



PUBLIC NOTICE

Federal Communications Commission
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Internet: <http://www.fcc.gov>

DA 21-1065

Released: August 27, 2021

**APPLICATION OF EMBARQ MISSOURI, INC. D/B/A CENTURYLINK
PURSUANT TO 47 C.F.R. § 63.63 FOR THE EMERGENCY IMPAIRMENT OF SERVICE
IS NOT DEEMED GRANTED**

**WC Docket No(s). 21-325
Comp. Pol. File No. 1714**

On August 12, 2021, Embarq Missouri, Inc. d/b/a CenturyLink (CenturyLink), filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.63 of the Commission's rules, 47 C.F.R. § 63.63, for the emergency impairment of its wireline telecommunications services and other real-time two-way voice communications services in limited portions of the Mound City, Missouri wire center near Big Lake, Missouri due to severe flooding that damaged its facilities and caused a service outage on March 15, 2019.¹ CenturyLink also requests a waiver of the Commission's rule that requires an emergency discontinuance application to be filed no later than 65 days after the occurrence of the conditions which caused the discontinuance.² CenturyLink's emergency discontinuance application should have been filed no later than May 17, 2019 after the occurrence of the conditions that caused the March 15, 2019 outage. Instead, CenturyLink filed its emergency discontinuance application on August 12, 2021.³

¹ See Application of Embarq Missouri, Inc. d/b/a CenturyLink Pursuant to 47 C.F.R. § 63.63 for the Emergency Impairment of Service, WC Docket No. 21-325 (filed August 12, 2021) (Application). https://www.fcc.gov/ecfs/search/filings?proceedings_name=21-325&sort=date_disseminated_DESC. References herein shall apply generally to the emergency discontinuance, reduction, or impairment of service under the rule.

² See Application at 5. See also 47 C.F.R. § 63.63(a).

³ See Application at 5. CenturyLink relies on a previous Wireline Competition Bureau (Bureau) Order granting CenturyLink a waiver of the emergency discontinuance filing deadline and suggests that the same circumstances that supported the prior waiver occurred in the instant case. *Id.*; see Section 63.63 Application of CenturyTel of Michigan, Inc. d/b/a CenturyLink, WC Docket No. 20-278, Order (Nov. 23, 2020) ("Waiver Order") (granting a waiver for a 33-day late-filed application), <https://ecfsapi.fcc.gov/file/11232763804590/DA-20-1392A1.pdf>. Although the Bureau found that good cause existed to waive the section 63.63 filing deadline for CenturyLink's previous late-filed emergency discontinuance application, this current case is different. CenturyLink became aware of the deficiencies in its internal tracking system over a year ago and could have exercised diligence at that time to ensure that other outages necessitating emergency discontinuance applications had not occurred. It appears to have failed to undertake such diligence to search for similar outages that may have occurred and were unreported as a result of internal system processing errors at that time. See Waiver Order at para. 9 (reminding CenturyLink and other carriers of the need for full compliance with the timeframes associated with the emergency discontinuance procedures, encouraging providers to check their regulatory compliance processes to meet those requirements, and notifying providers that they may face enforcement action for non-compliance and that "mere process error may not be sufficient to justify a waiver in other cases with different factual circumstances."). CenturyLink now files this emergency discontinuance application over two years after the occurrence of the conditions that caused the March

Pursuant to section 63.63(b) authority for the emergency discontinuance, reduction, or impairment of service shall be deemed to be granted for a period of 60 days by the Commission effective as of the date of the filing of the request, unless, “on or before the 15th day after the date of filing, the Commission shall notify the carrier to the contrary.”⁴ The Bureau hereby notifies CenturyLink that its late-filed application is not granted.⁵

For further information, contact Kimberly Jackson, (202) 418-7393 (voice), Kimberly.Jackson@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. For further information on procedures regarding section 214 applications, please visit <https://www.fcc.gov/encyclopedia/domestic-section-214-discontinuance-service>.

– FCC –

15, 2019 outage, and almost a full year after noting this process error resulting in the previous application. Customers were impacted by this current outage and the application suggests at least one customer remained even recently. CenturyLink provides no indication that it took prompt steps to address the outage in Missouri, as it did for the 2020 outage in Michigan. Accordingly, we disagree that CenturyLink has demonstrated good cause for a waiver here.

⁴ 47 CFR § 63.63(b)

⁵ Bureau staff also notified CenturyLink by phone on August 27, 2021 that this late-filed emergency discontinuance application would not be deemed granted.