

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

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

MOTION TO SUSPEND AND INVESTIGATE TARIFF

AT&T Communications, AT&T Missouri and AT&T Long Distance (collectively, the “AT&T Companies”),¹ pursuant to 4 CSR 240-2.065(3) and 4 CSR 240.2-075(2), respectfully request the Missouri Public Service Commission (“Commission”) to suspend and investigate a tariff filed by Level 3 Communications, L.L.C. (“Level 3”) to introduce Toll Free Data Base Access Service and Toll Free Transit Traffic Service.

The tariffs for these proposed new services are vague and ambiguous. The filing contains virtually no description or explanation of the services and fails to define key terms describing the services. It is unclear when the proposed services apply or how and in what circumstances the rates will be applied. Such ambiguity and lack of clarity prohibit the determination as to whether the proposed new services and rates are appropriate, reasonable, and in the public interest. Level 3 has made similar filings in other states, including Ohio, where the Ohio Public Utility Commission suspended the filing.

1. AT&T Communications is a Delaware corporation, duly authorized to conduct business in Missouri with its principal Missouri office located at 2121 East 63rd Street, Kansas City, Missouri 64130. AT&T Communications is an “interexchange telecommunications company,” an “alternative local exchange telecommunications company,” and a “public utility,”

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.”

and is duly authorized to provide “telecommunications service” within the State of Missouri as each of those phrases is defined in Section 386.020 RSMo (2006 C. Supp.).

2. AT&T Missouri is a Missouri corporation duly authorized to conduct business in Missouri with its principal Missouri office located at One AT&T Center, 35th Floor, St. Louis, Missouri 63101. AT&T Missouri is a “local exchange telecommunications company” and a “public utility,” and is duly authorized to provide “telecommunications service” within the State of Missouri as each of those phrases is defined in Section 386.020 RSMo (2006 C. Supp.).

3. AT&T Long Distance is a Delaware limited liability company duly authorized to conduct business in Missouri with its principal office located at 5130 Hacienda Drive, Dublin, California 94568. AT&T Long Distance is an “interexchange telecommunications company” and a “public utility,” and is duly authorized to provide “telecommunications service” within the State of Missouri as each of those phrases is defined in Section 386.020 RSMo (2006 C. Supp.).

4. All correspondence, pleadings, orders, decisions and communications regarding this proceeding should be sent to:

Timothy P. Leahy
Leo J. Bub
Robert J. Gryzmala
Attorneys for AT&T Communications of the Southwest, Inc.;
Southwestern Bell Telephone Company, d/b/a AT&T Missouri; and
SBC Long Distance, LLC, d/b/a AT&T Long Distance
One AT&T Center, Room 3518
St. Louis, Missouri 63101

5. On August 28, 2007, Level 3 filed revised tariff sheets for its Switched Access Services Tariff, Missouri P.S.C. Tariff No. 4 to add Toll Free Data Base Access Service, Toll Free Transit Traffic Service Tariff and rates for Originating Access and Pay Telephone Compensation.²

² A copy of Level 3’s proposed tariff filing is appended as Attachment 1.

6. Nothing in Level 3's filing or other supporting documentation explains why Level 3 is creating Missouri intrastate charges for "Toll Free Data Base Access Service." As a general matter, most toll free 800 calls are interstate in nature, yet there is also nothing in Level 3's filing which explains how Missouri intrastate toll free calls are routed within Level 3's network,³ nor is there anything which explains the mechanisms Level 3 employs to ensure toll free calls are being billed under the appropriate jurisdictional tariff. The tariff should not be approved unless and until the Commission is satisfied that Missouri carriers/customers will be billed under this tariff only for Missouri intrastate traffic.

7. Moreover, the Level 3 filing contains no description or explanation of the new Originating Switched Access or Pay Telephone Compensation services and how those charges are to be applied.

8. Originating Switched Access. It is not clear whether this new service (listed on Fourth Revised Page 59) is part of the services described in Section 14.1 (under the "General" description of Level 3's existing switched access service), or if it is the "originating trunk side Switched Access Service" that is referred to in description of the new Toll Free Data Base Access Service on Second Revised page 52. Either way, it is impossible to identify the traffic to which Level 3 proposes to apply its new Originating Switched Access charge.

9. Assuming that the new "Originating Switched Access" charge will only apply to traffic associated with its new Toll Free Data Base product, such charges appear inconsistent with the description of that new product. Level 3 states that its other new service, "Toll Free Transit Traffic Service," which involves traffic originated by a third party that is not a Level 3 end user, does not involve local switching. Because the company will not provide local

³ Nothing in Level 3's filing explains how Level 3 intends to pass appropriate billing detail to other carriers for the toll free traffic Level 3 routes to other carriers under its proposed tariff. Here again, the tariff should be suspended until Level 3 can clarify that ambiguity.

switching as part of Toll Free Transit Traffic Service, it should not be permitted to bill other carriers an “originating switched access” charge, and before the Commission could approve the tariff, the language would need to be modified to make that clear.

10. Pay Telephone Compensation. The Application leaves similar uncertainty regarding what this service is and who will have to pay for it. “Payphone Compensation” (as the FCC uses that term) is compensation paid by completing carriers (or to intermediary carriers on behalf of completing carriers) to payphone owners. Level 3 is not a payphone provider, and is thus not entitled to receive payphone compensation. Moreover, it is not clear whether Level 3 intends to assess this charge on its own end users or on other carriers, or to what types of traffic it would apply. The FCC compensation rate for Payphone Compensation is set at \$0.494 per call,⁴ and cannot be altered by tariff, yet Level 3 has filed a tariff and proposes to charge a rate more than three cents per call higher than that authorized by the FCC. It is unclear what Level 3’s proposed service is or whether it is legally permitted to charge the proposed rate.

11. The AT&T Companies’ interests as telecommunications service providers differ from those of the general public. AT&T Communications and AT&T Long Distance pay Level 3 both originating and terminating intrastate switched access rates on intrastate interexchange calls placed by their customers. AT&T Missouri pays Level 3 intrastate terminating switched access rates to terminate intrastate interexchange calls placed by AT&T Missouri’s customers and may be required to pay originating intrastate switched access under the proposed tariffs. The AT&T Companies have a significant financial interest in ensuring that Level 3’s intrastate switched access rates are lawful and appropriate. No other party to this proceeding will adequately protect the AT&T Companies’ interests.

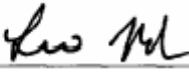
⁴ See 47 CFR 64.1300(d).

12. Granting of this intervention will be in the public interest because the AT&T Companies will bring to this proceeding their experience as telecommunications providers and their expertise in analyzing tariffs, which should assist the Commission in its review of Level 3's filing.

WHEREFORE the AT&T Companies respectfully request the Commission to suspend Level 3's proposed tariff filing for investigation.

Respectfully submitted,

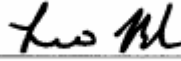
AT&T COMMUNICATIONS SOUTHWEST, INC.;
SOUTHWESTERN BELL TELEPHONE COMPANY,
D/B/A AT&T MISSOURI; AND SBC LONG DISTANCE,
LLC, D/B/A AT&T LONG DISTANCE

BY 
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CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail on September 19, 2007.



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ELECTRONIC FILING

August 27, 2007

Colleen M. Dale
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

Re: Level 3 Communications, LLC Missouri P.S.C. Tariff No. 4

Dear Ms. Dale:

On behalf of Level 3 Communications, LLC, please accept for filing the attached revised tariff pages for Level 3's MO P.S.C. Tariff No. 4. The revised tariff sheets for Tariff No. 4 are being filed to add Toll Free Data Base Access service, Toll Free Transit Traffic service and rates for Originating Access and Pay Telephone compensation.

In specific the following pages are included in the filing:

Second Revised Page 52
Original Page 52.1
Seventh Revised Page 57
Fourth Revised Page 59

If you have any questions concerning this filing, please do not hesitate to contact me at 724-743-9719 or at karen.hyde@level3.com.

Sincerely,

Karen M. Hyde
Legal Department

Attachment

SECTION 14 – SWITCHED ACCESS SERVICE (CONT'D)

14.2.7 Competitive Pricing Arrangements:

Competitive pricing arrangements for Local Transport - Entrance Facilities and Local Transport-Direct Trunked Transport can be furnished to meet the communications needs of specific Customers on a case by case basis under individual contracts. Notice of the competitive pricing arrangement contracts, once executed, will be filed with Department according to Department rules.

14.2.8 Other Rate Categories

[N]

(A) Toll Free Data Base Access Service

Toll Free Data Base Access Service is a service offering that utilizes originating trunk side Switched Access Service. The service provides for the forwarding of end user dialed Toll Free calls to a Company Service Switching Point which will initiate a query to the database to perform the Customer identification and delivery function. The call is forwarded to the appropriate Customer based on the dialed 800 number. In addition, the Customer has the option of selecting the 800 Optional Features Package. Any dial around compensation relating to pay telephones will be billed in accordance to procedures and rates proscribed by the Federal Communications Commission. The Company reserves the right to bill end users of its toll free service for any dial around compensation costs the Company may incur.

(1) Customer Identification Charge

The Toll Free Data Base Access Service Customer Identification Charge applies for the identification of the appropriate Customer. The charge is assessed to the Customer on a per query basis and may include an area of service which may range from a single NPA/NXX to an area consisting of all LATAs and NPAs in the State of Missouri.

(2) Customer Delivery Charge

The Toll Free Data Base Access Service Delivery Charge applies for the delivery of the dialed 800 ten-digit number. The charge is assessed to the Customer on a per query basis and may include an area of service which may range from a single NPA/NXX to an area consisting of all LATAs and NPAs in the State of Missouri.

[N]

Certain material previously appearing on this page now appears on Original Page 52.1.

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Issued By: Thomas C. Stortz, Group Vice President and General Counsel
Level 3 Communications, LLC
1025 Eldorado Boulevard
Broomfield, Colorado 80021

SECTION 14 – SWITCHED ACCESS SERVICE (CONT'D)

14.2.8 Other Rate Categories (cont'd)

(B) Toll Free Transit Traffic Service

[N]

Toll Free Transit Traffic Service is an access service in which the Company transits toll free traffic originated by a third party who is not an End User or other user of the Company's local exchange or exchange access service through its wire center to a Customer. Toll Free Transit Traffic Service is comprised of various facilities, connections, features and functions. It provides for the use of common terminating, common switching and switched transport facilities of the Company but does not include local switching. Rates for Toll Free Transit Traffic Service are usage sensitive.

There will be no additional switched access charges applied to traffic subject to the Toll Free Transit Traffic Service per minute rate.

[N]

Obligations of Company

[L]

In addition to the obligations of the Company set forth in other sections of this tariff. The Company has certain other obligations concerning the provision of Switched Access Service. These obligations are as follows:

14.3.1 Network Management

The Company will administer its Network to ensure the provision of acceptable service levels to all telecommunications users of the Company's Network Services.

Service levels are considered acceptable only when both End Users and Customers are able to establish connections with little or no delay encountered within the Company Network. Company reserves the right to apply protective controls, (i.e., those actions, such as call gapping, which selectively cancel the completion of traffic), over any traffic carried over its Network, including that associated with a Customer's Switched Access Service. Generally, such protective measures would only be taken as a result of occurrences such as failure or overload of Company or Customer facilities, natural disasters, mass calling or national security demands. Customer will notify Company of anticipated peaked services as stated below. Based on the information provided Company will work cooperatively with Customer to determine the appropriate level of control. In the event that the protective controls applied by Company result in the complete loss of service by Customer, Customer will be granted a credit allowance for service interruption as set forth in Section 9.

[L]

Certain material now appearing on this page previously appeared on First Revised Page 52.

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Level 3 Communications, LLC

Missouri P.S.C. Tariff No. 4
Seventh Revised Page 57
Replaces Sixth Revised Page 57

SECTION 15 – RATES AND CHARGES (CONT'D)

15.1.3.2 Change Charges (Per Order)

	<u>Per Occurrence</u>
A. Service Date	\$10.00
B. Design Changes	\$25.00
C. Expedite Charge	\$100.00

15.1.3.3 Cancellation Charges (Per Order)

\$25.00

15.1.3.4 Terminating Switched Access [T]

15.1.3.4.1 Local End Office Switching

Per Access Minute of Use

-Terminating \$0.008024

15.1.3.4.2 Carrier Common Line Rates

Per Access Minute of Use

-Terminating \$0.0171586

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SECTION 15 – RATES AND CHARGES (CONT'D)

		<u>Rate</u>	[N]
15.1.3.5	Originating Switched Access Per Minute of Use	\$0.022690	
15.1.3.6	Toll Free Data Base Access Service		
	Customer Identification - Per Query	\$0.003100	
	Customer Delivery Charge - Per Query	\$0.000300	
15.1.3.7	Toll Free Transit Traffic Service Per Minute	\$0.007317	
15.1.3.8	Pay Telephone Compensation Per Call	\$0.53	[N]

15.2 Non-routine Installation/Maintenance Charges

As stated in 2.9, at the Customer's request, installation and/or maintenance may be performed outside the Company's regular business hours or in hazardous locations. In that case, the following rates apply:

Basic Time - per quarter hour:	\$21.44
Overtime - per quarter hour:	\$28.01
Premium Time - per quarter hour:	\$34.59

15.3 Individual Case Basis Arrangements

Rates for Dedicated Access, Private Lines and Centrex services will be determined on an Individual Case Basis (ICB). ICB rates will be structured to recover the Company's cost of providing the services and will be made available to customers in a non-discriminatory manner. Terms of specific ICB contracts will be made available to the Missouri Public Service Commission Staff upon request on a proprietary basis.

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