



CenturyLink™

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REDACTED – FOR PUBLIC INSPECTION

Via ECFS

October 24, 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 FCC Form 481 Submissions*

Dear Ms. Dortch:

In connection with the FCC’s November 18, 2011 *USF/ICC Transformation Order* in WC Docket Nos. 10-90, *et al.*, in accord with 47 C.F.R. §§ 54.313 and 54.422, and via FCC Form 481, CenturyLink hereby submits in the above-referenced dockets the requisite information for its 2013 annual reporting requirement as a high-cost recipient in 2012.¹ Included in this filing is

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 12-298, 27 FCC Rcd 2142 (2012), Erratum to Clarification Order (rel. Mar. 30, 2012), Second*

information on voice service outages and information regarding CenturyLink's engagements with tribal governments including customer information and information regarding CenturyLink's past, present and future network deployment activities in tribal land areas.

CenturyLink views this information regarding voice service outages and its network deployment activities and customers in tribal areas to be confidential, and is thus submitting these portions of the CenturyLink submission to the Commission as confidential information that is being filed pursuant to the August 30, 2012 Third Protective Order in WC Docket Nos. 10-90, 07-135, 05-

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, 28 FCC Rcd 7227 (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, 28 FCC Rcd 8360 (rel. June 10, 2013); 47 C.F.R. §§ 54.313 and 54.422 This submission is also in accord with the Commission's 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 the Public Notice released on August 6, 2013 wherein the Wireline Competition Bureau provides notice that this year's FCC Form 481 filing deadline would be October 15, 2013 (this due date was subsequently adjusted based on the Public Notice of Oct. 17, 2013, DA 13-2025, to Oct. 31, 2013). *See* Order, WC Docket No. 10-90, DA 13-1348, 28 FCC Rcd 8360 (rel. June 10, 2013); Public Notice, WC Docket Nos. 10-90 and 11-42, Wireline Competition Bureau Announces Filing Deadline of October 15, 2013 for Eligible Telecommunications Carriers to File High-Cost and Low-Income Annual Reports, and Announces Filing Deadline of December 16, 2013 for States and ETCs to File Annual Use Certifications, DA 13-1707, 28 FCC Rcd 11252 (rel. Aug. 6, 2013).

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337, 03-109, GN Docket No. 09-51, CC Docket Nos. 01-92, 96-45 and WT Docket No. 10-208.² Each page of the non-redacted version of the submission (that includes confidential information) 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**”. CenturyLink requests that the non-redacted version of its submission be withheld from public inspection.

This information is also protected from disclosure to the public by Sections 0.457(d) and 0.459 of the Commission’s rules.³ 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. Additionally, CenturyLink notes that under 47 C.F.R. § 4.2, reports with this kind of outage-related information that are submitted to the FCC are “presumed to be confidential”.

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 Alexander 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 (that includes the portions of its submission with no confidential information and the portions of its submission with confidential information that have been redacted). Each page of the redacted version of the submission (mirroring the corresponding page of the non-redacted version with confidential information) is marked “**REDACTED – FOR PUBLIC INSPECTION,**” with the confidential information omitted.

² 27 FCC Rcd 10276 (2012).

³ 47 C.F.R. §§ 0.457(d), 0.459.

Ms. Marlene H. Dortch

October 24, 2013

Page 4

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.

Separately, CenturyLink also previously transmitted the content of this submission (including the confidential information) to the Universal Service Administrative Company via its online FCC Form 481.

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: Alexander 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 information on voice service outages and company network deployment activities in tribal land areas and customer information, is competitively sensitive and its public 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 Order⁴ in the above-referenced dockets and CenturyLink also notes that under 47 C.F.R. § 4.2, reports with this kind of outage-related information that are submitted to the FCC are “presumed to be confidential”.

47 C.F.R. § 0.457

Specific information in the submission on voice service outages and for certain CenturyLink affiliates related to network deployment activities in tribal land areas and customer information 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 service outages and network deployment activities in tribal land areas and customer information is also subject to protection under 47 C.F.R. § 0.459, as demonstrated below.

⁴ 27 FCC Rcd 10276 (2012).

Information for which confidential treatment is sought

CenturyLink requests that the specific information related to voice service outages and network deployment activities in tribal land areas and customer information 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. Each page of the non-redacted version of the submission (that includes confidential information) 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**”.

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 and 54.422, 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 voice service outages and network deployment activities in tribal land areas and customer information. 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.

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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. CenturyLink has not made the voice outage information available to the public. CenturyLink has not made the confidential information discussed or otherwise provided during or in conjunction with its tribal engagement activities available to the public. At most, the latter information has only been shared with the specific personnel representing tribal governments with whom the specific tribal engagements occurred.

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.

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