



Federal Communications Commission
Washington, D.C. 20554

March 5, 2013

DA 13-339

Via Electronic Mail and First-Class Mail

Craig J. Brown
Associate General Counsel
CenturyLink, Inc.
1801 California Street, 10th Floor
Denver, CO 80202

RE: In the Matter of CenturyLink’s Petition for Forbearance Pursuant to 47 U.S.C. § 160(c) from Dominant Carrier and Certain *Computer Inquiry* Requirements on Enterprise Broadband Services (WC Docket No. 12-60)

Dear Mr. Brown:

On February 23, 2012, CenturyLink filed a petition seeking forbearance from “dominant carrier regulation and the Computer Inquiry tariffing requirement with respect to its packet-switched and optical transmission services.”¹ In order for the Commission to complete its review of the petition, we require additional information from CenturyLink.

Accordingly, we request that you provide written responses and supporting documentation for each request set forth in the attached Information, Data and Document Request. In order to expedite consideration of your forbearance petition, please respond to the following requests by **March 26, 2013**.

Your responses should be filed with Marlene H. Dortch, Secretary, Federal Communications Commission, in the above-captioned docket. The Wireline Competition Bureau should also receive an electronic copy, pursuant to the attached instructions. If you submit information pursuant to the Protective Orders issued in this proceeding, please follow the filing procedures specified therein.²

¹ See *Petition of CenturyLink for Forbearance Pursuant to 47 U.S.C. § 160(c) from Dominant Carrier and Certain Computer Inquiry Requirements on Enterprise Broadband Services*, WC Docket No. 12-60 (filed Feb. 23, 2012) at 1; *Petition of CenturyLink for Forbearance Pursuant to 47 U.S.C. § 160(c) from Dominant Carrier and Certain Computer Inquiry Requirements on Enterprise Broadband Services*, WC Docket 12-60, Order, DA 13-286 (rel. Feb. 22, 2013) (extending by 90 days the date on which CenturyLink’s petition shall be deemed granted).

² See *Petition of CenturyLink for Forbearance Pursuant to 47 U.S.C. § 160(c) from Dominant Carrier and Certain Computer Inquiry Requirements on Enterprise Broadband Services*, WC Docket No. 12-60, Protective Order, 27 FCC Rcd 2895 (2012); *Petition of CenturyLink for Forbearance Pursuant to 47 U.S.C. § 160(c) from Dominant Carrier and Certain Computer Inquiry Requirements on Enterprise Broadband Services*, WC Docket No. 12-60, Second Protective Order, DA 13-338 (rel. March 5, 2012).

If you have any questions regarding this matter or the Commission's request, please contact Jennifer Prime at 202-418-2403.

Sincerely,

Julie A. Veach
Chief, Wireline Competition Bureau

Attachment

ATTACHMENT
INFORMATION, DATA, AND DOCUMENT REQUEST

I. Definitions

Competitive Provider means a competitive local exchange carrier (CLEC), interexchange carrier, cable operator, wireless company, and any other entity, except for an incumbent local exchange carrier (ILEC), that is subject to the Commission's jurisdiction, as provided for by the Communications Act of 1934, as amended, and provides **Dedicated Service**.³

Connection is a wired line or wireless channel that provides to an **End User** a dedicated communication path between an **End User Location** (which includes a cell site) and the first **Node** on a **Provider's** network. Multiple dedicated communication paths serving one or more **End Users** at the same **Location** using the same wired line or wireless channel should be counted as a single **Connection**. For purposes of this request, wired lines and wireless channels used to provide dedicated communications paths within and between **Providers'** networks (*e.g.*, connections between **Nodes**) are not considered **Connections**.

Dedicated Service is a **Connection** that does not include "best effort" services, *e.g.*, mass market broadband services such as DSL and cable modem broadband access.

End User means a business, institutional, or government entity that purchases **Dedicated Service** for its own purposes and does not resell such service. A facilities-based mobile wireless service **Provider** is considered an **End User** when it purchases **Dedicated Service** to make **Connections** within its own network, *e.g.*, backhaul to a cell site.

Indefeasible Right of Use (IRU) means an indefeasible right to use facilities for a certain period of time that is commensurate with the remaining useful life of the asset, generally 10-20 years. The right confers on the grantee the vestiges of ownership and typically involves a substantial sum paid up front, generally priced as a certain amount (depending on market rates) per mile or per fiber mile.

Listed Service means the services listed in Attachment I.

Listed County means the geographic extent of a county lying within or overlapping a CenturyLink study area.

Listed Zip Code means the geographic extent of each 5-digit Zip Code lying within or overlapping a CenturyLink study area.

Location is an end-user premise, building, or other free-standing end-user site. For the purpose of this collection, cell sites are treated as **Locations**, and not as **Nodes**.

Node is an aggregation point, a branch point, or a point of interconnection on a **Provider's** network, including a point of interconnection to other **Provider** networks. Examples include LEC central offices, remote terminal locations, splice points (including, for example, at manholes), controlled environmental vaults, cable system headends, cable modem termination system (CMTS) locations, and facility hubs.

Provider means any entity that supplies electronic communications services, including voice, data, and/or video services using its own facilities or facilities leased subject to an **IRU** agreement. **Providers** include incumbent LECs, competitive LECs, interexchange carriers, cable operators, and companies that provide fixed wireless communications services. **Providers** that own, or lease subject to an **IRU**, wired lines or wireless channels that provide a dedicated path as set forth in our definition of **Connection**, should report a **Connection** even when the **End User** (or seller of CMRS) obtains service over that **Connection** from another entity. For example, CenturyLink would report a **Connection** if it directly sells service to a bank between the bank and the first **Node** on its network over a fiber strand that it owns or leases subject to an **IRU**. CenturyLink would also report a **Connection** if, by tariff, contract, or other non-**IRU** arrangement, a CLEC provides service to the

³ See 47 U.S.C. § 151 *et seq.*

bank over a fiber strand that CenturyLink owns or leases subject to an **IRU**. Though in the second example CenturyLink is selling or otherwise supplying the path to a **Provider**, which is excluded from our definition of **End User** (except for facilities-based mobile wireless service **Providers**), CenturyLink still must report the **Connection** to the **End User**. CenturyLink reports the **Connection** in both instances because it is the ILEC that is providing the physical, dedicated communication path between a **Location** and the first **Node** on the **Provider's** network.

Unbundled Network Element (UNE) means a **Connection** provided to a requesting telecommunications carrier on a non-discriminatory basis pursuant to 47 C.F.R. § 51.319(a).

II. Instructions:

1. Responses to questions IV.1-IV.10 are data specifications. Responses to these questions should be prepared pursuant to the instructions provided in the templates available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-319278A1.xlsx.
2. Data specifications should be submitted in accordance with these instructions, as well as the general instructions provided at the end of this Letter.
3. Questions IV.1, IV.3 and IV.4 request data by 5-digit Zip Code area. If there are additional 5-digit Zip Code Areas for which CenturyLink seeks relief that are not included in the template, please add a row for each additional zip code area and use your amended zip code list for your responses as needed.
4. Questions IV.2, IV.6, IV.7, IV.8 and IV.9 request data by county. If there are additional counties for which CenturyLink seeks relief that are not included in the template, please add a row for each additional county and use your amended county list for your responses as needed.
5. Question IV.10 requests data by county for each Request for Proposal (RFP) for a **Listed Service** for which CenturyLink submitted a bid in the past 2 years. The list of counties should include all counties in which CenturyLink provides or would have provided services in response to the RFP, not only those counties overlapping areas in which CenturyLink seeks relief.
6. Data specification questions should be submitted in electronic form only, preferably CDs. Please contact the Competition Policy Division staff members listed in the cover letter to this request if you would like to submit an electronic medium other than a CD.
7. For data specification submissions, label each CD or other electronic media device submitted, and on that label, please provide your name and the content of the electronic media device (*e.g.*, "CenturyLink response to Question III.A.2").
8. Responses to Interrogatory questions should be prepared as narratives, separately from the data specification submissions described above, and submitted in accordance with the instructions in this Letter.
9. With each submission, provide an accompanying cover letter that: (a) identifies the type of submission (data specification, narrative, or both); (b) identifies each response by question number (*e.g.*, "we are submitting a response to Question III.1.A in this submission"); and (c) indicates whether the materials are a partial or full response to the data request.
10. Unless otherwise specified, each request is for data as of June 30, 2012.

III. Interrogatories and Document Request:

1. Submit the name and study area code of each study area for which CenturyLink seeks relief and provide an esri shapefile of the study area's boundaries.
2. Identify each customer category that CenturyLink uses to market services or to monitor its sales. For example, does CenturyLink market or monitor sales to carriers separately from sales to commercial businesses and from sales to mass market customers? Does CenturyLink further or alternatively segment its customer categories by other characteristics? For example, does CenturyLink use the

service's attributes, such as the dollar value of the contract, the capacity of the service (10 Mbps versus 1 Gbps), or the existence of multi-year contracts or service level agreements to segment customers into customer categories? Does CenturyLink segment customers based on the number of **Locations** or geographic areas for which the customer purchases the service? For example, does CenturyLink categorize purchasers whose **Locations** are all within one state separately from purchasers whose **Locations** are spread across multiple states?

3. For each **Listed Service** for which CenturyLink seeks relief:
 - a) Provide information about the service's characteristics, such as its bandwidth or bandwidth range, whether it is circuit-switched (TDM) or packet-switched, etc.
 - b) Delineate the customer category or categories each service is generally sold to as described by CenturyLink's response to Interrogatory Question 2. For example, is the **Listed Service** a retail service sold to businesses for their own use or is the **Listed Service** a wholesale service sold to CenturyLink's competitors?
 - c) Explain the pricing structure for each **Listed Service**. For example, is there a fixed monthly rate and/or a mileage component to the price? Is there a volume discount? Does the service's price vary with whether it is bought with a service level agreement, and the nature of that agreement? Does the service's price vary with the purchaser's term commitment? Delineate and explain any difference in the pricing structure between customer categories for each **Listed Service**. Also delineate and explain any price difference in the pricing structure between the study areas for which CenturyLink seeks relief.
4. For each **Listed Service**, by **Listed County**:
 - a) provide the name of each **Competitive Provider** offering similar services within the **Listed County**;
 - b) indicate whether the competitor is a facilities-based **Provider** within the **Listed County** (and, if so, provide evidence supporting any assertion that the competitor is facilities-based within the **Listed County**);
 - c) provide an analysis of the market share of the competitor, or other evidence of the competitor's presence in the **Listed County** or study area, along with supporting data.
5. Submit a copy of analysis documents created in the last twelve months relating to competition between CenturyLink and its competitors for a **Listed Service** within any study area for which CenturyLink seeks relief, including documents relating to (a) the market share or competitive position of CenturyLink or any of its competitors; (b) the relative strength or weakness of its competitors; (c) analysis of customer churn; and (d) attempts to win customers from other companies and losses of customers to other companies.

IV. Data Request:

1. For each **Listed Zip Code**, indicate:
 - a) Whether CenturyLink provides each **Listed Service** as an ILEC, a CLEC or both;
 - b) Whether CenturyLink seeks relief in the area;
 - c) Whether CenturyLink is a carrier of last resort in the area.

If there is an additional 5-digit Zip Code Area for which CenturyLink seeks relief that is not included in the template, please add a row for each additional area and use your amended **Listed Zip Code** for your responses as needed below.

2. For each **Listed County**, indicate whether CenturyLink seeks relief in the county. If there is an additional county in which CenturyLink seeks relief that is not included in the listing, please add a

row for each additional county and use your amended **Listed County** list for your responses as needed below.

3. For each 5-digit Zip Code that lies within or overlaps a study area for which CenturyLink seeks relief, provide by 5-digit Zip Code:
 - a) The total number of **Locations** to which your company provided a **Connection** that you own or that you lease from another entity under an **IRU** agreement as of June 30, 2012. Provide the total number of **Connections** at these **Locations** for the following capacities:
 - i) Up to and including a 1.544 Mbps;
 - ii) Above 1.544 Mbps and up to and including 44.736 Mbps;
 - iii) Above 44.736 Mbps and up to and including 155.52 Mbps;
 - iv) Above 155.42 Mbps;
 - v) Dark fiber.
 - b) The total number of the **Locations** to which your company provided a **Connection** to a free standing cell tower or to a cell tower on a building that you own or that you lease from another entity under an **IRU** agreement as of June 30, 2012. Provide the total number of **Connections** at these **Locations** for the following capacities:
 - i) Up to and including a 1.544 Mbps;
 - ii) Above 1.544 Mbps and up to and including 44.736 Mbps;
 - iii) Above 44.736 Mbps and up to and including 155.52 Mbps;
 - iv) Above 155.42 Mbps;
 - v) Dark fiber.
4. For each 5-digit Zip Code that lies within or overlaps a study area for which CenturyLink seeks relief, provide:
 - a) the total number of **Connections** that you provide to another **Provider** under an **IRU** agreement for dark fiber as of June 30, 2012;
 - b) the total number of **End User Connections** provisioned by you to another **Provider** using the following **UNEs**:
 - i) Dry copper loops;
 - ii) DS1s;
 - iii) DS3s.
 - c) the total number of **Connections** provisioned by you to another **Provider** in the following capacities, *other than* by a **UNE**:
 - i) DS1s;
 - ii) DS3s;
 - iii) Dark fiber.
5. For each **Listed Service** provide your nationwide total revenues, by customer class, as identified by CenturyLink in response to Interrogatory Question 2, as of June 30, 2012.
6. For each **Listed County**, provide, by **Listed Service** and customer class (as defined by CenturyLink's response to Interrogatory Question 2), your total annual revenues as of June 30, 2012.
7. For each **Listed County**, for the top ten **Providers** ranked by sold capacity of **End User Connections** sold by you under **IRU** agreement for dark fiber, provide:
 - a) The name of the **Provider**;
 - b) Total annual sales revenues earned through the sale of these **End User Connections**.
8. For each **Listed County**, for the top ten **Providers** ranked by sold capacity of **End User Connections** you provisioned to another **Provider** using **UNEs**, provide:

- a) The name of the **Provider**;
 - b) Total annual sales revenues earned through the sale of these **End User Connections**;
 - c) The total annual number of provisioned **End User Connections** sold to the **Provider** for past 12 months as of June 30, 2012:
 - i) Dry Copper Loops;
 - ii) DS1s;
 - iii) DS3s.
9. For each **Listed County**, for the top ten **Providers** ranked by sold capacity of **End User Connections** you provisioned to another **Provider** *other than* through a **UNE** or an **IRU** agreement, provide:
- a) The name of the **Provider**;
 - b) Total annual sales revenues earned through the sale of these **End User Connections**;
 - c) The total annual number of provisioned **End User Connections** sold to the **Provider** for past 12 months as of June 30, 2012:
 - i) DS1s;
 - ii) DS3s;
 - iii) Dark fiber.
10. For each **Listed Service** for which CenturyLink seeks forbearance, identify all Requests for Proposals (RFPs) involving such services to which CenturyLink submitted a bid in the past 2 years, and provide
- a) the name of the entity soliciting the bid,
 - b) the date of the RFP,
 - c) the counties in which services were to be provided,
 - d) the services to be provided,
 - e) the estimated annual revenue of the contract in the county,
 - f) the result of the RFP (e.g., whether CenturyLink won the bid or the identity of the winning bidder(s), if known).

Provide any analysis of the RFP process or award, including analysis of why or how the winning bid was selected or why other bids were rejected. CenturyLink's response to Request 10c should include all counties in which the services were to be provided even if some of the counties lie outside of the geographic area in which CenturyLink seeks relief.

Attachment I – Legacy Services For Which Relief Is Being Sought⁴

Legacy CenturyLink Services

- A. Ethernet Transport - Ethernet Transport (ET) service is a high speed data transport service that provides point-to-point data transmissions in a fast packet based protocol. ET is available at 11 transport speeds: 10 Mbps, 20 Mbps, 50 Mbps, 100 Mbps, 150 Mbps, 300 Mbps, 450 Mbps, 600 Mbps, 1 Gbps, 2.5 Gbps, and 10 Gbps.
- B. Ethernet Virtual Private Line - Ethernet Virtual Private Line (EVPL) service provides the ability to order Ethernet service where a single connection can support multiple applications with varying Quality of Service (QoS). EVPL is available at transport speeds of: 10 Mbps, 100 Mbps, 1 Gbps, and 10 Gbps.
- C. Local Transport - Local Transport is a two-way voice frequency transmission path which permits the transport of calls in the originating direction and in the terminating direction, but not simultaneously. The voice frequency transmission path may be comprised of any form or configuration of plant capable of and typically used in the telecommunications industry for the transmission of voice and associated telephone signals within the frequency bandwidth of approximately 300 to 3000 Hz. Local Transport is available at bandwidths of OC3 and OC12.
- D. Synchronous Optical Channel Service - Synchronous Optical Channel Service (SOCS) provides dedicated transport utilizing Synchronous Optical Network (SONET) transmissions standards. SOCS is available at transmission rates of OC3 (155.52 Mbps), OC12 (622.08 Mbps), OC48 (2488.32 Mbps), and OC192 (9953.28 Mbps).
- E. Custom Connect - Custom Connect provides a connection to the Optical Network and a customer's designated premises. Custom Connect may be ordered as switched or special access and is available at OC3, OC12, OC48, and OC192 bandwidth capacity.
- F. Frame Relay Access Service - Frame Relay Access Service (FRAS) is a medium speed, connection-oriented packet-switched data service that allows for the interconnection of Local Area Networks (LANs) or other compatible End User customer premises equipment for the purpose of connecting to an interstate frame relay network.
- G. Asynchronous Transfer Mode Cell Relay Access Service - Asynchronous Transfer Mode Cell Relay Access Service (ATM-CRS) is a connection-oriented transport service that is based on ATM technology using fixed length, 53-byte cells. ATM-CRS provides high-speed data transport for bandwidth intensive data, voice, or video applications with the ability to interconnect multiple locations using the ATM-CRS network.
- H. Video Frame Services - Type II (270 Mbps) - 270 Mbps Video is provided via one non-compressed video signal with audio offered as an option in increments of two stereo channels. 270 Mbps Video is offered as a switched configuration or a dedicated (non-switched) configuration. The switched configuration may be a point-to-point or multi-point arrangement that terminates on ports of the

⁴ This appendix is a copy of Appendix A of CenturyLink's Petition. Petition of CenturyLink for Forbearance Pursuant to 47 U.S.C. §160(c) from Dominant Carrier and Certain *Computer Inquiry* Requirements on Enterprise Broadband Services, WC Docket No. 12-60 (filed Feb. 23, 2012).

Telephone Company's video switch. The dedicated arrangement is a point-to-point service for the transmission of video without accessing the Telephone Company's video switch.

Legacy Embarq Services

- I. Ethernet Virtual Private Line - Ethernet Virtual Private Line (EVPL) service provides the ability to order Ethernet service where a single connection can support multiple applications with varying Quality of Service (QoS). EVPL is available at transport speeds of: 10 Mbps, 100 Mbps, 1 Gbps, and 10 Gbps.
- J. 270 Mbps Digital Video Transport Service (DVTS) - 270 Mbps DVTS is a broadband digital video transport channel with one-way transmission capability and provides 270 Mbps high quality video. The service may include up to four 20 kHz Audio Engineering Society (AES)/European Broadcasting Union (EBU) digital audio signals.