

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 25th day
of September, 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 SUSPENDING TARIFF, ADDING PARTIES,
AND DIRECTING FILING**

Issue Date: September 25, 2007

Effective Date: September 27, 2007

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.”¹ The tariff sheets carry an effective date of September 27, 2007.

On September 19, 2007, AT&T Communications, AT&T Missouri, and AT&T Long Distance (collectively referred to as “AT&T”) filed a motion asking the Commission to suspend Level 3’s proposed tariff sheets. AT&T argues that the Level 3 tariff is vague and ambiguous. AT&T states that “[t]he 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”² and how those charges will be applied. Further, AT&T argues that the charges for “Pay Telephone Compensation” may not be lawful.

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

² *Motion to Suspend and Investigate Tariff*, filed September 19, 2007.

The Staff of the Missouri Public Service Commission filed a concurrence with AT&T's motion on September 24, 2007. Embarq Missouri, Inc., also filed a motion to suspend the tariff, citing concerns similar to those of AT&T about the lack of clarity of the tariff provisions.

The Commission would like more time to consider Level 3's tariff and the objections of AT&T and Staff. Therefore, the Commission will suspend Level 3's tariff for 30 days, as permitted by Section 392.230.3, RSMo 2000.

AT&T and Embarq also requested to be allowed to intervene in this matter. AT&T and Embarq each indicated that they had a significant financial interest in ensuring that Level 3's intrastate rates are lawful and appropriate. Therefore, the Commission shall make AT&T and Embarq parties to this case.

In addition, the Commission shall direct that any responses to AT&T's and Embarq's motions be filed no later than October 1, 2007.

IT IS ORDERED THAT:

1. The tariff sheets issued on August 28, 2007, by Level 3 Communications, L.L.C., and assigned Tariff No. JC-2008-0133, are suspended for a period of 30 days beyond September 27, 2007, to October 27, 2007, or until otherwise ordered by this Commission. The tariff sheets suspended are:

Missouri P.S.C. Tariff No. 4

Second Revised Page 52, Replaces First Revised Page No. 52

Original Page 52.1

Seventh Revised Page 57, Replaces Sixth Revised Page 57

Fourth Revised Page 59, Replaces Third Revised Page 59

2. AT&T Communications, AT&T Missouri, AT&T Long Distance, and Embarras Missouri, Inc., are made parties to this case. The Data Center shall add them to the service list for this case.

3. Any further responses to AT&T and Embarras's motions shall be filed no later than October 1, 2007.

4. That this order shall become effective on September 27, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

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

Dippell, Deputy Chief Regulatory Law Judge