

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

In the Matter of the Tariff Filing of Level 3	)	
Communications, LLC Concerning the Addition	)	
Of Toll Free Data Base Access service, Toll Free	)	Case No. TT-2008-0085
Transit Traffic service, rates for Originating	)	Tariff File No. JI-2008-0133
Access and Pay Telephone compensation.	)	

**EMBARQ MISSOURI, INC.'S MOTION TO SUSPEND  
TO THE TARIFF FILING OF LEVEL 3 COMMUNICATIONS**

EMBARQ Missouri, Inc. (“Embarq”) respectfully submits this motion to suspend pursuant to 4 CSR 240-2.065(3) and 4 CSR 240.2-.075(2) the above-captioned tariff filing. In support, Embarq states as follows:

1. On August 27, 2007, Level 3 Communications, LLC filed a tariff adding Toll Free Data Base Access service, Toll Free Transit Traffic service and rates for Originating Access and Pay Telephone compensation with an effective date of September 27, 2007.

2. Embarq is duly authorized to conduct business in Missouri with its principal Missouri office located at 319 Madison Street, Jefferson City, MO. Embarq is a “local exchange telecommunications company” and a “public utility,” and is duly authorized to provide “telecommunications service” within the State of Missouri as each of those phrases is defined in Section 386.020 RSMo.

3. All correspondence, pleadings, orders, decisions and communications regarding this proceeding should be sent to:

William Watkins  
Embarq Missouri, Inc.  
Mail stop: KSOPKJ0401  
5454 West 110<sup>th</sup> Street  
Overland Park, Kansas 66211

2. First, Level 3's descriptions of how and in what circumstances it will apply charges for its 2 proposed new services (Toll Free Database Access Service and Toll Free Transit Traffic Service) are vague, ambiguous, or nonexistent. As a result, it is difficult, if not impossible to tell whether the new services are appropriate or whether the proposed rates are reasonable, or whether they are in the public interest.

3. Level 3's tariff filing contains no description or explanation of its new Originating Switched Access service or Pay Telephone Compensation services. Level 3's tariff filing simply introduces new rate elements for these services.

4. It is unclear whether this new service is a component of the services described in Section 14.1, or if it is the "originating trunk side Switched Access Service" that is referenced in the description of the new Toll Free Data Base Access Service on Second Revised page 52. Regardless, the description as currently submitted makes it impossible to identify the traffic to which Level 3 proposes to apply its proposed new Originating Switched Access Charge.

5. The proposed tariff is equally ambiguous regarding what "Payphone Telephone Compensation" is and who will be paying for the associated charges. The Federal Communications Commission ("FCC") uses the term "Payphone Compensation" to generally mean compensation paid by completing carriers (or intermediary carrier on behalf of completing carriers) to payphone owners. Level 3 does not provide payphone service and, therefore, is not entitled to receive payphone compensation. Further, it is unclear whether Level 3 intends to assess this charge on its own end users or on other carriers, or to what types of traffic it would apply. Moreover, the language creates uncertainty as to what Level 3's proposed service is or whether it is legally permitted to charge the proposed rate.

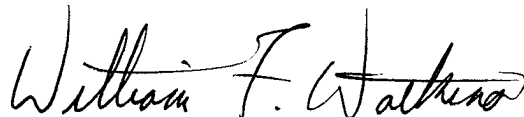
6. Embarq has attempted to contact representatives of Level 3 in order to discuss and/or clarify the application of Level 3's tariff filing. To date, Level 3 has not responded to Embarq's inquiries.

7. Embarq's interests as a telecommunications service provider differ from those of the general public. As an ILEC, Embarq provides intrastate interexchange service in Missouri. Embarq pays Level 3 terminating intrastate switched access rates to terminate intrastate interexchange calls placed by Embarq's customers, and may be required to pay originating intrastate switched access rates under the proposed tariff. Embarq has a significant financial interest in ensuring that Level 3's intrastate switched access rates are lawful and appropriate. Therefore, Embarq has a justiciable interest in the disposition of these tariffs and Embarq's interests cannot be adequately protected by any other party to this proceeding. Granting Embarq's intervention in this proceeding is in the public interest because of Embarq's expertise in analyzing tariffs and as a provider of switched access services.

WHEREFORE, Embarq respectfully requests that the Commission reject this tariff filing or, in the alternative, suspend and investigate this tariff filing.

Respectfully submitted,

EMBARQ MISSOURI, INC.



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MO Bar No. 36112

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the above and foregoing was served on the following parties by electronic mail, this 24<sup>th</sup> day of September 2007.

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