

FEDERAL COMMUNICATIONS COMMISSION
Enforcement Bureau
Market Disputes Resolution Division
445 12th St., S.W.
Washington, D.C. 20554

Via Email and U.S. Mail

March 15, 2018

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Re: *CenturyLink Communications, LLC, and Level 3 Communications, LLC, v. Birch Communications, Inc., Docket No. 18-73, File No. EB-18-MD-002*

Counsel,

On March 9, 2018 CenturyLink Communications, LLC and Level 3 Communications, LLC (CenturyLink) requested a limited waiver of certain Commission rules governing CenturyLink's anticipated filing of a formal complaint in the above-referenced proceeding.¹ The letter requests that the Enforcement Bureau "waive the 'proposed findings of fact and conclusions of law' requirement in 47 C.F.R. § 1.721(a)(6) in connection with CenturyLink's forthcoming Formal Complaint," in order to "help promote efficiency and conserve the parties'

¹ Letter from Chuck Steese, Counsel for CenturyLink Communications, LLC to Lisa Saks *et al*, Market Disputes Resolution Division (dated Mar. 9, 2018) (March 9th Letter).

and the Enforcement Bureau's time and resources."² The letter also states that defendant Birch Communications, Inc. concurs with CenturyLink's request, and seeks the same waiver with respect to its answer to the formal complaint.³

In response to the parties' requests, we hereby waive the portions of Commission rules 1.721(a)(6), 1.724(c), and 1.726(c) that require a complaint, answer, and reply to include "proposed findings of fact" and "conclusions of law."⁴ This waiver does not include the portions of rules 1.721(a)(6), 1.724(c), and 1.726(c) that require a complaint, answer, and reply to include "legal analysis relevant to the claims and arguments" set forth in the pleadings, as we find that such analysis enhances the Commission's understanding of the legal bases for claims and defenses.⁵

This letter ruling is issued pursuant to Sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 208, Sections 1.720-1.736 of the Commission's rules, 47 CFR §§ 1.720-1.736, and the authority delegated by Sections 0.111, 0.311, of the Commission's rules, 47 CFR §§ 0.111, 0.311.

FEDERAL COMMUNICATIONS COMMISSION



Lisa Saks
Assistant Division Chief
Market Disputes Resolution Division
Enforcement Bureau

² March 9th Letter at 1.

³ *Id.*

⁴ 47 CFR §§ 1.721(a)(6), 1.724(c), 1.726(c).

⁵ *Id.* In addition, this ruling does not relieve the parties of their obligation to support legal arguments by citation to "appropriate judicial, Commission, or statutory authority" and to distinguish "[o]pposing authorities." See 47 CFR § 1.720(d),(e).