

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

Via Email and U.S. Mail

May 17, 2018

Chuck Steese
Armstrong Teasdale LLP
4643 South Ulster Street, Suite 800
Denver, CO 80237

Timothy Boucher
Associate General Counsel
CenturyLink Communications, LLC
1099 New York Avenue, N.W., Suite 250
Washington, DC 20001

Adam L. Sherr
Associate General Counsel
CenturyLink Communications, LLC
1600 7th Avenue, Room 1506
Seattle, WA 98191

Counsel for CenturyLink Communications,
LLC.

Chérie R. Kiser
Thorn Rosenthal
Angela F. Collins
Cahill Gordon & Reindel LLP
1990 K Street, N.W., Suite 950
Washington, D.C. 20006

Counsel for Birch Communications, Inc.

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 May 16, 2018, we received an email from counsel for CenturyLink Communications, LLC, and Level 3 Communications, LLC (collectively CenturyLink) requesting an extension until May 21, 2018 of the May 17, 2018 deadline for the filing of the parties' Joint Statement.¹ CenturyLink's counsel stated that Birch Communications, Inc. (Birch) did not oppose the

¹ See Email from Chuck Steese, Counsel for CenturyLink Communications, LLC., File No. EB-18-MD-002 (dated May 16, 2018)(copy attached); Letter Order from Lisa Saks, Assistant Division Chief, Market Disputes Resolution Division, to Chérie R. Kiser, counsel for Birch and Chuck Steese, counsel for CenturyLink, (May 9, 2018).

extension request. As stated during our conference call yesterday with counsel for both parties, we grant the extension request.

Accordingly, the Joint Statement must be filed on or before **May 21, 2018**. After receiving the Joint Statement, staff will advise the parties whether we will be scheduling a status conference in this matter.

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

Erin Boone

From: Chuck Steese <CSteese@ArmstrongTeasdale.com>
Sent: Wednesday, May 16, 2018 10:44 AM
To: Erin Boone; Martin J. Estevao; Lisa Saks; Lia Royle
Cc: Rosenthal, Thorn; Kiser, Chérie R.; Collins, Angela; Boucher, Timothy (Timothy.Boucher@CenturyLink.com); 'Sherr, Adam'
Subject: RE: CenturyLink and Level 3 v. Birch - As-Filed Reply ISO Formal Complaint [IWOV-iDocs.FID3236450]

Erin:

The Parties have been actively working to respond to the letter order issued May 9, 2018. However, we need a few additional days to finalize. In addition, I have an 8th Circuit argument tomorrow, which has limited the amount of time that I have to coordinate with Birch. As a result, CenturyLink and Level 3 respectfully request a few additional days, until Monday May 21 to respond. Birch does not oppose this request. Please let us know as soon as possible.,

Respectfully,



Armstrong Teasdale LLP

Chuck Steese | Partner

4643 South Ulster, Suite 800, Denver, Colorado 80237

MAIN PHONE: 720.200.0676 | MAIN FAX: 720.200.0679

DIRECT: 720-200-0677 | Extension: 3805 | CELL: 303-919-0075

csteese@armstrongteasdale.com

www.armstrongteasdale.com

Always exceed expectations through teamwork and excellent client service.

From: Erin Boone [mailto:Erin.Boone@fcc.gov]
Sent: Wednesday, May 09, 2018 1:34 PM
To: Martin J. Estevao; Lisa Saks; Lia Royle
Cc: Rosenthal, Thorn; Kiser, Chérie R.; Collins, Angela; Boucher, Timothy (Timothy.Boucher@CenturyLink.com); 'Sherr, Adam'; Chuck Steese
Subject: RE: CenturyLink and Level 3 v. Birch - As-Filed Reply ISO Formal Complaint [IWOV-iDocs.FID3236450]

All,

Attached please find an order directing the parties to meet and confer regarding settlement prospects and to prepare a joint statement that reports on settlement prospects, and stipulated facts and disputed facts. If you have any questions or would like to discuss the enclosed, we are happy to schedule a joint conference call with the parties.

Regards,
Erin

From: Martin J. Estevao [<mailto:MEstevao@ArmstrongTeasdale.com>]
Sent: Monday, May 7, 2018 7:32 PM
To: Lisa Saks <Lisa.Saks@fcc.gov>; Lia Royle <Lia.Royle@fcc.gov>; Erin Boone <Erin.Boone@fcc.gov>
Cc: Rosenthal, Thorn <TRosenthal@Cahill.com>; Kiser, Chérie R. <CKiser@cahill.com>; Collins, Angela <ACollins@cahill.com>; Boucher, Timothy (Timothy.Boucher@CenturyLink.com) <Timothy.Boucher@CenturyLink.com>; 'Sherr, Adam' <Adam.Sherr@CenturyLink.com>; Chuck Steese <CSteese@ArmstrongTeasdale.com>
Subject: Re: CenturyLink and Level 3 v. Birch - As-Filed Reply ISO Formal Complaint [IWOV-iDocs.FID3236450]

Dear Commission Staff:

Please find attached electronic courtesy copies of the as-filed public and non-public/confidential Reply in Support of Formal Complaint and accompanying exhibits in *CenturyLink Communications, LLC and Level 3 Communications, LLC v. Birch Communications, Inc.*, Docket No. 18-73, File No. EB-18-MD-002, pursuant to the Protective Order.

Please let us know if you have any questions or concerns.

Thanks,
Martin

Martin Estevao | Associate
4643 South Ulster Street, Suite 800, Denver, CO 80237
DIRECT: 720.722.7196 | CELL: 201.926.4558
mestevao@armstrongteasdale.com
www.armstrongteasdale.com



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