

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:)
)
Jurisdictional Separations and Referral) CC Docket No. 80-286
to the Federal-State Joint Board)

COMMENTS OF CENTURYLINK

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I. INTRODUCTION AND SUMMARY

The Commission has issued a notice of proposed rulemaking,¹ seeking comment on its proposal to extend until June 30, 2014, the current freeze of Part 36 category relationships and jurisdictional cost allocations factors.²

CenturyLink supports the Commission's call to again extend the freeze for 2012 and 2013. The Commission, however, would be wiser to extend the freeze indefinitely, or until such time as any separations reform is completed. If the Commission believes a specific deadline is necessary, it should extend the freeze for a full three years or until comprehensive reform is completed, whichever comes first, as it did in 2006.³

Extending the freeze is plainly warranted. The Commission has five times before found a five-, three-, or one-year freeze to be appropriate for incumbent local exchange carriers (ILECs), and the same reasoning applies today. The Commission recognized that maintaining the status quo would allow the Commission to complete comprehensive reform -- including separations

¹ Further Notice of Proposed Rulemaking, FCC 12-27 (rel. Mar. 15, 2012) (*FNPRM*). The *FNPRM* was published in the Federal Register on March 22, 2012. 77 *Fed. Reg.* 16900.

² The separations requirements are codified at 47 C.F.R. §§ 36.1-36.507.

³ The freeze was last extended in May 2011. *Jurisdictional Separations and Referral to the Federal-State Joint Board*, CC Docket No. 80-286, Report and Order, 26 FCC Rcd 7133 (2011) (*2011 Order*).

reform or even comprehensive reform of intercarrier compensation and universal service.

Judging from the National Broadband Plan⁴ and the *USF/ICC Transformation Order*⁵ the outcome of reforms is likely to end any ostensible need for separations processes.

In the meantime, failing to extend the freeze would be -- as the Commission recognized in 2001, 2006, 2009, 2010, and again last year -- expensive, a waste of resources, and unduly and unreasonably burdensome to carriers. It would create uncertainty and instability that would discourage network and broadband investment at a time when the nation most needs it.

II. THE COMMISSION SHOULD EXTEND THE FREEZE INDEFINITELY.

While CenturyLink believes the Joint Board and the Commission could complete separations reform within two years, it would be wiser to allow additional time. Separations reform is not a critical issue, and it has become increasingly unimportant as fewer and fewer ILEC access lines are subject to federal rate of return regulation. Carriers representing the vast majority of ILEC lines nationwide today are governed by price cap regulation. In addition to AT&T, Verizon, and CenturyLink's Qwest local operations -- price cap ILECs that are no longer subject to interstate separations requirements -- other carriers that are price cap regulated by the Commission include ACS, Cincinnati Bell, Consolidated, FairPoint, Frontier, Hawaiian Telcom,

⁴ *Connecting America: The National Broadband Plan* (Mar. 16, 2010). See also News Release: "FCC Announces Broadband Action Agenda" (rel. Apr. 8, 2010).

⁵ *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*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order*), *Order Clarifying Rules*, 27 FCC Rcd 605 (rel. Feb. 3, 2012), Erratum (rel. Feb. 6, 2012), Application for Review pending, USCC, *et al.*, filed Mar. 5, 2012, *Further Clarification Order*, DA 12-298 (rel. Feb. 27, 2012), Erratum to *Order Clarifying Rules* (rel. Mar. 30, 2012), *pets. for recon. pending; pets. for rev. of Report and Order pending, sub nom. Direct Commc'ns Cedar Valley, LLC v. FCC*, 10th Cir. No. 11-9900, and consolidated cases (filed Dec. 8, 2011).

Iowa Telecom (now part of Windstream), Puerto Rico Telecom, Virgin Islands Telephone, and Windstream.⁶ CenturyLink is price cap regulated at the federal level for all but a very tiny handful of its access lines,⁷ and its former Qwest operations, as a Bell Operating Company, are wholly price-cap regulated.

The Commission has many important issues on its agenda over the next year. Obviously, those include comprehensive reform of intercarrier compensation and high cost universal service, which are now well underway but have much work remaining. These and other, related initiatives will make separations all the more obsolete for all carriers. The *USF/ICC Transformation Order* envisions moving to unified interstate and intrastate access rates, after a transition. The mechanisms for universal service high cost support -- including ICLS, IAS, and

⁶ For example, in 2010, the Commission granted petitions of Virgin Islands Telephone, FairPoint, and Windstream. *Petition of Virgin Islands Telephone Corporation for Election of Price Cap Regulation and Limited Waiver of Pricing and Universal Service Rules; China Telephone Company, FairPoint Vermont, Inc., Maine Telephone Company, Northland Telephone Company of Maine, Inc., Sidney Telephone Company, and Standish Telephone Company Petition for Conversion to Price Cap Regulation and for Limited Waiver Relief; Windstream Petition for Limited Waiver Relief*, Order, 25 FCC Rcd 4824 (2010). The transition to price cap regulation is only continuing. The Commission currently is reviewing an additional petition by FairPoint companies to convert special access services to price cap regulation for some of its local operations that have not yet transitioned from rate of return. *Petition of Berkshire Telephone Corporation, Big Sandy Telecom, Inc., Bluestem Telephone Company, Chautauqua and Erie Telephone Corporation, Chouteau Telephone Company, Columbine Telecom Company, C-R Telephone Company, The El Paso Telephone Company, Ellensburg Telephone Company, FairPoint Communications Missouri, Inc., Fremont Telcom Co., The Germantown Independent Telephone Company, GTC, Inc., Marianna and Scenery Hill Telephone Company, Odin Telephone Exchange, Inc., The Orwell Telephone Company, Peoples Mutual Telephone Company, Sunflower Telephone Company, Inc., Taconic Telephone Corp., YCOM Networks, Inc. for Conversion to Price Cap Regulation and for Limited Waiver Relief*, WC Docket No. 12-71 (filed Mar. 1, 2012); Public Notice, DA 12-525 (rel. Apr. 2, 2012).

⁷ CenturyLink completed the conversion of virtually all of its federal rate-of-return companies to price cap regulation in 2009. CenturyLink's ILECs all operate under price cap regulation at the federal level, except for three average schedule companies, which together account for less than 0.05% of CenturyLink's total access lines.

LSS -- are all tied to the access charge regime. Thus, even for ILECs still under cost-based regulation, rulemakings under the plan will directly affect carrier revenues and allocation.

The Joint Board has been reviewing interim and comprehensive separations reform, but has not completed its review, likely in part because of uncertainty about comprehensive universal service and intercarrier compensation reform. In 2010, the State Members of the Joint Board did issue and request comment on a reform proposal, and the Joint Board itself held a roundtable meeting with consumer, industry, and state commission representatives.⁸ As the Commission itself recognizes, however, “the commission’s fundamental reform of the universal support and intercarrier compensation systems in the *USF/ICC Transformation Order* and the ongoing reform we proposed in the *Further Notice* significantly affect the Joint Board’s analysis of interim and comprehensive separations reform.” Accordingly, an extension of the freeze is plainly appropriate.⁹

If the Commission failed to extend the freeze by June 30, 2012, “incumbent LECs would be required to reinstitute their separations processes that have not been used since the inception of the freeze over ten years ago,”¹⁰ with clearly insufficient time to prepare. The burden this would impose is all the more unreasonable given the substantial work carriers are striving to complete to implement the *USF/ICC Transformation Order*.¹¹

⁸ *Federal-State Joint Board on Jurisdictional Separations Announces September 24, 2010 Meeting and Roundtable Discussion of Jurisdictional Separations Reform*, Public Notice, 25 FCC Rcd 13245 (2010). *Federal-State Joint Board on Separations Seeks Comment on Proposal for Interim Adjustments to Jurisdictional Separations Allocation Factors and Category Relationships Pending Comprehensive Reform and Seeks Comment on Comprehensive Reform*, Public Notice, 25 FCC Rcd 3336 (Fed.-State Jt. Bd. 2010).

⁹ *FNPRM* ¶ 12.

¹⁰ *Id.* ¶ 13.

¹¹ In particular, ILECs are also implementing major changes to the Lifeline and LinkUp low-income universal service programs, requiring major tariffing and systems changes. *See Lifeline*

All of the reasons for granting a one-year freeze apply equally to an indefinite one.¹²

Given the significant progress on comprehensive intercarrier compensation and universal service reforms in the rulemaking begun in the *Universal Service/Intercarrier Compensation NPRM* -- an indefinite freeze will have cost nothing. The Commission can take steps to lift the freeze in the future whenever separations reform is completed, if that is ever necessary, given that current reforms are likely to make separations wholly obsolete. In the meantime, allowing the freeze to expire on June 30, 2012 would be a startling departure from Commission policy and impose essentially needless administrative costs and burdens.

III. THE COMMISSION HAS ALREADY FOUND THE SEPARATIONS FREEZE IS WARRANTED FOR ALL ILECS.

A. The Commission and the Joint Board recognized a decade ago that the separations requirements are obsolete.

The Commission began a proceeding on comprehensive separations reform more than ten years ago. It recognized, in the *1997 NPRM*, that “legislative, technological and market changes likely warranted comprehensive reform of the separations process,” noting that “the current network infrastructure is vastly different from the network and services used to define the cost categories appearing in the Commission’s current Part 36 rules.”¹³ In 1998, the Joint Board

and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training, CC Docket No. 96-45, WC Docket Nos. 03-109, 11-42, 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012).

¹² The Commission considered adopting an indefinite freeze in 2011, but ultimately deferred the issue for a later time. *2011 Order*, 26 FCC Rcd at 7137 ¶ 12.

¹³ *FNPRM* ¶ 5. *And see Jurisdictional Separations Reform and Referral to the Federal-State Joint Board*, Notice of Proposed Rulemaking, 12 FCC Rcd 22120, 22126-131 ¶¶ 9-19 (1997).

proposed freezing jurisdictional separations.¹⁴ In 2000, the Joint Board recommended that, until comprehensive reform could be undertaken and completed, the Commission freeze Part 36 category relationships and jurisdictional allocation factors for price cap ILECs and allocation factors for rate of return ILECs.¹⁵

B. In 2001, the Commission found the separations freeze appropriate and in the public interest.

In 2001, after soliciting and assessing public comment, the Commission adopted the Joint Board's recommendation.¹⁶ The Commission imposed a freeze on the Part 36 category relationships and jurisdictional cost allocation factors, until such time as comprehensive reform of the separations rules could be completed.

The Commission concluded that freezing the factors “would provide stability and regulatory certainty for incumbent LECs by minimizing any impacts on separations results that might occur as a result of circumstances not contemplated by the Commission’s Part 36 rules.”¹⁷ This included, notably, “growth in local competition and new technologies.”¹⁸ The Commission also found that a freeze would reduce regulatory burdens on ILECs during the transition from a regulated monopoly to a deregulated, competitive environment in the local telecommunications

¹⁴ *Jurisdictional Separations Reform and Referral to the Federal-State Joint Board*, CC Docket No. 80-286, State Members Report on Comprehensive Review of Separations (filed Dec. 21, 1998).

¹⁵ *Jurisdictional Separations Reform and Referral to the Federal-State Joint Board*, Recommended Decision, 15 FCC Rcd 13160 (2000).

¹⁶ *Jurisdictional Separations and Referral to the Federal-State Joint Board*, Report and Order, 16 FCC Rcd 11382, 11387-88 ¶ 9 (2001) (*2001 Order*).

¹⁷ *Jurisdictional Separations and Referral to the Federal-State Joint Board*, Report and Order, 24 FCC Rcd 6162, 6164 ¶ 6 (2009) (*2009 Report and Order*), citing to the *2001 Order*, 16 FCC Rcd at 11388 ¶ 14.

¹⁸ *Id.* ¶ 12; *FNPRM* ¶ 6.

marketplace.¹⁹ In the intervening time, the marketplace has become competitive, as shown by dramatic growth of cable and wireless communications offerings and sharp, continuing declines in ILEC access lines. The Commission also recognized that competitive LECs and other ILEC competitors have no comparable requirements. Adopting a freeze would “further the Commission’s ... goal ... of achieving greater competitive neutrality during the transition to a competitive marketplace by simplifying the separations process for those carriers subject to Part 36.”²⁰

With Part 36 category relationships and allocation factors frozen, the Commission ensured that ILECs were not required to conduct the tedious and expensive separations studies otherwise necessary to calculate separations results. The Commission set this freeze for five years, but even at the outset it suggested it might be extended well beyond that term, depending on “whether, and to what extent, comprehensive reform of separations has been undertaken by that time.”²¹

C. In 2006, 2009, 2010, and 2011, the Commission found it appropriate and in the public interest to extend the separations freeze.

In 2006, the Commission extended the freeze another three years.²² It found that more time was needed to study comprehensive reform, including assessing Joint Board and industry filings. Among the proposals before the Commission was elimination of the separations requirements for price cap carriers.

¹⁹ *2001 Order*, 16 FCC Rcd at 11389-90 ¶ 12; *FNPRM* ¶ 6.

²⁰ *2001 Order*, 16 FCC Rcd at 11390 ¶ 13; *FNPRM* n.19.

²¹ *2001 Order*, 16 FCC Rcd at 11397 ¶ 29. *See FNPRM* ¶ 7.

²² *Jurisdictional Separations Reform and Referral to the Federal-State Joint Board*, Order and Further Notice of Proposed Rulemaking, 21 FCC Rcd 5516, 5517 ¶ 1, 5523 ¶ 16 (2006) (*2006 FNPRM*).

The Commission found that its 2001 analysis remained wholly applicable in 2006. It concluded that “the facts support maintaining the status quo,” and that “[a]llowing the separations process to revert to the pre-freeze rules would create undue instability and administrative burdens while the Commission is considering comprehensive separations reform.”²³ The Commission also concluded it had ample authority to preserve the status quo to ensure its ongoing reform effort goals would not be frustrated.²⁴ Ultimately, the Commission found extending the jurisdictional separations freeze for an additional three years was a reasonable way to handle the jurisdictional apportionment of ILEC costs.

In 2009, the Commission extended the freeze for an additional year. As in 2006, it recognized that extending the freeze was in the public interest. It again concluded that letting the old rules be re-imposed would create instability and burdens that could not be justified. Without the extension, carriers would have to reinstitute many separations functions when they may “no longer have the necessary employees and systems in place to comply with the old jurisdictional separations process.”²⁵ At the same time, the Commission found, “comprehensive reform could render the pre-freeze separations rules obsolete” anyway.²⁶ “To require carriers to reinstitute their separations systems, including personnel and computing resources, ‘would be unduly burdensome ... when there is significant likelihood that there would be no lasting benefit to doing so.’”²⁷

²³ *Id.* at 5523-25 ¶¶ 19-23.

²⁴ *See MCI v. FCC*, 750 F.2d 135, 141 (D.C. Cir. 1984) (“Substantial deference must be accorded to any agency when it acts to maintain the status quo so that the objectives of a pending rulemaking proceeding will not be frustrated.”).

²⁵ *2009 Report and Order*, 24 FCC Rcd at 6165-66 ¶ 12.

²⁶ *Id.*

²⁷ *Id.*, quoting *2006 FNPRM*, 21 FCC Rcd at 5525 ¶ 23.

In 2010 and again last year, the Commission again reached the very same conclusion, for the same reasons.²⁸

D. The same reasoning is even more compelling to extend the freeze today.

The Commission's reasoning for the freeze in 2001, 2006, 2009, and 2010 remains equally compelling today, just as the *FNPRM's* tentative conclusion suggests.²⁹ A two-year interim extension is in fact quite short -- possibly unreasonably short. A freeze, however, is in the public interest to maintain the regulatory status quo, while the pending rulemaking allows the Commission to coordinate with the Joint Board and complete separations reform.³⁰

For price cap carriers, separations has indeed become obsolete. After rates have been initialized, separated cost data is not used to set rates. As the Commission noted in the *AT&T Forbearance Order* and the *Verizon/Qwest Forbearance Order*, there is no longer any "direct link between regulated costs and prices."³¹ However, to the extent anyone might be concerned

²⁸ *Jurisdictional Separations and Referral to the Federal-State Joint Board*, Report and Order, 25 FCC Rcd 6046, 6049-50 ¶¶ 10-12 (2010) (*2010 Order*); *2011 Order*, 26 FCC Rcd at 7137-38 ¶¶ 12-14.

²⁹ *FNPRM* ¶¶ 12-14.

³⁰ The Commission need not refer the proposed extension to the Joint Board. The freeze is temporary, and it is wholly consistent both with the Joint Board's earlier recommended decision and with the Commission's prior policy on separations.

³¹ *Petition of AT&T Inc. For Forbearance Under 47 U.S.C. § 160 From Enforcement of Certain of the Commission's Cost Assignment Rules*; *Petition of BellSouth Telecommunications, Inc. For Forbearance Under 47 U.S.C. § 160 From Enforcement of Certain of the Commission's Cost Assignment Rules*, Memorandum Opinion and Order, 23 FCC Rcd 7302, 7305-06 ¶ 8, 7307 ¶ 11 (2008) (granting AT&T forbearance from the separations requirements, among other rules), *pet. for recon. pending, pet. for review pending*, *NASUCA v. FCC*, Case No. 08-1226 (D.C. Cir. filed June 23, 2008) (*AT&T Forbearance Order*); *Petition of Qwest Corporation for Forbearance from Enforcement of the Commission's ARMIS and 492A Reporting Requirements Pursuant to 47 U.S.C. § 160(c)*; *Petition of Verizon for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission's Recordkeeping and Reporting Requirements*, Memorandum Opinion and Order, 23 FCC Rcd 18483, 18487 ¶ 8 (rel. Dec. 12, 2008) (extending

about potential misallocation of costs between jurisdictions by rate of return carriers until reform is completed, then maintaining the stability and regulatory certainty of the existing freeze will let carriers make investment decisions without worrying that reverting to the old rules would create dramatic changes in cost recovery requirements. Failing to extend the freeze could lead to deferring of investment decisions for non-Bell ILEC operations. It also would create a sudden cost shift that would be especially problematic for rural carriers and rate of return carriers.

Failing to extend the freeze would be particularly odd for price cap carriers like CenturyLink that include BOC and non-BOC local operations. CenturyLink's Qwest ILEC has forbearance from much of the Commission's cost assignment rules. CenturyLink's other local operations, do not, however, even though the company is for all practical purposes entirely price-cap regulated.

Extending the freeze also avoids needless and pointless regulatory costs, as the Commission has previously recognized.³² Regulatory requirements are a genuine burden. Re-imposing the old separations rules would require substantial, incremental resources across several departments and all local operating companies, imposing annual regulatory costs in the millions.³³ Failing to extend the freeze would impose all those costs and more -- all for a rule that the Commission has found no longer makes sense, has already considered eliminating, and

forbearance from separations requirements to Verizon and Qwest), *pets. for recon. pending (Verizon/Qwest Forbearance Order)*.

³² 2001 Order, 16 FCC Rcd at 11392-93 ¶ 17.

³³ These pointless regulatory burdens would also consume resources that subject ILECs could invest in extending the reach and capability of broadband-capable networks. Congress directed the Commission and state commissions to encourage deregulation -- notably including price cap regulation and regulatory forbearance -- to "remove [such] barriers to infrastructure investment" and so "encourage the deployment ... of advanced telecommunications capability to all Americans." 47 U.S.C. § 157 nt. (codifying section 706 of the 1996 Act).

likely will render unquestionably obsolete through comprehensive intercarrier compensation and universal service reform.

The Commission cannot treat such regulatory costs lightly. Over the last decade, competition has intensified. While that means consumers have more choices -- choices of provider and of technology -- it also means ILECs have been losing lines. ILECs nationwide saw access lines decline by 9.9% in 2009, followed by similar declines in 2010 and 2011.³⁴ Most ILECs have lost more than one third of their access lines since the freeze was first adopted. Fewer lines and lower local revenues make such regulatory costs a greater burden for ILECs than ever, made even worse by a serious economic recession. Meanwhile, ILECs' competitors are not subject to similar rules.

The separations compliance task has actually become more difficult today. After nearly a decade with the freeze, the Commission understands that “[m]any carriers no longer have the necessary employees and systems in place to comply with the old jurisdictional separations process and likely would have to hire or reassign and train employees and redevelop systems for collecting and analyzing the data necessary to perform separations.”³⁵ The Commission can anticipate that ILECs would be unable to meet the obligation on a timely basis if the Commission failed to extend the freeze at least the one year proposed in the *FNPRM*. ILECs have not expected that these rules would be abruptly re-imposed, through inaction, without extending the

³⁴ See JSI Capital Advisors, *Phone Lines 2009* (2009) at 6. The Commission's own analysis shows ILEC access lines nationwide declined by another 8.9% in 2010. See Industry Anal. & Tech. Div., *Local Telephone Competition: Status as of Dec. 31, 2010* at Fig. 4 (Oct. 2011); Industry Anal. & Tech. Div., *Local Telephone Competition: Status as of Dec. 31, 2009* at Fig. 4 (Jan. 2011).

³⁵ *2010 Order*, 25 FCC Rcd at 6049 ¶ 11. See also *Jurisdictional Separations and Referral to the Federal-State Joint Board*, Notice of Proposed Rulemaking, 25 FCC Rcd 3457, 3461 ¶ 10 (2010); *2009 Report and Order* 24 FCC Rcd at 6165-66 ¶ 12; *2006 FNPRM*, 21 FCC Rcd at 5525 ¶ 23 (acknowledging this same concern).

freeze until reform is completed or until separations requirements have been rescinded altogether. This reasonable expectation can only have been reinforced by the Commission's forbearance orders removing the separations requirements altogether from the three largest ILECs.³⁶

The Commission expressly found these requirements are unnecessary and warranted forbearance for the BOCs.³⁷ The Commission and the Joint Board have recognized for a decade that the current separations rules are obsolete and need radical overhaul, because the world has changed. That change has only become more apparent and dramatic in the years since. Instead of a system of local monopolies, today's telecommunications and information services industry consists of a wide range of competing service providers, competing networks, and competing technologies. The marketplace, the technology, and Commission policy have all moved on.

The National Broadband Plan and especially the Commission's dramatic reforms of universal service and intercarrier compensation in the *USF/ICC Transformation Order* show how plainly the environment has changed. In the meantime, having otherwise failed to complete separations reform, the Commission would be acting unreasonably if it did not extend the freeze. Nothing has happened that could possibly be cited to justify allowing the freeze to come to an end. As the *FNPRM* tentatively concludes, "extending the jurisdictional separations freeze for

³⁶ *FNPRM* n.2.

³⁷ *AT&T Forbearance Order*, 23 FCC Rcd 7302, 7305-06 ¶ 8 (granting AT&T forbearance from the separations requirements, among other rules); *Verizon/Qwest Forbearance Order*, 23 FCC Rcd 18483, 18487 ¶ 8 (extending forbearance from separations requirements to Verizon and Qwest).

two years provides incumbent LECs a reasonable method to apportion costs, and is preferable to allowing the previous separations requirements to resume.”³⁸

The *FNPRM* and the prior history of extensions provide ample justification for continuing the freeze indefinitely, let alone the two years the *FNPRM* proposes. The Commission should extend the current separations freeze indefinitely until it completes separations reform. It should prevent states from imposing any new or different cost allocation requirements.

IV. CONCLUSION

CenturyLink supports the *FNPRM*'s tentative conclusion that the separations freeze should be extended. Although the *FNPRM* proposes a two-year extension, CenturyLink believes an indefinite extension would be both more appropriate and in the public interest. In either case, during the time allowed by the freeze, the Commission can take steps to complete reform of the separations process and move forward with comprehensive intercarrier compensation and universal service reform.

Respectfully submitted,

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³⁸ *FNPRM* ¶ 14. See also *2011 Order*, 26 FCC Rcd at 7137 ¶ 11; *2009 Report and Order*, 24 FCC Rcd at 6165-66 ¶ 12.

CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **COMMENTS OF CENTURYLINK** to be: 1) filed with the FCC via its Electronic Comment Filing System in CC Docket No. 80-286; 2) served via e-mail on Mr. Daniel Ball at Daniel.Ball@fcc.gov of the Wireline Competition Bureau; and 3) served via e-mail on the FCC's duplicating contractor, Best Copy and Printing, Inc. at fcc@bcpiweb.com.

/s/Richard Grozier

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