

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matters of)	
)	
Special Access for Price Cap Local Exchange Carriers)	WC Docket No. 05-25
)	
AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services)	RM-10593
)	

ORDER

Adopted: February 18, 2015

Released: February 18, 2015

By the Associate Chief, Wireline Competition Bureau:

1. In this Order, the Wireline Competition Bureau (Bureau) grants a request for a limited extension of time to respond to the Commission’s data collection in the special access proceeding,¹ as filed by CenturyLink, Inc. (CenturyLink) on behalf of its subsidiaries.² As discussed below, we extend the deadline for CenturyLink to submit its database container and response to Question II.A.5 until February 20, 2015.

2. On December 18, 2012, the Commission released the *Data Collection Order*, outlining a data collection for a comprehensive analysis of the special access market, and delegating authority to the Bureau to implement the collection.³ The Bureau subsequently set December 15, 2014 as the deadline for responding to the collection, and later extended this deadline to January 29, 2015 for large businesses

¹ See *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, Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 16318 (2012) (*Data Collection Order*); Report and Order, 28 FCC Rcd 13189 (Wireline Comp. Bur. 2013); Order on Reconsideration, 29 FCC Rcd 10899 (Wireline Comp. Bur. 2014); Order, 29 FCC Rcd 14346 (Wireline Comp. Bur. 2014) (*Extension Order*).

² CenturyLink Petition for Limited Waiver of Deadline for Data Submission, WC Docket No. 05-25, RM-10593 (filed Jan. 29, 2015) (CenturyLink Petition); Letter from Craig J. Brown, Senior Associate General Counsel, CenturyLink, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, RM-10593 (filed Feb. 13, 2015) (CenturyLink Letter) (supplementing the CenturyLink Petition).

³ *Data Collection Order*, 27 FCC Rcd at 16340, para. 52. The Commission’s delegation gave the Bureau authority to: “(a) draft instructions to the data collection and modify the data collection based on public feedback; (b) amend the data collection based on feedback received through the [Paperwork Reduction Act] process; (c) make corrections to the data collection to ensure it reflects the Commission’s needs as expressed in [the *Data Collection Order*]; . . . (d) issue Bureau-level orders and Public Notices specifying the production of specific types of data, specifying a collection mechanism (including necessary forms or formats), and setting deadlines for response to ensure that data collections are compiled with in a timely manner; and (e) take other such actions as are necessary to implement [the *Data Collection Order*]. . . consistent with [its] terms.” *Id.*

with more than 1,500 employees.⁴ The deadline for small businesses with 1,500 or fewer employees is February 27, 2015.⁵

3. On the same day as the January 29, 2015 filing deadline, CenturyLink, a business with more than 1,500 employees, filed a petition seeking a limited extension of time, until February 17, 2015, to submit its database container and its response to Question II.A.5 of the collection.⁶ On February 13, 2015, CenturyLink supplemented this request by seeking an additional three days, until February 20, 2015, to respond.⁷ The database container is the mechanism by which filers report the quantitative data sought in the collection, e.g., locations with connections, billing information, etc.⁸ CenturyLink states that, when reviewing the data in advance of the filing deadline, it discovered “anomalies in several fields in the billing data collected . . . , which comprise close to 18 million records.”⁹ CenturyLink therefore requests a limited extension “to fix as many of these errors as possible.”¹⁰ Regarding Question II.A.5, which calls for the provision of fiber route maps from competitive providers and the reporting of nodes used to interconnect with third-party networks, including the year the node went live, CenturyLink seeks additional time to respond due to the “difficulty identifying the in-service date of the Nodes.”¹¹ CenturyLink timely filed responses for the remaining collection questions not covered by the database container and Question II.A.5.¹²

4. Waiver of the Commission’s rules is appropriate only if special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.¹³ Section 1.46 of the Commission’s rules provides that “[i]t is the policy of the Commission that extensions of time shall not be routinely granted.”¹⁴ As noted by the Commission in the *Data Collection Order*, “although the Bureau may employ the existing waiver process under Commission rule 1.3 to waive some or all of the requirements of this [*Data Collection Order*] for individual respondents where good cause is shown, . . . such waivers must be narrowly tailored to the applicable circumstances.”¹⁵

5. We find that a modest extension of time until February 20, 2015 is warranted. CenturyLink has actively participated throughout the implementation process and has clearly invested

⁴ See *Extension Order*, 29 FCC Rcd at 14346, para. 1.

⁵ *Id.*

⁶ CenturyLink Petition at 1.

⁷ CenturyLink Letter at 1.

⁸ See *Wireline Competition Bureau Releases Database Container for Special Access Data Collection*, WC Docket No. 05-25, RM-10593, Public Notice, 29 FCC Rcd 14743 (Wireline Comp. Bur. 2014).

⁹ CenturyLink Petition at 2.

¹⁰ *Id.* at 3.

¹¹ *Id.* at 2-3.

¹² See Letter from Craig J. Brown, Senior Associate General Counsel, CenturyLink, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, RM-10593, at 1 (filed Jan. 29, 2015).

¹³ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹⁴ 47 C.F.R. § 1.46.

¹⁵ *Data Collection Order*, 27 FCC Rcd at 16340, para. 52 n.111; see 47 C.F.R. § 1.3. The Bureau recently granted in part a request for a limited waiver of the filing deadline, until February 27, 2015, to four subsidiaries of FairPoint Communications, Inc. due to pending labor strikes and recent weather-related events. See *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, Order, DA 15-135 (Wireline Comp. Bur. rel. Jan. 29, 2015).

significant time and resources into responding to the collection.¹⁶ Notwithstanding these efforts, CenturyLink identified errors in the data culled from its various systems late in the process and requires an additional twenty-two days to implement its plan to correct these errors. The extension will ultimately improve the quality of the data collected for the Commission's analysis, and not unduly delay the underlying proceeding as the Bureau continues to receive data until the February 27, 2015 deadline for small businesses. Granting CenturyLink a limited extension of time is therefore in the public interest.¹⁷

6. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and 155(c), and sections 0.91, 0.291, 1.3, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 1.46, that the petition and supplemental letter filed by CenturyLink, Inc. for limited waiver of the January 29, 2015 data collection deadline, until February 20, 2015, ARE GRANTED to the extent described herein.

FEDERAL COMMUNICATIONS COMMISSION

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¹⁶ We note that CenturyLink was one of the carriers that assisted with beta testing the database container.

¹⁷ See 47 C.F.R. § 1.3; see also *Data Collection Order*, 27 FCC Rcd at 16340, para. 52 n.111.