

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of Level 3 Communications,)	Case No. TT-2008-0085
L.L.C.'s Tariff Filing to Introduce New)	Tariff No. JC-2008-0133
Access Services.)	

AT&T COMPANIES' FURTHER REPLY

AT&T Communications, AT&T Missouri and AT&T Long Distance (collectively, the "AT&T Companies"),¹ pursuant to 4 CSR 240-2.080(15), respectfully submit this Reply to Level 3 Communications, L.L.C.'s ("Level 3's") October 26, 2007 Response.

The AT&T Companies wish to advise the Missouri Public Service Commission ("Commission") that some of the questions the AT&T Companies raised concerning Level 3's proposed tariff appear to be addressed through Level 3's "White Paper" (provided with its October 26, 2007 filing). None of these clarifications, however, have been reflected in Level 3's proposed tariff. Unless incorporated into its tariff, vague promises made in a White Paper will not be binding on Level 3. As the AT&T Companies and Staff have shown, Level 3's proposed tariffs -- as they currently stand -- are vague and ambiguous, lacking the necessary description of the services and how the rates are to be applied. And other outstanding issues (outlined below) still exist.

As issues still remain unresolved, Level 3's proposed tariff should be further suspended for investigation and hearing. The AT&T Companies understand Level 3 intends to seek an extension until Friday, November 9, 2007, to file a proposed procedural schedule. The AT&T Companies do not object to this request.

¹ AT&T Communications of the Southwest, Inc. will be referred to in this pleading as "AT&T Communications;" Southwestern Bell Telephone Company, d/b/a AT&T Missouri, will be referred to in this pleading as "AT&T Missouri;" and SBC Long Distance, LLC., d/b/a AT&T Long Distance, will be referred to in this pleading as "AT&T Long Distance."

1. Use of Industry Standard MECAB Billing Guidelines.

The AT&T Companies' still have concerns relating to the proposed tariff, Toll Free Inter-Exchange Delivery Service. This service is a jointly provided access service in which Level 3 transports toll free traffic originated by a third party who is not an end user of Level 3's local exchange or exchange access service through its wire center to an Interexchange Carrier ("IXC") customer. The rate for this service is usage sensitive.

As a general matter, Level 3 appears to agree in its White Paper that its call rating and billing will comply with industry standards, specifically the Ordering and Billing Forums, Multiple Exchange Carrier Access Billing Guidelines ("MECAB").² However, Level 3 will not agree to make clear in its proposed tariff that the third party providers will comply with MECAB. According to the MECAB guidelines, all providers on the route must agree to comply with MECAB prior to implementation. Lack of agreement with the third parties will likely result in inaccurate billing and allow such third parties to send traffic originating outside the LATA and/or state to the AT&T Companies' Incumbent Local Exchange Carrier ("ILEC") for hand-off to an IXC, which is in clear violation of AT&T Missouri's switched access tariff.

Level 3's proposed tariff contains no commitment or requirement that MECAB guidelines will be followed by Level 3 and other unidentified third party Local Exchange Carriers ("LECs"). When Level 3 is jointly providing this Service with more than one LEC, it is important that all involved LECs agree on a billing arrangement which is consistent with MECAB guidelines and AT&T's switched access tariff.³ Moreover, the proposed tariff must make clear that there should be coordination and record exchange requirements among the involved LECs in jointly provisioning toll free inter-exchange delivery service under the proposed tariff.

² See page 3 of Level 3's White Paper.

³ See Section 2.4.5, et seq., of AT&T Missouri's Access Services Tariff, P.S.C. Mo.-No. 36, effective April 11, 1993.

2. Disaggregation Needed to Avoid Overbilling.

Originating switched access should be disaggregated to ensure that only the applicable portion of the blended rate is charged when there is a direct connection to an IXC. Because the local transport function is not performed when an IXC chooses a Direct Connect traffic delivery option pursuant to Level 3's proposed tariff, the charge for local transport will not apply and should be removed from the blended originating switched access charge. Although Level 3 in its White Paper appears to agree a need exists to disaggregate the blended originated access rate into local end office switching, switched transport, and carrier common line and only bill the applicable charges, the proposed tariff contains no such commitment, leaving the potential that Level 3 will overbill IXCs for direct connection calls that do not require transport functionality. Level 3 should not be compensated for a function that it does not perform.

3. Differentiation Between Customer and End User Needed to Avoid Confusion.

Level 3's proposed tariff does not sufficiently differentiate between a customer and an end user. In order to avoid confusion, clarifying revisions such as the following need to be incorporated into the tariff:

Customer: Any individual, group, or entity who has been certified to provide inter-exchange services and which subscribes to the services offered under this tariff.

End User: A non-carrier customer of an intrastate telecommunications service. If a carrier uses telecommunications service for administrative purposes, it shall be deemed an end user.

4. Need to Incorporate Additional Level 3 White Paper Commitments into Proposed Tariff.

In its White Paper, Level 3 attempts to articulate the functions or traffic to which the originating access per minute charge applies. None of these clarifications, however, have been incorporated into its tariff, despite its October 26, 2007, commitment that "revised tariff pages

will be submitted shortly both in this Docket and in Tariff No. JC-2008-0133.”⁴ Level 3’s proposed tariff consequently remains confusing and inconsistent. It is Level 3’s responsibility to ensure that its tariff language is clear in order to minimize the risk of disputes. The AT&T Companies have worked with Level 3 to develop clarifying tariff language, but none of that language is reflected in Level 3’s proposed tariff.

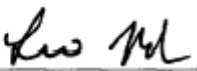
CONCLUSION

While the parties have made substantial progress in narrowing the issues in dispute and continue to have business-to-business discussions, material issues concerning Level 3’s proposed tariff remain unresolved. The Commission should therefore further suspend the proposed tariffs and adopt a procedural schedule for the orderly presentation of the remaining issues to the Commission.

WHEREFORE, the AT&T Companies respectfully request the Commission to further suspend Level 3’s proposed tariff for investigation and hearing.

Respectfully submitted,

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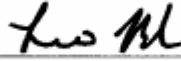
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⁴ Level 3 Response, p. 2.

CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail on November 5, 2007.



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