Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	
A National Broadband Plan for Our Future	)	GN Docket No. 09-51
	)	
Establishing Just and Reasonable Rates for Local Exchange Carriers	)	WC Docket No. 07-135
	)	
High-Cost Universal Service Support	)	WC Docket No. 05-337
	)	
Developing an Unified Intercarrier Compensation Regime	)	CC Docket No. 01-92
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Lifeline and Link-Up	)	WC Docket No. 03-109
	)	
Universal Service Reform – Mobility Fund	)	WT Docket No. 10-208

ERRATUM TO OPPOSITION OF CENTURYLINK

On February 9, 2012, CenturyLink filed an Opposition in the above-captioned proceedings. That Opposition responded to certain Petitions for Reconsideration and Clarification of the Commission's *USF/ICC Transformation Order*.[1] Because of an

[1] *See Public Notice*, Petition for Reconsideration of Action in Rulemaking Proceeding, Report No. 2945, dated Jan. 12, 2012. *See 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 Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) (*FNPRM* or *USF/ICC Transformation Order*), *Order clarifying rules* (*Clarification Order*), DA 12-147, rel. Feb. 3, 2012, Erratum, rel. Feb. 6, 2012; *pets for recon. pending*; *pets. for rev. of the Report and Order pending, sub nom. Direct Communications Cedar Valley, et al. v. FCC*, (10th Cir. Nos. 11-9581, *et al.*).

administrative oversight, CenturyLink did not serve its Opposition on February 9, 2012 on the parties that had filed Petitions for Reconsideration and Clarification that CenturyLink addressed in its Opposition.[2]

Attached to this Erratum is a copy of CenturyLink's Opposition, along with the Electronic Comment Filing System receipt for this submission. As indicated in the Certificate of Service accompanying this Erratum, CenturyLink is serving its Opposition today on the parties that filed Petitions for Reconsideration and Clarification that CenturyLink addressed in its Opposition.

CenturyLink regrets this oversight but does not believe that any party was prejudiced because its Opposition was available for viewing and downloading on February 10, 2012 via ECFS. CenturyLink requests that the Commission accept this Erratum and include it in each of the records of the above-captioned proceedings.

Respectfully submitted,

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February 13, 2012

[2] 47 C.F.R. § 1.429(f).

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OPPOSITION OF CENTURYLINK

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February 9, 2012

Its Attorneys

EXECUTIVE SUMMARY

In this response to the many petitions for reconsideration and clarification of the Commission's *USF/ICC Transformation Order*, CenturyLink opposes positions in certain petitions and supports positions in others.

With respect to the universal service aspects of the *USF/ICC Transformation Order*, CenturyLink opposes any increase in the types of carriers that would qualify as "unsubsidized competitors" or "unsubsidized competition." Indeed, the Commission should reconsider the current approach for distributing CAF Phase I incremental support so as to not automatically render ineligible for support a census block in which a fixed wireless Internet service provider is present. CenturyLink also supports permitting broadband service providers to seek CAF Phase I incremental funding for areas they believed to be unserved within the meaning of the *USF/ICC Transformation Order* irrespective of the designation of those areas as unserved on the National Broadband Map, subject to rebuttal. CenturyLink also believes that to receive CAF Phase I incremental funding, a broadband service provider should not be required to serve locations outside of its own service area within a census block.

Separately, CenturyLink opposes a proposed modification of the Commission's methodology for allocating the $300 million budgeted for Connect America Fund (CAF) Phase I incremental support to price cap carriers. The Commission acted clearly and reasonably when it calculated the allocation of incremental support with reference to the $300 million budget, and retaining the Commission's approach would achieve the Commission's policy objectives.

With regard to CAF Phase I incremental per-location support, CenturyLink supports the view that, instead of the "$775 per location" approach, the Commission should use a mechanism that more appropriately takes into account the varied circumstances of CAF Phase I incremental

support recipients. This would better serve the Commission's goal of deploying broadband to unserved areas as quickly as possible.

CenturyLink also supports eliminating the rate floor reduction for price cap carriers; ensuring that the new ETC reporting requirements are applied efficiently; that tribal engagement obligations are properly considered; and that the ten-year document retention requirement for high-cost support is rescinded.

With respect to intercarrier compensation aspects of the *USF/ICC Transformation Order*, CenturyLink opposes the view that the Commission should now reverse its decision in the *USF/ICC Transformation Order* that it would not abrogate negotiated change of law provisions in existing contracts. CenturyLink also supports the views that the *USF/ICC Transformation Order's* Access Recovery Charge (ARC) pricing rules are to be implemented on a study area basis; that the Commission should not limit a price cap carrier's recovery baseline to "collected" revenues; that the *USF/ICC Transformation Order* does not overturn previous Commission rulings regarding access stimulation or the statutory requirement that telecommunications services be offered for a fee; and that the ARC should be deemed wholly interstate.

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OPPOSITION OF CENTURYLINK

CenturyLink submits this response to the petitions for reconsideration and clarification of the Commission's *USF/ICC Transformation Order*.[1] As a general matter, CenturyLink commends the Commission for its work on the *USF/ICC Transformation Order* and supports its

[1] *See Public Notice*, Petition for Reconsideration of Action in Rulemaking Proceeding, Report No. 2945, dated Jan. 12, 2012. *See 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 Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) (*FNPRM* or *USF/ICC Transformation Order*), *Order clarifying rules* (*Clarification Order*), DA 12-147, rel. Feb. 3, 2012, Erratum, rel. Feb. 6, 2012; *pets for recon. pending*; *pets. for rev. of the Report and Order pending, sub nom. Direct Communications Cedar Valley, et al. v. FCC*, (10th Cir. Nos. 11-9581, *et al.*).

overall objectives. The *USF/ICC Transformation Order* in many ways marks a seminal point in the telecommunications industry, and CenturyLink supports the approach the Commission has taken in connection with the vast majority of issues. There are, however, some areas in which the Commission's approach could be improved if the Commission is to achieve its fundamental objective of "comprehensively reform[ing] and moderniz[ing] the universal service and intercarrier compensation systems to ensure that robust, affordable voice and broadband service . . . [is] available to Americans throughout the nation."[2] Therefore, as explained more fully below, CenturyLink supports those petitions for reconsideration that appropriately seek to modify (or in some cases appropriately preserve) the approach taken by the Commission in the *USF/ICC Transformation Order,* and CenturyLink at the same time opposes those petitions that hinder rather than help the Commission achieve its stated objectives.

I. THE COMMISSION SHOULD ADJUST ITS FRAMEWORK FOR CAF PHASE I INCREMENTAL FUNDING TO BEST ACCOMPLISH ITS GOAL OF SPURRING IMMEDIATE BROADBAND DEPLOYMENT TO UNSERVED AREAS

CenturyLink opposes the petition for reconsideration of the Wireless Internet Service Providers Association (WISPA), to the extent that it would not only preserve but expand the circumstances in which the presence of a fixed wireless Internet service provider precludes funding for wireline broadband deployment.[3] As described below, there are significant problems with concluding that an area is "served" due to the presence of a fixed wireless Internet service provider. As a consequence, CenturyLink supports ITTA's conclusion that the Commission should adjust its approach for determining which areas are eligible for CAF Phase I incremental

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[2] *Id.* at ¶ 1.

[3] *See* Petition for Partial Reconsideration of the Wireless Internet Service Providers Association, filed Dec. 29, 2011 at 1-2 (petitioning the Commission to replace the term "unsubsidized competitor" with the term "area subject to unsubsidized competition" in determining eligibility for CAF funding).

funding,[4] and, specifically, agrees the Commission should alter its presumption that an area with a fixed wireless Internet service provider is "served" for purposes of determining CAF-eligible areas.

We agree that the Commission's framework should promote the most efficient, effective, and accurate distribution of support to "spur the deployment of broadband in unserved areas."[5] Many aspects of the *USF/ICC Transformation Order* already do that. But, consistent with ITTA's claims, the following adjustments to the Commission's framework for determining CAF Phase I area eligibility are needed to best effectuate the Commission's goal of "provid[ing] an immediate boost to broadband deployment in areas that are unserved by any broadband provider."[6]

- First, the presence of a fixed wireless Internet service provider (WISP) should not render a census block automatically ineligible for CAF Phase I incremental funding.
- Second, broadband service providers should be permitted to seek CAF Phase I incremental funding for areas they believed to be unserved within the meaning of the *USF/ICC Transformation Order* irrespective of their designation on the National Broadband Map (NBM), subject to rebuttal.
- Third, the Commission should not require a broadband service provider that receives CAF Phase I incremental funding to serve more than those end users located in that provider's service region within a supported census block. In this situation, a broadband service provider should not be required to serve the entire census block, the dimensions of which bear no consistent or rational relationship to the contours of the service provider's network.

A. The Mere Presence Of A WISP Should Not Render A Census Block Ineligible For Funding

Under the *USF/ICC Transformation Order*, an entire census block will be ineligible for CAF Phase I incremental funding if the census block -- or even a mere portion of it -- is served

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[4] *See* Petition for Reconsideration of the Independent Telephone & Telecommunications Alliance (ITTA), filed Dec. 29, 2011 at 1-6.
[5] *USF/ICC Transformation Order* ¶ 128.
[6] *Id.* ¶ 137.

by a WISP.[7] Unfortunately, this approach overlooks the fact that entire census blocks generally are not -- and cannot be -- served by WISPs, and, further, that even end users that are served by WISPs may not always receive the baseline standard of broadband service required by Phase I of the CAF.[8] Most WISPs operate on unlicensed spectrum, are susceptible to line-of-sight interference, and suffer from other shortcomings comparable to those experienced by providers of satellite broadband service. By preventing wireline broadband service providers from obtaining CAF Phase I incremental support to serve households within a census block that is served (or partially served) by a WISP, the Commission's rules deny needed funding to the very areas where high-quality, reliable broadband service could most quickly and efficiently be built out to households that today have few to no meaningful options.

Because many WISP services rely on line-of-sight technology, not all end users within a census block that is served (or partially served) by a WISP will have access to that WISP's service.[9] Moreover, the "vast majority" of WISPs use unlicensed spectrum.[10] As WISPA itself has acknowledged, the unlicensed spectrum on which WISPs rely "is prone to noise,

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[7] *Id.* ¶ 146.

[8] The standard embraced by the Commission for purposes of CAF Phase I incremental funding is 768 kbps downstream and 200 kbps upstream. *See id.* ¶ 146.

[9] *See* Reply Comments-NBP Public Notice #30 of the Wireless Internet Service Providers Association, GN Docket Nos. 09-51, 09-47, 09-137, filed Jan. 27, 2010 at 2 ("WISPs 'mix and match' spectrum from a variety of Part 15 unlicensed frequency bands - the 900 MHz . . . , 2.4 GHz . . . and 5 GHz bands . . . ."); Letter from Jeffrey S. Lanning, Assistant Vice President, CenturyLink, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, GN Docket No. 09-51, CC Docket No. 01-92, 96-45, WT Docket No. 10-208, filed Jan. 27, 2012, at App'x 1 p. 8 [hereinafter *CenturyLink Presentation*] (providing example of WISP statement that service is limited to buildings within the line of sight of towers). The 2.4 GHz and 5GHz bands suffer from substantial line-of-sight interference.

[10] Letter from Stephen E. Coran on behalf of WISPA, to Marlene H. Dortch, Secretary, Federal Communications Commission, GN Dockets No. 09-47, 09-51, 09-137, ET Docket Nos. 04-186, 02-380, filed Jan. 14, 2010, at App'x 1 p. 8.

interference, [o]ngoing reliability concerns and attenuation from trees, buildings and terrain."[11] Indeed, WISPA has conceded in other contexts that "WISPs are reluctant to invest in extending service to nearby unserved and underserved areas because of the risk of interference from other unlicensed devices."[12] Additionally, the speeds available through most fixed wireless services lag far behind those of cable and DSL,[13] and several WISPs also impose low usage caps on end users.[14] In fact, fixed wireless broadband suffers from many of the same problems as satellite broadband; and the Commission already has correctly concluded that a census block should not be deemed unserved even where satellite broadband service is available because it is not likely to meet the Commission's minimum broadband service requirements.[15]

Despite the many shortcomings of fixed wireless broadband and its similarities to satellite broadband, the Commission's rules as drafted would cause the mere presence of a WISP in a census block (or even in just a portion of a census block) to render that entire census block ineligible for Phase I incremental funding. Unfortunately, this approach will impede -- rather than support -- the Commission from achieving its stated Phase I objective of "spur[ing] immediate broadband buildout" and "extend[ing] robust, scalable broadband to hundreds of thousands of unserved Americans."[16] This is because, as previously noted, even where a WISP may serve a portion of a census block, the technology it uses will not enable it to serve the

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[11] *Id.*

[12] WISPA Reply Comments to NBP Public Notice #30 at 8.

[13] *See* OBI Technical Paper No. 4, Broadband Performance, at 12-15 (describing mean and average advertised and actual speeds of fixed wireless as far lower than those of DSL or cable, and comparable to those of satellite).

[14] *See CenturyLink Presentation* at 10-11 (citing examples of usage caps from WISPs).

[15] *USF/ICC Transformation Order* ¶ 146 n.231. *See also id.* ¶ 104 (describing limitations of satellite broadband). To the extent that ViaSat in its petition for reconsideration has suggested altering that conclusion at this time, CenturyLink opposes that petition as well. *See* ViaSat Petition for Reconsideration, filed Dec. 29, 2011 at 8-11.

[16] *USF/ICC Transformation Order* ¶ 22.

entirety of that census block (or even most households in it). In many cases, a WISP may not even be able to serve end users located in close proximity -- or even next door -- to existing WISP subscribers due to line-of-sight limitations or other signal interference problems. And for those end users who are served, their speed and throughput options frequently may be limited, their usage may be capped at low maximum totals, and they likely will pay higher prices than they would for comparable terrestrial broadband service. In sum, if the goal of the Commission's rules is to promote the rapid deployment of robust and scalable broadband service to unserved households, then the Commission will fall short of its goal because the current rules for CAF Phase I incremental funding eligibility will not meet it.

To prevent these shortcomings from impeding the immediate buildout of reliable, high-speed broadband networks to unserved areas, the Commission should eliminate its presumption that the presence of a WISP renders an entire census block unserved for purposes of allocating Phase I incremental funding. Instead, as explained more fully below, the Commission should establish a process by which broadband service providers may demonstrate that a census block or a portion thereof is unserved so that an eligible provider can obtain CAF Phase I incremental support to rapidly build out its network to serve it.

B. Broadband Service Providers Should Be Able To Seek CAF Phase I Incremental Support For Areas They Believe To Be Unserved

CenturyLink supports ITTA's proposal that "the Commission should clarify that any area is eligible for incremental support so long as the carrier that would rely on such support can demonstrate that the area is, in fact, 'unserved' as defined by the Commission."[17] More specifically, broadband service providers should be able to seek CAF Phase I incremental

[17] ITTA Petition at 4.

support for areas they believe to be unserved irrespective of their designation on the NBM, with the understanding that the unserved presumption may be rebutted.

Permitting a broadband service provider to demonstrate that an area is, in fact, unserved is critical to maximizing the credibility of the CAF and effectuating the goal of Phase I incremental funding. The *USF/ICC Transformation Order* and its approach to Phase I incremental support relies expressly on the information provided in the NBM. And while the NBM presents an appropriate starting point for determining which areas are unserved, it also is widely acknowledged and understood that the NBM suffers from inaccuracies.

In creating the NBM, the National Telecommunications and Information Administration (NTIA) had to rely on a wide range of sources for data.[18] As a consequence, NTIA has acknowledged that the NBM necessarily is a "best-efforts" representation of broadband deployment and that NTIA "cannot guarantee the accuracy of all data" it contains.[19] Indeed, as ITTA documented, the NBM erroneously illustrates that some WISPs provide service to all locations within the radius of their towers despite actual line-of-sight limitations on their service.[20] The Commission, too, has acknowledged claims that the NBM is in places inaccurate.[21] The fact that the Commission's own rules require broadband service providers to certify independently that a census block is unserved in order to obtain funding is further proof of the Commission's measured skepticism.[22]

Given the magnitude of the task and the short period of time NTIA had to develop the NBM, it is understandable that the NBM contains errors. We point out these issues not to

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[18] *See* http://www.broadbandmap.gov/faq

[19] http://www.broadbandmap.gov/about

[20] *See* ITTA Petition at 4 & App'x 1-4.

[21] *See USF/ICC Transformation Order* ¶ 146 n.231.

[22] *Id.* ¶ 146.

criticize the NBM, but rather to ensure that these understandable errors are not magnified by the Commission's express reliance on the NBM to achieve the Commission's stated goals. Phase I incremental funding should not depend upon inaccurate information. Indeed, it is critical that the Commission get this right so that millions of Americans who today do not have the benefit of reliable and affordable broadband service can receive it soon.

The inaccuracies in the NBM can best be addressed by embracing ITTA's proposal that service providers be permitted to seek CAF Phase I incremental funding for any area they believe to be unserved, subject to a rebuttable presumption that the area is unserved. If a provider identifies an area as unserved, and that identification is not successfully rebutted, then that census block (or the unserved portion thereof) should be eligible for funding.

ITTA's approach is important not only at the census block level but also at the level of unserved households within a census block. There are times when households in one census block may be served only because they can be reached by the edge of a broadband service provider's network in an adjacent census block. But that does not mean that the broadband service provider is capable of serving -- or intends to serve, even with incremental support -- all of the households in that census block. Moreover, as discussed above, some households in a census block that is partially served by a WISP will not be able to receive broadband service from that WISP simply because they are not within its line-of-sight or due to other technical constraints. To ensure that all households in unserved portions of a partially-served census block have an opportunity to receive broadband service through CAF Phase I funding, it is critical that the Commission permit broadband service providers to identify those areas and qualify for funding to serve them.

C. The Commission Should Require Entities That Receive Funding To Provide Service Only To Portions Of Census Blocks Within Their Service Regions

The Commission's framework certainly should promote broadband deployment to unserved portions of census blocks. But, at the same time, any framework also should avoid saddling broadband service providers with the obligation of serving end users outside of their service regions, which would increase provider costs dramatically and possibly result in broadband service providers rejecting Phase I incremental funding altogether. A balanced approach is needed to ensure that broadband is deployed in unserved areas in a manner that rewards and incentivizes efficiency. To best accomplish this objective, the Commission should allocate Phase I incremental support on a more targeted basis and require a provider to use that funding to serve only customers in the provider's service region.[23]

Today's broadband networks were not designed with census blocks in mind. Instead, as the Commission is aware, the structure and scope of broadband networks are the result of a complex intersection of evolving federal and state laws and the business strategies of providers. It does not make sense to require recipients of CAF Phase I incremental funding to deploy broadband networks outside of their service regions -- even if that deployment is within a single census block. Doing so simply would raise network deployment costs significantly and threaten the likelihood that providers will accept CAF Phase I incremental funding to deploy networks rapidly.

Rather than rely on arbitrary census block boundaries, service obligations should be aligned with the service areas of providers to ensure the most efficient allocation of funding. Accordingly, the Commission should clarify that a Phase I incremental funding recipient need only use funding to provide service to customers in the provider's service region. Such a

[23] Although, to be clear, the provider could, at its election, serve other areas in the census block as well.

clarification supports the purposes of CAF Phase I funding by ensuring that funding is allocated efficiently and in a manner consistent with the capabilities of broadband providers.

II. THE COMMISSION'S METHODOLOGY FOR ALLOCATING PHASE I INCREMENTAL SUPPORT TO PRICE CAP CARRIERS SHOULD REMAIN INTACT

The *USF/ICC Transformation Order* unambiguously adopts an allocation method calculated with reference to the $300 million budgeted for incremental support. Rather than revisit that sound decision and embrace an alternative allocation method calculated with reference to a figure of approximately $1.3 billion that represents the combined total of new incremental support and preexisting high-cost support for price cap carriers,[24] the Commission should reaffirm its existing allocation method, which it adopted for prudent policy reasons.

A. The *USF/ICC Transformation Order* Unambiguously Adopts An Allocation Method Calculated With Reference To The $300 Million Budgeted For Incremental Support

The *USF/ICC Transformation Order* clearly adopts an allocation method for Phase I incremental support calculated with reference to the $300 million incremental support budget, rather than any other figure. A close reading of the pertinent portions of *USF/ICC Transformation Order* demonstrates that there is no ambiguity. The *USF/ICC Transformation Order* states that in allocating support, the "per-location cost for each wire center will be compared to a funding threshold, which . . . <u>will be determined by our budget constraint</u>."[25] The *USF/ICC Transformation Order* goes on to identify that "budget constraint" more than once as $300 million, the total amount directed to Phase I incremental support.[26] This is evident from the

[24] *See* Petition for Reconsideration And/Or Clarification of Frontier Communications Corp. and Windstream Communications, Inc., filed Dec. 29, 2011 at 3-12.
[25] *USF/ICC Transformation Order* ¶ 135 (emphasis added).
[26] *See id.* ¶¶ 136, 137 n.220.

plain language of the *USF/ICC Transformation Order*.[27] Thus, the *USF/ICC Transformation Order* sets forth in straightforward fashion that the allocation regression will be run against the $300 million incremental support budget.

The plain language of the *USF/ICC Transformation Order* is confirmed by the procedures the Commission established for ongoing CAF Phase I support in the event that CAF Phase II does not begin by January 1, 2013. In other words, the repeated reference to $300 million as the budget constraint for allocating support in Phase I was a clear policy decision, not a drafting error. The *USF/ICC Transformation Order* states that, in the event CAF Phase II has not been implemented to go into effect by January 1, 2013, the amount of incremental support to be distributed during a year beginning in 2013 or later "will be calculated . . . based on allocating $300 million through the incremental support mechanism" prorated for the portion of year that the support will cover.[28] The Commission clearly determined that a funding threshold (or "budget constraint") for calculating support based on the $300 million figure was appropriate not only for immediate CAF Phase I allocation but also for future allocations if Phase II is not timely implemented in 2013. As a practical matter, it simply would not make sense for the *USF/ICC Transformation Order* to base its support calculation on the $300 million figure in 2013 if Phase II is not timely implemented and base its support calculation on a different amount in 2012.

B. The Commission's Decision To Calculate Incremental Support Allocation With Reference To The $300 Million Budget Was Rational, Appropriate, And Best Suited To Achieve The Commission's Stated Objectives

The Commission's decision to calculate Phase I incremental support allocation based upon the $300 million budget for such support is consistent with and best achieves the

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[27] *Id.* ¶ 136 ("The funding threshold will be set so that, using the distribution process described above, all $300 million of incremental support potentially available under the mechanism would be allocated") (emphasis added); *id.* ¶ 137 n.220 ("[O]ur funding threshold is determined by our budget limit of $300 million for CAF Phase I incremental support") (emphasis added).
[28] *Id.* ¶ 148 (emphasis added).

Commission's policy goals for incremental support. First, the Commission's approach is simpler than the alternative approach proposed. The alternative "$1.3 billion" proposal would require an additional multi-stage "hold harmless" calculation involving substantial complexity that is not necessary under the Commission's approach. The Commission emphasized repeatedly that one of its goals in establishing the CAF Phase I incremental support framework was to develop a straightforward, easily-administered approach.[29] Ensuring simplicity is consistent with the Commission's goal for Phase I incremental support, which is to promote the "most rapid expansion of broadband to as many households as possible."[30] In the context of a highly complex support regime, the purpose of which is to encourage the prompt deployment of broadband to unserved locations, the Commission's decision to adopt a straightforward calculation designed to provide both the Commission and carriers with clarity and certainty is sensible and justified.

Second, the allocation that will result from the adopted calculation method is consistent with the Commission's goal of directing incremental Phase I funding where its expenditure will most efficiently promote broadband deployment. It has been suggested that the Commission could not have rationally intended the result of its incremental support allocation method, which, as a practical matter, will direct a significant amount of funding to service providers that operate high-cost wire centers. But this is precisely what the Commission apparently aimed to do -- and for good reason. The Commission very clearly and correctly concluded that the providers with the highest cost wire centers are the most likely to need universal service support to deploy

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[29] *Id.* ¶ 134 (stating that the Commission sought to and did adopt the "simplest, quickest" approach); *id.* ¶ 134 n.217 (stating that the Commission would not accept an approach that introduces "unduly increasing complexity").
[30] *Id.* ¶ 145.

broadband in their service areas.[31] It is irrelevant that the wire centers whose costs govern the calculations will not be the wire centers actually supported. The goal of providing incremental support is not to ensure that providers direct funds to their highest-cost areas. Rather, as the Commission recognized, it is to ensure that providers direct funds to areas in which broadband can be deployed most rapidly and efficiently.[32] The deployment obligation set forth in 47 C.F.R. § 54.312(b)(2) ensures that providers that receive support will direct that funding efficiently.[33] Accordingly, the Commission reasonably determined that the providers with higher-cost loops will be the most likely to need funding to deploy broadband to unserved areas quickly and efficiently.

III. THE "$775 PER LOCATION" DEPLOYMENT REQUIREMENT SHOULD BE REPLACED WITH A MECHANISM THAT TAKES INTO ACCOUNT A BROADER RANGE OF SERVICE PROVIDER CIRCUMSTANCES

CenturyLink firmly supports the portion of the Frontier/Windstream Petition stating that the Commission should replace its "$775 per location" requirement with a more appropriate mechanism that takes into account the varied circumstances of CAF Phase I incremental support recipients.[34] CenturyLink agrees with the Commission that imposing a deployment requirement on carriers accepting CAF Phase I incremental support is necessary to ensure that support recipients use the funding they receive efficiently. However, as the Frontier/Windstream Petition carefully explains, the Commission's ultimate goal of deploying broadband to unserved areas as

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[31] *Id.* ("In this interim mechanism, we distribute funding to those carriers that provide service in the highest-cost areas because these are the areas where we can be most confident, based on available information, that USF support will be necessary in order to realize timely deployment. Thus, we can be confident we are allocating support to carriers that will need it to deploy broadband in some portion of their service territory.").

[32] *Id.*

[33] *Id.* While CenturyLink proposes modifying the deployment obligation as set forth *infra*, it recognizes the value and importance of a deployment obligation in ensuring that providers direct the incremental support they receive efficiently and equitably.

[34] *See* Frontier/Windstream Petition at 12-20.

rapidly as possible will not be served if the Commission retains the requirement that a carrier deploy broadband service to one unserved location for every $775 received in Phase I incremental support.

The Commission developed the "$775 per location" requirement by analyzing the average or median national deployment costs of carriers using a number of data sources and models.[35] But because the "$775 per location" figure is based on a generalized, nationwide, all-carrier approach, it dramatically understates the actual cost of deploying broadband service to unserved locations. Indeed, as the Frontier/Windstream Petition makes clear, "for many price cap carriers' service areas, there are very few, if any, currently unserved locations that could be addressed for $775 or less."[36] The "$775 per location" requirement therefore creates a substantial risk that many price cap carriers will decline to accept CAF Phase I incremental support because the "$775 per location" limitation placed on that support will render it insufficient for economic deployment to these high-cost areas.

The Frontier/Windstream Petition describes in appropriate detail the flawed assumptions on which the "$775 per location" requirement is based.[37] Put simply, relying on a nationwide, all-carrier average and applying it on a per-location basis is insufficient for carriers with the highest-cost unserved locations -- the very carriers that tend to need support the most. It also does not aid carriers who already have deployed broadband more aggressively in their lowest-

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[35] *USF/ICC Transformation Order* ¶¶ 140-42 (analyzing the average per-location cost for a mid-sized price cap carrier under the BIP program, the median cost for upgrading existing unserved homes based on the cost model used in developing the National Broadband Plan, and the median cost of a brownfield deployment of broadband to low-cost unserved census blocks using the ABC plan cost model).

[36] Frontier/Windstream Petition at 12.

[37] *See id.* at 12-17.

cost areas, leaving mostly high-cost areas that simply cannot be served economically under a requirement that one location be served for every $775 received in incremental support.

Carriers that have deployed -- or made voluntary commitments to deploy -- broadband in their service territories as a result of mergers are especially disserved by the "$775 per location" requirement. The *USF/ICC Transformation Order* prohibits companies such as CenturyLink that have made broadband deployment merger commitments from using Phase I incremental support to satisfy those commitments.[38] As a practical matter, this means CenturyLink can seek to use Phase I incremental support to deploy broadband only in those portions of its service territory in which no merger-related voluntary broadband commitment was made. CenturyLink is subject to a merger commitment requiring the construction of broadband service of at least 1.5 Mbps downstream to at least 92.7 percent of living units within legacy Qwest territory.[39] This means that any Phase I incremental support that CenturyLink receives would need to be used to serve the 93rd (and higher) percentile of living units within legacy Qwest territory.

But given the physical and geographic characteristics of the legacy Qwest service territory, deploying broadband to the units that begin in the 93rd percentile without substantial support would be cost prohibitive. Indeed, it is for precisely this reason that CenturyLink did not -- and could not -- voluntarily agree to serve them. But the "$775 per location" requirement makes it unlikely that CenturyLink will be able to serve these remaining units even with CAF Phase I incremental support. This is because requiring CenturyLink to deploy broadband to each of these units for every $775 it receives in support will render the company's deployment cost economically inefficient. If, as expected, other similarly-situated providers reach the same

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[38] *USF/ICC Transformation Order* ¶ 146 & n.233.

[39] *In the Matter of Applications filed by Qwest Communications International Inc. and CenturyTel, Inc. d/b/a CenturyLink for Consent to Transfer Control*, WC Docket No. 10-110, Memorandum Opinion and Order, 26 FCC Rcd 4194, 4219 (2011).

conclusion, Phase I incremental support will go underutilized and fail to accomplish the Commission's stated goal of deploying broadband as quickly as possible to all Americans.

Rather than maintain a one-size-fits-all deployment obligation that may render the incremental support program a failure due to under-acceptance of funds, the Commission should match deployment obligations to the individual support recipients' circumstances. The Frontier/Windstream Petition provides one sensible method for calculating deployment obligations in a manner that is attuned to individual companies' circumstances.[40] And as Frontier/Windstream state, any approach that the Commission adopts should ensure that areas to which carriers already have committed to deploy broadband (whether through merger commitments or otherwise), and thus are ineligible to receive incremental support, should be treated as already served for purposes of calculating a new deployment obligation amount.[41] Thus, for instance, if a carrier already serves 50 percent of its service territory and has committed to serve an additional 35 percent of its territory, then the deployment obligation would be established with reference to territories in the 85th percentile and above for cost of deployment. This is critical to ensure that the Commission calculates support for the true levels at which it will be needed.

IV. THE COMMISSION SHOULD ELIMINATE THE "RATE FLOOR" REDUCTION

CenturyLink supports the portion of US Telecom's Petition for Reconsideration stating that the Commission should reconsider its decision to reduce CAF Phase I support for carriers whose local rates do not meet an "urban rate floor."[42] The Commission should eliminate this rule

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[40] *See* Frontier/Windstream Petition at 17-19.
[41] *See id.* at 18 n.43.
[42] *See* Petition for Reconsideration of the United States Telecom Association (US Telecom), filed Dec. 29, 2011 at 12-14.

because it unfairly and arbitrarily punishes carriers that are prohibited by state law from raising their rates above the thresholds established by the Commission.[43]

Because some states restrict or in some cases hinder the ability of service providers to raise their rates, many service providers will not be able to meet the Commission's rate floor for all of the areas in which they operate. Yet under the *USF/ICC Transformation Order*, such carriers will suffer a reduction in support. The "rate floor" therefore arbitrarily punishes carriers based on the states in which they happen to operate. Because of this, and because the effect of this punishment will be harmful to the Americans who might otherwise benefit from CAF support, the Commission should eliminate the rate floor.

As US Telecom aptly demonstrates, many states restrict or hinder the ability of service providers to raise their local rates.[44] Moreover, even where local rate changes are permissible or less restricted, there often are delays that arise under state tariffing laws when carriers change their rates.[45] Thus, many service providers simply will not be able to raise their rates to the level required by the Commission to avoid the "rate floor" offset, and other service providers may not be able to raise their local rates quickly enough to avoid the reduction in support resulting from that offset.

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[43] To the extent that the Commission retains the "rate floor" reduction, CenturyLink agrees with the Wireline Bureau's recent order clarifying that the rate reduction only applies to High-Cost Loop Support and High-Cost Model Support and does not apply to frozen CAF Phase I support that replaces Interstate Access Support and Interstate Common Line Support. *Clarification Order* ¶ 3.

[44] US Telecom Petition at 13.

[45] *See* Public Notice, DA 12-102, rel. Jan. 27, 2012 and Petition for Clarification of the Independent Telephone and Telecommunications Alliance (ITTA), National Exchange Carrier Association (NECA), National Telecommunications Cooperative Association (NTCA), Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO), and Western Telecommunications Alliance (WTA), WC Docket Nos. 10-90, *et al.*, filed Jan. 23, 2012 at 3-5.

The Commission should eliminate the "rate floor" support reduction because it is unfair, arbitrary, discriminatory and harmful to Americans who depend on services supported by USF. Singling out carriers that are required by state law to provide service at low rates and reducing their support is unfair and arbitrary because it punishes carriers for matters outside of their control. The "rate floor" requirement also is discriminatory because its effect will be that those who live in states with more restrictive laws likely will receive fewer benefits from universal service support funding than those living in other, less restrictive states. Finally, the "rate floor" reduction arbitrarily reduces the overall level of universal service support disbursed on a basis unrelated to the Commission's budget or the merits of providing support.

V. THE COMMISSION SHOULD FURTHER CLARIFY THE TIMING AND SCOPE OF THE NEW ETC REPORTING REQUIREMENTS

CenturyLink supports US Telecom's positions in its petition for reconsideration regarding the new ETC reporting requirements. The Commission should strive to ensure that any new ETC reporting requirements are designed to align efficiently and effectively with the high-cost support being provided. There should not be ETC reporting obligations for areas where high-cost support is not being received, and any ETC reporting obligations should be narrowly-tailored to the type of high-cost support being received. And, the Commission should clarify that the new federal ETC reporting requirements preempt state reporting requirements.

The Wireline Competition Bureau and the Wireless Telecommunications Bureau recently released an order clarifying aspects of the new ETC reporting requirements under the *USF/ICC Transformation Order*. The Bureaus recognized that some of the new ETC reporting obligations are wholly new obligations for state-designated ETCs and clarified that where state-designated ETCs did not have a prior obligation to collect the information, they would not be required to report on the new requirement in 2012. But, the Bureaus also stated that "[i]f state-designated

ETCs are subject to a state requirement to report some or all of this information annually to the state . . . then they should file a copy of any relevant information with the Commission in 2012," and stated that the Bureaus "will provide impacted ETCs sufficient time after PRA approval is obtained to file the relevant information."[46]

Once PRA approval is obtained the Commission should allow impacted ETCs at least 30 days to provide the information and permit impacted ETCs to provide any relevant information to the Commission that is provided to a state commission *not earlier than* the ETC provides the information to the state commission. This would permit state-designated ETCs to reduce the number of times that they must report the same information in a state. Further, impacted ETCs should not be required to provide anything more to the Commission than the relevant data as it was prepared for the state commission. Thus, if the state commission requires data be provided from July 1 – June 30, the ETC should be permitted to provide that same data to the Commission and not be required to create a new report that requires the data for a different time frame for the Commission. The Commission should also clarify that this obligation only applies to data that an ETC has provided to a state commission as part of an annual ETC filing and does not encompass data from any annual filing that the ETC has made with a state commission. ETCs should not be required to scour all of their annual filings with each state commission to search for data that might be pertinent to this new federal reporting obligation.

VI. THE COMMISSION SHOULD AFFORD FURTHER OPPORTUNITY FOR COMMENT ON ITS INTENDED TRIBAL ENGAGEMENT RULES

CenturyLink agrees that the Commission should reconsider the adoption of its tribal

[46] *Clarification Order* ¶ 10.

engagement rules and reporting requirements.[47] In adopting these rules the Commission has violated the APA by failing to provide parties sufficient notice of the rules the Commission intended to adopt.[48] To properly afford parties with sufficient notice of these rules the Commission should rescind its adoption of these rules and notice them as proposed rules and afford opportunity for comment on the rules as proposed.[49] Additionally, the Commission needs to either further explain what constitutes "feasibility and sustainability planning" and "marketing services in a culturally sensitive manner,"[50] or permit wide latitude in ETCs' compliance with those requirements.[51]

VII. A TEN-YEAR DOCUMENT RETENTION PERIOD IS EXCESSIVE

CenturyLink supports US Telecom's position that the Commission should reconsider its decision to double the current document retention obligation for the high-cost program from five years to ten years. Requiring all ETCs to retain high-cost support documents for ten years solely to accommodate the possibility that an individual might bring a False Claims Act against one or more ETCs for conduct that occurred ten years ago is excessive and unwarranted.

VIII. THE COMMISSION'S DECISION TO NOT OVERRIDE EXISTING CONTRACT TERMS SHOULD REMAIN INTACT

In its petition, Onvoy, Inc./360networks (USA) inc. (360networks) asks that the Commission "clarify that where a LEC has already entered into an interconnection agreement to exchange local and toll VoIP-PSTN traffic on a bill-and-keep basis, the default transitional rates

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[47] US Telecom and several rural incumbent ILECs have raised this issue. US Telecom Petition at 17-18 and Petition for Reconsideration, filed on behalf of Copper Valley Telecom, *et al.*, by Blooston, Mordkofsky, Dickens, Dec. 29, 2011, *generally*.

[48] US Telecom Petition at 7 n.11.

[49] In addressing tribal engagement activities, the Commission should also consider any relevant ongoing proceedings before the Bureau of Indian Affairs such as the docket proposing modifications to land use authorizations on tribal lands. 76 Fed. Reg. 73784 (Nov. 29, 2011).

[50] *USF/ICC Transformation Order* ¶¶ 604, 637 and section 54.313(a)(9)(ii)(iii).

[51] CenturyLink appreciates the Bureaus' recent clarification that any obligation to report on tribal engagement activities will not occur until April 1, 2013. *Clarification Order* ¶ 11.

adopted in the *USF/ICC Transformation Order* do not apply even if the agreement contains a change-of-law provision."[52] In the *USF/ICC Transformation Order*, the Commission established a new interim ICC default rule for VoIP traffic and clarified that this ruling and the others adopting the ICC plan going forward constitute a change of law.[53] The *USF/ICC Transformation Order* also clarified that the Commission does not intend to override existing contracts and leaves the impact of the new rules to change of law provisions agreed-to by the parties.[54] 360networks asks the Commission to reverse these decisions. The Commission should deny 360networks' petition. The Commission established the new interim ICC treatment for VoIP as a going forward compromise regarding the proper ICC treatment for VoIP-on-the-PSTN traffic. And, the Commission cited this new found clarity and the resulting availability of ICC compensation for VoIP-on-the-PSTN traffic as one of the reasons it concluded in the *USF/ICC Transformation Order* that the new framework provides adequate recovery for lost ICC revenue.[55] In other words, this aspect of the new rules was considered to be an offset to some extent to the significant revenue reductions required by the *USF/ICC Transformation Order.* Moreover, the Commission properly concluded that it should not override private contractual arrangements when it came to implementing the new ICC framework.[56] Rather, it established the new interim ICC rule for VoIP-on-the-PSTN traffic and the other aspects of its reform plan as default rules. Specifically, when it came to existing agreements, the *USF/ICC Transformation Order* wisely provided that the parties' own change of law provisions should govern when and how the new default rules would be implemented in a given contractual relationship. In other

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[52] Petition for Clarification or Reconsideration, filed by Onvoy, Inc. and its affiliate 360networks (USA) Inc., WC Docket Nos. 10-90, *et al.*, dated Dec. 21, 2011 at 1-2 (footnote omitted).
[53] *USF/ICC Transformation Order* ¶ 815.
[54] *Id.*
[55] *Id.* ¶¶ 933-35.
[56] *Id.* ¶ 815.

words, to the extent, for example, the parties may have provided in an ICA that toll VoIP traffic may be treated in a certain manner but also provided that that arrangement would no longer be effective should there be a change of law regarding such traffic, the *USF/ICC Transformation Order* provided that the parties' agreement to change of law provisions will be honored. This is the correct result from both a legal and policy perspective. Indeed, if 360networks' petition were granted, the result would be to effectively nullify the new interim rule for VoIP-on-the-PSTN traffic, deny carriers the intended benefit of the new rule, and render the Commission's decision subject to legal challenge. The *Mobile-Sierra* doctrine precludes the Commission from unilaterally changing the terms of interconnection agreements or other private contracts in the manner proposed. Under that doctrine, an agency can abrogate or modify a utility contract "only if the public interest so requires."[57] No such demonstration has been made. And, this standard cannot be satisfied in this context. Nor should the Commission now override the effect of individually negotiated change of law provisions relating to local VoIP-PSTN traffic. To the extent that, pursuant to those provisions, the parties would be required to negotiate new terms for such traffic utilizing the new default rules specified in the *USF/ICC Transformation Order*, the Commission should not now nullify the parties' agreement as 360networks suggests. To do so would both destroy the policy balance struck in the *USF/ICC Transformation Order* and would render the Commission's decision subject to legal challenge.[58] For all these reasons, 360networks' petition should be rejected.

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[57] *Transmission Access Policy Study Group v. FERC*, 225 F.3d 667, 709 (D.C. Cir. 2000) (*per curiam*); *see also Fed. Power Comm'n v. Sierra Pac. Power Co.*, 350 U.S. 348, 353-55 (1956); *United Gas Pipe Line Co. v. Mobile Gas Serv. Corp.*, 350 U.S. 332, 344-45 (1956).
[58] *See*, note 57, *supra*, and associated text.

IX. THE COMMISSION SHOULD CLARIFY THAT THE RESIDENTIAL RATE CEILING CAN BE APPLIED ON A STUDY AREA BASIS

In its petition, US Telecom contends that the Commission, in the *USF/ICC Transformation Order*, "contemplates that the 'Residential Rate Ceiling' will be calculated by an incumbent LEC on a customer-by-customer basis."[59] US Telecom asks that the Commission reconsider this decision and allow a carrier to account for the average amount of fees varying within a study area -- citing the fact that this approach is consistent with the Commission's pricing rules, which generally recognize the practical necessity of implementing rules on a study area basis.[60] It can perhaps conceivably be argued, based on certain isolated excerpts from the *USF/ICC Transformation Order*, that a carrier must calculate the Residential Rate Ceiling on a customer-by-customer basis. However, the better overall reading of the rules themselves and the relevant sections of the *USF/ICC Transformation Order* is that the new rules already contemplate that the Residential Rate Ceiling can be applied on a study area basis -- *i.e.*, a carrier can apply the Residential Rate Ceiling by averaging the amount of a given fee within a study area when the fee varies within a study area. The definitions for "Rate Ceiling Component Charges" and "Residential Rate Ceiling," respectively, do not specify how this issue is to be handled.[61] However, certain language in Rule 51.915(e), which specifies the mechanics for calculating available Access Recovery Charges, suggests that study area averaging is intended. For example, a central provision of this rule, 51.915(e)(3), states:

> For the purposes of this section, a Price Cap Carrier holding company includes all of its wholly-owned operating companies that are price cap incumbent local exchange carriers. A Price Cap Carrier Holding Company may recover the eligible recovery attributable to any price cap *study areas* operated by its wholly-owned operating companies through assessments of the Access Recovery Charge on end users in any price cap *study areas*

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[59] US Telecom Petition at 31.

[60] *Id.*

[61] 47 C.F.R. §§ 51.915(b)(11) and (b)(12).

operated by its wholly owned operating companies that are price cap incumbent local exchange carriers. (Emphasis added.)[62]

Similarly, 51.915(e)(5)(v) states:

The Access Recovery Charge assessed on lines assessed the non-primary residential line end user common line charge in a *study area* may not exceed the Access Recovery Charge assessed on residential end-users' first residential line in that *study area.* (Emphasis added.)[63]

In other words, the rule language confirms that, just as with analogous pricing rules in the past, the Commission intended that the ARC pricing rules would be implemented on a study area basis.[64] For all these reasons, the Commission should clarify that this was the intent of the new rules.

Of course, if the Commission intended a different result, it should grant US Telecom's petition on this issue and reconsider that decision. As US Telecom also demonstrates, the vast majority of charges to be included as part of the Residential Rate Ceiling calculation do not vary across an incumbent LEC's study area. However, some -- *e.g.*, localized EAS and 911 charges - may vary within a study area.[65] By way of example, **Appendix A** attached hereto demonstrates this fact for two of CenturyLink's states.[66] This data is indicative of the rate variations that exist in numerous other CenturyLink states. It is self evident that accommodating these variations in

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[62] 47 C.F.R. § 51.915(e).
[63] 47 C.F.R. § 51.915(e)(5)(v).
[64] *See* US Telecom Petition at 31.
[65] Another solution would be to simply remove the relevant rate components from the list of Rate Ceiling Component charges, given that they are not costs of local service strictly speaking. Indeed, in addition to EAS and 911, the Commission should also consider excluding TRS charges from the Rate Ceiling Component charges definition. Implementation problems are also created by the inclusion of TRS charges in the definition because TRS charges can be adjusted during a given year.
[66] Due to the sensitivity of this information, CenturyLink, in this Appendix does not identify the applicable states or exchanges and lists the collective exchanges of different CenturyLink affiliates in a single list per-state.

applying the Residential Rate Ceiling would be an administrative nightmare.[67] And, as US Telecom demonstrates, the purpose of the Commission's rule -- maintaining affordable rates -- can be accomplished without requiring such an undertaking. Applying the ceiling on a study area basis is also consistent with the Commission's historic pricing rules. Indeed, all regulated or cost-based rates are essentially based on averaging rather than customer-by-customer determinations since carriers add up total cost for a given geographic area and calculate an average cost to establish a rate. Requiring carriers to calculate Residential Rate Ceiling on a customer-by-customer basis would be the equivalent of requiring carriers to calculate cost on a customer-by-customer basis when establishing regulated rates. Similarly, a per-study area averaging approach is also supported by the Commission's historic rules in the context of the closest analogue to the ARC -- the subscriber line charge (SLC). At bottom, SLC availability is determined by a per-study area calculation of CMT revenue[68] -- another place where the Commission allows averaging and does not require customer-by-customer calculations.

For all these reasons, the Commission should clarify that, pursuant to the new rules, carriers may apply the Residential Rate Ceiling on a study area basis -- and should do so by grant of US Telecom's reconsideration request if necessary.

X. THE COMMISSION SHOULD RECONSIDER ITS DECISION TO LIMIT THE CARRIER RECOVERY BASELINE TO COLLECTED VERSUS BILLED REVENUES

CenturyLink also supports US Telecom's petition asking that the Commission reconsider its decision to use "collected" revenues when calculating "Price Cap Baseline Revenues."[69] As US Telecom ably demonstrates in its petition, the proposed approach is both impossible to

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[67] The requested relief would not prevent a given carrier from implementing the Residential Rate Ceiling without averaging for fees that vary within a study area should they so choose.
[68] US Telecom Petition at 31 n.50.
[69] *Id.* at 30-31.

implement and effectively deprives carriers of the opportunity to recover lost ICC revenues in the manner intended. In the *USF/ICC Transformation Order*, the Commission specified that "Price Cap Eligible Recovery" will be calculated starting with a baseline of 90 percent of relevant FY2011 revenues which will, in turn, be reduced "on a straight-line basis at a rate of ten percent annually starting in year one (2012)."[70] But, in addition, the Commission further reduced a carrier's eligible recovery by specifying that, for purposes of calculating the baseline, a carrier can include only those total switched access revenues for which payment has been received by March 31, 2012. In other words, having already specified that a price cap carrier's eligible recovery baseline will only start at 81% of relevant FY2011 revenues in year 1 to begin with, the *USF/ICC Transformation Order* then further reduces the baseline by tying it to revenue collected by March 2012 only. There are numerous obvious flaws with this approach. To begin with, as US Telecom details in its petition, there are systems limitations which prevent carriers from being able to allocate interstate switched access revenues between "billed" and "collected" revenue, from being able to allocate "collected" revenues between originating and terminating access, and from being able to allocate "collected" revenues between the specific elements impacted by the transition and those that are not.[71] This is certainly true for CenturyLink. CenturyLink would not be able to accomplish this without incurring significant cost to modify current systems.

Even if this were not the case, this approach also effectively deprives price cap carriers such as CenturyLink of a fair opportunity to recover lost ICC revenues in the manner intended. This is because the proposed approach will lock in a permanent deduction to a carrier's access revenue baseline for the entire six-year ICC transition path simply because another carrier has

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[70] *USF/ICC Transformation Order* ¶¶ 879-80.
[71] US Telecom Petition at 30.

failed to pay the carrier's access billing in FY 2011.[72] Unfortunately, CenturyLink, like many carriers, faces these types of situations all the time -- all in situations where the billings are legitimate and are ultimately collected, but only after a protracted dispute. By way of example, CenturyLink has been embroiled for years in a dispute with Sprint in which Sprint has failed and refused to pay millions of dollars in access billing. While Sprint attributed the dispute to contentions about a purported lack of clarity in the state of the law regarding the applicable ICC rates for the traffic at issue, those contentions lacked any credibility. An excerpt from the initial federal court decision in that case is illustrative:

> The ICAs required Sprint to pay certain charges for so-called Voice-over Internet Protocol ("VoIP") telephone calls. Those charges were due under a contract provision that was in each ICA ...From the time the ICAs were executed until June 2009, Sprint paid those charges in response to monthly bills sent by the Plaintiffs. Then, in the summer of 2009, Sprint, like many companies at the time, was in considerable need of cutting costs. As part of that endeavor, Sprint, in June 2009, for the first time, disputed the Plaintiffs' charges for VoIP traffic, contending, also for the first time, that the ICAs did not authorize the VoIP traffic charges which, for years, it had paid pursuant to the above-quoted provision. Quite frankly, Sprint's justification for refusing to pay access on VoIP-originated traffic, and its underlying interpretation of the ICAs, defy credulity. The record is unmistakable: Sprint entered into contracts with the Plaintiffs wherein it agreed to pay access charges on VoIP-originated traffic. Sprint's defense is founded on post hoc rationalizations developed by its in-house counsel and billing division as part of Sprint's cost-cutting efforts, and the witnesses who testified in support of the defense were not at all credible.[73]

The approach in the *USF/ICC Transformation Order* would mean that "disputes" such as Sprint's in FY 2011 would unjustly deprive CenturyLink of recovery of significant legitimate lost revenue.

As the US Telecom petition also touches on, the proposed approach to base the access revenue baseline from which a carrier's recovery opportunity is calculated also punishes carriers

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[72] *Id.* at 30 n.49.

[73] *Central Telephone Co. of Virginia, et al. v. Sprint Communications Co. of Virginia, Inc., et al.*, Memorandum Opinion, Civil No. 3:09cv720, Mar. 1, 2011 (E.D. VA.) at 2-3.

because it double counts the effect of uncollectable revenue. It is true that it is conceivable that a certain amount of a given carrier's access revenue billing may ultimately turn out to be uncollectable. But, it is also clear that a certain, likely comparable, percentage of end-user ARC charges that are designed to recover the access shift will also prove to be uncollectable. As these uncollectability rates are comparable, the proposed approach -- to account for the possibility of uncollectible revenue when calculating the baseline while not accounting for uncollectability in the ARC mechanism that is intended to provide the revenue recovery -- effectively double counts any uncollectability impact.

For all these reasons, the Commission should grant this aspect of US Telecom's petition.

XI. THE ORDER DOES NOT OVERTURN PRIOR COMMISSION RULINGS REGARDING ACCESS STIMULATION OR THE STATUTORY REQUIREMENT THAT TELECOMMUNICATIONS SERVICES BE OFFERED FOR A FEE

Sprint requests clarification and reconsideration on a number of issues, but CenturyLink addresses only its first two, which are to seek clarification that:

- The *USF/ICC Transformation Order* does not overturn previous Commission rulings or standards for determining whether a LEC's free service provider partner is a legitimate end user/customer under its access tariff; and,
- The *USF/ICC Transformation Order* does not overturn the statutory requirement that telecommunications services be offered "for a fee."[74]

The *Clarification Order* issued by the Wireline Competition Bureau and the Wireless Telecommunications Bureau on February 3, 2012,[75] affirmed these very points. The Bureaus' *Order* says:

> 25. *Access Stimulation and Previous Rulings on End Users.* In the *USF/ICC Transformation Order*, the Commission adopted revisions to its interstate switched access charge rules to address access stimulation.[68] Prior to the *USF/ICC Transformation Order*, the Commission adopted several orders resolving complaints concerning access

[74] Sprint Petition for Reconsideration and Clarification, filed Dec. 29, 2011 at 2.
[75] *Clarification Order.*

> stimulation under preexisting rules and compliance with the Communications Act. We clarify that the *USF/ICC Transformation Order* complements these previous decisions, and nothing in the *USF/ICC Transformation Order* should be construed as overturning or superseding these previous Commission decisions.[76]

Notably, the Bureaus entitled this paragraph "Access Stimulation and Previous Rulings on End Users," and the two issues raised by Sprint's petition directly relate to the FCC's rulings on "end users." That is, a valid switched access tariff requires the existence of an "end user" customer that purchases telecommunications services from the LEC for a fee. It is also instructive that the Bureaus cited by name in footnote 69 the FCC dockets that set forth these end user requirements.

CenturyLink agrees with the Bureaus' *Clarification Order* and with the substance of Sprint's two points as outlined above, and CenturyLink hopes that the Bureaus' order will end any disputes that may arise.[77] But, CenturyLink notes the Bureaus' statement in the clarifying Order that petitions for reconsideration of certain aspects of the *USF/ICC Transformation Order*, which would include Sprint's petition, are pending before the Commission and will be addressed by the Commission in due course, and further that nothing in the Bureaus' *Clarification Order* should be intended to prejudge Commission action with respect to those petitions.[78] Thus, to the extent the Commission rules on Sprint's petition and the two points listed above, CenturyLink

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[76] *Id.* ¶ 25.

[77] Sprint is correct that the traffic pumping LECs have exhibited an utter failure to rationally interpret FCC precedent and the Connect America order. In short, despite express holdings finding that traffic pumping LECs have engaged in regulatory arbitrage, exploitation of the switched access structure, and an abuse of the system, and despite Connect America's express intent to eliminate this clearly improper conduct, the traffic pumping LECs and their counsel have trumpeted victory and an interpretation of Connect America that their billings under their switched access tariffs have been legitimized. Thus, the FCC's goal -- that resources expended by local exchange carriers and interexchange carriers toward traffic pumping issues would be redirected toward broadband and more worthwhile pursuits -- may not be realized, absent a more rational reaction to the clear language of FCC orders and Connect America by the traffic pumping LECs.

[78] *Clarification Order* ¶ 2.

writes separately here to demonstrate the Bureaus' clarifying conclusions in paragraph 25 are fully supported by the law and FCC precedent. And thus, as a matter of existing law, the *USF/ICC Transformation Order* did not overturn previous Commission rulings or standards for determining whether a LEC's switched access tariff applies to certain traffic, and that a valid switched access tariff requires a LEC to have a legitimate end user customer that receives telecommunications services from the LEC for a fee.

Sprint's petition for clarification raises two underlying issues. First, what is the effect of the new *USF/ICC Transformation Order* access stimulation rules on previous rulings addressing access stimulation and conduct that occurred prior to the governing effective dates of the *USF/ICC Transformation Order*? And second, what effect will the Commission's preexisting interpretations and definitions of valid switched access tariffs have on LEC's engaging in access stimulation -- will those LECs be obligated to comply with the Commission's rulings in the *Farmers & Merchants* and *Northern Valley* cases?[79]

As dictated by the law addressing the retroactive effect of new rules, as well as determinations by the Commission itself and the appellate court in the *Farmers & Merchants* case, the new access rules are prospective only. The *USF/ICC Transformation Order* rules do not impact or affect the rulings addressing conduct in which traffic pumping LECs engaged prior to the governing effective dates of the new rules. And second, the Commission's use of terms such as "switched access tariffs" in the new rules necessarily incorporates existing Commission interpretations of those words, and thus the Commission, the courts, and parties engaged in

[79] *Qwest Communications Corp. v. Farmers and Merchants Mutual Tel. Co.*, Second Order on Reconsideration, 24 FCC Rcd 14801 (2009); *In the Matter of Qwest Communications Company, LLC, v. Northern Valley Communications, LLC,* Memorandum Opinion and Order, 26 FCC Rcd 8332 (2011) (*Northern Valley Memorandum Opinion and Order*).

prospective access stimulation disputes are to apply the law, rulings and interpretations that govern the terms and language contained in the new rules.

A. The *USF/ICC Transformation Order* Has No Retroactive Impact

"Retroactivity is not favored in the law. Thus, congressional enactments and administrative rules will not be construed to have retroactive effect unless their language requires this result."[80] The threshold examination is whether the statute, or rule, has expressly prescribed the statute's proper reach, and, in the absence of such language, normal rules of construction are applied to determine the intended temporal reach of the rule. *BellSouth Telecommunications, Inc., v. Southeast Telephone, Inc.*, 462 F.3d 650, 658 (6th Cir. 2006).

The *USF/ICC Transformation Order* rulings addressing access stimulation contain no language requiring retroactive effect; in fact, it is expressly rejected. The Commission expressly notes in the *USF/ICC Transformation Order* that "[b]ecause the rules we adopt are prospective, they will have no binding effect on pending complaints."[81] The *Notice of Proposed Rulemaking* that led to the Commission's *USF/ICC Transformation Order* also plainly reflects an intent to not affect litigation of past conduct: "This Notice should not be construed to resolve any pending access stimulation complaint addressing alleged access stimulation activity prior to the effectiveness of any final order in this proceeding."[82] Accordingly, the new access stimulation rules do not apply to any claims or disputes arising prior to the new rules' effective date of December 29, 2011.

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[80] *Bowen v. Georgetown University Hospital, et al.*, 488 U.S. 204, 208 (1988); 109 S. Ct. 468, 471-72 (1988).

[81] *USF/ICC Transformation Order* ¶ 699, n.1182.

[82] *See 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,* Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, 26 FCC Rcd 4554, 4765 n.1028 (2011).

The Commission made this same point in connection with the appeal of the *Farmers & Merchants* case before the United States Court of Appeals. In short, Farmers had argued through a letter to the court that the *USF/ICC Transformation Order* altered the Commission's prior ruling that a legitimate end user was necessary to the application of Farmers' interstate switched access tariffs for traffic delivered to free service calling companies. Farmers' letter to the court also contended that the *USF/ICC Transformation Order* contradicted positions taken by IXCs, including Qwest/CenturyLink, that "[b]illing [an] IXC for tariffed access charges for traffic delivered to [a] business partner instead of end user violates most LECs' access tariffs and FCC rules."[83] The Commission rejected Farmers' interpretations of the *USF/ICC Transformation Order* in its response letter to the court. The Commission stated that the *USF/ICC Transformation Order* is "a rulemaking with only prospective effect...."[84] As to whether the new rules alter application of prior Commission *Orders* to conduct occurring before the issuance of the new rules, the Commission stated:

> The central question in this case is whether Farmers provided "switched access" service to Qwest *under the terms of its tariff*. The recent order has no bearing on that issue. It does not purport to interpret Farmers' tariff or address the specific factual circumstances – including Farmers' failure to bill for service and a host of other special arrangements antithetical to tariffed service – that led the Commission to conclude that the conference companies had not subscribed to service under Farmers' tariff. FCC Br. at 13-17. On that particular record, the service provided to Qwest was not switched access service as defined by Farmers' tariff. (Emphasis that of the Commission.)[85]

The result of the appeal -- the Court of Appeals' affirmation of the Commission's orders in *Farmers & Merchants*, itself demonstrates that the Farmers' interpretation of the *USF/ICC*

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[83] Letter from John F. Cooney, Venable LLP, to Mark J. Langer, Clerk of Court, United States Court of Appeals for the District of Columbia Circuit, Case No. 10-1093, dated Nov. 29, 2011 at 2.

[84] Letter for Joel Marcus, Counsel, Federal Communications Commission, to Mark J. Langer, Clerk of Court, United States Court of Appeals for the District of Columbia Circuit, Case No. 10-1093, dated Dec. 1, 2011 at 12.

[85] *Id.*

Transformation Order was incorrect.[86] Further, the Court of Appeals expressly noted that Farmers' description of the *USF/ICC Transformation Order* was of no help to Farmers' non-compliance with its switched access tariffs.[87]

Thus, there should be no dispute that the *USF/ICC Transformation Order* does not impact prior Commission precedent invalidating traffic pumping LECs' attempts to charge switched access when their tariffs are inapplicable.

B. The Commission's *USF/ICC Transformation Order* And New Rules Incorporate Existing Law Governing Switched Access Tariffs

First, it is instructive that the *USF/ICC Transformation Order* placed the access stimulation rules and the requirement to file certain rates within Part 61, entitled "Tariffs", and section 61.26 of 47 C.F.R., the section that historically has governed tariffed switched access services for CLECs. The Commission inserted the access stimulation rules within the existing regulatory structure and context that governs all tariffs for switched access.

The new rules only address the rates that a LEC may charge for its switched access traffic, and the requirement to file tariffs, if the LEC's conduct falls within the criteria for "access stimulation." The new access stimulation rules say:

(1) A CLEC engaging in access stimulation, as that term is defined in §61.3(aaa), shall not file a tariff for its interstate exchange access services that prices those services above the rate prescribed in the access tariff of the price cap LEC with the lowest switched access rates in the state.[88]

(2) A CLEC engaging in access stimulation, as that term is defined in §61.3(aaa), shall file revised interstate switched access tariffs within forty-five (45) days of commencing access stimulation, as that term is defined in § 61.3(aaa), or within forty-

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[86] *Farmers and Merchants Mutual Telephone Company of Wayland, Iowa, v. Federal Communications Commission*, No. 10-1093 (District of Columbia Circuit, Dec. 30, 2011, Decided).

[87] *Id.*, (slip opinion, at 13-14, footnote 7).

[88] *USF/ICC Transformation Order*, Appendix A, Final Rules, 47 C.F.R. § 61.26(g)(1).

> five (45) days of [date] if the CLEC on that date is engaged in access stimulation, as that term is defined in § 61.3(aaa).[89]

A simple, straightforward reading of the rules demonstrates that nothing other than the requirement for a CLEC engaged in "access stimulation" to file a tariff at certain rates has been added to Part 61 and section 61.26. Nowhere in the revised rules is there any language suggesting that any of the components comprising valid switched access tariffs, or their requirements, have been altered.

Further, the new rules use established and recognized terms such as "tariff for its [a CLEC's] interstate exchange access services," and "interstate switched access tariffs." As the Commission has stated before, "[c]onsistent with precedent and rules of statutory construction, we find that identical terms used in different but related Commission rules should be construed to mean the same thing, unless the Commission states otherwise." Thus, the Commission's use of terms such as "interstate switched access tariffs" incorporates existing law interpreting identical terms. It follows that, if a CLEC engaging in access stimulation files a tariff under Section 61(g), all of the components and requisites that currently exist for any carrier to charge interstate switched access still apply.

Further, Rule 61.26 has defined, and continues to define, "CLEC" as "a local exchange carrier that provides some or all of the interstate exchange access services used to send traffic *to or from an end user....*"[90] Indeed, well before the recent Commission traffic pumping cases of *Farmers & Merchants* and *Northern Valley*, it was established that "end user" means an individual or entity to whom telecommunications are offered for a fee.[91] Thus, the regulatory

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[89] *USF/ICC Transformation Order*, Appendix A, Final Rules, 47 C.F.R. § 61.26(g)(2).
[90] 47 C.F.R. § 61.26 (a)(1) (emphasis added).
[91] *Northern Valley Memorandum Opinion and Order*, 26 FCC Rcd at 8334 ¶ 5, 8336-38 ¶¶ 9-10 (explaining that the Commission's ILEC access charge rules have, since their promulgation in

environment in which CLECs must operate continues to employ the requirements that CLECs have legitimate "end users" that purchase telecommunications for a fee from the CLEC. As the Commission stated in the *Northern Valley* case: "[c]ertainly, if the Commission had intended a different meaning, it could have employed a different word or phrase that does not mean an individual or entity to whom services are offered *for a fee.*[92]

The Commission in the *USF/ICC Transformation Order* used "end user," "tariff," and "switched access" in accordance with the same meaning as it used those terms in Part 61, in the *CLEC Access Charge Reform Reconsideration Order*, and in the recent *Farmers & Merchants* and *Northern Valley* cases. And, as the Commission held in the *Farmers & Merchants* and the *Northern Valley* cases, billing under an interstate switched access tariff requires the LEC to have an end-user customer that is purchasing telecommunications services from the LEC for a fee -- precedent that continues to apply when a CLEC engaging in access stimulation under the new access stimulation rules attempts to bill under its interstate switched access tariffs.

In sum, the Bureaus' *Clarification Order* is correct as a matter of law. The new *USF/ICC Transformation Order* rules addressing access stimulation do not overturn or alter prior Commission interpretations or standards, or they incorporate and apply the existing law governing switched access tariffs generally, and access stimulation in particular.

1983 in anticipation of the AT&T divestiture, defined "end user" as "any customer of an interstate or foreign telecommunications service that is not a carrier," and that a "customer of a ... telecommunications service" is an individual or entity to whom telecommunications are offered for a fee.)

[92] *In the Matter of Qwest Communications Company, LLC v. Northern Valley Communications, LLC*, Order on Reconsideration, 26 FCC Rcd 14520, 14523-28 ¶¶ 8-20, n.35 (2011) (emphasis in original).

XII. THE COMMISSION SHOULD CLARIFY THE REGULATORY STATUS OF THE ACCESS RECOVERY CHARGE (ARC)

CenturyLink agrees with US Telecom that the Commission should clarify that the ARC is an interstate charge even though the ARC is intended to recover both interstate and intrastate access revenues.[93] This clarification is necessary to enable carriers to correctly allocate those revenues for purposes of contributing into the federal Universal Service Fund (USF). Permitting the ARC revenue to be treated as wholly interstate revenue will enable a much simpler, less burdensome system change to capture that revenue for USF contribution purposes than having to allocate that revenue between federal and state jurisdictions.

Respectfully submitted,

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February 9, 2012

[93] US Telecom Petition at 32-33.

APPENDIX A

STATE A - RESIDENCE

Exchange	Stand-alone R1 rate	Mandatory EAS	State SLC	E911	TRS	State USF	Federal SLC-Res	Total
Exchange 1	$ 17.05	NA	NA	$3.23	$0.15	NA	$ 6.33	$ 26.76
Exchange 2	$ 17.05	NA	NA	$3.00	$0.15	NA	$ 6.33	$ 26.53
Exchange 3	$ 17.05	NA	NA	$3.48	$0.15	NA	$ 6.33	$ 27.01
Exchange 4	$ 22.18	NA	NA	$1.24	$0.15	NA	$ 6.33	$ 29.90
Exchange 5	$ 17.05	NA	NA	$2.90	$0.15	NA	$ 6.33	$ 26.43
Exchange 6	$ 22.18	NA	NA	$2.90	$0.15	NA	$ 6.33	$ 31.56
Exchange 7	$ 17.05	NA	NA	$3.00	$0.15	NA	$ 6.33	$ 26.53
Exchange 8	$ 17.05	NA	NA	$3.75	$0.15	NA	$ 6.33	$ 27.28
Exchange 9	$ 17.05	NA	NA	$3.10	$0.15	NA	$ 6.33	$ 26.63
Exchange 10	$ 22.18	NA	NA	$1.24	$0.15	NA	$ 6.33	$ 29.90
Exchange 11	$ 17.05	NA	NA	$4.35	$0.15	NA	$ 6.33	$ 27.88
Exchange 12	$ 17.05	NA	NA	$2.90	$0.15	NA	$ 6.33	$ 26.43
Exchange 13	$ 17.05	NA	NA	$2.68	$0.15	NA	$ 6.33	$ 26.21
Exchange 14	$ 17.05	NA	NA	$3.00	$0.15	NA	$ 6.33	$ 26.53
Exchange 15	$ 17.05	NA	NA	$2.50	$0.15	NA	$ 6.33	$ 26.03
Exchange 16	$ 17.05	NA	NA	$2.90	$0.15	NA	$ 6.33	$ 26.43
Exchange 17	$ 22.18	NA	NA	$1.24	$0.15	NA	$ 6.33	$ 29.90
Exchange 18	$ 17.05	NA	NA	$3.00	$0.15	NA	$ 6.33	$ 26.53
Exchange 19	$ 22.18	NA	NA	$1.24	$0.15	NA	$ 6.33	$ 29.90
Exchange 20	$ 17.05	NA	NA	$2.90	$0.15	NA	$ 6.33	$ 26.43
Exchange 21	$ 17.05	NA	NA	$2.90	$0.15	NA	$ 6.33	$ 26.43
Exchange 22	$ 17.05	NA	NA	$2.90	$0.15	NA	$ 6.33	$ 26.43
Exchange 23	$ 17.05	NA	NA	$2.90	$0.15	NA	$ 6.33	$ 26.43
Exchange 24	$ 17.05	NA	NA	$3.75	$0.15	NA	$ 6.33	$ 27.28
Exchange 25	$ 22.18	NA	NA	$1.24	$0.15	NA	$ 6.33	$ 29.90
Exchange 26	$ 17.05	NA	NA	$2.91	$0.15	NA	$ 6.33	$ 26.44
Exchange 27	$ 17.05	NA	NA	$3.75	$0.15	NA	$ 6.33	$ 27.28
Exchange 28	$ 17.05	NA	NA	$1.62	$0.15	NA	$ 6.33	$ 25.15
Exchange 29	$ 17.05	NA	NA	$4.35	$0.15	NA	$ 6.33	$ 27.88
Exchange 30	$ 17.05	NA	NA	$2.68	$0.15	NA	$ 6.33	$ 26.21
Exchange 31	$ 17.05	NA	NA	$2.92	$0.15	NA	$ 6.33	$ 26.45
Exchange 32	$ 17.05	NA	NA	$4.35	$0.15	NA	$ 6.33	$ 27.88
Exchange 33	$ 17.05	NA	NA	$2.00	$0.15	NA	$ 6.33	$ 25.53
Exchange 34	$ 17.05	NA	NA	$2.50	$0.15	NA	$ 6.33	$ 26.03
Exchange 35	$ 17.05	NA	NA	$1.25	$0.15	NA	$ 6.33	$ 24.78
Exchange 36	$ 17.05	NA	NA	$3.00	$0.15	NA	$ 6.33	$ 26.53
Exchange 37	$ 17.05	NA	NA	$1.31	$0.15	NA	$ 6.33	$ 24.84
Exchange 38	$ 17.05	NA	NA	$2.90	$0.15	NA	$ 6.33	$ 26.43
Exchange 39	$ 17.05	NA	NA	$3.23	$0.15	NA	$ 6.33	$ 26.76
Exchange 40	$ 17.05	NA	NA	$3.00	$0.15	NA	$ 6.33	$ 26.53
Exchange 41	$ 17.05	NA	NA	$2.00	$0.15	NA	$ 6.33	$ 25.53
Exchange 42	$ 17.05	NA	NA	$2.00	$0.15	NA	$ 6.33	$ 25.53
Exchange 43	$ 17.05	NA	NA	$2.00	$0.15	NA	$ 6.33	$ 25.53
Exchange 44	$ 17.05	NA	NA	$3.15	$0.15	NA	$ 6.33	$ 26.68
Exchange 45	$ 22.18	NA	NA	$3.15	$0.15	NA	$ 6.33	$ 31.81
Exchange 46	$ 17.05	NA	NA	$2.92	$0.15	NA	$ 6.33	$ 26.45
Exchange 47	$ 17.05	NA	NA	$2.00	$0.15	NA	$ 6.33	$ 25.53
Exchange 48	$ 17.05	NA	NA	$4.35	$0.15	NA	$ 6.33	$ 27.88
Exchange 49	$ 17.05	NA	NA	$4.35	$0.15	NA	$ 6.33	$ 27.88
Exchange 50	$ 17.05	NA	NA	$2.90	$0.15	NA	$ 6.33	$ 26.43
Exchange 51	$ 17.05	NA	NA	$4.35	$0.15	NA	$ 6.33	$ 27.88
Exchange 52	$ 17.05	NA	NA	$2.93	$0.15	NA	$ 6.50	$ 26.63
Exchange 53	$ 17.05	NA	NA	$1.78	$0.15	NA	$ 6.50	$ 25.48
Exchange 54	$ 17.05	NA	NA	$2.93	$0.15	NA	$ 6.50	$ 26.63
Exchange 55	$ 17.05	NA	NA	$1.50	$0.15	NA	$ 6.50	$ 25.20
Exchange 56	$ 17.05	NA	NA	$2.50	$0.15	NA	$ 6.50	$ 26.20
Exchange 57	$ 17.05	NA	NA	$2.93	$0.15	NA	$ 6.50	$ 26.63
Exchange 58	$ 17.05	NA	NA	$2.93	$0.15	NA	$ 6.50	$ 26.63
Exchange 59	$ 17.05	NA	NA	$2.00	$0.15	NA	$ 6.50	$ 25.70
Exchange 60	$ 17.05	NA	NA	$2.93	$0.15	NA	$ 6.50	$ 26.63
Exchange 61	$ 17.05	NA	NA	$2.93	$0.15	NA	$ 6.50	$ 26.63
Exchange 62	$ 17.05	NA	NA	$2.00	$0.15	NA	$ 6.50	$ 25.70
Exchange 63	$ 17.05	NA	NA	$2.50	$0.15	NA	$ 6.50	$ 26.20
Exchange 64	$ 17.05	NA	NA	$2.93	$0.15	NA	$ 6.50	$ 26.63
Exchange 65	$ 17.05	NA	NA	$1.78	$0.15	NA	$ 6.50	$ 25.48
Exchange 66	$ 17.05	NA	NA	$2.93	$0.15	NA	$ 6.50	$ 26.63
Exchange 67	$ 17.05	NA	NA	$3.23	$0.15	NA	$ 6.50	$ 26.93
Exchange 68	$ 17.05	NA	NA	$1.78	$0.15	NA	$ 6.50	$ 25.48
Exchange 69	$ 17.05	NA	NA	$2.00	$0.15	NA	$ 6.50	$ 25.70
Exchange 70	$ 17.05	NA	NA	$2.90	$0.15	NA	$ 6.50	$ 26.60
Exchange 71	$ 17.05	NA	NA	$2.90	$0.15	NA	$ 6.50	$ 26.60
Exchange 72	$ 17.05	NA	NA	$2.00	$0.15	NA	$ 6.50	$ 25.70
Exchange 73	$ 17.05	NA	NA	$2.93	$0.15	NA	$ 6.50	$ 26.63
Exchange 74	$ 17.05	NA	NA	$2.00	$0.15	NA	$ 6.50	$ 25.70
Exchange 75	$ 17.05	NA	NA	$1.75	$0.15	NA	$ 6.50	$ 25.45
Exchange 76	$ 17.05	NA	NA	$2.50	$0.15	NA	$ 6.50	$ 26.20
Exchange 77	$ 17.05	NA	NA	$2.90	$0.15	NA	$ 6.50	$ 26.60
Exchange 78	$ 17.05	NA	NA	$2.93	$0.15	NA	$ 6.50	$ 26.63
Exchange 79	$ 17.05	NA	NA	$1.75	$0.15	NA	$ 6.50	$ 25.45
Exchange 80	$ 17.05	NA	NA	$2.93	$0.15	NA	$ 6.50	$ 26.63
Exchange 81	$ 17.05	NA	NA	$2.93	$0.15	NA	$ 6.50	$ 26.63
Exchange 82	$ 17.05	NA	NA	$2.00	$0.15	NA	$ 6.50	$ 25.70
Exchange 83	$ 17.05	NA	NA	$2.93	$0.15	NA	$ 6.50	$ 26.63
Exchange 84	$ 17.05	NA	NA	$2.25	$0.15	NA	$ 6.50	$ 25.95
Exchange 85	$ 17.05	NA	NA	$2.00	$0.15	NA	$ 6.50	$ 25.70
Exchange 86	$ 17.05	NA	NA	$0.99	$0.15	NA	$ 6.50	$ 24.69
Exchange 87	$ 17.05	NA	NA	$0.99	$0.15	NA	$ 6.50	$ 24.69
Exchange 88	$ 17.05	NA	NA	$0.99	$0.15	NA	$ 6.50	$ 24.69
Exchange 89	$ 17.05	NA	NA	$2.00	$0.15	NA	$ 6.50	$ 25.70
Exchange 90	$ 17.05	NA	NA	$2.00	$0.15	NA	$ 6.50	$ 25.70
Exchange 91	$ 17.11	NA	NA	$1.36	$0.15	NA	$ 6.50	$ 25.12
Exchange 92	$ 17.11	NA	NA	$1.36	$0.15	NA	$ 6.50	$ 25.12
Exchange 93	$ 17.11	NA	NA	$1.36	$0.15	NA	$ 6.50	$ 25.12

Exchange 94	$ 17.11	NA	NA	$1.36	$0.15	NA	$ 6.50	$ 25.12
Exchange 95	$ 17.11	NA	NA	$1.36	$0.15	NA	$ 6.50	$ 25.12
Exchange 96	$ 17.11	NA	NA	$1.36	$0.15	NA	$ 6.50	$ 25.12
Exchange 97	$ 17.11	NA	NA	$1.36	$0.15	NA	$ 6.50	$ 25.12
Exchange 98	$ 17.11	NA	NA	$1.36	$0.15	NA	$ 6.50	$ 25.12
Exchange 99	$ 17.11	NA	NA	$1.36	$0.15	NA	$ 6.50	$ 25.12
Exchange 100	$ 17.11	NA	NA	$1.36	$0.15	NA	$ 6.50	$ 25.12
Exchange 101	$ 17.11	NA	NA	$1.36	$0.15	NA	$ 6.50	$ 25.12
Exchange 102	$ 17.11	NA	NA	$1.36	$0.15	NA	$ 6.50	$ 25.12
Exchange 103	$ 17.11	NA	NA	$1.36	$0.15	NA	$ 6.50	$ 25.12
Exchange 104	$ 17.11	NA	NA	$1.36	$0.15	NA	$ 6.50	$ 25.12

STATE B - RESIDENCE

Exchange	Stand-alone R1 rate	Mandatory EAS	State SLC	E911	TRS	State USF	Federal SLC-Res	Total
Exchange 1	$ 17.14	NA	NA	$0.21	NA	$0.54	$ 6.33	$ 24.22
Exchange 2	$ 17.14	NA	NA	$0.21	NA	$0.54	$ 6.33	$ 24.22
Exchange 3	$ 17.14	NA	NA	$0.21	NA	$0.54	$ 6.33	$ 24.22
Exchange 4	$ 19.78	NA	NA	$0.33	NA	$0.30	$ 6.50	$ 26.91
Exchange 5	$ 17.77	NA	NA	$0.33	NA	$0.30	$ 6.50	$ 24.90
Exchange 6	$ 18.18	NA	NA	$0.26	NA	$0.30	$ 6.50	$ 25.24
Exchange 7	$ 19.78	NA	NA	$0.26	NA	$0.30	$ 6.50	$ 26.84
Exchange 8	$ 14.48	NA	NA	$0.24	NA	$0.30	$ 6.50	$ 21.52
Exchange 9	$ 21.70	NA	NA	$0.23	NA	$0.58	$ 6.50	$ 29.01
Exchange 10	$ 23.89	$ 4.00	NA	$0.40	NA	$0.65	$ 6.50	$ 35.44
Exchange 11	$ 23.89	$ 4.00	NA	$0.39	NA	$0.65	$ 6.50	$ 35.43
Exchange 12	$ 23.89	$ 3.00	NA	$0.40	NA	$0.65	$ 6.50	$ 34.44
Exchange 13	$ 23.89	$ 4.00	NA	$0.36	NA	$0.65	$ 6.50	$ 35.40
Exchange 14	$ 23.89	$ 2.00	NA	$0.40	NA	$0.65	$ 6.50	$ 33.44
Exchange 15	$ 23.89	$ 3.00	NA	$0.40	NA	$0.65	$ 6.50	$ 34.44
Exchange 16	$ 23.89	$ 4.00	NA	$0.36	NA	$0.65	$ 6.50	$ 35.40
Exchange 17	$ 23.89	$ 3.00	NA	$0.40	NA	$0.65	$ 6.50	$ 34.44
Exchange 18	$ 23.89	$ 6.00	NA	$0.36	NA	$0.65	$ 6.50	$ 37.40
Exchange 19	$ 23.89	$ 2.00	NA	$0.36	NA	$0.65	$ 6.50	$ 33.40
Exchange 20	$ 23.89	$ 1.00	NA	$0.34	NA	$0.65	$ 6.50	$ 32.38
Exchange 21	$ 23.89	$ -	NA	$0.36	NA	$0.65	$ 6.50	$ 31.40
Exchange 22	$ 23.89	$ -	NA	$0.24	NA	$0.65	$ 6.50	$ 31.28
Exchange 23	$ 23.89	$ 2.00	NA	$0.40	NA	$0.65	$ 6.50	$ 33.44
Exchange 24	$ 23.89	$ 4.00	NA	$0.36	NA	$0.65	$ 6.50	$ 35.40
Exchange 25	$ 23.89	$ 2.00	NA	$0.40	NA	$0.65	$ 6.50	$ 33.44
Exchange 26	$ 23.89	$ 2.00	NA	$0.83	NA	$0.65	$ 6.50	$ 33.87
Exchange 27	$ 23.89	$ 1.00	NA	$0.77	NA	$0.65	$ 6.50	$ 32.81
Exchange 28	$ 23.89	$ -	NA	$0.24	NA	$0.65	$ 6.50	$ 31.28
Exchange 29	$ 23.89	$ 0.50	NA	$0.40	NA	$0.65	$ 6.50	$ 31.94
Exchange 30	$ 23.89	$ 0.50	NA	$0.77	NA	$0.65	$ 6.50	$ 32.31
Exchange 31	$ 23.89	$ 1.00	NA	$0.77	NA	$0.65	$ 6.50	$ 32.81
Exchange 32	$ 23.89	$ 1.00	NA	$0.40	NA	$0.65	$ 6.50	$ 32.44
Exchange 33	$ 23.89	$ 4.00	NA	$0.29	NA	$0.65	$ 6.50	$ 35.33
Exchange 34	$ 23.89	$ 3.00	NA	$0.39	NA	$0.65	$ 6.50	$ 34.43
Exchange 35	$ 23.89	$ 3.00	NA	$0.40	NA	$0.65	$ 6.50	$ 34.44
Exchange 36	$ 23.89	$ 4.00	NA	$0.40	NA	$0.65	$ 6.50	$ 35.44
Exchange 37	$ 23.89	$ 3.00	NA	$0.37	NA	$0.65	$ 6.50	$ 34.41
Exchange 38	$ 23.89	$ 3.00	NA	$0.40	NA	$0.65	$ 6.50	$ 34.44
Exchange 39	$ 23.89	$ 3.00	NA	$0.40	NA	$0.65	$ 6.50	$ 34.44
Exchange 40	$ 23.89	$ 3.00	NA	$0.40	NA	$0.65	$ 6.50	$ 34.44
Exchange 41	$ 23.89	$ 3.00	NA	$0.83	NA	$0.65	$ 6.50	$ 34.87
Exchange 42	$ 23.89	$ 3.00	NA	$0.40	NA	$0.65	$ 6.50	$ 34.44
Exchange 43	$ 23.89	$ 4.00	NA	$0.36	NA	$0.65	$ 6.50	$ 35.40
Exchange 44	$ 23.89	$ -	NA	$0.40	N/A	$0.65	$ 6.50	$ 31.44
Exchange 45	$ 19.93	$ 3.00	NA	$1.00	NA	$0.47	$ 6.50	$ 30.90
Exchange 46	$ 19.93	$ 1.00	NA	$0.40	NA	$0.47	$ 6.50	$ 28.30
Exchange 47	$ 19.93	$ -	NA	$0.40	NA	$0.47	$ 6.50	$ 27.30
Exchange 48	$ 19.93	$ 5.00	NA	$0.20	NA	$0.47	$ 6.50	$ 32.10
Exchange 49	$ 19.93	$ 3.00	NA	$0.40	NA	$0.47	$ 6.50	$ 30.30
Exchange 50	$ 19.93	$ 1.00	NA	$0.40	NA	$0.47	$ 6.50	$ 28.30
Exchange 51	$ 19.93	$ 5.00	NA	$0.16	NA	$0.47	$ 6.50	$ 32.06
Exchange 52	$ 19.93	$ 2.00	NA	$0.31	NA	$0.47	$ 6.50	$ 29.21
Exchange 53	$ 19.93	$ 1.00	NA	$0.37	NA	$0.47	$ 6.50	$ 28.27
Exchange 54	$ 19.93	$ 3.00	NA	$0.37	NA	$0.47	$ 6.50	$ 30.27
Exchange 55	$ 19.93	$ 5.00	NA	$0.20	NA	$0.47	$ 6.50	$ 32.10
Exchange 56	$ 19.93	$ 1.00	NA	$ -	NA	$0.47	$ 6.50	$ 27.90
Exchange 57	$ 19.93	$ 5.00	NA	$0.40	NA	$0.47	$ 6.50	$ 32.30
Exchange 58	$ 19.93	$ 1.00	NA	$0.37	NA	$0.47	$ 6.50	$ 28.27
Exchange 59	$ 19.93	$ 1.00	NA	$1.00	NA	$0.47	$ 6.50	$ 28.90
Exchange 60	$ 19.93	$ 5.00	NA	$0.20	NA	$0.47	$ 6.50	$ 32.10
Exchange 61	$ 19.93	$ 4.00	NA	$0.40	NA	$0.47	$ 6.50	$ 31.30
Exchange 62	$ 19.93	$ 3.00	NA	$0.37	NA	$0.47	$ 6.50	$ 30.27
Exchange 63	$ 19.93	$ 1.00	NA	$0.40	NA	$0.47	$ 6.50	$ 28.30
Exchange 64	$ 19.93	$ 3.00	NA	$0.31	NA	$0.47	$ 6.50	$ 30.21
Exchange 65	$ 19.93	$ 5.00	NA	$0.21	NA	$0.47	$ 6.50	$ 32.11
Exchange 66	$ 19.93	$ 2.00	NA	$0.33	NA	$0.47	$ 6.50	$ 29.23
Exchange 67	$ 19.93	$ 5.00	NA	$0.46	NA	$0.47	$ 6.50	$ 32.36
Exchange 68	$ 19.93	$ 1.00	NA	$0.33	NA	$0.47	$ 6.50	$ 28.23
Exchange 69	$ 19.93	$ 3.00	NA	$0.31	NA	$0.47	$ 6.50	$ 30.21
Exchange 70	$ 19.93	$ 3.00	NA	$1.00	NA	$0.47	$ 6.50	$ 30.90
Exchange 71	$ 19.93	$ 2.00	NA	$0.31	NA	$0.47	$ 6.50	$ 29.21
Exchange 72	$ 19.93	$ 3.00	NA	$0.26	NA	$0.47	$ 6.50	$ 30.16
Exchange 73	$ 19.93	$ 0.50	NA	$0.40	NA	$0.47	$ 6.50	$ 27.80
Exchange 74	$ 19.93	$ 5.00	NA	$0.46	NA	$0.47	$ 6.50	$ 32.36
Exchange 75	$ 19.93	$ 1.00	NA	$0.40	NA	$0.47	$ 6.50	$ 28.30
Exchange 76	$ 19.93	$ 1.00	NA	$0.37	NA	$0.47	$ 6.50	$ 28.27
Exchange 77	$ 19.93	$ 5.00	NA	$0.23	NA	$0.47	$ 6.50	$ 32.13
Exchange 78	$ 19.93	$ 5.00	NA	$0.23	NA	$0.47	$ 6.50	$ 32.13
Exchange 79	$ 19.93	$ 5.00	NA	$0.40	NA	$0.47	$ 6.50	$ 32.30
Exchange 80	$ 19.93	$ 5.00	NA	$0.18	NA	$0.47	$ 6.50	$ 32.08
Exchange 81	$ 19.93	$ 2.00	NA	$0.40	NA	$0.47	$ 6.50	$ 29.30
Exchange 82	$ 19.93	$ 3.00	NA	$0.31	NA	$0.47	$ 6.50	$ 30.21

Exchange 83	$	19.93	$	0.50	NA	$0.37	NA	$0.47	$	6.50	$	27.77
Exchange 84	$	19.93	$	1.00	NA	$0.32	NA	$0.47	$	6.50	$	28.22
Exchange 85	$	19.93	$	2.00	NA	$0.37	NA	$0.47	$	6.50	$	29.27
Exchange 86	$	19.93	$	0.50	NA	$0.40	NA	$0.47	$	6.50	$	27.80
Exchange 87	$	22.30	NA		NA	$0.34	NA	$0.47	$	6.50	$	29.61
Exchange 88	$	22.30	NA		NA	$0.34	NA	$0.47	$	6.50	$	29.61
Exchange 89	$	22.30	NA		NA	$0.34	NA	$0.47	$	6.50	$	29.61
Exchange 90	$	15.82	NA		NA	$0.18	NA	$0.42	$	6.50	$	22.92
Exchange 91	$	23.57	NA		NA	$0.27	NA	$0.42	$	6.50	$	30.76
Exchange 92	$	13.40	NA		NA	$0.24	NA	$0.76	$	6.50	$	20.90
Exchange 93	$	13.40	NA		NA	$0.40	NA	$0.76	$	6.50	$	21.06
Exchange 94	$	13.40	NA		NA	$0.40	NA	$0.76	$	6.50	$	21.06
Exchange 95	$	13.40	NA		NA	$0.40	NA	$0.76	$	6.50	$	21.06
Exchange 96	$	13.40	NA		NA	$0.40	NA	$0.76	$	6.50	$	21.06
Exchange 97	$	13.40	NA		NA	$0.40	NA	$0.76	$	6.50	$	21.06
Exchange 98	$	13.40	NA		NA	$0.40	NA	$0.76	$	6.50	$	21.06
Exchange 99	$	20.34	NA		NA	$0.35	NA	$0.36	$	6.50	$	27.55
Exchange 100	$	20.05	NA		NA	$0.38	NA	$0.36	$	6.50	$	27.29
Exchange 101	$	20.34	NA		NA	$0.38	NA	$0.36	$	6.50	$	27.58
Exchange 102	$	20.34	NA		NA	$0.40	NA	$0.36	$	6.50	$	27.60
Exchange 103	$	20.34	NA		NA	$0.40	NA	$0.36	$	6.50	$	27.60
Exchange 104	$	20.05	NA		NA	$0.40	NA	$0.36	$	6.50	$	27.31
Exchange 105	$	20.34	NA		NA	$0.23	NA	$0.36	$	6.50	$	27.43
Exchange 106	$	20.34	NA		NA		NA	$0.36	$	6.50	$	27.20
Exchange 107	$	20.34	NA		NA	$0.40	NA	$0.36	$	6.50	$	27.60
Exchange 108	$	20.34	NA		NA	$0.37	NA	$0.36	$	6.50	$	27.57
Exchange 109	$	20.34	NA		NA	$0.35	NA	$0.36	$	6.50	$	27.55
Exchange 110	$	20.34	NA		NA	$0.35	NA	$0.36	$	6.50	$	27.55
Exchange 111	$	20.34	NA		NA	$0.35	NA	$0.36	$	6.50	$	27.55
Exchange 112	$	20.34	NA		NA	$0.38	NA	$0.36	$	6.50	$	27.58
Exchange 113	$	20.34	NA		NA	$0.38	NA	$0.36	$	6.50	$	27.58
Exchange 114	$	17.65	NA		NA		NA	$0.36	$	6.50	$	24.51
Exchange 115	$	19.40	NA		NA	$0.38	NA	$0.36	$	6.50	$	26.64
Exchange 116	$	18.84	NA		NA	$0.30	NA	$0.65	$	6.50	$	26.29
Exchange 117	$	18.84	NA		NA	$0.40	NA	$0.65	$	6.50	$	26.39
Exchange 118	$	21.04	NA		NA	$0.29	NA	$0.65	$	6.50	$	28.48
Exchange 119	$	21.42	NA		NA	$1.00	NA	$0.65	$	6.50	$	29.57
Exchange 120	$	21.42	NA		NA	$0.40	NA	$0.65	$	6.50	$	28.97
Exchange 121	$	21.42	NA		NA	$0.40	NA	$0.65	$	6.50	$	28.97
Exchange 122	$	21.42	NA		NA	$0.40	NA	$0.65	$	6.50	$	28.97
Exchange 123	$	21.42	NA		NA	$0.40	NA	$0.65	$	6.50	$	28.97
Exchange 124	$	21.42	NA		NA	$0.29	NA	$0.65	$	6.50	$	28.86
Exchange 125	$	21.42	NA		NA	$1.00	NA	$0.65	$	6.50	$	29.57
Exchange 126	$	21.42	NA		NA	$0.40	NA	$0.65	$	6.50	$	28.97
Exchange 127	$	21.42	NA		NA	$0.30	NA	$0.65	$	6.50	$	28.87
Exchange 128	$	21.42	NA		NA	$0.00	NA	$0.65	$	6.50	$	28.57
Exchange 129	$	21.42	NA		NA	$1.00	NA	$0.65	$	6.50	$	29.57
Exchange 130	$	21.42	NA		NA	$0.30	NA	$0.65	$	6.50	$	28.87
Exchange 131	$	21.42	NA		NA	$1.00	NA	$0.65	$	6.50	$	29.57
Exchange 132	$	21.42	NA		NA	$0.00	NA	$0.65	$	6.50	$	28.57
Exchange 133	$	17.68	NA		NA	$0.26	NA	$0.43	$	6.50	$	24.87
Exchange 134	$	17.68	NA		NA	$0.40	NA	$0.43	$	6.50	$	25.01
Exchange 135	$	17.68	NA		NA	$0.20	NA	$0.43	$	6.50	$	24.81
Exchange 136	$	17.68	NA		NA	$0.29	NA	$0.43	$	6.50	$	24.90
Exchange 137	$	15.88	NA		NA	$0.40	NA	$0.43	$	6.50	$	23.21
Exchange 138	$	17.68	NA		NA	$0.24	NA	$0.43	$	6.50	$	24.85
Exchange 139	$	17.68	NA		NA	$0.16	NA	$0.43	$	6.50	$	24.77
Exchange 140	$	17.68	NA		NA	$0.20	NA	$0.43	$	6.50	$	24.81
Exchange 141	$	17.68	NA		NA	$0.20	NA	$0.43	$	6.50	$	24.81
Exchange 142	$	17.68	NA		NA	$0.20	NA	$0.43	$	6.50	$	24.81
Exchange 143	$	15.68	NA		NA	$0.24	NA	$0.43	$	6.50	$	22.85
Exchange 144	$	17.68	NA		NA	$0.16	NA	$0.43	$	6.50	$	24.77
Exchange 145	$	17.68	NA		NA	$0.26	NA	$0.43	$	6.50	$	24.87
Exchange 146	$	14.33	NA		NA	$0.40	NA	$0.43	$	6.50	$	21.66
Exchange 147	$	17.68	NA		NA	$0.20	NA	$0.43	$	6.50	$	24.81
Exchange 148	$	17.68	NA		NA	$0.33	NA	$0.43	$	6.50	$	24.94
Exchange 149	$	17.68	NA		NA	$0.16	NA	$0.43	$	6.50	$	24.77
Exchange 150	$	17.68	NA		NA	$0.20	NA	$0.43	$	6.50	$	24.81
Exchange 151	$	17.68	NA		NA	$0.24	NA	$0.43	$	6.50	$	24.85
Exchange 152	$	17.68	NA		NA	$0.33	NA	$0.43	$	6.50	$	24.94
Exchange 153	$	17.68	NA		NA	$0.37	NA	$0.43	$	6.50	$	24.98
Exchange 154	$	14.33	NA		NA	$0.40	NA	$0.43	$	6.50	$	21.66
Exchange 155	$	14.65	NA		NA	$0.20	NA	$0.43	$	6.50	$	21.78
Exchange 156	$	17.68	NA		NA	$0.40	NA	$0.43	$	6.50	$	25.01
Exchange 157	$	17.68	NA		NA	$0.40	NA	$0.43	$	6.50	$	25.01
Exchange 158	$	17.68	NA		NA	$0.36	NA	$0.43	$	6.50	$	24.97
Exchange 159	$	17.68	NA		NA	$0.35	NA	$0.43	$	6.50	$	24.96
Exchange 160	$	15.90	NA		NA	$0.40	NA	$0.43	$	6.50	$	23.23
Exchange 161	$	15.90	NA		NA	$0.40	NA	$0.43	$	6.50	$	23.23
Exchange 162	$	17.68	NA		NA	$0.40	NA	$0.43	$	6.50	$	25.01
Exchange 163	$	16.92	NA		NA	$0.40	NA	$0.43	$	6.50	$	24.25
Exchange 164	$	17.68	NA		NA	$0.32	NA	$0.43	$	6.50	$	24.93
Exchange 165	$	17.68	NA		NA	$0.40	NA	$0.43	$	6.50	$	25.01
Exchange 166	$	17.68	NA		NA	$0.36	NA	$0.43	$	6.50	$	24.97
Exchange 167	$	16.35	NA		NA	$0.40	NA	$0.43	$	6.50	$	23.68
Exchange 168	$	17.68	NA		NA	$0.20	NA	$0.43	$	6.50	$	24.81
Exchange 169	$	15.90	NA		NA	$0.36	NA	$0.43	$	6.50	$	23.19
Exchange 170	$	17.68	NA		NA	$0.32	NA	$0.43	$	6.50	$	24.93
Exchange 171	$	17.68	NA		NA	$0.36	NA	$0.43	$	6.50	$	24.97
Exchange 172	$	17.68	NA		NA	$0.36	NA	$0.43	$	6.50	$	24.97
Exchange 173	$	17.68	NA		NA	$0.32	NA	$0.43	$	6.50	$	24.93
Exchange 174	$	17.06	NA		NA	$0.32	NA	$0.43	$	6.50	$	24.31
Exchange 175	$	17.68	NA		NA	$0.40	NA	$0.43	$	6.50	$	25.01
Exchange 176	$	17.68	NA		NA	$1.00	NA	$0.43	$	6.50	$	25.61
Exchange 177	$	17.68	NA		NA	$0.40	NA	$0.43	$	6.50	$	25.01
Exchange 178	$	17.68	NA		NA	$0.24	NA	$0.43	$	6.50	$	24.85

Exchange 179	$	12.38	NA	NA	$0.37	NA	$0.43	$	6.50	$	19.68
Exchange 180	$	13.19	NA	NA	$0.39	NA	$0.43	$	6.50	$	20.51
Exchange 181	$	15.07	NA	NA	$0.40	NA	$0.43	$	6.50	$	22.40
Exchange 182	$	15.67	NA	NA	$0.35	NA	$0.43	$	6.50	$	22.95
Exchange 183	$	16.58	NA	NA	$0.60	NA	$0.39	$	6.50	$	24.07
Exchange 184	$	16.58	NA	NA	$0.29	NA	$0.39	$	6.50	$	23.76
Exchange 185	$	16.58	NA	NA	$0.60	NA	$0.39	$	6.50	$	24.07
Exchange 186	$	16.58	NA	NA	$0.33	NA	$0.39	$	6.50	$	23.80
Exchange 187	$	16.58	NA	NA	$0.29	NA	$0.39	$	6.50	$	23.76
Exchange 188	$	16.58	NA	NA	$0.33	NA	$0.39	$	6.50	$	23.80
Exchange 189	$	16.58	NA	NA	$0.00	NA	$0.39	$	6.50	$	23.47
Exchange 190	$	16.58	NA	NA	$0.40	NA	$0.39	$	6.50	$	23.87
Exchange 191	$	16.58	NA	NA	$0.40	NA	$0.39	$	6.50	$	23.87
Exchange 192	$	16.58	NA	NA	$0.36	NA	$0.39	$	6.50	$	23.83
Exchange 193	$	16.58	NA	NA	$0.26	NA	$0.39	$	6.50	$	23.73
Exchange 194	$	16.58	NA	NA	$0.36	NA	$0.39	$	6.50	$	23.83
Exchange 195	$	16.58	NA	NA	$0.29	NA	$0.39	$	6.50	$	23.76
Exchange 196	$	16.58	NA	NA	$0.40	NA	$0.39	$	6.50	$	23.87
Exchange 197	$	16.58	NA	NA	$0.40	NA	$0.39	$	6.50	$	23.87
Exchange 198	$	16.58	NA	NA	$0.40	NA	$0.39	$	6.50	$	23.87
Exchange 199	$	16.58	NA	NA	$0.40	NA	$0.39	$	6.50	$	23.87
Exchange 200	$	16.58	NA	NA	$0.32	NA	$0.39	$	6.50	$	23.79
Exchange 201	$	16.58	NA	NA	$0.00	NA	$0.39	$	6.50	$	23.47
Exchange 202	$	16.58	NA	NA	$1.00	NA	$0.39	$	6.50	$	24.47
Exchange 203	$	16.58	NA	NA	$0.35	NA	$0.39	$	6.50	$	23.82
Exchange 204	$	16.58	NA	NA	$0.35	NA	$0.39	$	6.50	$	23.82
Exchange 205	$	16.58	NA	NA	$0.35	NA	$0.39	$	6.50	$	23.82
Exchange 206	$	16.58	NA	NA	$0.60	NA	$0.39	$	6.50	$	24.07

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CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **ERRATUM TO OPPOSITION OF CENTURYLINK** to be filed via ECFS with the Office of the Secretary of the FCC; and served via First Class United States Mail, postage prepaid, on the parties listed on the attached service list.

/s/ Richard Grozier

February 13, 2012

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