



CenturyLink™

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REDACTED – FOR PUBLIC INSPECTION

Via Courier

June 28, 2013

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

Re: *In the Matter of Connect America Fund; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Lifeline and Link-Up; A National Broadband Plan for Our Future; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Universal Service Reform – Mobility Fund; WC Docket Nos. 10-90, 07-135, 05-337, 03-109, GN Docket No. 09-51, CC Docket Nos. 01-92, 96-45, WT Docket No. 10-208 – CenturyLink’s 2013 Local Rate Floor Data Submission in Accord with 47 C.F.R. § 54.313(h)*

Dear Ms. Dortch:

In connection with the FCC’s November 18, 2011 *USF/ICC Transformation Order* in WC Docket Nos. 10-90, *et al.*, its Order of June 10, 2013, wherein the FCC granted a limited waiver of the July 1, 2013 filing deadline for certain annual Eligible Telecommunications Carrier (ETC) reporting requirements, and in accord with 47 C.F.R. § 54.313(h),¹ CenturyLink hereby submits

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 (rel. Nov. 18, 2011) (USF/ICC Transformation Order or Order), Order Clarifying Rules, 27 FCC Rcd 605 (rel. Feb. 3, 2012) (Clarification Order), Erratum to USF/ICC Transformation Order (rel. Feb. 6, 2012), Further Clarification Order, DA*

in the above-referenced dockets rate floor data information for its 2013 annual reporting requirement as a high-cost recipient in 2012.² The information is provided using the FCC's Rate Floor Data Collection Form and reflects data on voice rates for residential local service as of June 1, 2013, where CenturyLink's tariffed rate/standard rate for local service and associated state regulated fees result in a rate below this year's local urban rate floor of \$14.³

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, 27 FCC Rcd 4040 (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* (10th Cir. No. 12-9575); 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, 27 FCC Rcd 7856 (2012), Fourth Order on Recon., FCC 12-82, 27 FCC Rcd 8814 (2012), *Order Clarifying Rules*, DA 12-1155, 27 FCC Rcd 8141 (2012), Fifth Order on Recon., FCC 12-137, 27 FCC Rcd 14549 (2012), Erratum to Fifth Order on Recon. (Dec. 4, 2012), Sixth Order on Recon. and Memorandum Opinion and Order, FCC 13-16, 28 FCC Rcd 2572 (2013), Erratum to Third Order on Recon., DA 13-309 (rel. Mar. 1, 2013), Erratum to Sixth Order on Recon. and Memorandum Opinion and Order (rel. Mar. 7, 2013), *Order Clarifying and Correcting Rules*, DA 13-564, 28 FCC Rcd 3319 (2013), Erratum to *Order Clarifying and Correcting Rules* (rel. Apr. 8, 2013), *Order Clarifying Reporting Obligations for 2013 and 2014*, DA 13-1115 (rel. May 16, 2013), Erratum to *Order Clarifying Reporting Obligations for 2013 and 2014* (rel. May 29, 2013), *pets. for rev. of USF/ICC Transformation Order pending, sub nom. In re: FCC 11-161* (10th Cir. No. 11-9900, Dec. 16, 2011). See also Order, WC Docket No. 10-90, DA 13-1348 (rel. June 10, 2013); 47 C.F.R. § 54.313(h).

² Consistent with the limited waiver of the July 1, 2013 deadline granted by the FCC in its June 10, 2013 Order regarding other annual ETC reporting requirements under 47 C.F.R. § 54.313, CenturyLink will supplement today's submission in accordance with the instructions and the timing subsequently established by the FCC after OMB approval of the relevant information collections (Control No. 3060-0986) occurs and an announcement is published in the Federal Register.

³ Also enclosed with this correspondence is the Affidavit of David D. Cole, CenturyLink's Senior Vice President for Operations Support and Controller, which certifies as to the CenturyLink companies (listed in Appendix A to the Affidavit) that do not meet the 47 C.F.R. § 54.313(h)(1) filing requirements and therefore are not reporting rates and fees below the rate floor as defined in 47 C.F.R. § 54.318.

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Portions of the CenturyLink submission to the Commission include confidential information that is filed pursuant to the August 30, 2012 Third Protective Order in WC Docket Nos. 10-90, 07-135, 05-337, 03-109, GN Docket No. 09-51, CC Docket Nos. 01-92, 96-45 and WT Docket No. 10-208.⁴ This information is also protected from disclosure to the public by Sections 0.457(d) and 0.459 of the Commission's rules.⁵ The confidential information includes the number of line/loop counts for certain of CenturyLink's reporting companies. The non-redacted version of the cover correspondence for this submission has been marked "**CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN WC DOCKET NOS. 10-90, 07-135, 05-337, 03-109, GN DOCKET NO. 09-51, CC DOCKET NOS. 01-92, 96-45, WT DOCKET NO. 10-208 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION**" (with each page of the files containing confidential information marked "Confidential"). As such, CenturyLink requests that the non-redacted version of its submission be withheld from public inspection.

In addition to the above-referenced Third Protective Order, CenturyLink's confidential information is also protected from disclosure to the public 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. Such information would not ordinarily be made available to the public. Release of the confidential information in the submission would have a substantial negative competitive impact on CenturyLink. Accordingly, the non-redacted information in question is appropriate for non-disclosure under sections 0.457(d) and 0.459. 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.

For the non-redacted version of the submission, CenturyLink is providing to the Office of the Secretary an original hard copy of the cover letter and one Compact Disc (CD), along with an extra copy of the cover letter to be stamped and returned to the courier. In addition, CenturyLink is providing two hard copies of the non-redacted cover letter and two copies of the CD to Alex Minard of the Wireline Competition Bureau. 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 this submission, CenturyLink is also filing today under separate cover, via the Commission's Electronic Comment Filing System (ECFS), a redacted version of its submission. The redacted version of the cover correspondence for this submission is marked

⁴ 27 FCC Rcd 10276 (2012).

⁵ 47 C.F.R. §§ 0.457(d), 0.459.

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“REDACTED – FOR PUBLIC INSPECTION,” with the confidential information omitted (each page of the files where confidential information has been omitted is marked “Redacted”).

This cover letter includes no confidential information and the text is the same in both the non-redacted and redacted versions except for the confidentiality markings and the annotation on the initial page noting the manner of submission.

Under separate cover, CenturyLink is also simultaneously transmitting the content of this submission (including the confidential information) today to the Universal Service Administrative Company.

Please contact me via the above contact information or Jeff Lanning in CenturyLink’s Federal Regulatory Affairs office (202-429-3113) if you have any questions.

Sincerely,

/s/ Tiffany West Smink

Enclosures

cc: Alex Minard, Wireline Competition Bureau (via courier) (two hard copies of non-redacted submission)

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APPENDIX

Confidentiality Justification

CenturyLink requests confidential treatment of certain information enclosed with its 2013 annual reporting requirements as a high-cost recipient in 2012 for submission in WC Docket Nos. 10-90, 07-135, 05-337, 03-109, GN Docket No. 09-51, CC Docket Nos. 01-92, 96-45 and WT Docket No. 10-208. This information, which includes detailed information on company voice rate information identified by number of line/loop counts, is competitively sensitive and its disclosure would have a negative competitive impact on CenturyLink. Such information would not ordinarily be made available to the public, and should be afforded confidential treatment under both 47 C.F.R. §§ 0.457 and 0.459. In addition, the confidential information is protected from disclosure under the August 30, 2012 Third Protective Order in the above-referenced dockets.⁶

47 C.F.R. § 0.457

Specific information in the submission for certain CenturyLink affiliates related to voice rate data (as to number of line/loop counts) 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 and have a harmful competitive effect on CenturyLink’s ongoing business enterprise and its operations. 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 related to voice rate data (as to number of line/loop counts) 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 the specific information related to voice rate data in its submission regarding number of line/loop counts be treated on a confidential basis under Exemption 4 of the Freedom of Information Act. This information is competitively sensitive data that CenturyLink maintains as confidential and does not normally make available to the public. Release of the information would have a substantial negative competitive impact on CenturyLink. The non-

⁶ 27 FCC Rcd 10276 (2012).

redacted version of the cover correspondence for CenturyLink's submission is marked **"CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN WC DOCKET NOS. 10-90, 07-135, 05-337, 03-109, GN DOCKET NO. 09-51, CC DOCKET NOS. 01-92, 96-45, WT DOCKET NO. 10-208 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION"** (with each page of the files containing confidential information marked "Confidential").

Commission proceeding in which the information was submitted

The information is being submitted in connection with CenturyLink's Submission in Response to 47 C.F.R. § 54.313(h), as filed in WC Docket Nos. 10-90, 07-135, 05-337, 03-109, GN Docket No. 09-51, CC Docket Nos. 01-92, 96-45 and WT Docket No. 10-208.

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 submission is detailed information on the number of line/loop counts in connection with voice rates for residential local service, including those rates below the local urban rate floor. 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.

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. CenturyLink confirms that release of the information designated as confidential in its submission would cause it substantial competitive harm by allowing its competitors to become aware of sensitive proprietary information regarding the operation of CenturyLink's business.

Measures taken by CenturyLink 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 included in its submission (in non-redacted form) as confidential and has protected it from public disclosure to parties outside the company.

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

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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.

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