

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208

COMMENTS OF CENTURYLINK ON PETITION FOR CLARIFICATION AND RECONSIDERATION OR, IN THE ALTERNATIVE, FOR WAIVER OF CTIA – THE WIRELESS ASSOCIATION® AND THE UNITED STATES TELECOM ASSOCIATION

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August 6, 2012

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EXECUTIVE SUMMARY

In the *USF/ICC Transformation Order*, the Commission adopted an ambitious set of goals, including “ensur[ing] universal availability of modern networks capable of providing voice and broadband service to homes, businesses, and community anchor institutions” and “ensur[ing] universal availability of modern networks capable of providing mobile voice and broadband service where Americans live, work, and travel.”¹ Although CenturyLink supports these ambitious objectives, CenturyLink shares the concerns raised in the Petition that many of the broadband reporting requirements the *Order* imposes on ETCs are inappropriate, unnecessary, unclear, unduly burdensome, and fundamentally inconsistent with the goal of maximizing the resources available for broadband deployment.

To better align the Commission’s broadband reporting requirements with its policy objectives, the Commission should make clear that the broadband reporting requirements established by section 54.313(a)(11) of the Commission’s rules will apply only to carriers

¹ *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, 26 FCC Rcd 17663, 17680 ¶ 48 (rel. Nov. 18, 2011) (*USF/ICC Transformation Order*), *Order Clarifying Rules*, 27 FCC Rcd 605 (rel. Feb. 3, 2012) (*Clarification Order*), Erratum to *USF/ICC Transformation Order* (rel. Feb. 6, 2012), Application for Review pending, USCC, *et al.*, filed Mar. 5, 2012, *Further Clarification Order*, DA 12-298, 27 FCC Rcd 2142 (2012), Erratum to *Clarification Order* (rel. Mar. 30, 2012), Second Erratum to *USF/ICC Transformation Order*, DA 12-594 (rel. Apr. 16, 2012), *pets. for recon. granted in part and denied in part*, Second Order on Recon., FCC 12-47, 27 FCC Rcd 4648 (2012), *pet. for rev.*, *Windstream v. FCC* (D.C. Cir. No. 12-1331, July 27, 2012); Third Order on Recon., FCC 12-52, 27 FCC Rcd 5622 (2012), Erratum to *Second Order on Recon.* (rel. June 1, 2012), *Order Clarifying Rules*, DA 12-870, 27 FCC Rcd 5986 (2012), Erratum to *Order Clarifying Rules* (rel. June 12, 2012), Second Report and Order, FCC 12-70 (rel. June 27, 2012), Fourth Order on Recon., FCC 12-82 (rel. July 18, 2012), *Order Clarifying Rules*, DA 12-1155 (rel. July 18, 2012), *pets. for rev. of USF/ICC Transformation Order pending, sub nom. In re: FCC 11-161* (10th Cir. No. 11-9900, Dec. 16, 2011).

receiving CAF Phase II support. This interpretation respects the Commission's limited legal authority over information services such as broadband by tying the reporting requirements to the Commission's statutory authority under section 254 of the Communications Act. Besides, as a matter of sound policy, it makes no sense to impose burdensome, network-wide broadband reporting obligations on networks that receive limited or no broadband-directed support. The Commission also should clarify how its broadband reporting requirements will be applied in CAF Phase II. As they stand, the reporting requirements are unworkable and reflect the inaccurate assumption that existing voice-based reporting requirements simply can be transposed into the broadband context by replacing the word "voice" with "broadband." Any reporting obligations the Commission does impose on CAF Phase II recipients should be competitively neutral and thus apply equally to all CAF Phase II recipients, regardless of whether an ETC receives support through the Fixed or Mobility funds.

The Commission also should refrain from requiring five-year plans and related reports from ETCs that are not receiving CAF Phase II support, most of whom have never before been required to file five-year plans and cannot assemble a rational five-year plan now without first knowing how much funding will be available over that time period and when that funding will go away. Neither of these elements is predictable until after the CAF Phase II program is implemented.

Finally, the Commission should clarify that section 54.313(c)(2), which requires carriers to certify that one-third of their 2013 frozen high-cost support was used for broadband-capable networks, does not apply to interstate access support (IAS), even though "frozen high-cost support" is defined elsewhere to include IAS.² Such a certification would be impossible with

² See *USF/ICC Transformation Order*, 26 FCC Rcd at 17712 ¶ 128.

respect to IAS, which the *USF/ICC Transformation Order* and rules adopted therein require carriers to continue using to replace lost access charge revenues caused by the previous removal of implicit subsidies in interstate access charges.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	i
I. INTRODUCTION.....	1
II. THE COMMISSION SHOULD CLARIFY THAT THE BROADBAND REPORTING OBLIGATIONS IN SECTION 54.313(a)(11) APPLY ONLY TO ETCs PARTICIPATING IN CAF PHASE II.....	3
A. The Commission Lacks Authority To Impose Broadband Reporting Requirements On ETCs Who Deploy Broadband Without CAF Support.	5
B. Sound Policy Requires That Any Appropriately-Crafted Broadband Reporting Requirement Be Tied To Funding Used For The Provision Of Broadband Service.	6
C. The Proposed Broadband Reporting Requirements Are Unworkable Even For CAF Phase II Recipients.....	8
III. THE COMMISSION SHOULD REVISIT THE FIVE-YEAR PLAN FILING AND RELATED REPORTING REQUIREMENTS FOR ETCs THAT ARE NOT RECEIVING CAF PHASE II SUPPORT.	11
IV. THE COMMISSION SHOULD REVISIT SECTION 54.313(c)(2), WHICH REQUIRES AN ETC TO CERTIFY THAT IAS WILL BE USED FOR BROADBAND WHEN SUCH SUPPORT IS USED FOR OTHER PURPOSES.	12
V. CONCLUSION.....	14

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I. INTRODUCTION.

In the *USF/ICC Transformation Order*, the Commission adopted a new approach to universal service that for the first time extended explicit support for high-cost areas beyond voice services to advanced services such as broadband.¹ Among the goals set by the Commission were “ensur[ing] universal availability of modern networks capable of providing voice and broadband service to homes, businesses, and community anchor institutions” and “ensur[ing] universal availability of modern networks capable of providing mobile voice and broadband service where Americans live, work, and travel.”²

CenturyLink supports these ambitious objectives. However, CenturyLink shares the concerns raised in the Petition for Clarification and Reconsideration or, in the Alternative, for Waiver filed by CTIA – The Wireless Association® and the United States Telecom Association that many of the broadband reporting requirements the *Order* imposes on eligible telecommunications carriers (ETCs) are inappropriate, unnecessary, unclear, and unduly burdensome, particularly if they apply to ETCs whose high-cost support is being phased out or

¹ *USF/ICC Transformation Order*, 26 FCC Rcd 17663, 17679 ¶¶ 44-45 (2011).

² *Id.* at 17680 ¶ 48.

who have deployed broadband without broadband-specific universal service support. Without the requested clarification from the Commission, these reporting burdens will needlessly draw ETC resources away from the Commission's true objective -- universal broadband deployment.

As a consequence, CenturyLink urges the Commission to adopt the Petition's three recommendations. First, the Commission should make clear that to the extent the Commission retains the broadband reporting requirements established by section 54.313(a)(11) of the Commission's rules, those requirements will apply only to carriers receiving Connect America Fund (CAF) Phase II support and only for areas where they receive that support. Any broader application of these broadband reporting requirements would exceed the Commission's limited legal authority over information services such as broadband. Furthermore, as a matter of sound policy, it makes no sense to impose burdensome, network-wide broadband reporting obligations on networks that received little or no broadband-directed support. While such reporting may, in theory, serve some purpose as a part of Universal Service Fund (or USF) oversight, there is no broader public policy objective that can justify it. The Commission also should clarify the substance of these reporting requirements, which are unclear and unworkable in their current form. Any reporting obligations the Commission does impose on CAF Phase II recipients should be competitively neutral and thus apply equally to all CAF Phase II recipients, regardless of whether an ETC receives support through the Fixed or Mobility funds.

Second, the Commission should revisit the five-year plan filing and related reporting requirements for ETCs that are not receiving CAF Phase II support. The *USF/ICC Transformation Order* establishes that all of the support such ETCs receive during CAF Phase I will be either supplanted by support received in CAF Phase II or wholly eliminated. Most state-designated ETCs have never been required to file five-year plans, and there is little point in

requiring them to do so at a time when they will be losing their current support and cannot know whether they will seek or accept future forms of support. Carriers cannot assemble a rational five-year plan without knowing how much funding will be available over that time period and when the funding will go away, neither of which is predictable until after the CAF Phase II program is implemented. Thus, any five-year plan generated at this point would consist of nothing but speculation. Requiring ETCs to assemble such plans would impose significant burdens on carriers without producing anything more than speculative information for the Commission.

Finally, the Commission should clarify that section 54.313(c)(2), which requires carriers to certify that one-third of their 2013 frozen high-cost support was used for broadband-capable networks, does not apply to IAS, even though “frozen high-cost support” is defined elsewhere to include IAS.³ Such a certification would be impossible with respect to IAS, which the *USF/ICC Transformation Order* and rules adopted therein require carriers to continue using to replace lost access charge revenues caused by the previous removal of implicit subsidies in interstate access charges.

II. THE COMMISSION SHOULD CLARIFY THAT THE BROADBAND REPORTING OBLIGATIONS IN SECTION 54.313(a)(11) APPLY ONLY TO ETCs PARTICIPATING IN CAF PHASE II.

The Commission undoubtedly is aware that reporting requirements create costs. These costs, of course, consume resources that ETCs cannot spend to advance the Commission’s goal of increasing broadband deployment. Significant reporting requirements therefore should be approached with great care and balance. It also is important that any reporting requirements be

³ See *id.* at 17712 ¶ 128.

within the Commission's legal authority and that they be tied closely to the particular policy objectives that they are intended to promote.

As explained more fully below, the broadband reporting requirements under section 54.313(a)(11) fail both of these tests when applied to ETCs outside of CAF Phase II. Section 54.313(a)(11) purports to require reports from "any recipient of high-cost support" on "the information and data required by this paragraphs (a)(1) through (7) of this section [sic] separately broken out for both voice and broadband service."⁴ These requirements miss the mark for at least three reasons.

First, the Commission lacks the legal authority to impose freestanding broadband reporting obligations solely on the basis of a carrier's receipt of *non-broadband* high-cost support. Indeed, the Commission's authority to require any reporting here is inextricably tied to, and constrained by, its express statutory authority to administer the USF and any proper ancillary authority.

Second, the overbroad reporting obligations contemplated by section 54.313(a)(11) will hinder the Commission's policy goals by diverting resources from the substantive work of deploying broadband infrastructure.

Third, these broadband reporting requirements as currently articulated are unworkable even for CAF Phase II recipients. Although the rule appears to assume that voice-based reporting requirements can be adapted to broadband, the Commission's own experience demonstrates the fallacy of this assumption. Moreover, carriers do not yet know basic details such as how key metrics are defined or what methodology will be used, and the rules contemplate that annual reports based on this data should be submitted in less than a year from

⁴ 47 C.F.R. § 54.313(a)(11).

now. The Commission first must provide greater clarity and then provide a longer implementation period for the necessary operational systems to be created and deployed if it expects these reports to produce useful information.

A. The Commission Lacks Authority To Impose Broadband Reporting Requirements On ETCs Who Deploy Broadband Without CAF Support.

The Commission's authority to impose broadband reporting requirements is directly tied to -- and limited by -- its authority under section 254 of the Communications Act to implement the Universal Service Fund and its attendant authority to ensure that monies distributed by the Fund are used effectively.⁵ The Commission can look to section 706(b) of the Act to augment its authority under section 254, however section 706(b) alone is not a sufficient source of authority for those endeavors. Nor is section 706(a) an independent basis of authority for the Commission to use universal service mechanisms to support broadband deployment. Instead, the Commission's authority under section 706 to promote broadband deployment must be exercised in harmony with its authority to promote universal access to services under section 254.

Because the Commission's authority in this area ultimately derives from section 254, it follows that any reporting requirements that the Commission imposes must be tied to the Commission's need to ensure proper administration of the funds distributed under that section. The Commission has no authority to impose freestanding reporting obligations on all broadband providers as such. Indeed, the Commission concluded in 2005 that wireline broadband Internet access is an information service.⁶ As such, broadband providers are not subject to the various

⁵ See 47 U.S.C. § 254.

⁶ *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities, et al.*, Report and Order and Notice of Proposed Rulemaking, CC Docket Nos. 02-33 *et al.*, 20 FCC Rcd 14853, 14858 ¶ 5 (2005).

reporting requirements and other obligations that apply to providers of telecommunications under Title II of the Communications Act.

The D.C. Circuit's decision in *Comcast v. FCC* raises substantial doubts about the Commission's jurisdiction to impose regulations on information services absent express statutory authority to do so.⁷ Thus, any broadband reporting requirements must be “‘reasonably ancillary to the Commission's effective performance of its statutorily mandated responsibilities.’”⁸ In the case of ETCs that have accepted CAF Phase II support, this test arguably is met by section 254's express authorization for operating a USF that includes advanced telecommunications services and the Commission's attendant need to ensure that disbursements from the Fund are used appropriately. However, there is no similar justification for imposing the same broadband reporting requirements on ETCs that do not receive CAF funding intended for broadband. Nor are network-wide broadband reporting requirements reasonably related to the Commission's statutory duties in the case of ETCs receiving frozen or CAF Phase I funds to support geographically limited broadband deployments.⁹ Accordingly, the Commission should refrain from applying any reporting obligations on broadband service areas that have been deployed without the support of CAF Phase II funding.

B. Sound Policy Requires That Any Appropriately-Crafted Broadband Reporting Requirement Be Tied To Funding Used For The Provision Of Broadband Service.

As the Petition states, even for carriers receiving support through CAF I frozen support after 2013 or CAF Phase I Incremental support (both of which are at least in part broadband

⁷ See *Comcast v. FCC*, 600 F.3d 642, 661 (D.C. Cir. 2010).

⁸ *Id.* at 646 (internal quotations omitted).

⁹ See Petition at 8-9.

related), it makes no sense to require network-wide reporting of broadband performance when the relevant funds can be used for only limited broadband deployments.¹⁰ CAF Phase I Incremental support, for instance, can be used only for broadband deployments in unserved areas that the receiving carrier would not otherwise have reached within the next three years.¹¹ Similarly, frozen high-cost support -- to the extent it has not yet been replaced by CAF Phase II -- will be subject to a phased-in requirement that the support be used to deploy broadband service “in areas substantially unserved by an unsubsidized competitor.”¹² And, CAF ICC Replacement support for price cap carriers will be subject to a similar requirement to be used to deploy broadband service “in areas substantially unserved by an unsubsidized competitor” and will be phased out and wholly eliminated in seven years.¹³ As currently structured, that support will be distributed extremely widely, but also thinly, across a recipient’s service areas.¹⁴ Such limited support -- limited both in time span and distribution area or amount -- “cannot serve as justification for broadband performance reporting across a provider’s entire network.”¹⁵ Nor are these burdensome, network-wide reporting requirements necessary to monitor compliance with the rules governing the use of CAF Phase I Incremental support, CAF Phase I frozen high-cost support, or CAF-ICC Replacement support. Indeed, applying the reporting requirements to all ETCs would impose significant burdens entirely unrelated to the FCC’s policy goals. For instance, an ETC receiving only frozen IAS support in an area could be forced to incur the

¹⁰ *Id.*

¹¹ *USF/ICC Transformation Order*, 26 FCC Rcd at 17720-21 ¶¶ 145-46.

¹² *Id.* at 17723 ¶ 150 (footnote omitted).

¹³ *See id.* at 18209, 18190; 47 C.F.R. §§ 54.313(d) & 51.915(f).

¹⁴ *Id.* at 17994-95 ¶ 918 & n.1818.

¹⁵ Petition at 9.

expense of reporting on broadband performance across a wide swath of territory, even though these reports would be completely irrelevant to the voice services being supported by the public funds the ETC receives.

Even if the Commission had legal authority to impose these broadband reporting requirements on all ETCs, which it does not, such an approach would contradict the sound policy judgments the Commission made in the *USF/ICC Transformation Order*. In the *Order*, the Commission stated that competitive ETCs whose support is being phased down “will not be required to submit any of the new information or certifications below related solely to the new broadband public interest obligations, but must continue to submit information or certifications with respect to their provision of voice service.”¹⁶ That conclusion appropriately recognizes that, as the Petition notes, “[i]t makes no sense for the Commission to require carriers whose support may be phased out in a matter of months to put in place complex new mechanisms for gathering broadband-related data,” and that “broadband reporting is not necessary to monitor compliance with the very general requirement imposed on frozen high-cost recipients in 2012 to use support ‘consistent with the goal of achieving universal availability of voice and broadband.’”¹⁷ This rationale applies just as strongly to legacy carriers whose support is intended to be replaced by CAF Phase II.

C. The Proposed Broadband Reporting Requirements Are Unworkable Even For CAF Phase II Recipients.

As currently articulated, the Commission’s proposed broadband reporting requirements are unclear and unnecessarily burdensome even for carriers that do accept CAF Phase II funding. As discussed above, any reporting requirement should be carefully tailored to avoid drawing

¹⁶ *USF/ICC Transformation Order*, 26 FCC Rcd at 17853 ¶ 583 (footnote omitted).

¹⁷ Petition at 8, quoting 47 C.F.R. § 54.313(c)(1).

more resources than necessary away from the substantive work of building broadband infrastructure. The existing reporting requirements do not reflect any such tailoring. Section 54.313(a)(11) appears to take reporting requirements that previously have been applied to voice services and simply extend them to broadband services without any consideration or analysis as to whether these reporting requirements are an appropriate or effective way for the Commission to monitor recipients of high cost support for broadband service.¹⁸

The Commission should more thoroughly consider what reporting requirements are truly necessary and appropriate to monitor the use of broadband support. It does not make sense for voice-based reporting requirements simply to be transposed into the broadband context by replacing the word “voice” with “broadband.” It is not obvious what constitutes a broadband “outage” or what the applicable “service quality standards” are for broadband.¹⁹ Additionally, in the broadband context there is no established baseline for what constitutes an “unfulfilled” customer service order, a “complaint,” or the appropriate functionality of broadband service in an emergency situation.²⁰ Indeed, in considering whether to apply outage-reporting requirements to VoIP services and broadband services earlier this year, the Commission accepted “MetroPCS’s argument that determining what constitutes a ‘loss of generally-useful availability and connectivity’ in a broadband environment ... is considerably more complicated than in the legacy network context,” and therefore “the technical issues involved in identifying and

¹⁸ See 47 C.F.R. § 54.313(a)(11) (requiring reports from “any recipient of high-cost support” on “the information and data required by this paragraphs (a)(1) through (7) of this section [sic] separately broken out for both voice and broadband service”).

¹⁹ See 47 C.F.R. § 54.313(a)(2), (5).

²⁰ See 47 C.F.R. § 54.313(a)(3), (4) & (6).

reporting significant outages of broadband Internet services require further study.”²¹ It is impossible -- and arguably useless -- for broadband services to report these types of statistics without further guidance; imposing these requirements without careful study of broadband’s unique features runs directly counter to the thoughtful conclusions reached by the Commission in the *VoIP Outage Reporting Order*.²²

As a practical matter, there is no existing methodology for applying the reporting requirements of section 54.313(a)(2) – (7) to broadband.²³ In addition to these reporting requirements the Commission also requires ETCs to report on “[t]he results of network performance tests pursuant to the methodology and in the format determined by the Wireline Competition Bureau, Wireless Telecommunications Bureau, and Office of Engineering and Technology.”²⁴ As the Petition points out, it is not clear whether or how the “methodology” to be developed encompasses any of the reporting requirements of section 54.313(a)(1) – (7) as ostensibly applied to broadband.²⁵ And, whatever the Commission intends, no methodology has been provided. Until any methodology is set, it is impossible for ETCs to collect the necessary data, let alone report on it. Nor can providers be expected to begin collecting an entirely new set

²¹ *The Proposed Extension of Part 4 of the Commission’s Rules Regarding Outage Reporting To Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers*, Report and Order, PS Docket No. 11-82, 27 FCC Rcd 2650, 2684 ¶ 82, 2694 ¶ 114 (2012) (*VoIP Outage Reporting Order*).

²² *Id.* at 2656 ¶ 9 (deferring question of outage reporting requirements for broadband Internet service providers and determining that issue deserves further study).

²³ In addition to the reporting requirements of sections 54.313(a)(2) – (6) already mentioned, section 54.313(a)(7) requires ETCs to provide the company’s price offerings in a format as specified by the Wireline Competition Bureau. That format has not yet been provided for voice or broadband services. The reporting requirements of section 54.313(a)(1) are discussed separately in these comments at Section III, *infra*.

²⁴ 47 C.F.R. § 54.313(a)(11).

²⁵ Petition at 5.

of performance statistics overnight; the Commission must prescribe any new reporting methodology with enough lead time for providers to adapt their systems and collect and record the necessary data. At this point in time, it simply is impossible for providers to report annual broadband data for 2012 starting on July 1, 2013, as is called for in the current rule.²⁶

Finally, any broadband reporting requirements the Commission does implement ultimately should apply to all providers equally, regardless of whether the provider receives CAF funding through the Fixed or Mobility funds. The justification for network performance reporting is to ensure that CAF funds have been spent effectively. That justification applies equally to all providers, regardless of the underlying technology they use. The Commission should not introduce competitive distortions in the market by imposing varying reporting costs on different classes of providers.

III. THE COMMISSION SHOULD REVISIT THE FIVE-YEAR PLAN FILING AND RELATED REPORTING REQUIREMENTS FOR ETCs THAT ARE NOT RECEIVING CAF PHASE II SUPPORT.

CenturyLink supports the Petition's call for the Commission to clarify, reconsider, or waive any requirement that ETCs whose support is being eliminated be required to file five-year plans and related progress reports under section 54.313(a)(1).²⁷ As discussed above, all reporting requirements should be closely tied to the Commission's policy objectives. There is no policy justification for requiring a five-year service quality improvement plan from ETCs who do not know what, if any, support they will receive for their services over that timeframe. Providers cannot generate any useful plan at this point, given that ETCs "do not know whether and how

²⁶ 47 C.F.R. § 54.313(a)(11). The provision refers to the reporting requirements in paragraphs (a)(1) through (a)(7) of the section; paragraphs (a)(1) through (a)(4) call for information from the "prior calendar year." 47 C.F.R. § 54.313(a)(1)-(4).

²⁷ Petition at 10.

much funding they will receive and in what areas, nor do they know whether they will choose to participate in the future funding programs whenever they come online.”²⁸ The expense of preparing such speculative plans therefore far outweighs any benefit the Commission could derive from them.

For similar reasons, there also would not be any value in requiring carriers to submit “progress reports” on their implementation of speculative plans. The only thing progress reports would accomplish is to inform the Commission on whether a recipient of funding other than CAF Phase II support believes it is successfully working toward a speculative and ill-defined goal that may end up disappearing. Furthermore, in a slight variation on the proposal in the Petition, any planning requirements the Commission does impose on CAF Phase II recipients should be competitively neutral and should apply to all providers equally, whether the providers offer mobile or facilities-based service. As previously noted, if the Commission’s goal is to monitor the progress of broadband providers who receive CAF Phase II funding, that goal should apply to all such providers, irrespective of whether they provide such service over wireline or wireless networks. To do otherwise would inject regulatory distortions into the market and run contrary to the very purpose of any plan requirement.

IV. THE COMMISSION SHOULD REVISIT SECTION 54.313(c)(2), WHICH REQUIRES AN ETC TO CERTIFY THAT IAS WILL BE USED FOR BROADBAND WHEN SUCH SUPPORT IS USED FOR OTHER PURPOSES.

Section 54.313(c)(2) purports to require ETCs to certify that at least one-third of all 2013 frozen high-cost support -- which the Commission has defined to include IAS²⁹ -- be used for

²⁸ *Id.* at 14.

²⁹ *USF/ICC Transformation Order*, 26 FCC Rcd at 17712 ¶ 128.

broadband deployment.³⁰ At the same time the *CALLS Order* requires carriers to use IAS to replace lost access charge revenues caused by the removal of implicit subsidies from access charges.³¹ The *USF/ICC Transformation Order* recognizes that “[h]istorically, IAS was intended to replace allowable common line revenues that otherwise are not recovered through SLCs,” and the *Order* states that “while carriers receive support under CAF Phase I, the amount of their frozen high cost support equal to the amount of IAS for which each carrier was eligible in 2011 ... will be treated as IAS for purposes of our existing rules.”³² As the Petition notes, the FCC “cannot rationally subject the same IAS funding to competing requirements -- *i.e.*, broadband deployment and access charge replacement - because such funding cannot be spent twice.”³³ The certification required by section 54.313(c)(2) therefore is impossible to make for any ETC whose only support consists of frozen IAS. Meeting this standard also could impose excessive burdens on carriers for whom IAS is a significant portion of their frozen high cost support by requiring those carriers to divert a disproportionate share of their non-IAS support to broadband. CenturyLink therefore supports the Petition’s call for the Commission to carve out IAS from the definition of high-cost support for the purpose of this provision, or to otherwise clarify the rule to avoid imposing conflicting obligations on carriers.

³⁰ 47 C.F.R. § 54.313(c)(2).

³¹ Petition at 8 (citing *Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Low-Volume Long Distance Users, Federal-State Joint Board on Universal Service*, Sixth Report and Order in CC Docket Nos. 96-262 and 94-1, Report and Order in CC Docket No. 99-249, Eleventh Report and Order in CC Docket No. 96-45, 15 FCC Rcd 12962, ¶ 30 (2000) (*CALLS Order*)).

³² *USF/ICC Transformation Order*, 26 FCC Rcd at 17723-24 ¶ 152.

³³ Petition at 19.

V. CONCLUSION.

The Commission has set an ambitious set of goals in seeking to extend the power of broadband access to every community in America. CenturyLink urges the Commission not to burden carriers seeking to achieve these goals with ill-suited, confusing, and unnecessary administrative requirements. As the Petition states, reporting requirements should be limited to CAF Phase II recipients, and these requirements should take broadband's unique characteristics into account and be carefully tailored to impose no more burden than is necessary for the Commission to administer CAF funding effectively.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **COMMENTS OF CENTURYLINK ON PETITION FOR CLARIFICATION AND RECONSIDERATION OR, IN THE ALTERNATIVE, FOR WAIVER OF CTIA – THE WIRELESS ASSOCIATION® AND THE UNITED STATES TELECOM ASSOCIATION** to be 1) served via e-mail on Abdel Eqab at Abdel-Hamid.Eqab@fcc.gov and Charles Tyler at Charles.Tyler@fcc.gov of the Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission; and 2) served via e-mail on the FCC's duplicating contractor, Best Copy & Printing, Inc. at fcc@bcpiweb.com.

/s/ Richard Grozier

August 6, 2012