

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

In the Matter of Level 3 Communications, LLC's
Tariff Filing to Introduce Revised Tariff Pages
For Its Access Services Tariff, Mo. P.S.C. Tariff
No. 4.

Case No. TT-2011-0324
Tariff No. JX-2011-0488

**COMMENTS OF LEVEL 3 COMMUNICATIONS, LLC ON THE
STAFF RECOMMENDATION TO APPROVE TARIFF**

Level 3 Communications, LLC ("Level 3") respectfully files these comments on the *Staff's Recommendation to Approve Tariff* in this matter, filed on August 4.

First, Level 3 fully supports the Staff's recommendation that the Commission either affirmatively approve Level 3's tariff revisions or allow them to take effect by operation of law.¹ Level 3's new tariff enables Level 3 to provide its own tandem switching functionalities both with respect to customers served from its own end offices and from customers of third-party local exchange carriers. It also reasonably updates the tariff definition of the term "end office" to reflect ongoing changes in network technology. As the Staff observed in its supporting memorandum, "it is not unusual to modify definitions as new technology becomes more versatile and existing technology becomes increasingly outmoded"² Level 3's tariff revisions are reasonable, in the public interest, and should be approved.

¹ It is Level 3's understanding that the tariff will take effect automatically as of August 28, 2011, unless further suspended by the Commission. However, such a further suspension could only be until September 27, 2011. *Order Granting Agreed Extension of Suspension*, issued July 13, 2011; Section 392.230.3, RSMo.

² Memorandum from William Voight in support of *Staff's Recommendation to Approve Level 3's Mo. No. 4 Switched Access Tariff Sheet Revisions* ("Staff Memorandum"), at page 4.

Second, Level 3 notes that Staff has suggested that, as interconnected Voice over Internet Protocol (“I-VolP”) becomes more prevalent, it will be necessary to properly parse and apply Section 392.550 of the Revised Statutes of Missouri.³ As Level 3 understands Staff’s comments on this issue, Staff is concerned an I-VolP provider should not be permitted to assess (effectively) end-office-type access charges on an interexchange carrier (“IXC”) without first registering with the Commission, and that, as a result, a local exchange carrier (“LEC”) that provides tandem switching services should not be allowed to impose such charges on behalf of the I-VolP provider, either.

Level 3 does not take any position at this time with respect to Staff’s specific interpretation of Section 392.550. Level 3 does note, however, that the issue Staff raises could arise under the access tariff of any LEC that provides tandem services, and is not specifically related to Level 3’s tariff revisions under consideration here. To the contrary, Staff’s concern relates to how a tandem-switching access tariff might be applied in particular cases, not to the question in this proceeding, which is the approval of Level 3’s tariff revisions which, again, Staff supports.

³ Staff Memorandum at 2-3.

Level 3 Communications respectfully requests that the Commission approve its tariff revisions, or allow them to take effect as a matter of law.

Respectfully submitted,

/s/ William D. Steinmeier

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COUNSEL FOR LEVEL 3
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Dated: August 11, 2011

CERTIFICATE OF SERVICE

I hereby certify that the undersigned has caused a complete copy of the attached document to be electronically filed and served on the Commission's Office of General Counsel (at gencounsel@psc.mo.gov), the Office of Public Counsel (at opcservice@ded.mo.gov), and counsel for AT&T, on this 11th day of August 2011.

/s/ William D. Steinmeier
William D. Steinmeier