

Streamlined Filing

This Streamlined filing is **being** made on 15 days' notice in accordance with Section 204 (a)(3) of the Communications Act.

1801 California Street 10th Floor
Denver, Colorado 80202
303 992-5832
Mark.Brinton@CenturyLink.com

Mark Brinton
Manager



June 18, 2012

Transmittal No. 465

Secretary
Federal Communications Commission
445 12th Street, SW, TW-B-204
Washington, DC 20554

Attention: Wireline Competition Bureau

The accompanying tariff material¹, issued on behalf of Qwest Corporation d/b/a CenturyLink QC (CenturyLink) FRN 0003-7467-57 (Concurring Carrier, El Paso County Telephone Company FRN 0008-1312-94), and bearing Tariff F.C.C. No. 1, effective as reflected on the attached tariff pages, is sent to you in compliance with the requirements of the Communications Act of 1934, as amended.

This material consists of tariff pages indicated on the following check sheet(s):

| | |
|---|--------------------------|
| 1 | 424th Revised Page 0-1 |
| | 51st Revised Page 0-1.3 |
| | 46th Revised Page 0-1.29 |

This filing is being made by CenturyLink in its Tariff F.C.C. No. 1, to comply with the F.C.C.'s Rules 47 C.F.R. § 61.43 that requires local exchange carriers to submit annual price cap tariff filings that propose rates for the upcoming year and make adjustments to price cap indices. This filing also complies with the F.C.C.'s Sixth Report and Order in CC Docket Nos. 96-262 and 94-1, Access Charge Reform and Price Cap Performance Review for Local Exchange Carriers, Report and Order in CC Docket No. 99-249, Low-Volume Long Distance Users, Eleventh Report and Order in CC Docket No. 96-45, Federal-State Joint Board on Universal Service, FCC 00-193 (CALLS Order), Report and Order and Further Notice of Proposed Rulemaking in the Matter of Connect America Fund et al., WC Docket No. 10-90 et al., (USF/ICC Transformation Order), DA 12-482, In the Matter of July 3, 2012 Annual Access Charge Tariff Filings, and its Tariff Review Plans, DA 12-575, In the Matter of Material to be Filed in Support of 2012 Annual Access Tariff Filings.

Certain data being submitted in connection with this filing requires confidential treatment consistent with the Commission's rules. Specifically, CenturyLink has redacted:

- Revenue, volume/demand data by component of access service from the **USTRAR12 (Access Reduction Spreadsheet) form**; and
- Per Line Universal Service Support Calculation for **CAP-1 form (Workpaper 7)**.

¹ Holding Company level detail is being provided by the CenturyLink Operating Companies (CLOC) under Transmittal No. 21 and includes material for both Qwest Corporation d/b/a CenturyLink QC and CenturyLink Operating Companies (CLOC).

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For the non-redacted version of these documents, pursuant to the Standard Protective Order and Declaration for use in § 402(b) Streamlined LEC Tariff Proceedings (Protective Order) adopted by the Commission in the Tariff Streamlining Order and published in Appendix B thereof,² each page has been marked "**CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION – DO NOT RELEASE.**" CenturyLink requests that the non-redacted versions of these documents be withheld from public inspection.

CenturyLink also notes that, notwithstanding the Protective Order, there are separate legal bases for not making the confidential information available for public inspection – specifically, Commission Rule 0.457 and Exemption 4 of the Freedom of Information Act ("FOIA") and Commission Rule 0.459.³ The confidential information included in this filing is competitively sensitive information and thus should not be available for public inspection. Such information would not ordinarily be made available to the public. Release of the confidential information in the submission would have a substantial negative competitive impact on CenturyLink. Accordingly, the non-redacted information in question should be withheld from disclosure under sections 0.457(d) and 0.459 of the Commission's rules. CenturyLink provides further justification for the confidential treatment of this information, pursuant to 47 C.F.R. § 0.459(b) and otherwise, in the Appendix to this letter. If the Commission denies this request for confidential treatment, CenturyLink requests that these documents be returned.

It was not feasible to separate out the materials contained in this filing to which this confidentiality request applies from materials to which the request does not apply - without destroying the integrated nature of the information presented in this filing. Thus, consistent with 47 C.F.R. § 0.459(a), CenturyLink identifies the materials to which the request applies above and in the attached Appendix and is including in the publicly available version of this filing uploaded via Electronic Tariff Filing System (ETFS) a redacted version of each document identified. The redacted version of each document is marked "**REDACTED – FOR PUBLIC INSPECTION,**" with the confidential information omitted. The non-redacted version of each document is being uploaded separately via the not-for-public access function of ETFS.

In this filing CenturyLink is also updating the universal service contribution factors for the third quarter of 2012. This update applies the factor as adopted in Public Notice DA 12-917, released June 11, 2012.

The general USF change factor has been decreased to 0.157 to reflect the third quarter 2012 charge factor.

Multiline Business USF Charge Factor

As shown in USF Workpaper 1, "Federal Universal Service Fund Charge Factor Development," the Multiline Business charge factor for each study area is calculated by dividing the Multiline Business lines subject to FCC end user charges by the total number of lines subject to PICC charges pursuant to 47 C.F.R. 69.153. This ratio is multiplied by the third Quarter 2012 USF Factor to determine the appropriate Multiline Business USF Charge Factor.

² See also, Public Notice, "Announcing Procedures for Filing and Obtaining Confidential Information for Annual Access Charge Tariff Filing and Corrections to TRP Intrastate Eligible Recovery Worksheet for Rate-of-Return Carriers and Long Form TRP for Price Cap Carriers", DA 12-887, and appended Protective Order (Attachment A), *In the Matter of Material to be Filed in Support of 2012 Annual Access Tariff Filings*, WCB/Pricing File No. 12-08 (rel. June 5, 2012).

³ 47 C.F.R. §§ 0.457, 0.459; 5 U.S.C. § 552(b)(4).

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Centrex USF Charge Factor

As shown in USF Workpaper 1, "Federal Universal Service Fund Charge Factor Development," the Centrex USF Charge Factor is one-ninth of the Multiline Business USF Charge Factor.

The Tariff filing fee in the amount of \$845.00 is being paid by credit card through the appropriate entries in Section E of the ETFS generated Form 159.

All correspondence and inquiries in connection with this filing, including service copies of petitions, should be directed to:

Mark Brinton
CenturyLink
1801 California Street, 10th Floor
Denver, CO 80202
Phone (303) 992-5832

Attachments: Appendix
 Tariff Pages
 Description and Justification
 Workpapers 1-7, TS, IS-1, SP-1, SP-2,
 USTRAR12
 Appendix A
 Tariff Review Plan
 Rate Detail File
 Certification
 USF Workpaper 1

APPENDIX

Confidentiality Justification

The Qwest Corporation d/b/a CenturyLink QC (CenturyLink) requests confidential treatment of certain data being submitted in connection with its 2012 Annual Access Filing because certain of this information is competitively sensitive and its disclosure would have a negative competitive impact on CenturyLink. Such information would not ordinarily be made available to the public, and should be afforded confidential treatment under the Standard Protective Order and Declaration for use in § 402(b) Streamlined LEC Tariff Proceedings (Protective Order) adopted by the Commission in the Tariff Streamlining Order and published in Appendix B thereof.⁴

47 C.F.R. § 0.457 and 5 U.S.C. 552 (b)(4)

Specific information in the CenturyLink 2012 Annual Access Filing is confidential and proprietary to CenturyLink as “commercial or financial information” under section 0.457(d). Disclosure of such information to the public would risk revealing company-sensitive proprietary information in connection with CenturyLink’s ongoing business plans and operations. Therefore, in the normal course of Commission practice, this information should be considered “Records not routinely available for public inspection.”

47 C.F.R. § 0.459

Specific information in the CenturyLink 2012 Annual Access Filing is also subject to protection under 47 C.F.R. § 0.459, as demonstrated below.

Information for which confidential treatment is sought

CenturyLink requests that specific information in their 2012 Annual Access Filing (with confidentiality markings) be treated on a confidential basis under Exemption 4 of the Freedom of Information Act. This information is competitively sensitive data that CenturyLink maintains as confidential and does not normally make available to the public. Release of the information would have a substantial negative competitive impact on CenturyLink. The confidential information contained in the non-redacted version of the CenturyLink 2012 Annual Access Filing is marked “**CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION – DO NOT RELEASE.**”

Commission proceeding in which the information was submitted

The information is included in the CenturyLink 2012 Annual Access Tariff Filing. This filing is being made by CenturyLink to comply with Commission Rule 69.3 that requires local exchange carriers to submit annual price cap tariff filings that propose rates for the upcoming year and make adjustments to price cap indices. This filing also complies with the Commission’s Sixth Report and Order in CC Docket Nos. 96-262 and 94-1, *Access Charge Reform and Price Cap Performance Review for Local Exchange Carriers*, Report and Order in CC Docket No. 99-249, *Low-Volume Long Distance Users*, Eleventh Report and Order in CC Docket No. 96-45, *Federal-State Joint Board on Universal Service*,

⁴ See also, Public Notice, "Announcing Procedures for Filing and Obtaining Confidential Information for Annual Access Charge Tariff Filing and Corrections to TRP Intrastate Eligible Recovery Worksheet for Rate-of-Return Carriers and Long Form TRP for Price Cap Carriers", DA 12-887, and appended Protective Order (Attachment A), *In the Matter of Material to be Filed in Support of 2012 Annual Access Tariff Filings*, WCB/Pricing File No. 12-08 (rel. June 5, 2012).

FCC 00-193 (CALLS Order), Report and Order and Further Notice of Proposed Rulemaking in the Matter of Connect America Fund et al., WC Docket No. 10-90 et al., (USF/ICC Transformation Order), DA 12-482, *In the Matter of July 3, 2012 Annual Access Charge Tariff Filings*, and its Tariff Review Plans, DA 12-575, *In the Matter of Material to be Filed in Support of 2012 Annual Access Tariff Filings*.

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

The competitive information designated as confidential in this filing is the following: (1) revenue, volume/demand data by component of access service from the **USTRAR12 (Access Reduction Spreadsheet) form**; and per line Universal Service support calculation for **CAP-1 form (Workpaper 7)**. This information is all competitively sensitive information that would not normally be released to the public, as such release would have a substantial negative competitive impact on CenturyLink. By way of example, the volume/demand data by component of access service and per line Universal Service support calculation provide valuable information at a granular level regarding CenturyLink customers and their services and CenturyLink operations in those areas.

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

This type of commercial information would generally not be subject to routine public inspection under the Commission's rules (47 C.F.R. § 0.457(d)), demonstrating that the Commission already anticipates that the release of this kind of information likely would produce competitive harm. Indeed, the Commission and reviewing courts have frequently permitted confidential treatment of the type of information in question.⁵ CenturyLink confirms that release of the information designated as confidential in this filing would cause it substantial competitive harm by allowing its competitors to become aware of sensitive proprietary information regarding the operation of CenturyLink businesses. CenturyLink is subject to actual and potential competition with regard to all of the relevant services. Unless this data is given confidential treatment, competitors will obtain an unfair competitive advantage – for example, by obtaining a detailed picture of CenturyLink's performance at a granular level in different geographic areas enabling competitors to target their efforts in these areas in an unfair manner.

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

CenturyLink has treated and treat the non-public information disclosed in this filing as confidential and has protected it from public disclosure to parties outside the company.

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

⁵ See, e.g., *Cox Communications, Inc.; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12160, ¶ 12 (2004); *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974); and *Critical Mass Energy Project v. NRC*, 830 F.2d 278, 873 (D.C. Cir. 1987).

CenturyLink cannot determine at this time any date on which this information should not be considered confidential or would become stale for purposes of the current matters, except that the information would be handled in conformity with general CenturyLink records retention policies, absent any continuing legal hold on the data.

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