

# MEMORANDUM

**To:** Missouri Public Service Commission Official Case File  
Case No. TT-2011-0324  
Tariff File No. JX-2011-0488

**From:** William Voight *BV*  
Supervisor, Rates and Tariffs  
Telecommunications Department

**Subject:** Staff's Recommendation to Suspend Level 3's Filing to  
Implement Third Party Tandem Connect Service

**Date:** April 20, 2011

On March 29, 2011, Level 3 Communications, LLC (Level 3) filed tariff sheets proposing to revise its Mo. P.S.C. Mo. No. 4 Tariff to implement a service deemed "Third Party Tandem Connect" service. The filing also proposes to change definitions and other terms and conditions of Level 3's switched access service. Although purportedly filed on one days notice to the Commission, Level 3 later extended the effective date of its proposal until April 29<sup>th</sup>.

On April 20<sup>th</sup>, AT&T Missouri and AT&T Communications (collectively "AT&T") filed a Motion to Suspend and Investigate Level 3's proposed tariff sheets. Among other matters, AT&T contends that Level 3's end office switching rate element is unjust and unreasonable. AT&T further questions whether Level 3 intends to include costs for Internet Protocol gateways and similar equipment as part of Level 3's end-office switching element. AT&T contends Level 3's rate proposal is inconsistent with accepted industry standards. AT&T even goes so far as to question the Missouri Commission's jurisdiction because Level 3 may be performing certain tandem functions in another state (footnote 5).

Level 3 was certificated by the Commission in Case No. TA-99-171 on February 2, 1999. Pursuant to terms of its certification, and §392.361.6 RSMo, Level 3's switched access rates can be no greater than the incumbent with whom it is competing. Further, §392.450.2(1) requires Level 3 to file and maintain tariffs in the same manner and form as the commission requires of incumbent carriers. Staff notes that AT&T's access tariff contains call-flow diagrams depicting rate elements and associated rate applications (see, for example; AT&T's P.S.C. Mo. No.36; §6, sheets 4 & 78). Such diagrams enable Staff and other industry participants to interpret AT&T's rate application. Staff has requested

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Level 3 to include similar call-flow diagrams to depict its Tandem Connect Service; however, Level 3 has not acted on the Staff's request.

Upon review of Level 3's proposal, the Staff is unable to determine if the tariff filing complies with applicable Missouri law and the terms of Level 3's MoPSC certification. For this reason, the Staff requests the Commission suspend the effective date of Level 3's filing for further consideration.

The Staff is unaware of any other matter that affects, or that would be affected by, this matter.

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

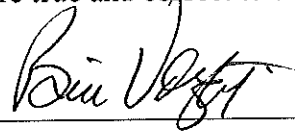
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AFFIDAVIT OF William Voight

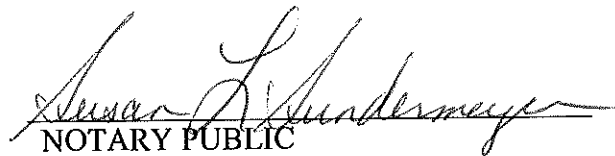
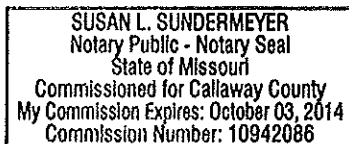
STATE OF MISSOURI )  
) ss:  
COUNTY OF COLE )

William Voight, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that he/she has participated in preparing the accompanying Staff recommendation, and that the facts therein are true and correct to the best of his knowledge and belief.

WILLIAM VOIGHT



Subscribed and affirmed before me this 20<sup>th</sup> day of April 2011 .



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