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Director-Regulatory Operations

**Streamlined Filing**  
**This streamlined filing is being made on**  
**15 days' notice in accordance with**  
**Section 204(a)(3) of the Communications Act. The Price**  
**Flex portion of this filing is being made on 1 days' notice**  
**and does not comply with Section 204(a)(3).**

September 16, 2013

Transmittal No. 46

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

Attention: Competitive Pricing Division, Wireline Competition Bureau

The accompanying tariff material issued on behalf of the CenturyLink Operating Companies (CLOC) and bearing Tariff F.C.C. Nos. 1, 2, 3, 6, 7, 8, 9, 11 and 12 is sent to you for filing in compliance with the requirements of the Communications Act of 1934, as amended.

The first portion of this filing is scheduled to become effective on September 17, 2013 and consists of tariff pages indicated on the following check sheet(s):

<u>Tariff F.C.C. No.</u>	<u>Check Sheet No.</u>
9	39th Revised Page 1 9th Revised Page 1.2

The first portion of this filing is being made on not less than one day's notice and proposes to increase the expedited order charge in the Price Flex (Section 23) portion of CLOC Tariff F.C.C. No. 9 per FCC Order 99-206 Section 69.727(b)(3).

The second portion of this filing is scheduled to become effective October 1, 2013, and consists of tariff pages as indicated on the following check sheets. This portion of the filing is made on 15 day's notice under the Commission's streamlined filing procedures.

<u>Tariff F.C.C. No.</u>	<u>Check Sheet No.</u>
1	29th Revised Page 1 12th Revised Page 1.1 8th Revised Page 1.2
2	28th Revised Page 1 3rd Revised Page 1.2
3	27th Revised Page 1

<u>Tariff F.C.C. No.</u>	<u>Check Sheet No.</u>
6	28th Revised Page 1 4th Revised Page 1.01
7	29th Revised Page 1 11th Revised Page 1.2 11th Revised Page 1.3 6th Revised Page 1.4 4th Revised Page 1.5
8	29th Revised Page 1 13th Revised Page 1.1
9	40th Revised Page 1
11	6th Revised Page 0-1 2nd Revised Page 0-1.2 2nd Revised Page 0-1.17
12	3rd Revised Page 0-1 3rd Revised Page 0-1.2 3rd Revised Page 0-1.3 3rd Revised Page 0-1.4 3rd Revised Page 0-1.5 3rd Revised Page 0-1.6 3rd Revised Page 0-1.7

This filing is being made on 15 days' notice under the Federal Communications Commission' streamlined filing procedures. This filing proposes adjustments to the end user common line charges and price cap expedited order charges as a result of the true up of the Regulatory Fee and Telecommunications Relay Services contribution factors. In addition, this filing revises the federal universal service fund contribution factor for 4<sup>th</sup> quarter to 15.6%. This update applies the factor as adopted in Public Notice DA 13-1880, released September 11, 2013. Special construction is included for CLOC Tariff F.C.C No. 12.

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

- Access Recovery Charge Worksheet **CLOCARC13 06-16-13**and
- Summary Eligible Recovery Worksheet **CLOCSUMER13 09-16-13**

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,<sup>1</sup> 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.<sup>2</sup> 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.

The support material for this filing, as required by Section 61.41 through 61.49 of the Commission’s Rules, is outlined in Attachment A.

In accordance with the requirements of Section 61.21(a)(3) of the Commission’s Rules, the FCC Registration Number (FRN) for CenturyLink is 0018-6268-53. CenturyLink Operating Company is filing this transmittal on behalf of issuing carriers on Attachment B.

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<sup>1</sup> Implementation of Section 402(b)(1)(A) of the Telecommunications Act of 1996, CC Docket No. 96-187, Report and Order, 12 FCC Rcd 2170 (1997) (Tariff Streamlining Order), Appendix B. *See also*, Public Notice, "Announcing Procedures for Obtaining Confidential Information for 2013 Annual Access Charge Tariff Filing and Corrections to TRP Spreadsheets", DA 13-1336, WC Docket No. 13-76, and appended Protective Order (Attachment A) (rel. June 7, 2013).

<sup>2</sup> 47 C.F.R. §§ 0.457, 0.459; 5 U.S.C. § 552(b)(4).

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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 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

Attachments

Appendix  
Revised Tariff Pages  
Support Material  
Attachment A  
Attachment B

## APPENDIX

### Confidentiality Justification

CenturyLink Operating Companies requests confidential treatment of certain data being submitted in connection with their 2013 Mid-Year Exogenous Access Charge Tariff 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.<sup>3</sup>

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

Specific information in the CenturyLink 2013 Mid-Year Exogenous Access Charge Tariff 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 2013 Mid-Year Exogenous Access Charge Tariff 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 its 2013 Mid-Year Exogenous Access Charge Tariff 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 2013 Mid-Year Exogenous Access Charge Tariff 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 2013 Mid-Year Exogenous Access Charge Tariff Filing. This filing is being made by CenturyLink to comply with

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<sup>3</sup> Tariff Streamlining Order, 12 FCC Rcd 2170 at Appendix B. *See also*, note 2, *supra*, Public Notice and appended Protective Order, DA 13-1336.

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*, 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); *In the Matter of July 2, 2013 Annual Access Charge Tariff Filings*, Order, DA 13-553, WC Docket No. 13-76 (rel. March 26, 2013); *In the Matter of Material to be Filed in Support of 2013 Annual Access Tariff Filings*, Order, DA 13-789, WC Docket No. 13-76 (rel. April 19, 2013).

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 **CLOCARC13 09-16-13 (Access Recovery Charge Worksheet)**, and **CLOCSUMER13 09-16-13 (Summary Eligible Recovery Worksheet)** worksheets. 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.<sup>4</sup> 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.

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<sup>4</sup> 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).

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 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 CenturyLink asserts the material should not be available for public disclosure

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.

## **ATTACHMENT A**

### **LIST OF MATERIAL SUBMITTED WITH CENTURYLINK OPERATING COMPANIES 2013 Mid-Year Exogenous Access Charge Tariff Filing**

1. CenturyLink Operating Companies Transmittal No. 46
2. Revised Tariff Pages
3. Support Material
  - Description and Justification
  - Tariff Review Plan and Certification
  - Access Recovery Charge
  - Eligible Recovery Worksheet
  - Summary Eligible Recovery

## ATTACHMENT B

### Federal Registration Numbers for CENTURYLINK OPERATING COMPANIES

#### Tariff F.C.C. No. 1 Participants

0002-7744-87  
0002-7672-83  
0002-8537-11  
0002-3903-26  
0004-2533-73  
0004-3122-29  
0004-5472-61

#### Tariff F.C.C. Nos. 2 and 3 Participants

0005-8277-87  
0005-8277-12

#### Tariff F.C.C. No. 6 Participants

0001-7308-86	0001-7435-41
0004-2533-81	0004-3122-45
0003-9369-52	0004-5470-48
0001-6733-59	0004-5472-95
0004-3122-37	0004-3121-95
0001-7724-82	0004-5470-22
0002-7159-02	0001-7484-66
0006-2304-60	0001-7684-49
0005-7862-23	0001-6854-29
0004-0850-80	0004-3122-11
0004-0850-98	0004-3122-52
0002-6483-68	0004-3121-53
0001-6775-41	0004-5469-82
0004-5470-71	0004-3121-61
0001-7323-38	0001-6188-18
0001-7100-11	0006-1607-41
0001-7738-11	0004-5470-14

#### Tariff F.C.C. No. 7 Participants

0004-3337-79  
0004-3337-53  
0004-3336-88  
0004-3337-95

**ATTACHMENT B (Cont'd)**

**Federal Registration Numbers for  
CENTURYLINK OPERATING COMPANIES**

Tariff F.C.C. No. 8 Participants

0004-5470-55  
0001-7127-51  
0001-5846-97  
0001-5825-43  
0005-7613-09  
0001-5620-99  
0004-3122-60  
0001-5660-41  
0001-6234-38  
0001-6172-65  
0001-6302-43  
0004-5470-06  
0004-5470-89  
0002-6419-67

Tariff F.C.C. No. 9 Participants

0004-1465-85	0005-0517-68
0004-1404-22	0001-6851-48
0001-8252-98	0002-3825-70
0002-9015-51	0001-9523-40
0005-0517-43	0002-3825-70
0002-5952-47	0001-5666-94
0002-3420-38	0002-9388-43
0002-6434-35	0001-7701-22
0002-3372-44	0004-1839-19
0002-3916-39	0001-7770-36

Tariff F.C.C. No. 11 Participants

0003-7467-57  
0008-1312-94 (Concurring Carrier)

Tariff F.C.C. No 12 Participant

0003-7467-57