

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 13th day
of December, 2007.

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

ORDER APPROVING TARIFF

Issue Date: December 13, 2007

Effective Date: December 14, 2007

On August 28, 2007, Level 3 Communications, L.L.C., filed tariff sheets to “add Toll Free Data Base Access service, Toll Free Transit Traffic service and rates for Originating Access and Pay Telephone compensation.”¹ On September 19, 2007, AT&T Communications, AT&T Missouri, and AT&T Long Distance (collectively referred to as the AT&T Companies) filed a motion asking the Commission to suspend Level 3’s proposed tariff sheets. The AT&T Companies argued that the tariff is vague and ambiguous, and that it is unclear when the proposed services apply or how the rates will be applied. The AT&T Companies argued further that 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. In addition, the AT&T Companies argued that the charges for “Pay Telephone Compensation” may not be lawful. The Staff of the Missouri Public Service Commission filed a concurrence in AT&T’s motion to suspend on September 24, 2007.

¹ Cover letter submitted with tariff filing, August 28, 2007.

The Commission issued an order on September 25, 2007, suspending the tariff sheets for an initial period of 30 days, and subsequently extended the suspension several times, with Level 3's consent. The tariff sheets are currently suspended until December 14, 2007.

On December 7, 2007, Level 3 filed substitute tariff sheets. On December 10, 2007, the AT&T Companies withdrew their opposition to the tariff. The AT&T Companies state that the revised tariff filing addresses their concerns and, accordingly, the AT&T Companies withdraw their opposition to the Commission's approval of Level 3's proposed tariff.

The Commission's Staff filed its recommendation on December 11, 2007. Staff explains that the tariff filing, as amended, primarily applies to intercompany arrangements for the handling of toll-free traffic. Staff notes that numerous clarifying changes, including the addition of several diagrams, were made to Level 3's initial proposed tariff filing, and these clarifications help minimize concerns that the filing is vague and ambiguous. Staff states, further, that Level 3's proposed rates do not exceed AT&T's applicable access rates. Staff states that the tariff filing, as amended, is reasonable and recommends that it be allowed to go into effect on December 14, 2007.

The Commission has considered the revised tariff, Staff's recommendation, and the AT&T's Companies' pleading withdrawing opposition to the tariff. The Commission finds that the tariff, as revised, is reasonable and shall be approved.

IT IS ORDERED THAT:

1. Level 3 Communications, L.L.C.'s tariff filing, Tariff No. JC-2008-0133, are approved as amended for service rendered on and after December 14, 2007. The tariff sheets approved are:

Missouri P.S.C. Tariff No. 4

Second Revised Page 3, Replaces First Revised Page 3
Second Revised Page 6, Replaces First Revised Page 6
Second Revised Page 7, Replaces First Revised Page 7
Second Revised Page 18, Replaces First Revised Page 18
Second Revised Page 45, Replaces First Revised Page 45
Second Revised Page 48, Replaces First Revised Page 48
Second Revised Page 50, Replaces First Revised Page 50
Second Revised Page 51, Replaces First Revised Page 51
Second Revised Page 52, Replaces First Revised Page 52
Original Page 52.1
Second Revised Page 55, Replaces First Revised Page 55
Seventh Revised Page 57, Replaces Sixth Revised Page 57
Fourth Revised Page 58, Replaces Third Revised Page 58
Fourth Revised Page 59, Replaces Third Revised Page 59
Original Page 60
Original Page 61
Original Page 62
Original Page 63

2. This order shall become effective on December 14, 2007.
3. This case may be closed on December 15, 2007.

(S E A L)

BY THE COMMISSION



Colleen M. Dale
Secretary

Davis, Chm., Murray, Clayton,
Appling, and Jarrett, CC., Concur.

Dippell, Deputy Chief Regulatory Law Judge