

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

In Re: Amendment to the Mutual Traffic Exchange)
Agreement between New London Telephone) Case No. _____
Company and Level 3 Communications, LLC)
Pursuant to Sections 251 and 252 of the)
Telecommunications Act of 1996)

**APPLICATION OF LEVEL 3 COMMUNICATIONS, LLC FOR APPROVAL OF
THE AMENDMENT TO THE MUTUAL TRAFFIC EXCHANGE AGREEMENT**

COMES NOW, Level 3 Communications, LLC (“Level 3”) and files its Application for Approval of the Amendment to the Mutual Traffic Exchange Agreement (“Agreement”) between New London Telephone Company (“New London”) and Level 3 pursuant to the Telecommunications Act of 1996 (the “Federal Act”). In support of its application, Level 3 states the following:

I. APPLICANT

Level 3 is a Delaware limited liability corporation that is duly authorized to do business in the state of Missouri and authorized by the Commission to provide basic local and interexchange telecommunications services. Copies of Level 3’s Certificate of Authority to transact business in Missouri from the Missouri Secretary of State were filed in Case No. TA-99-171 and are incorporated herein by reference pursuant to 20 CSR 4240-2.060(1)(G).

To Level 3’s knowledge, there are no overdue assessments or annual reports or final unsatisfied judgments or decisions against it involving customer service or rates occurring within the last three years.

II. INTERCONNECTION AGREEMENT

Level 3 presents to the Commission its application pursuant to the terms of the Federal Act. Level 3 and New London entered into the Mutual Traffic Exchange Agreement which was approved by the Commission in Docket No. IO-2007-0070.

Level 3 and New London recently entered into the attached Amendment to the Mutual Traffic Exchange Agreement, which amends the Agreement entered into by replacing Schedule II, Points of Interconnection, in its entirety. There are no outstanding issues related to the Agreement between the parties that require the assistance of mediation or arbitration.

III. STANDARD FOR REVIEW

The statutory standard of review under Section 252(e) of the Act states:

- (e) Approval by State Commission
 - (1) Approval Required. Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the state commission. A State commission to which an agreement is submitted to shall approve or reject the agreement, with written findings as to any deficiencies.
 - (2) under subsection (a) if it finds Grounds for Rejection. The State commission may only reject.
 - (A) an agreement (or any portion thereof) adopted by negotiation that:
 - (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement, or
 - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; or...

Level 3 further states that the Agreement is consistent with the public interest, convenience and necessity in that it allows for full and fair competition and greater choice for the consumer.

The Agreement does not discriminate against other carriers who are not a party to the Agreement because the terms of the Agreement are equally available to any other carrier.

IV. REQUEST FOR APPROVAL

Level 3 seeks the Commission's approval of the Agreement, consistent with the provisions of the Federal Act. Level 3 and New London believe that the implementation of this Agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Agreement promotes diversity in providers, provides interconnectivity, and increases customer choices for telecommunications services.

Level 3 and New London respectfully request that the Commission grant approval of the Agreement, without change, suspension or other delay in its implementation.

V. CONCLUSION

WHEREFORE, for the foregoing reasons, Level 3 requests that the Commission approve the Amendment to the Mutual Traffic Exchange Agreement between Level 3 Communications, LLC and New London Telephone Company.

Respectfully submitted,

/s/ Tim Opitz

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REQUEST FOR WAIVER

By signing this form, I hereby certify that neither I, nor any other members of this filing party, has had communications with a Commissioner, Commissioner Advisor, Regulatory Law Judge, member of the General Counsel or any member of their support team in the sixty (60) days prior to the filing date of this application regarding any substantive issue included in this filing. If any communication of this sort has occurred in the previous sixty (60) day period, I further certify this application was held until sixty (60) days have passed from the date of the subject communication, or we have requested a waiver for good cause as allowed by Commission Rule 20 CSR 4240-4.017(1)(D).

Respectfully submitted,

/s/ Tim Opitz

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 13th day of January, 2023, a copy of the above and foregoing Application of Level 3 Communications, LLC for Approval of the Amendment to the Mutual Traffic Exchange Agreement was served via email and/or U.S. Mail, postage prepaid, to each of the following:

Office of the Public Counsel
Missouri Public Service Commission
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/s/ Tim Opitz