

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

In the Matter of Level 3 Communications, LLC's) **File No. TT-2011-0324**
Tariff Filing to Introduce Revised Tariff Pages) Tracking No. JX-2011-0488
For its Access Services Tariff, Mo. P.S.C. Tariff No. 4)

MOTION FOR LEAVE TO FILE SUBSTITUTE TARIFF SHEET

Level 3 Communications, LLC ("Level 3") hereby requests leave of the Commission to file a substitute tariff sheet in this matter in accordance with agreements reached among the Parties during the Prehearing Conference on August 15. In support of its Motion, Level 3 states the following:

1. On March 29, 2011, Level 3 Communications, LLC filed revised tariff pages for its MO P.S.C. Tariff No. 4. They bore an "Issued" date of March 30, 2011, and an "Effective" date of March 31, 2011. On April 5, Level 3 extended the effective date to April 29, 2011. Various orders were issued and various pleadings were filed by the Parties.

2. On April 27, 2011, the Commission issued its *Order Suspending Tariff and Extending Time*, suspending the effective date of the tariff to June 28, 2011. The *Order* directed Staff to file a Staff Recommendation no later than June 17, 2011.

3. On June 17, 2011, the Commission issued its *Order Directing Filing* in this matter, directing the Parties to file a proposed procedural schedule (either jointly or separately) no later than June 24, 2011.

4. On June 21, 2011, Level 3 filed a *Motion for Extension of Tariff Effective Date and Continuance of Procedural Deadlines*, with the concurrence of

all Parties. This Motion was granted by the Commission by Order issued on June 22, extending the effective date to July 28.

5. On July 13, Level 3 (again with concurrence of the other Parties) filed a *Motion for Extension of Tariff Effective Date and Continuance of Procedural Deadlines*, which was granted the same day by the Commission in its *Order Granting Agreed Extension of Suspension*, further extending the effective date to August 28. By separate Order issued the same day, the Commission set a prehearing conference in this matter on August 15.

6. On August 3, Level 3 filed a *Motion for Leave to File Substitute Tariff Sheets*, accompanied by substitute tariff sheets addressing issues raised by Staff in its review of the proposed tariff revisions in this matter. This motion was granted on August 4 in the Commission's *Order Granting Leave to File Substitute Tariff Sheets for Tariff Under Suspension*.

7. At the Prehearing Conference convened on August 15, 2011, the Parties reached an agreement in resolution of this matter. To effectuate that agreement, Level 3 agreed to modify the definition of "End Office" in its tariff. The substitute tariff sheet attached to this motion is designed to accomplish the agreement reached by the Parties at the Prehearing Conference.

8. Specifically, Level 3 asks leave to file a substitute for the following proposed, revised tariff sheet:

- Missouri P.S.C. Tariff No. 4, Third Revised Page 6,
Replaces Second Revised Page 6

9. Undersigned counsel has consulted with counsel for Staff and for the AT&T Companies, who have advised that they have no objection to this Motion or to the substitute tariff sheet attached hereto.

WHEREFORE, Level 3 Communications, LLC respectfully requests the Public Service Commission of Missouri to grant it leave to file the substitute tariff sheet attached as Appendix A to this Motion.

Respectfully submitted,

/s/ William D. Steinmeier

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ATTORNEY FOR
LEVEL 3 COMMUNICATIONS, LLC

Dated: August 16, 2011

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been served electronically on the Office of Public Counsel at opcservice@ded.mo.gov, the Commission General Counsel's office at gencounsel@psc.mo.gov and counsel for AT&T this 16th day of August 2011.

/s/ William D. Steinmeier

William D. Steinmeier

Appendix A
Substitute Tariff Sheet
JX-2011-0488

SECTION 1 - DEFINITION OF TERMS

Certain terms used generally throughout this tariff for Communications Service of this Company are defined below.

Advance Payment: Part or all of a payment required before the start of service.

Authorized User: A person, firm or corporation which is authorized by the Customer or Joint User to be connected to the service of the Customer or Joint User, respectively.

Bit: The smallest unit of information in the binary system of notation.

Commission: Missouri Public Service Commission

Company: Level 3 Communications, LLC, the issuer of this tariff.

Customer: The person, firm or corporation which purchases service and is responsible for the payment of charges and compliance with the Company's regulations.

Dedicated: A facility or equipment system or subsystem set aside for the sole use of a specific Customer.

End Office: The term "end office" denotes the functional equivalent of a switching system office or serving wire center where Customer station loops are terminated for purposes of interconnection to each other and/or to trunks. [C]
[C]
[C]

End User – A non-carrier customer of an intrastate telecommunications service. If a carrier uses telecommunications service for administrative purposes, it shall be deemed to be an End User.

Individual Case Basis (ICB): A service arrangement in which the regulations, rates and charges are developed based on the specific circumstances of the case.

Interconnect Carrier: Any carrier that connects to Company's network for exchange of communications traffic.

Joint User: A person, firm or corporation which is designated by the Customer as a user of services furnished to the Customer by the Company and to whom a portion of the charges for the service will be billed under a Joint User arrangement as specified in the Company's tariff.

LATA: A Local Access and Transport Area established pursuant to the Modification of Final Judgement entered by the United States District Court for the District of Columbia in Civil Action No. 82-0192; or any other geographic area designated as a LATA in the National Exchange Carrier Association, Inc. Tariff F.C.C. No. 4.

Major Service Interruption: An interruption of Customer service due to the Company's negligence or due to its noncompliance with the provisions of this tariff.

Issued: March 30, 2011

Effective: April 29, 2011

Issued By: Vice President of Public Policy
Level 3 Communications, LLC
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