

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

In the Matter of the Application of)	
)	
Level 3 Communications, LLC)	
)	Case No. <u>CE-2009-0113</u>
for Waiver of Commission Rules and)	
)	
Statute)	

APPLICATION FOR WAIVER OF COMMISSION RULES AND STATUTE

Level 3 Communications, Inc. ("Level 3"), by and through counsel, pursuant to Sections 392.245.5(8), and 392.420 as amended in House Bill 1779 and pursuant to 4 CSR 240-2.060, 4 CSR 240-2.080 and 4 CSR 240-3.015, files this verified Application requesting that the Missouri Public Service Commission (hereinafter, "the Commission") issue an order that waives the following Commission rules and statutory provisions pursuant to Sections 392.245.5(8) and 392.420 RSMo.:

RULES:

- 4 CSR 240-3.550(4)
- 4 CSR 240-3.550(5)(A)
- 4 CSR 240-32.060
- 4 CSR 240-32.070
- 4 CSR 240-32.080
- 4 CSR 240-33.040(1), (2), (3), (5), (6), (7), (8), (9), and (10)
- 4 CSR 240-33.045
- 4 CSR 240-33.080(1)
- 4 CSR 240-33.130(1)
- 4 CSR 240-33.130(4)
- 4 CSR 240-33.130(5)

STATUTE:

392.300.1

In support of this Application, Level 3 states as follows:

1. Level 3 is a limited liability company formed and operating under the laws of the State of Delaware. A copy of Level 3's Certificate of Authority from the Missouri Secretary of State, as required by 4 CSR 240-2.060(1)(C), is attached to this Application as Exhibit A. Level 3 is a certificated provider of basic local exchange

telecommunications service and local exchange telecommunications service and is classified as a competitive telecommunications company per the Commission's Order in Case No. TA-99-171. Level 3 is also by definition an alternative local exchange company pursuant to Section 386.020(1) RSMo.: "a local exchange telecommunications company certified by the commission to provide basic or nonbasic local telecommunications service or switched exchange access service, or any combination of such services, in a specific geographic area subsequent to December 31, 1995."

2. All communications, notices, orders and decisions respecting this Application and proceeding should be addressed to:

Mary Ann (Garr) Young
William D. Steinmeier
William D. Steinmeier, P.C.
2031 Tower Drive
Jefferson City, Missouri 65109
Tel: (573)353-8109
Fax: (573) 634-8224
Email: myoung0654@aol.com
wds@wdspc.com

3. Level 3's contact person and principal place of business is:

Gregory Diamond
Corporate Counsel
Level 3 Communications
1025 Eldorado Boulevard
Broomfield, CO 80021
Desk: 720-888-3148
Mobile: 303-562-7378
Fax: 720-888-5134
Email: Greg.diamond@level3.com

4. Level 3 states that there are no pending actions or final unsatisfied judgments or decisions against it in any state, federal agency, or court, which involve

customer service or rates for which action, judgment, or decision has occurred within three (3) years of the date of this Application.

5. Level 3 does not have any overdue annual reports or fees owed to the Missouri Public Service Commission.

6. The Missouri General Assembly passed HB 1779 on May 5, 2008; it was signed into law by the Governor on July 10, 2008 and its relevant provisions (applicable to telecommunications regulation) took effect on August 28, 2008. Section 392.245.5(8) was revised to provide that “. . . all alternative local exchange telecommunications companies shall not be required to comply with customer billing rules, network engineering and maintenance rules, and rules requiring the recording and submitting of service objectives or surveillance levels established by the commission . . .” Section 392.420 was revised to provide that “. . . for all existing alternative local exchange telecommunications companies, the commission shall waive, at a minimum, the application and enforcement of its quality of service and billing standards rules, as well as the provisions of subsection 2 of section 392.210, subsection 1 of section 392.240, and sections 392.270, 392.280, 392.290, 392.300, 392.310, 392.320, 392.330, and 392.340.

7. Per 4 CSR 240-2.061(5), good cause for granting these waivers is provided by the finding of the Missouri General Assembly that alternative local exchange companies should be relieved of certain regulatory requirements. Level 3 will be able to reduce its administrative costs, while continuing to provide high-quality service to telecommunications customers, if these rules are waived by the Commission as specified by Missouri law. Level 3, as an “alternative local exchange telecommunications company” is entitled to waiver of the requested Commission rules per the provisions of HB 1779.

8. Level 3's current tariffs list the statutes and waivers previously approved by the Commission, and Level 3 intends to submit appropriate tariff revisions upon approval of this application, unless requested or directed to file the tariff revisions at an earlier date.

WHEREFORE, Level 3 respectfully requests that the Commission issue its order waiving the applicability of the following rules and statute to Level 3 services in Missouri:

4 CSR 240-3.550(4)
4 CSR 240-3.550(5)(A)
4 CSR 240-32.060
4 CSR 240-32.070
4 CSR 240-32.080
4 CSR 240-33.040(1), (2), (3), (5), (6), (7), (8), (9), and (10)
4 CSR 240-33.045
4 CSR 240-33.080(1)
4 CSR 240-33.130(1)
4 CSR 240-33.130(4)
4 CSR 240-33.130(5)
392.300.1 RSMo.

Respectfully submitted,

/s/Mary Ann Young

Mary Ann (Garr) Young, MoBar #27951

William D. Steinmeier, MoBar #25689

WILLIAM D. STEINMEIER, P.C.

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ATTORNEYS FOR
LEVEL 3 COMMUNICATIONS, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Verified Application has been served electronically on the General Counsel's Office and the Office of the Public Counsel this 25th day of September 2008.

/s/Mary Ann Young

Mary Ann (Garr) Young

VERIFICATION
(to be filed separately in EFIS)

APPENDIX A

Secretary of State Certificate

STATE OF MISSOURI



Robin Carnahan
Secretary of State

CORPORATION DIVISION CERTIFICATE OF GOOD STANDING

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

LEVEL 3 COMMUNICATIONS, LLC

using in Missouri the name

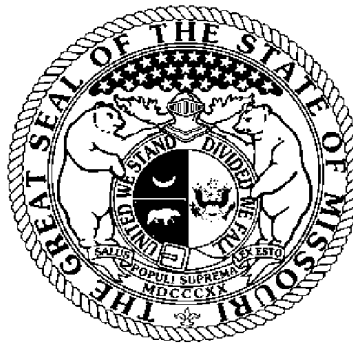
**LEVEL 3 COMMUNICATIONS, LLC
FL0018301**

a DELAWARE entity was created under the laws of this State on the 13th day of March, 1998, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 24th day of September, 2008

A handwritten signature in cursive script that reads "Robin Carnahan".

Secretary of State



Certification Number: 11117120-1 Reference:
Verify this certificate online at <http://www.sos.mo.gov/businessentity/verification>