PUBLIC NOTICE

Federal Communications Commission
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DA 11-1017
Released: June 7, 2011

APPLICATION FILED FOR THE TRANSFER OF CONTROL OF SAVVIS, INC. TO CENTURYLINK, INC.

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 11-97

Comments Due: June 21, 2011
Reply Comments Due: June 28, 2011

On May 20, 2011, SAVVIS, Inc. (SAVVIS Holdings) and CenturyLink, Inc. (CenturyLink) (together, Applicants) filed a joint domestic and international application, pursuant to section 214 of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 214, requesting authority for the transfer of control of SAVVIS Holdings to CenturyLink.[1]

SAVVIS Communications Corporation (SAVVIS), a Missouri corporation, is a wholly owned subsidiary of SAVVIS Holdings, a Delaware corporation. SAVVIS Holdings provides, through SAVVIS and its other subsidiaries, cloud computing services, data hosting and other data services to enterprise customers. SAVVIS Holdings also provides interexchange and international private line data transmission services, such as transmission service between data centers, to its data hosting and cloud-computing customers. SAVVIS' managed private network services include virtual private network, hosting area network, and private channel bandwidth services. SAVVIS Holdings states that it owns no U.S. or overseas telecommunications facilities, but provides transmission through a combination of leased fiber.

CenturyLink, a Louisiana corporation, is a widely-held, publicly traded holding company that conducts its business operations principally through wholly owned subsidiaries offering a variety of communications services, including local and long-distance voice, wholesale local network access, high-speed Internet, and information, entertainment and fiber transport services through copper and fiber networks, to consumers and business in 37 states.[2] CenturyLink provides interstate and international

[1] SAVVIS, Inc., Transferor and CenturyLink, Inc., Transferee, Application for Consent to Transfer of Control of SAVVIS, Inc. and SAVVIS Communications Corporation Pursuant to Section 214 of the Communications Act of 1934, as amended, WC Docket No. 11-97 (filed May 20, 2011), IBFS File Nos. ITC-T/C-20110519-00142 and ITC-T/C-20110519-00143. Applicants also filed an application for the transfer of a business radio license. Any action on this section 214 application is without prejudice to Commission action on other related, pending applications. Applicants filed supplements to their original application on June 2, 2011.

[2] These states are: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South

long-distance telecommunications services on a non-dominant basis to customers throughout the United States. CenturyLink operates a national fiber transport system covering approximately 190,000 route miles, over which the company provides wholesale and retail fiber-based transport services. In certain service territories, CenturyLink provides additional communications and information services to enterprise customers, including data hosting.

Applicants propose that, pursuant to an Agreement and Plan of Merger entered into as of April 26, 2011, by CenturyLink, Mimi Acquisition Company (MergerSub) and SAVVIS Holdings, MergerSub will be merged with and into SAVVIS Holdings on the closing date, whereby SAVVIS Holdings will emerge as the surviving entity and as a wholly owned subsidiary of CenturyLink. MergerSub, a Delaware corporation formed for the purpose of effectuating the proposed transaction, is a direct, wholly owned subsidiary of CenturyLink. The directors of MergerSub, appointed by CenturyLink, will become the directors of SAVVIS Holdings following the merger. SAVVIS will remain a subsidiary of SAVVIS Holdings and CenturyLink will remain a widely held corporation with no party holding a ten percent or greater ownership interest.

Applicants state that the proposed transaction will allow both CenturyLink and SAVVIS to expand their service offerings. Specifically, Applicants maintain that linking SAVVIS' experience with cloud computing and managed hosting to CenturyLink's scale and scope will provide benefits that could not be achieved but for the merger. Applicants assert that the proposed transaction will not harm consumers or competition, and that after consummation of the proposed transaction, they will remain non-dominant in the international telecommunications market.

SECTION 214 AUTHORIZATIONS

A. International

The application for consent to the transfer of control of certain international section 214 authorizations from SAVVIS Holdings to CenturyLink have been assigned the file numbers listed below.

File Number	Authorization Holder	Authorization Number
ITC-T/C-20110519-00142	SAVVIS Inc.	ITC-214-20040122-00026
ITC-T/C-20110519-00143	SAVVIS Communications Corporation	ITC-214-20020627-00315

B. Domestic

The Applicants filed an application to transfer control of domestic section 214 authority in connection with the proposed transaction.[3] Applicants do not seek streamlined processing for the application.[4]

Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming. SAVVIS' domestic interexchange private line data transmission service overlaps CenturyLink's incumbent local exchange carrier service territory in the following states: Arizona, California, Colorado, Florida, Georgia, Illinois, Missouri, New Jersey, Pennsylvania, Texas, Virginia, and Washington.

[3] SAVVIS, Inc., Transferor and CenturyLink, Inc., Transferee, Application for Consent to Transfer Control of SAVVIS, Inc. and SAVVIS Communications Corporation Pursuant to Section 214 of the Communications Act of 1934, as amended, WC Docket No. 11-97 (filed May 20, 2011).

[4] *See* Letter from Karen Brinkmann, Counsel for CenturyLink, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 11-97 (filed June 2, 2011).

EX PARTE STATUS OF THIS PROCEEDING

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[5] Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

GENERAL INFORMATION

The application referenced herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies. Interested parties must file comments or petitions to deny no later than **June 21, 2011.** Replies or oppositions to comments and petitions must be filed no later than **June 28, 2011.** All filings concerning matters referenced in this Public Notice should refer to **DA 11-1017** and **WC Docket No. 11-97**, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

Under the Commission's procedures for the submission of filings and other documents,[6] submissions in this matter may be filed electronically (*i.e.*, though ECFS) or by hand delivery.

- Electronic Filers: Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) at http://fjallfoss.fcc.gov/ecfs2/. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

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[5] 47 C.F.R. §§ 1.1200 *et seq.*

[6] *See Implementation of Interim Electronic Filing Procedures for Certain Commission Filings*, Order, 16 FCC Rcd 21483 (2001); *see also FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence*, Public Notice, 16 FCC Rcd 22165 (2001); *Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media*, Public Notice, 18 FCC Rcd 16705 (2003).

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

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Additionally, filers must deliver courtesy copies by email or facsimile to the following Commission staff:

1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpiweb.com; phone: (202) 488-5300 fax: (202) 488-5563;

2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A103, Washington, D.C. 20554; e-mail: tracey.wilson-parker@fcc.gov;

3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B155, Washington, D.C. 20554; e-mail: dennis.johnson@fcc.gov;

4) David Krech, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-A664 Washington, D.C. 20554; e-mail: david.krech@fcc.gov; and

5) Jim Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: jim.bird@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpiweb.com.

For further information, please contact Dennis Johnson at (202) 418-0809, or David Krech at (202) 418-7443.

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