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**REDACTED -- FOR PUBLIC INSPECTION**

*Via Courier*

March 21, 2012

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: *In the Matter of CenturyLink's Petition for Forbearance Pursuant to 47 U.S.C. §160(c) from Dominant Carrier and Certain Computer Inquiry Requirements on Enterprise Broadband Services*, WC Docket No. 12-60 – Request for Confidential Treatment and Confidentiality Justification

Dear Ms. Dortch:

On February 23, 2012, CenturyLink filed a Petition for Forbearance from Dominant Carrier Regulation and Certain *Computer Inquiry* Requirements on Enterprise Broadband Services.<sup>1</sup> In filing the Petition, CenturyLink requested highly confidential treatment for certain information in the Petition for Forbearance and attachments to the Petition. In light of feedback from the Wireline Competition Bureau, CenturyLink revises its Petition for Forbearance and attachments to request confidential, rather than highly confidential, treatment for this information. CenturyLink's Petition for Forbearance and attachments are otherwise unchanged.

The Petition and the Declaration of Emily Binder (Binder Declaration) contain certain information in the text that is confidential. In addition, the financial analyst reports in Attachments C and G through L to the Petition are confidential in their entirety. For the non-redacted versions of the Petition and Binder Declaration, each page, along with the cover pages for Attachments C and G through L, have been marked "**CONFIDENTIAL – NOT FOR PUBLIC INSPECTION – COPYING PROHIBITED.**"<sup>2</sup> As such, CenturyLink requests that the non-redacted versions of the Petition, the Binder Declaration and Attachments C and G through L be withheld from public inspection. CenturyLink also requests that no further copies be made of material marked as confidential.

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<sup>1</sup> The Petition was publicly noticed on Mar. 6, 2012 (DA 12-346).

<sup>2</sup> CenturyLink will modify the language in future filings in accordance with the language of the applicable Protective Order subsequently issued.

CenturyLink is submitting the non-redacted versions of its Petition, the Binder Declaration and Attachments C and G through L pursuant to Commission rules 47 C.F.R. § 0.457 and 0.459. The confidential information included in these documents is competitively sensitive information and thus should not be available for public inspection, nor subject to further copying. Such information would not ordinarily be made available to the public (except that the analyst reports in Attachments C and G through L would be available to the public for a fee). Release of the confidential information in the Petition and Binder Declaration would have a substantial negative competitive impact on CenturyLink; likewise, release of the analyst reports in Attachments C and G through L without charge would have a substantial negative financial impact on the vendors that created the reports. Accordingly the non-redacted information in question is appropriate for non-disclosure under sections 0.457(d) and 0.459 of the Commission's rules. Pursuant to 47 C.F.R. § 0.459(b), CenturyLink provides justification for the confidential treatment of this information in the Appendix to this letter.

Because it was not feasible to separate out the confidential information, *see* 47 C.F.R. § 0.459(a), without destroying the integrated nature of the information presented in the Petition and Binder Declaration, CenturyLink is also submitting today under separate cover, via the Commission's Electronic Comment Filing System (ECFS), redacted versions of the Petition and Binder Declaration, along with the non-confidential attachments to the Petition. The redacted versions of the Petition and Binder Declaration are marked "**REDACTED – FOR PUBLIC INSPECTION**," with the confidential information redacted. Attachments C and G through L have been omitted in their entirety in the redacted submission. Both the non-redacted and redacted versions of the documents containing confidential information (which was previously labeled as "highly confidential") are also marked "Resubmitted March 21, 2012." To maintain the completeness and integrity of the submission as filed originally on February 23, 2012, the attachments with no confidential information are also included in this resubmission.

As noted above, CenturyLink is filing the redacted version of the Petition via ECFS; as well, CenturyLink is also transmitting a copy of the redacted version via e-mail to [forbearance@fcc.gov](mailto:forbearance@fcc.gov). For the non-redacted version of the Petition, CenturyLink is providing to the Office of the Secretary one original hard copy, along with an extra copy to be stamped and returned to the courier. In addition, CenturyLink is providing via courier three complete hard copies (redacted and non-redacted versions, including confidential material) of the Petition and associated documents to Jean Ann Collins of the Competition Policy Division of the Wireline Competition Bureau (Ms. Collins is also being provided two CDs that contain the files for the non-redacted and redacted versions of today's resubmission). CenturyLink is also transmitting a copy of the redacted version of its Petition via e-mail to the Competition Policy Division of the Wireline Competition Bureau ([CPDcopies@fcc.gov](mailto:CPDcopies@fcc.gov)) and the FCC's contractor, Best Copy and Printing, Inc. ([fcc@bcpiweb.com](mailto:fcc@bcpiweb.com)).

This letter includes no confidential information and the text is the same in both the non-redacted and redacted versions except for the confidentiality markings.

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Please contact me via the above contact information or Jeb Benedict in CenturyLink's Federal Relations office (202-429-3114) if you have any questions.

Sincerely,

/s/ Craig J. Brown

Attachments

cc: Jean Ann Collins (via courier) (three hard copies of redacted and non-redacted)  
forbearance@fcc.gov (electronic, redacted)  
Competition Policy Division of Wireline Competition Bureau (electronic, redacted)  
Best Copy and Printing, Inc. (electronic, redacted)

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## APPENDIX

### Confidentiality Justification

CenturyLink requests confidential treatment of the information provided in its Petition, the Declaration of Emily Binder (Binder Declaration) and Attachments C, G, H, I, J, K and L because this information is competitively sensitive and its disclosure would have a negative competitive impact on CenturyLink and the vendors that created Attachments C and G through L were it made publicly available. Such information would not ordinarily be made available to the public (except that the reports in Attachments C and G through L are made available by the vendors for a fee), and should be afforded confidential treatment under both 47 C.F.R. §§ 0.457 and 0.459.

#### 47 C.F.R. § 0.457

Specific information in the Petition and the Binder Declaration is confidential and proprietary to CenturyLink as “commercial or financial information” under section 0.457(d). Disclosure of such information to the public would risk revealing company-sensitive proprietary information in connection with CenturyLink’s ongoing business plans and operations. The financial analyst reports in Attachments C and G through L are confidential and proprietary to the vendors that created those reports as “trade secrets and commercial or financial information” under section 0.457(d). Disclosure of such information to the public without charge would reveal company-sensitive proprietary information in connection with the business plans and operations of the vendors that created the reports in Attachments C and G through L. Therefore, in the normal course of Commission practice this information should be considered “Records not routinely available for public inspection.”

#### 47 C.F.R. § 0.459

Specific information in the Petition and the Binder Declaration, as well as Attachments C and G through L, is also subject to protection under 47 C.F.R. § 0.459, as demonstrated below.

#### Information for which confidential treatment is sought

CenturyLink requests that specific information in the Petition and the Binder Declaration (set off with brackets and confidential markings) as well as Attachments C and G through L, be treated on a confidential basis under Exemption 4 of the Freedom of Information Act. This information is competitively sensitive data that CenturyLink and the vendors that created the reports in Attachments C and G through L maintain as confidential and do not normally make available to the public (without charge in the case of the vendor reports). Release of the information would have a substantial negative competitive impact on CenturyLink and the report vendors, respectively. The confidential information contained in the non-redacted versions of CenturyLink’s Petition and Binder Declaration, as well as in Attachments C and G through L is

marked “**CONFIDENTIAL – NOT FOR PUBLIC INSPECTION – COPYING PROHIBITED.**”

Commission proceeding in which the information was submitted

The information is being submitted in connection with CenturyLink’s Petition for Forbearance Pursuant to 47 U.S.C. §160(c) from Dominant Carrier and Certain *Computer Inquiry* Requirements on Enterprise Broadband Services, WC Docket No. 12-60.

Degree to which the information in question is commercial or financial, or contains a trade secret or is privileged

The competitive information designated as confidential in the Petition and Binder Declaration is detailed information regarding the prices for certain CenturyLink services. As noted above, this data is competitively sensitive information that is not normally released to the public, as such release would have a substantial negative competitive impact on CenturyLink.

Attachments C and G through L contain proprietary analyst reports regarding the telecommunications industry that are typically disclosed only on a subscription basis. These reports are not normally released to the public without charge, as such release would cause substantial competitive harm to the vendors that created the reports.

Degree to which the information concerns a service that is subject to competition; and manner in which disclosure of the information could result in substantial competitive harm

This type of commercial information would generally not be subject to routine public inspection under the Commission’s rules (47 C.F.R. § 0.457(d)), demonstrating that the Commission already anticipates that the release of this kind of information likely would produce competitive harm. Indeed, the Commission has frequently permitted confidential treatment of the type of information in question. CenturyLink confirms that release of the information designated as confidential in the Petition and Binder Declaration would cause it substantial competitive harm by allowing its competitors to become aware of sensitive proprietary information regarding the operation of CenturyLink’s business. Likewise, the vendors that created the analyst reports in Attachments C and G through L have represented to CenturyLink that release of those reports to the public without charge would cause the vendors substantial competitive harm by disclosing the reports to potential purchasers of the reports.

Measures taken by CenturyLink and the report vendors to prevent unauthorized disclosure; and availability of the information to the public and extent of any previous disclosure of the information to third parties

CenturyLink has treated and treats the non-public information disclosed in the Petition, the Binder Declaration and Attachments C and G through L as confidential and has protected it from

public disclosure to parties outside the company. The vendors that created the analyst reports in Attachments C and G through L also have treated those reports as confidential and have protected them from public disclosure without a fee.

Justification of the period during which CenturyLink asserts the material should not be available for public disclosure

CenturyLink cannot determine at this time any date on which this information should not be considered confidential or would become stale for purposes of the current matters, except that the information would be handled in conformity with general CenturyLink records retention policies, absent any continuing legal hold on the data.

Other information that CenturyLink believes may be useful in assessing whether its request for confidentiality should be granted

Under applicable Commission and court rulings, the information in question should be withheld from public disclosure. Exemption 4 of the Freedom of Information Act shields information that is (1) commercial or financial in nature; (2) obtained from a person outside government; and (3) privileged or confidential. The information in question satisfies this test.