

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

Wireline Competition Bureau Seeks Comment on )  
Protective Order for Special Access Data ) WC Docket No. 05-25, RM-10593  
Collection )

**COMMENTS OF CENTURYLINK**

CenturyLink supports the Bureau’s proposal to treat most of the responses to the upcoming data collection as highly confidential.<sup>1</sup> As the Bureau notes, much of these data and information are competitively sensitive and not publicly available.<sup>2</sup>

In this filing, CenturyLink focuses on the proposed protective order’s inconsistent treatment of one category of data, which may be the result of an oversight or certain ambiguity in the *Special Access Data Collection Order*. Appendix A of the proposed protective order would treat as highly confidential “[d]etails about the terms of non-tariffed agreements with an *End User* or *Competitive Provider* for the purchase of *Dedicated Services* (e.g., parties to the agreement, effective date of the agreement, services purchased).”<sup>3</sup> The appendix lists responses to Questions II.B.13(a) and II.F.14 as containing such highly confidential information, but omits responses to Question II.F.8, which appears to ask for similar information. In particular, Question II.F.8 asks *Purchasers* to explain whether the terms and conditions of “any contract to which you are a party for the purchase of *Dedicated Services* or the policies of any of your *Providers* [all emphasis in original]” constrains the purchaser’s ability to decrease purchases or

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<sup>1</sup> *Wireline Competition Bureau Seeks Comment on Protective Order for Special Access Data Collection*, Public Notice, WC Docket No. 05-25, RM-10593, DA 13-1470 (rel. June 28, 2013) (Public Notice).

<sup>2</sup> *Id.* at 1.

<sup>3</sup> *Id.* at Attachment, Appendix A (Other Highly Confidential Information, #5).

purchase other services from that provider, purchase services from other existing or prospective providers in that geographic area, move circuits, or purchase *Dedicated Services*.<sup>4</sup> For each such contract, Question F.8 asks the purchaser to identify the name of the provider and other relevant information.<sup>5</sup>

To the extent Question F.8 is asking for information about detailed terms and conditions in non-tariffed agreements, responses to that question would include highly confidential information that should be subject to the same protections as other highly confidential information sought in the data request. The information in those agreements is highly competitively sensitive, as it reflects the results of individual negotiations between purchasers and providers, and is not typically made publicly available. On the other hand, if Question F.8 is

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<sup>4</sup> See *In the Matter of Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 16318, 16378 (2012) (*Special Access Data Collection Order*).

<sup>5</sup> *Id.*

seeking information only on publicly available tariffed agreements, the Commission should clarify that in the final data request.<sup>6</sup>

Respectfully submitted,

CENTURYLINK

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<sup>6</sup> The Commission's intent on this point is not completely clear. While Question II.F.8 seems to be asking for information on all contracts for *Dedicated Services*, some of the subparts to the question suggest that it is focused on tariffed agreements. *See id.* (requesting information on "(c) the geographic area in which the *tariffed* [emphasis supplied] services are provided; (d) the name of the vendor providing the *tariffed* [emphasis supplied] service; and (e) the specific *Tariff number(s) and section(s)*") (emphasis in original and supplied).