

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

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

**AT&T COMPANIES' REPLY TO LEVEL 3**

AT&T Communications, AT&T Missouri and AT&T Long Distance (collectively, the "AT&T Companies"),<sup>1</sup> pursuant to 4 CSR 240-2.080(15), respectfully state that Level 3 Communications, L.L.C.'s ("Level 3's") October 1, 2007, Response provides little substantive clarification to the many questions and concerns raised by the AT&T Companies, Staff and Embarq Missouri, Inc. ("Embarq") in this proceeding. Accordingly, Level 3's proposed tariff should be further suspended for investigation and hearing.<sup>2</sup>

Originating Switched Access. In its Response, Level 3 asserts that AT&T and Embarq's complaints about inadequate description of the proposed originating access services are unfounded, claiming Section 14.2 of its tariff provides a detailed description of switched access services for the traffic to be exchanged in both directions and that Level 3 is simply adding rates for originating access.<sup>3</sup> Level 3's Response, however, fails to address the concerns the AT&T Companies, Staff and Embarq have raised. The following questions remain unanswered:

- With respect to 8YY traffic, does Level 3 intend to charge the rates in its proposed tariff only for 8YY traffic that originates in Missouri, or does it intend to aggregate traffic that may originate in other jurisdictions, hand such traffic to interexchange carriers in Missouri with whom Level 3 is directly interconnected, and charge such interexchange carriers the rates set forth in Level 3's proposed Missouri tariff?

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<sup>1</sup> AT&T Communications of the Southwest, Inc. will be referred to in this pleading as "AT&T Communications;" Southwestern Bell Telephone Company, d/b/a AT&T Missouri, will be referred to in this pleading as "AT&T Missouri;" and SBC Long Distance, LLC., d/b/a AT&T Long Distance, will be referred to in this pleading as "AT&T Long Distance."

<sup>2</sup> The AT&T Companies are aware of the Commission's October 9, 2007, issuance of its Order Setting Prehearing Conference. The AT&T Companies are making this filing to avoid waiving any claims or arguments they may have concerning Level 3's proposed tariffs and its October 1, 2007 Response.

<sup>3</sup> Level 3 Response, p. 3.

- How does Level 3 intend to determine the originating jurisdiction of 8YY calls for purposes of identifying the jurisdiction of such calls in order to establish intercarrier compensation generally and application of its proposed tariff specifically?
- Will the proposed tariff apply to calls that are placed by end users using wireless service or is the tariff limited to calls that originate on traditional wireline telephone service?
- Will this proposed tariff apply to calls that are placed by end users using VoIP service or is the tariff limited to calls that originate on traditional wireline telephone service?
- Does Level 3 have an interstate tariff on file (or to be filed) that corresponds to this tariff regarding Toll Free Data Base Service?
- Which rate elements will apply to which call types (e.g. VoIP, wireless, and wireline)?
- Has Level 3 entered into Meet Point Billing agreements with all the carriers with whom it will exchange traffic to ensure the IXC's are accurately billed? Is Level 3 prepared to comply with the Multiple Exchange Carrier Access Billing ("MECAB") document and provide Access Usage Records (AURs) to all carriers involved in meet point billing?

Transit Traffic Service. In its Response, Level 3 states that it "is not seeking to impose Originating Access when it performs a transit function for routing of toll-free traffic," that it "will only apply the tariff transit rates when third parties send traffic through Level 3 to reach a toll-free number that is also not Level 3's," and that no further clarification is necessary.<sup>4</sup> While Level 3 has provided some additional information concerning the transit aspect of its proposed tariff, many questions still remain:

- Are the charges for tandem transit service in Level 3's proposed tariff applicable to interexchange traffic, intraexchange traffic or both? If the charges will apply to intraexchange traffic, why has Level 3 classified such services as access services? If the charges will apply to interexchange traffic (a) isn't Level 3's proposed tandem transit service really originating jointly provided access? If so, how does Level 3 intend

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<sup>4</sup> Level 3 Response, p. 3.

to insure that such jointly provided access is properly detailed and billed, both with respect to other carriers who jointly provide such access in conjunction with Level 3, and in terms of interexchange carriers who receive such jointly provided access services. (b) will the charges for tandem transit services in Level 3's proposed tariff apply in addition to, or instead of originating switched access services?

Pay Telephone Compensation. In its Response, Level 3 states that its pay telephone compensation charges are appropriate, claiming its third-party provider will pay the specific FCC payphone per call compensation rate to the payphone service provider that originated the call and that the FCC allows carriers to recover additional costs imposed on it by the tracking and collection requirements.<sup>5</sup> Level 3 also claims that the level of its charge is consistent with those of other carriers in Missouri.<sup>6</sup> While Level 3 has provided helpful information concerning the level of its proposed charge, Level 3's Response fails to address the threshold question of who will have to pay this proposed charge (*i.e.*, it is still not clear whether Level 3 intends to assess this charge on its own end users or on other carriers). Other questions also remain, such as:

- Does Level 3 currently provide or is it planning to provide pay telephone service to end users in Missouri?
- Is the "Pay Telephone Compensation" charge being applied to only 8YY calls (a/k/a 1-800 calls) that originate on a pay telephone or for any interexchange calls that originate on a pay telephone?
- Will the pay telephone owner also be able to bill the interexchange carrier a charge pursuant to 47 CFR 64.1300?
- What function(s) is Level 3 performing to justify a per call payphone compensation rate?

As a result of these open questions, it is impossible to tell whether the new services and the proposed rates are appropriate, reasonable, and in the public interest. In addition, several

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<sup>5</sup> Level 3 Response, p. 4.

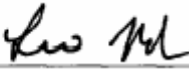
<sup>6</sup> *Id.*, p. 5.

state commissions have either suspended and/or opened investigations into similar proposed tariffs filed by Level 3 in other states.<sup>7</sup>

WHEREFORE the AT&T Companies respectfully request the Commission to suspend Level 3's proposed tariff filing for investigation and hearing.

Respectfully submitted,

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D/B/A AT&T MISSOURI; AND SBC LONG DISTANCE,  
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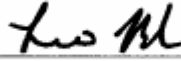
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<sup>7</sup> See, e.g., Mississippi PUC Docket No. 2007-UN-420, *Notice of Level 3 Communications, LLC of its Tariff Filing which Proposes to Add Toll Free Data Base Access Service; Toll Free Transit Service; and Rates for Originating Switched Access and Pay Telephone Compensation*, Suspension Order, Oct. 3, 2007; Arizona Corporation Commission Docket No. T-03654A-07-0502, *Staff's Letter of Insufficiency and First Set of Data Requests to Level 3 Communications, LLC*, Sept. 18, 2007; and Ohio PUC Case No. 07-895-TP-ATA, *In the Matter of the Application of Level 3 Communications, LLC to Resell Telecommunications Services, Entry, Suspending Tariff*, Aug. 31, 2007, and Tennessee Regulatory Authority Case No. 07-00219, *In Re: Level 3 Communications L.L.C.'s Tariff Filing to Revise TRA Tariff No. 3 (Tariff No. 2007388)*, suspended October 8, 2007.

**CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by e-mail on October 11, 2007.



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