

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

In the Matter of Level 3 Communications, )  
L.L.C.'s Tariff Filing to Introduce New )  
Access Services )

Case No. TT-2008-0085  
Tariff File No. JC-2008-0133

**STAFF RECOMMENDATION**

COMES NOW the Staff of the Missouri Public Service Commission and for its recommendation states:

1. On August 28, 2007, Level 3 Communications, L.L.C., issued tariff sheets to add Toll Free Data Base Access service, Toll Free Transit Traffic service, and rates for Originating Access and Pay Telephone compensation. The Tariff sheets bore a proposed effective date of September 27, 2007.

2. On September 19, 2007, 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 (collectively referred to as AT&T) filed a motion asking the Commission to suspend and investigate Level 3's proposed tariff sheets.

3. In an Order issued on September 25, the Commission suspended the tariff sheets to October 27. In subsequent Orders, the Commission has further suspended the tariff sheets to December 14, 2007.

4. The parties have negotiated changes to the tariff sheets. The changes are reflected in the substitute sheets Level 3 filed on December 7, 2007.

5. In the attached Memorandum, the Staff explains that it has no objection to the substitute sheets.

WHEREFORE, the Staff recommends that the Commission allow the substitute tariff sheets to become effective on December 14, 2007. If the Commission needs additional time to

review this matter, the Staff recommends that the Commission further suspend the tariff sheets to December 19, 2007, to allow two Agenda sessions for Commission review.

Respectfully submitted,

**/s/ William K. Haas**

William K. Haas

Deputy General Counsel

Missouri Bar No. 28701

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Missouri Public Service Commission

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### **CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by electronic mail on December 11, 2007.

**/s/ William K. Haas**

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## Memorandum

To: Official Case File  
Case No. TT-2008-0085

From: John Van Eschen  
Telecommunications Department

Date: December 11, 2007

Subject: Level 3 Communications, L.L.C.'s proposed tariff filing for certain access services

On August 28, 2007, Level 3 Communications, L.L.C. (Level 3), filed tariff sheets relating to Toll Free Data Base Access service, Toll Free Transit Traffic service and Pay Telephone compensation. On September 19, 2007 the 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 (collectively referred to as AT&T) filed a motion asking the Commission to suspend and investigate Level 3's proposed tariff sheets. On September 24, 2007 Staff filed a Concurrence with the AT&T Companies' Motion to Suspend and Investigate Tariff; stating the proposed tariff is vague and ambiguous. On December 7, 2007 after numerous discussions with AT&T officials and Staff, Level 3 filed substitute tariff sheets. On December 10, 2007 AT&T withdrew its opposition to Level 3's proposed tariff, as amended. In Staff's opinion, the tariff filing, as amended, is reasonable and should be allowed to go into effect. The filing's proposed effective date is December 14, 2007.

The proposed tariff filing, as amended, primarily applies to inter-company arrangements for the handling of toll free traffic. Toll free traffic refers to an inbound telecommunications service such as an 800 number or similar service. Toll Free Data Base Access service utilizes originating trunk side switched access service to deliver toll free calls to Level 3's interexchange customers who in turn forward the call to the toll free subscriber. Furthermore, if a toll free number is dialed from a payphone and carried over Level 3's facilities to an interexchange carrier's customer then this customer may be responsible for compensating the pay telephone service provider in accordance with rules prescribed by the Federal Communications Commission.

Numerous clarifying changes, including the addition of several diagrams, were made to Level 3's initial proposed tariff filing. Such clarifying changes help minimize concerns the proposed filing is vague and ambiguous. Staff observes Level 3's proposed rates do not exceed AT&T's applicable access rates. Staff recommends the proposed tariff, as amended, be allowed to go into effect on December 14, 2007.

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**AFFIDAVIT OF John Van Eschen**

STATE OF MISSOURI             )  
   ) ss:  
COUNTY OF COLE             )

John Van Eschen, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that he has participated in preparing the accompanying document and that the facts therein are true and correct to the best of his knowledge and belief.

  
\_\_\_\_\_  
John Van Eschen

Subscribed and affirmed before me this 11th day of December  
I am commissioned as a notary public within the County of Cole,  
State of Missouri and my commission expires on October 23, 2010

  
\_\_\_\_\_  
NOTARY PUBLIC

SHARON S. WILES  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Cole County  
My Commission Expires: October 23, 2010  
Commission Number: 06429091