

**BEFORE THE NAVAJO NATION TELECOMMUNICATIONS REGULATORY COMMISSION**

<b>NOTICE OF PROPOSED RULE MAKING IN THE MATTER OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)</b>	<b>Docket No. NNTRC-11-001</b>
<b>CenturyLink's Comments</b>	

CenturyLink, Inc. ("CenturyLink") provides the following comments in response to the notice of proposed rulemaking in this matter:

CenturyLink appreciates the opportunity to comment on the proposed rulemaking. CenturyLink shares the NNTRC's desire to provide quality telecommunications services to as many members of your community as possible, and appreciates the opportunity to work with you to reach those goals. For decades, CenturyLink has served communities within the Navajo Nation, and currently serves over 800 customers in the Navajo Nation with various communications services. Effective partnerships with governmental authorities are an important tool in maximizing the effectiveness of CenturyLink's commitment to service, and your willingness to receive input from the providers that serve your community and the state commissions is certainly a positive step.

CenturyLink does have some significant concerns about the potential jurisdictional conflicts that might arise from a regulatory commission in a Native American reservation. The federal Telecommunications Act of 1996 envisions two layers of regulation: state and federal.

The proposed regulations could create a third layer, with potentially overlapping and conflicting jurisdictions.

Moreover, adding an unintended layer of regulation to an already unwieldy regulatory scheme may have unintended and undesirable consequences. Regulation increases businesses' costs and decreases entrepreneurial incentive. Thus, regulation should be carefully targeted to achieve limited, defined policy goals. If the problem facing the NNTRC and its members today is that more telecommunication services are needed, increasing the regulatory burden on existing and potential providers of those services may well be counterproductive. Excessive regulation will discourage new providers from entering the market and will discourage existing providers from investing in the very services the NNTRC wants for its members. Perhaps other alternatives to this novel proposal better serve the needs of the NNTRC.

There is also some question whether the doctrines announced by the United States Supreme Court in *Montana v. United States*, 450 U.S. 544 (1981), the FCC in *Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier for the Pine Ridge Reservation in South Dakota; Federal-State Joint Board on Universal Service*, Memorandum Opinion and Order, CC Docket No. 96-45, FCC 01-284 (rel. Oct. 5, 2001), and their progeny would permit the NNTRC to regulate telecommunications carriers without their consent.

At this time, CenturyLink does not consent to or submit to the jurisdiction or authority of the NNTRC in the matters addressed in the proposed rules, a prerequisite for jurisdiction under the above authorities. Thus, although we may have some thoughts on the substance of particular proposals, we will not address them at this time. We do, however, thank you for the

opportunity to work with the NNTRC on these important issues. Please do not hesitate to call either myself, our New Mexico regulatory director Loretta Armenta at 505-767-8510, or our director of New Mexico government relations Leo Baca at 505-767-8518 if you have any further questions or concerns.

Respectfully submitted,

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