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Streamlined Filing

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Director-Regulatory Operations

June 28, 2012

Transmittal No. 21 - Amended

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

Attention: Competitive Pricing Division, Wireline Competition Bureau

On June 18, CenturyLink Operating Companies (CLOC) ¹ issued Transmittal No. 21, which revised its² Tariff F.C.C. Nos. 1, 2, 3, 6, 7, 8 and 9. Transmittal No. 21 is being amended in order to issue an amended Description and Justification.

Certain data being submitted in connection with this filing requires confidential treatment consistent with the Commission's rules. Specifically, in the Consolidated Collection Factor worksheet (Consol Collection Factor.xls) to the amended Description and Justification, CenturyLink Operating Company with Qwest Corporation d/b/a CenturyLink QC (CLOCQC) describes the collection factor derived via the process described on pages 15-17 of the Description and Justification. Confidential treatment is required for this collection factor.

For the non-redacted version of this document, 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,³ each page has been marked "**CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION – DO NOT RELEASE.**" CLOCQC requests that the non-redacted versions of the document be withheld from public inspection.

CLOCQC 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 0.459.⁴ The confidential information included in this filing is competitively

¹ For Holding Company level detail, the material includes CenturyLink Operating Company with Qwest Corporation d/b/a CenturyLink QC (CLOCQC.)

² For Holding Company level detail, the material includes CenturyLink Operating Company with Qwest Corporation d/b/a CenturyLink QC (CLOCQC.)

³ 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). .

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

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 CLOCQC. 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. CLOCQC 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, CLOCQC requests that this document 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), CLOCQC 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 the relevant document. The redacted version of 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.

All correspondence and inquiries in connection with this filing should be addressed to me at 5454 West 110th Street, Mailstop KSOPKJ0502-508, Overland Park, Kansas 66211, (913) 345-7572.



Gary L. Kepley
Director – Regulatory Operations
CenturyLink

Attachment
Amended Description and Justification

APPENDIX

Confidentiality Justification

CenturyLink Operating Company with Qwest Corporation d/b/a CenturyLink QC (CLOCQC) requests confidential treatment of certain data being submitted in connection with the amended Description and Justification being submitted in connection with their 2012 Annual Access Filings because it is competitively sensitive and its disclosure would have a negative competitive impact on CLOCQC. 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.⁵

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

Specific information in the amended Description and Justification is confidential and proprietary to CLOCQC 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 CLOCQC ongoing business 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 amended Description and Justification is also subject to protection under 47 C.F.R. § 0.459, as demonstrated below.

Information for which confidential treatment is sought

CLOCQC requests that specific information in the amended Description and Justification (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 CLOCQC maintains as confidential and does not normally make available to the public. Release of the information would have a substantial negative competitive impact on CLOCQC. The confidential information contained in the non-redacted version of the CLOCQC 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 CLOCQC 2012 Annual Access Tariff Filings. These filings are being made by CLOCQC 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*

⁵ 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). .

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*.

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

In the Consolidated Collection Factor worksheet (Consol Collection Factor.xls) to the amended Description and Justification, CenturyLink Operating Company with Qwest Corporation d/b/a CenturyLink QC (CLOCQC) describes the collection factor derived via the process described on pages 15-17 of the Description and Justification. The specific competitive information designated as confidential in this filing is the collection factor derived by this process. This is competitively sensitive information that would not normally be released to the public, as such release would have a substantial negative competitive impact on the CLOCQC. It provides valuable information at a granular level regarding CLOCQC customers and their services and CLOCQC operations.

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.⁶ CLOCQC confirm 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 CLOCQC businesses. The CLOCQC are 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, competitors could use this detailed and sensitive internal financial information regarding specific services and related billings and collections in targeting their offerings.

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

CLOCQC has treated and treats 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 the CLOCQC assert the material should not be available for public disclosure

CLOCQC 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 CLOCQC records retention policies, absent any continuing legal hold on the data.

⁶ 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).

Other information that CLOCQC 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.