

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CENTURYLINK, INC.

and

LEVEL 3 COMMUNICATIONS, INC.,

Defendants.

CASE NO.: 1:17-cv-02028

JUDGE: Ketanji Brown Jackson

**PLAINTIFF UNITED STATES' UNOPPOSED
MOTION TO MODIFY FINAL JUDGMENT AND
ENTER AMENDED FINAL JUDGMENT**

Plaintiff United States of America (“United States”) moves this Court to modify the Final Judgment entered in this matter and enter the proposed Amended Final Judgment (“proposed AFJ”) filed concurrent with the Memorandum in Support of Motion to Modify Final Judgment and Enter Amended Final Judgment (“Memorandum”). The United States and Defendant CenturyLink, Inc. (“CenturyLink”) have jointly agreed to modify the Final Judgment (ECF No. 11) in this matter to address the United States’ allegations that Defendant has repeatedly violated the Final Judgment since at least December 2018.¹ Pursuant to LCvR 7(m), the parties met and conferred, and this motion is unopposed.

Specifically, the United States and Defendant have agreed to: (i) extend certain provisions that would have already expired by up to two years from the entry of the proposed

¹ CenturyLink closed its acquisition of Level 3 Communications, Inc. (“Level 3”) on November 1, 2017. Both companies agreed to be bound by the Final Judgment, but Level 3 no longer exists as an entity separate from CenturyLink.

AFJ; (ii) strengthen the compliance provisions, including appointment of an independent monitor and imposition of certain monitoring, notice, and reporting obligations on Defendant; (iii) add new provisions intended to make future investigations and enforcement of the Final Judgment more effective; and (iv) payment by Defendant of the United States' fees and costs associated with investigating and prosecuting Defendant's violations of the Final Judgment.

Defendant has already satisfied many of the obligations set forth in the original Final Judgment. Defendant has agreed to the modifications and does not oppose entry of the proposed AFJ.

A notice and comment period is not required under the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) ("Tunney Act") before entry of the proposed AFJ. The proposed modifications serve the purpose of the original Final Judgment by incentivizing the Defendant to come into compliance with the agreed-upon remedy in the original Final Judgment as quickly as possible and by enhancing the United States' ability to monitor and enforce compliance; the proposed modifications do not alter the essence of the remedy. The Court, therefore, may enter the proposed AFJ upon a finding that the modifications are in the public interest.²

Accordingly, for the reasons set forth in the accompanying Memorandum, the United States respectfully requests that the Court enter the proposed AFJ submitted with this motion. Defendant does not object to this motion.

² *United States v. Western Elec. Co.*, 900 F.2d 283, 305 (D.C. Cir. 1990).

Dated: August 14, 2020

Respectfully submitted,

/s/

Scott Reiter

U.S. Department of Justice Antitrust Division,

Telecommunications & Broadband Section

450 Fifth Street, NW, Suite 7000

Washington, DC 20530

Phone: 202-598-8796

Fax: 202-514-6381

scott.reiter@usdoj.gov