

**Level 3  
December 9, 2004**

**TABLE OF CONTENTS**

**DOCKET NO. 29832**

<b>PETITION OF LEVEL 3</b>	<b>§</b>	<b>BEFORE THE</b>
<b>COMMUNICATIONS, LLC FOR</b>	<b>§</b>	
<b>COMPULSORY ARBITRATION WITH</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>SOUTHWESTERN BELL TELEPHONE,</b>	<b>§</b>	
<b>L.P. D/B/A SOUTHWESTERN BELL</b>	<b>§</b>	<b>OF TEXAS</b>
<b>TELEPHONE COMPANY (“SBC”)</b>	<b>§</b>	
<b>UNDER FTA RELATING TO RATES,</b>	<b>§</b>	
<b>TERMS, AND CONDITIONS OF</b>	<b>§</b>	
<b>INTERCONNECTION</b>	<b>§</b>	

**LEVEL 3 COMMUNICATIONS, LLC’S RESPONSES SBC TEXAS’S REQUESTS  
FOR INFORMATION AND REQUESTS FOR ADMISSIONS**

**PAGE**

Level 3’s Responses to SBC Texas’s RFIs and RFAs

4

**Objection:** Level 3 objects to this request as vague and ambiguous, as the term “enter or leave the end-user’s premises” is undefined. Subject to and without waiver of the General Objections listed above, Level 3 will provide a response.

**Response:** Subject to and without waiver of any objections, Level 3 states: For purposes of this response, Level 3 interprets the phrase "end-user's premises" to refer to the traditionally accepted definition as being a retail end-user. Under this traditional definition, Level 3 does not offer services that enter or leave an end user's premise in TDM/circuit switch format. Level 3 is a wholesale provider with a large IP network. All of Level 3's switches are IP switches. Level 3 is one of the largest carriers of IP traffic in the world. Traffic into and out of the Level 3 network can originate and terminate on high speed IP connections or over lower speed PSTN type connections.

**Responding Person:** Rogier Ducloo

10. For each category of traffic that Level 3 identifies as IPES traffic (in response to RFI No. 7 or otherwise), describe and identify the facilities/trunks over which such traffic is currently handed-off to SBC Texas (e.g., local interconnection trunks, meet point trunks, Feature Group D access trunks) and provide all documentation that describes, discusses or illustrates each such arrangement used to hand-off traffic terminated to end users in Texas.

**Objection:** Subject to and without waiver of the General Objections listed above, Level 3 will provide a response.

**Response:** Subject to and without waiver of any objections, Level 3 states: Except for de minimis testing, Level 3 does not hand-off IPES traffic to SBC in Texas.

**Responding Person:** Rogier Ducloo

11. Provide, on a quarterly basis beginning January 1, 2002 through the present, the number of minutes of use (MOUs) of all types of traffic (e.g. IntraLATA Toll Traffic, InterLATA Toll Traffic, FX Traffic, ISP-Bound Traffic, Optional EAS Traffic (also known as “Optional Calling Area Traffic”), Meet Point Billing or FGA Traffic, IPES Traffic and Transit Traffic) that Level 3 delivered, either directly or indirectly through other carriers, to SBC Texas.

**Objection:** In addition to the General Objections listed above, Level 3 specifically objects to this request on the basis that the request is overly broad and unduly burdensome, and seeks information that is not relevant or material

to the issues in this arbitration, and is not likely to lead to the discovery of admissible evidence.

Level 3's traffic is not at issue in this proceeding. The issue is whether SBC is discriminating in the way it offers interconnection trunks to itself, its affiliates, and other carriers. Thus, the information requested is not reasonably calculated to lead to the discovery of admissible evidence.

**Response:** Subject to and without waiver of any objections, Level 3 states: Level 3 does not have responsive information. Level 3 does not track MOUs by the traffic types identified in SBC's request, nor does Level 3 identify traffic direction. Level 3 will continue to review its records to see if responsive information can be identified.

12. For traffic exchanged between SBC and Level 3, identify and describe the information that Level 3 will provide SBC to determine whether a call was originated by or terminated to an end user in IP format. For purposes of answering this question, "end user" is either a Level 3 service subscriber or a subscriber of a service of a third party carrier or information service provider who purchases services from Level 3. Provide all documents that refer or relate to this issue.

**Objection:** Level 3 objects to this request as vague and ambiguous. Subject to and without waiver of this objection or the General Objections listed above, Level 3 will provide a response.

**Response:** Subject to and without waiver of any objections, Level 3 states: Level 3 has proposed an arrangement to SBC whereby Level 3 would provide SBC with an OLI parameter in the call setup message that will identify traffic originating in IP on Level 3's network. In addition, Level 3 has offered in its proposed interconnection agreement a method whereby the parties will identify the percent of IP usage on a particular trunk, and then verify those percentages using auditable records.

**Responding Person:** Rogier Ducloo

13. Does Level 3 compensate SBC for carrying IPES traffic? If yes, identify the manner in which it compensates SBC and the amounts paid to SBC, on a quarterly or monthly basis, over each of the past three years.

**Objection:** Subject to and without waiver of this objection or the General Objections listed above, Level 3 will provide a response.

**Response:** Subject to and without waiver of any objections, Level 3 states: As noted in Level 3's response to RFI 10, Level 3 does not hand-off IPES traffic to SBC in Texas except for de minimis testing. Consequently, Level 3 does not currently compensate SBC for carrying IPES traffic in any way.