

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CENTURYLINK, INC.

and

LEVEL 3 COMMUNICATIONS, INC.,

Defendants.

Civil Action No. 1:17-cv-02028-KBJ

SETTLEMENT AGREEMENT AND ORDER

WHEREAS Plaintiff United States of America having filed its Petition for an Order to Show Cause Why Defendant CenturyLink, Inc. Should Not Be Found in Civil Contempt (“Petition to Show Cause”) on September 2, 2021, and the United States and CenturyLink n/k/a Lumen Technologies, Inc. (“CenturyLink”) having consented to the entry of this Settlement Agreement and Order without trial or adjudication of any issue of fact or law herein, and without this Settlement Agreement and Order constituting any evidence against or an admission by CenturyLink with respect to any allegation contained in the Petition to Show Cause;

AND WHEREAS CenturyLink agrees to be bound by the provisions of this Settlement Agreement and Order pending its approval by the Court;

NOW, THEREFORE, before the taking of any testimony and without any adjudication of fact or law herein, and upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

I. JURISDICTION

This Court has jurisdiction over the subject matter of this action and each of the parties consenting hereto under Section XIII of the Amended Final Judgment entered by this Court on August 17, 2020, in *United States v. CenturyLink, Inc., et al.*, Civil Action No. 1:17-cv-02028-KBJ (D.D.C.).

II. APPLICABILITY AND EFFECT

A. The provisions of this Settlement Agreement and Order shall be binding upon CenturyLink, its successors and assigns, and those persons in active concert or participation with CenturyLink who receive actual notice of this Settlement Agreement and Order.

B. This Settlement Agreement and Order constitutes a full and complete disposition of CenturyLink's alleged violations of Paragraph IV(L)(2) of the Amended Final Judgment, as described in the Petition to Show Cause.

C. Nothing in this Settlement Agreement and Order shall bar the United States from seeking, or the Court from imposing on CenturyLink, any other relief for any violation of the Amended Final Judgment other than the alleged violations set forth in the Petition to Show Cause or for any violation of this Settlement Agreement and Order.

III. CIVIL PAYMENT

A. Within thirty (30) days of entry of this Settlement Agreement and Order, CenturyLink shall pay \$275,000, which includes reimbursement to the United States for its costs and attorneys' fees incurred during its investigation of the alleged violations described in the Petition to Show Cause.

B. The payment specified in Paragraph III(A) shall be made by wire transfer or cashier's check. If the payment is to be made by wire transfer, prior to making the transfer

Defendant will contact the Budget and Fiscal Section of the Antitrust Division's Executive Office at ATR.EXO-Fiscal-Inquiries@usdoj.gov for instructions. If the payment is to be made by cashier's check, the check must be made payable to the United States Department of Justice and delivered to:

Chief Budget & Fiscal Section
Executive Office, Antitrust Division
United States Department of Justice
Liberty Square Building
450 Fifth Street, N.W., Room 3016
Washington, DC 20530

C. In the event of a default in payment, interest at the rate of eighteen (18) percent per annum shall accrue thereon from the date of default to the date of payment.

D. CenturyLink shall not claim this payment, in whole or in part, as a deductible expense by CenturyLink, its subsidiaries, divisions, or affiliates for tax purposes under any state tax code, the United States Tax Code, or the tax code of any other country.

IV. RETENTION OF JURISDICTION

Jurisdiction is retained by this Court for the purpose of enabling the parties of this Settlement Agreement and Order to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Settlement Agreement and Order, for the enforcement of compliance herewith, and for the punishment of any violations hereof.

Date:

Ketanji Brown Jackson
United States District Judge