

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Schools and Libraries Universal Service) CC Docket No. 02-6
Support Mechanism)
)
Wireline Competition Bureau Seeks)
Comment on Draft Eligible Services List)
for Schools and Libraries Universal Service)
Program)

COMMENTS OF CENTURYLINK

The Commission has proposed certain changes to the eligible services list (ESL) for the schools and libraries universal service program (E-rate program) for the 2012 funding year and seeks comments on those proposed changes.¹ Among other things, the Commission has proposed changes to address the Commission’s addition late last year of dark fiber as a “service” eligible for E-rate support where the applicant lights the fiber immediately.² The addition of dark fiber as an eligible service was controversial and quickly became the subject of several additional questions regarding the scope and application of that eligibility. Subsequently, the Wireline

¹ See Public Notice, Wireline Competition Bureau Seeks Comment on Draft Eligible Services List for Schools and Libraries Universal Service Program, CC Docket No. 02-6, DA 11-1096, rel. June 24, 2011 (Public Notice – Schools and Libraries Universal Service Support Mechanism Eligible Services List for Funding Year 2012).

² See *id.* and *In the Matter of Schools and Libraries Universal Service Support Mechanism; A National Broadband Plan for Our Future*, Sixth Report and Order, 25 FCC Rcd 18762, 18766-68 ¶¶ 9-10 (2010) (*Sixth Report and Order*).

Bureau (Bureau) provided additional guidance regarding the rules adopted by the Commission in the *Sixth Report and Order* including the addition of dark fiber as an eligible service.³

The clarifications that the Bureau provides regarding dark fiber are critical to ensuring that applicants, service providers, USAC and the Commission all have the same understanding of the new rules regarding dark fiber eligibility, and in turn enable efficient and cost-effective use of E-rate support. Similarly, where those clarifications have raised additional questions, it would benefit all involved for the Bureau to answer those questions as well. Such additional clarification should aid common understanding of the changes the Commission is proposing regarding dark fiber for the 2012 ESL. CenturyLink has two such requests for additional clarification.

First, the Bureau has clarified that “applicants may lease existing dark and lit fiber from any provider.”⁴ The Bureau has also clarified that on-premises installation charges for leased dark fiber are eligible for E-rate support as a priority 1 service, but that off-premises special construction charges for leased dark fiber are not.⁵ CenturyLink appreciates this clarification. And, as applicants, service providers, and USAC continue to adjust to the addition of dark fiber to the ESL, CenturyLink believes that it would be helpful for the Commission to confirm the appropriate interpretation of this clarification. Is CenturyLink correct in understanding that this clarification means that (1) an applicant may not use E-rate support to construct new dark fiber from the school or library premise to reach dark fiber that is already in existence, or to construct

³ See Public Notice, Wireline Competition Bureau Provides Guidance Following Schools and Libraries Universal Service Support Program Sixth Report and Order, 25 FCC Red 17332 (2010) (*WCB Provides Guidance Public Notice*).

⁴ See *id.* at 17337; see also Public Notice – Schools and Libraries Universal Service Support Mechanism Eligible Services List for Funding Year 2012 at 7.

⁵ *Id.*, Public Notice – Schools and Libraries Universal Service Support Mechanism Eligible Services List for Funding Year 2012 at 7.

new networks or WANs but, (2) once dark fiber is in place to the school or library property line, an applicant may request funding to support leasing that dark fiber and establishing on-premises connectivity to that existing dark fiber? If this is not the correct interpretation, it would be helpful for the Commission to clarify what is the correct interpretation.

Second, the Bureau has clarified that it is not the Commission's intent to "allow applicants to use E-rate discounts to acquire dark fiber for future use."⁶ The Commission also stated in the *Sixth Report and Order* that "[its] decision today will not allow applicants to use E-rate discounts to acquire unneeded capacity or warehouse dark fiber for future use."⁷ Yet, traditionally, leasing of dark fiber constitutes leasing a whole fiber cable which can include twelve or more strands of fiber, of which each strand could have more than 160 GB of bandwidth, depending on the modulating equipment used. This amount of potential bandwidth is well beyond the typical capacity any eligible school or library or even multiple schools or libraries would need. Given this, it remains unclear how an applicant will lease dark fiber without acquiring unneeded capacity. Any additional clarification that the Bureau can provide on this issue would aid applicants, service providers, and USAC in ensuring the effective and efficient use of universal service funds.

⁶ *WCB Provides Guidance Public Notice*, 25 FCC Rcd at 17337.

⁷ *Sixth Report and Order*, 25 FCC Rcd at 18837. *See also* Public Notice – Schools and Libraries Universal Service Support Mechanism Eligible Services List for Funding Year 2012 at 7 (stating that "[a]pplicants are also not permitted to use E-rate discounts to acquire unneeded capacity or warehouse dark fiber for future use").

Respectfully submitted,

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Its Attorney

July 15, 2011

CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **COMMENTS OF CENTURYLINK** to be: 1) filed with the FCC via its Electronic Comment Filing System in CC Docket No. 02-6; 2) served via e-mail on Mr. Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau at Charles.tyler@fcc.gov and Ms. Cara Voth Telecommunications Access Policy Division, Wireline Competition Bureau at Cara.voth@fcc.gov; and 3) served via e-mail on the FCC's duplicating contractor, Best Copy and Printing, Inc. at fcc@bcpweb.com.

/s/Richard Grozier

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