITUTES.

Given the downsides of the proposal in the *FNPRM*, CenturyLink has proposed a rebuttable presumption that interconnected VoIP, 3G/4G wireless, CAF-qualifying fixed wireless service, and TDM voice service are reasonable substitutes for traditional voice services.²⁷ This presumption would streamline Section 214 proceedings, while allowing the Commission and affected consumers to identify and explore any perceived shortcomings of the alternative services available. USTelecom proposed a similar presumption.²⁸

The initial comments filed in response to the *FNPRM* confirm the benefits of these proposals, particularly as compared to the *FNPRM*'s proposed criteria. The Commission should establish a presumption based on the marketplace choices of the majority of consumers.

VII. OTHER ISSUES.

A. The Commission Should Not Extend the Equivalent Access Rule.

With the ink barely dry, Granite, INCOMPAS, and other CLECs urge the Commission to make permanent its “interim” rule requiring ILECs to offer an IP substitute for their commercial wholesale platform services. Of course such a permanent rule would suffer the same flaws as the interim rule, while lacking any purported justification of preserving the status quo on a short term basis. The fact remains that there is no regulatory compulsion for ILECs to offer the TDM-

²⁶ See 47 U.S.C. § 152(b) (Except in irrelevant respects, “nothing in this chapter shall be construed to apply or give the Commission jurisdiction with respect to . . . regulations for or in connection with intrastate communication service by wire or radio of any carrier[.]”)

²⁷ CenturyLink Comments at 28-33.

²⁸ See USTelecom Comments at 11-12 (proposing a presumption that any substitute service subscribed to by a significant number of end users is adequate for purposes of network capacity and reliability, and service quality).

based platform services at issue, as the Commission recognized a dozen years ago.²⁹ At the same time, the ILECs' long-standing voluntary offering of platform services strongly suggests that they will see economic benefit in continuing to offer wholesale platform services as technologies evolve.

The CLECs also fail to provide any meaningful additional evidence to the scant record on which the Commission based the interim rule. Without such evidence, and particularly absent an impairment analysis under Sections 251 and 252, the Commission could not lawfully adopt the rule sought by Granite and INCOMPAS. Moreover, there is no evidence that CLECs such as Granite would be harmed, much less "impaired" in their ability to compete without a commercial platform service, as they can, and do, offer their own interconnected VoIP services to any customer with a broadband connection.³⁰ In particular, the CLECs unreasonably discount the availability of cable-provided alternatives to platform services, at both the wholesale and retail level. When operating as a CLEC, CenturyLink now relies extensively on cable providers for access to business locations, completely independent of ILEC networks.³¹ And, just last month, Time Warner Cable announced its 17th consecutive quarter of year-over-year growth over \$100 million for business services, with its wholesale transport revenues up 16.2%.³² It further

²⁹ See Opposition of CenturyLink, *In the Matter of Petition of Granite Telecommunications, LLC for Declaratory Ruling Regarding the Separation, Combination, and Commingling of Section 271 Unbundled Network Elements*, WC Docket No. 15-114 at 2 (filed June 15, 2015).

³⁰ See CenturyLink Comments at 36.

³¹ See Comments of CenturyLink, *In the Matters of Petition for Declaratory Ruling to Clarify That Technology Transitions Do Not Alter The Obligation of Incumbent Local Exchange Carriers to Provide DS1 and DS3 Unbundled Loops Pursuant to 47 U.S.C. § 251(c)(3); Technology Transitions*, WC Docket No. 15-1 and GN Docket No. 13-5, at 11 (filed Feb. 5, 2015).

³² See Time Warner Cable (TWC) Third Quarter 2015 Earnings Call (Oct. 29, 2015), available at <http://seekingalpha.com/article/3620806-time-warner-cable-twc-robert-d-marcus-on-q3-2015-results-earnings-call-transcript>.

anticipates annual business service revenues of \$5 billion by 2018,³³ on top of the tremendous growth of Comcast, Cox and other cable providers in this area. Any analysis that fails to account fully for wholesale and retail competition from cable providers is flawed and disconnected from the realities of today's communications marketplace.³⁴

B. The Commission Should Not Lengthen the Discontinuance Process.

The Commission should also reject CLEC proposals to extend the discontinuance process for most wholesale services to 12 or even 18 months. Remarkably, XO's proposal of a 12-month notice requirement would apply even to the discontinuance of ILEC wholesale services that falls outside the scope of Section 214.³⁵ Such extensions are unwarranted and will yet again delay the technology transitions that the Commission seeks to accelerate.

C. There Is No Need for Detailed Rules for Good Faith Communication Requirements.

While allowing themselves a full year, or even 18 months, to accommodate ILEC transitions to new services, the CLECs also urge the Commission to establish detailed and accelerated timetables for ILECs to respond to CLEC requests for information and meetings related to copper retirements. Such proposed rules are both unnecessary and counterproductive. Unlike in the area of retransmission consents, there is no history of disputes over the retiring of copper facilities.³⁶ For its part, and even before the new rules adopted in the *Technology*

³³ *Id.*

³⁴ Such disconnection from reality is illustrated by Access Point, et al.'s repeated references to ILECs retaining "monopoly control" of business locations of customer locations, based on citations to a Commission order and ILEC filing from 19 years ago. *See* Access Point, et al., Comments at 10 (filed Oct. 26, 2015).

³⁵ *See* Comments of XO Communications, LLC at 4 (filed Oct. 26, 2015) (*Comments of XO*).

³⁶ *See* Comments of INCOMPAS at 11 (noting a rising number of good faith negotiation disputes between television stations and multi-video channel distributors over program pricing) (filed Oct. 26, 2015).

Transition Order, CenturyLink has taken steps to ensure that wholesale providers directly or potentially affected by a copper retirement have adequate time to adjust to the upcoming network change. When filing notice with the Commission (which will now occur 180 days before retirement), CenturyLink notifies affected interconnecting providers (*i.e.*, those using copper facilities proposed to be retired) by email, with detailed information, including the circuit ID, cable and pair numbers, and impacted addresses.³⁷ As necessary, it then communicates with those providers through email, phone, or a face-to-face meeting with a CenturyLink service manager. ILECs and interconnecting providers should be given flexibility to communicate in a manner that makes the most sense given the situation.

By its very nature, an obligation to act in good faith varies depending on the circumstances of a particular situation and implies some degree of discretion. This is vividly illustrated by the example of Hurricane Sandy noted by XO.³⁸ In the aftermath of such a disaster, when a carrier's network personnel are scrambling to get customers back in service, the carrier's response to requests for information may well be delayed even though the carrier is acting in good faith. Adoption of the CLECs' rigid timelines and rules will stifle this discretion, further slow the copper retirement process, and impede parties' ability to communicate in less formal ways to get the job done. Particularly given the Commission's doubling of the notice period for interconnecting providers affected by a copper retirement, the prescriptive rules sought by the CLECs are unwarranted. Instead, the Commission should enforce the good faith requirement on a case-by-case basis as necessary.³⁹

³⁷ The Circuit ID enables the service provider to pinpoint the affected circuit, while the cable and pair numbers specifically identify the facilities being retired.

³⁸ See Comments of XO at 13.

³⁹ In an apparent non sequitur, Access Point, et al., asks the Commission to mandate IP interconnection. Comments of Access Point Inc., et al., at 17. As CenturyLink has previously

VIII. CONCLUSION.

For the reasons described herein, and in its initial Comments, the Commission should not implement the burdensome and unprecedented discontinuance rules proposed in the *FNPRM*. The Commission should instead adopt the rebuttable presumption outlined in CenturyLink's initial comments.

Respectfully submitted,

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noted, such a mandate would be both unlawful and unwarranted. *See* Reply Comments of CenturyLink, *In the Matter of Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform – Mobility Fund*, WC Docket No. 10-90, et al., at 11-28 (filed Mar. 30, 2012).