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Associate General Counsel

February 19, 2020

Non-Redacted Via Courier – Redacted Via ECFS

Marlene H. Dortch
Office of the Secretary
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Request for Confidential Treatment of Exhibit A and Supplement to
Application of CenturyLink Communications, LLC For Interconnected VoIP
Numbering Authorization, WC Docket No. 19-349

Dear Ms. Dortch:

Pursuant to Section 52.15(g)(3)(i) of the Commission's Rules, CenturyLink Communications, LLC ("CCLLC"), is supplementing its application requesting authorization to obtain numbering resources. Exhibit A of this is confidential information and bears the legend "**CONFIDENTIAL INFORMATION – NOT FOR PUBLIC INSPECTION.**" CCLLC is filing a public version of its supplement electronically (without Exhibit A) and a confidential version of Exhibit A to its supplement via courier. The confidential information in this submission reflects commercial information that is not routinely made available to the public and would cause competitive harm to CCLLC if disclosed. As such, this submission should be afforded confidential treatment under 47 C.F.R. §§ 0.457 and 0.459 of the Commission's Rules, and CCLLC provides its justification for such treatment in the attached Appendix.

Please contact the undersigned if you have questions concerning this submission.

Respectfully submitted,

/s/ Jeanne W. Stockman

Enclosures

cc (via email): Jordan Reth

APPENDIX

Confidentiality Request and Justification

47 C.F.R. § 0.457

Pursuant to Section 0.457 of the Commission's Rules, 47 C.F.R. § 0.457, CCLLC requests confidential treatment of Exhibit A to the enclosed Supplement to Application of CenturyLink Communications, LLC For Interconnected VoIP Numbering Authorization in WC Docket No. 19-349. CCLLC is an affiliate of its parent company, CenturyLink, Inc., and filed its Application on November 14, 2019. The type of information included in the attached Exhibit A, which is confidential and proprietary commercial information of CCLLC, is not routinely available for public inspection and thus is protected from public availability under Section 0.457(d).

47 C.F.R. § 0.459

Should the Commission not deem that CCLLC's Exhibit A is protected from public disclosure under 47 C.F.R. § 0.457, then CCLLC requests confidential treatment pursuant to 47 C.F.R. § 0.459(b) as described below.

Information for which confidential treatment is sought

CCLLC requests confidential treatment of Exhibit A to the enclosed Supplement to Application of CenturyLink Communications, LLC For Interconnected VoIP Numbering Authorization in WC Docket No. 19-349. Exhibit A includes confidential and proprietary commercial information, which is protected from disclosure under Exemption 4 of the Freedom of Information Act.¹ The Commission has long recognized that, for purposes of FOIA Exemption 4, "records are 'commercial' as long as the submitter has a commercial interest in them."² Exhibit A, for which confidential treatment is sought, bears the legend "**CONFIDENTIAL INFORMATION – NOT FOR PUBLIC INSPECTION.**"

Commission proceeding in which the information was submitted

The information is being submitted in WC Docket No. 19-349, which is an application for authority for CCLLC to obtain numbering resources. Exhibit A is a required part of that application.

¹ 5 U.S.C. § 552(b)(4); *see also* 47 C.F.R. § 0.457(d).

² *Robert J. Butler*, 6 FCC Rcd 5414, 5415 (1991), *citing Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1290 (D.C. Cir. 1983); *American Airlines v. National Mediation Board*, 588 F.2d 863, 868 (2d Cir. 1978).

Degree to which the information in question is commercial or financial, or contains a trade secret or is privileged

Exhibit A contains commercial information that CenturyLink considers proprietary and confidential. This information concerns CenturyLink's agreements with other carrier partners, including terms, conditions and pricing. This information is competitively sensitive information that would not normally be released to the public, as such release would have a substantial negative competitive impact on CenturyLink. The D.C. Circuit Court of Appeals has found that parties do not have to "show actual competitive harm" to justify confidential treatment. Rather, "actual competition and the likelihood of substantial competitive injury is sufficient to bring commercial information within the realm of confidentiality."³

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

The information in Exhibit A relates to CCLLC's provision of VoIP service, which is highly competitive with a multitude of service providers in the marketplace. Detailed operational and commercial information of the type provided in Exhibit A would generally not be made available to the public and disclosure of this information to CCLLC's competitors could produce competitive harm.

Steps taken to prevent unauthorized disclosure; and availability of the information to the public and the extent of any previous disclosure of the information to third parties

CCLLC has treated and treats the type of information disclosed in Exhibit A as confidential and has protected it from public disclosure.

Justification of the period during which CenturyLink asserts that the material should not be available for public disclosure

At this time, CCLLC cannot determine any date on which the information disclosed in Exhibit A should not be considered confidential or would become stale, except that the information will be handled in conformity with CCLLC's records retention policies, absent any continuing legal hold.

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 the government; and (3) privileged and confidential. The information in question satisfies this test.

³ *Public Citizen Health Research Group v. FDA*, 704 F.2d at 1291, quoting *Gulf & Western Industries v. U.S.*, 615 F.2d 527, 530 (D.C. Cir. 1979).

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
CenturyLink Communications, LLC, Applicant)	
For Authorization to Obtain Numbering)	WC Docket No. 19-349
Resources Pursuant to Section 52.15(g) of)	
the Commission's Rules)	

**SUPPLEMENT TO APPLICATION OF
CENTURYLINK COMMUNICATIONS, LLC FOR
INTERCONNECTED VOIP NUMBERING AUTHORIZATION**

CenturyLink Communications, LLC (“CCLLC”), a current provider of interconnected voice over internet protocol (“VoIP”) service, files this supplement to its application with the Federal Communications Commission (the “Commission”) for authorization to acquire telephone numbers directly from the North American Numbering Plan Administrator and the Pooling Administrator (the “Numbering Administrators”) pursuant to Commission rule section 52.15(g)(3).¹

CCLLC provides the following supplementary information in support of its application:

1. CCLLC intends to request numbering resources and offer interconnected VoIP services in the following states: Alabama, Arkansas, Arizona, California, Delaware, District of Columbia, Florida, Georgia, Iowa, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Mississippi, Montana, North Carolina, North Dakota, Nebraska, New Hampshire, New Jersey, New Mexico, Nevada, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South

¹ 47 C.F.R. § 52.15(g)(3). CCLLC filed its application on November 14, 2019.

Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, West Virginia and Wyoming.

2. To demonstrate facilities readiness, CCLLC attaches as CONFIDENTIAL Exhibit A an agreement between it and its carrier partner.
3. To further demonstrate facilities readiness, CCLLC attaches as Exhibit B an interconnection agreement between its carrier partner and an incumbent local exchange carrier (“ILEC”) for one of the states listed in Paragraph 1. Additional interconnection agreements between CCLLC’s carrier partner and relevant ILECs can be provided upon Commission request.
4. CenturyLink clarifies the certifications made in its application to specify (1) that it complies with its 911 obligations under Commission rule Part 9; and (2) that no party to the application, as defined in Commission rule sections 1.2001 and 1.2002, is subject to a denial of Federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988. A revised certification from CCLLC to this effect executed by Stacy Hartman, VP Public Policy & Compliance is attached as Exhibit C.

Pursuant to Commission rule section 52.15(g)(3), CCLLC respectfully requests the Commission authorize it to obtain numbering resources directly from the Numbering Administrators.

Respectfully submitted,

CENTURYLINK COMMUNICATIONS, LLC

By: 

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Its Attorney

Dated: February 19, 2020

LIST OF EXHIBITS

Exhibit A: Carrier Partner Agreement ****CONFIDENTIAL****

Exhibit B: Interconnection Agreement

Exhibit C: Certification of Stacy Hartman