

**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 SHEETS

Level 3 Communications, LLC ("Level 3") hereby requests leave of the Commission to file substitute tariff pages in this matter in order to meet concerns raised by the Commission Staff in its review of the proposed tariff revisions. 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. Ongoing discussions with PSC Staff have led to Level 3 revising its proposed tariff revisions in this matter. Ordinarily, Level 3 would simply file substitute tariff sheets. However, since the tariffs were suspended by the Commission, Commission action is required in order to revise the proposed tariffs.

7. Specifically, Level 3 asks leave to file substitutes for the following proposed, revised tariff sheets:

- Missouri P.S.C. Tariff No. 4, Original Page 21.4
- Missouri P.S.C. Tariff No. 4, Fifth Revised Page 59,
Replaces Fourth Page 59

WHEREFORE, Level 3 Communications, LLC respectfully requests that the Public Service Commission of Missouri grant it leave to file the substitute tariff sheets 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 3, 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 General Counsel's office at gencounsel@psc.mo.gov and counsel for AT&T this 3rd day of August 2011.

/s/ William D. Steinmeier

William D. Steinmeier

Appendix A

Substitute Tariff Sheets

JX-2011-0488

SECTION 4 – PAYMENT ARRANGEMENTS (CONT'D)

- 4.2.6.1 All other appropriate recurring and nonrecurring charges in each Local Exchange Carrier's Access tariff are applicable. [N]
- 4.2.6.2 Where the Tandem-Switched Transport - Facility is provided by more than one Local Exchange Carrier, the Tandem-Switched Transport - Termination rate applies for the termination at the Local Exchange Carrier end of the Tandem-Switched Transport (i.e., the first point of switching or the end office serving the end user). The Tandem-Switched Transport - Termination rate will not apply when the Local Exchange Carrier is the intermediate provider of the Switched Transport Facility.
- 4.2.6.3 The Interconnection Charge for Switched Transport, if any, shall be billed by the Local Exchange Carrier in whose territory the end office is located.
- 4.2.6.4 The Shared Trunk Port for Tandem-Switched Transport shall be billed by the Local Exchange Carrier in whose territory the end office is located.
- 4.2.6.5 For tandem routed trunks, the dedicated trunk port shall be billed by the Local Exchange Carrier owning the tandem. For end office direct routed trunks, the dedicated trunk port shall be billed by the Local Exchange Carrier owning the end office on a single bill, single tariff or multiple bill, multiple tariff meet point billing arrangement.
- 4.2.7 The shared multiplexing charge will be assessed to the Interexchange Carrier/Customer by the Local Exchange Carrier owning the access tandem under the multiple bill, multiple tariff meet point billing option, and to the initial billing company, by the Local Exchange Carrier owning the access tandem, under the single bill, single tariff meet point billing option.
- 4.2.11 To the extent applicable to the services provided under this tariff, the Telephone Company will comply with 4 CSR 240-29.040, Enhanced Record Exchange Rules. [N]

Issued: March 30, 2011

Effective: April 29, 2011

Issued By: Vice President of Public Policy
Level 3 Communications, LLC
1025 Eldorado Boulevard
Broomfield, Colorado 80021

SECTION 15 – RATES AND CHARGES (CONT'D)

		<u>Access Rate Per Minute</u>
15.1.3.8	Switched Termination	
	Originating	\$0.000053 [I]
	Terminating	\$0.000053 [I]
15.1.3.9	Direct-Trunked Transport	
	Monthly Recurring Rate	
	<u>Fixed</u>	<u>Per Mile</u>
-DS0	N/A	N/A
-DS1	\$40	\$6.04
-DS3	\$650	\$60

15.1.3.10 Entrance Facilities, DS1 Switch Port, Multiplexing*

Rates are on a Special Construction Basis

* The amount to be charged for these services will comply with RSMO Sec. 392.361.6.

[N]

15.1.4 Application of rates for Local Connect Switched Access Service, Tandem Connect Switched Access Service, and Third-Party Tandem Connect Switched Access Service**15.1.4.1 – Rates Applicable To Local Connect Service****15.1.4.1.1 Entrance Facility/Direct Trunked Transport**

To obtain Local Connect Service, the Customer must obtain a connection from its Premises in a local access and transport area to the Company local switch to which the Customer seeks to connect. To obtain that connection the Customer must purchase a combination of Entrance Facilities, Direct Trunked Transport, and DS1 switch ports, as well as multiplexing, if applicable.

The Direct Trunked Transport rate shall be applied per DS1-level, DS-3 level, or higher-level connection (for states in which multiple data rate options are available), at the appropriate per-month and per-mile rate(s) specified in Section 15.1.3.9 of this tariff. The Per Mile amounts shall be charged monthly and shall be calculated based on the distance between the Customer's premises and the Company local switch to which the Customer seeks to connect, calculated in accordance with Section 10 of this Tariff.

15.1.4.1.2 Multiplexing

The Company's network normally requires traffic delivered to its switches at the DS1 level. If a Customer chooses to obtain mutliplexing/demultiplexing services to convert DS3 to DS1 level signaling, the Customer may obtain that service from the Company at the rates stated in Section 15. These rates apply per minute of traffic multiplexed or demultiplied. If multiplexing between other data rates is required, the Company may provide such services in accordance with the terms of Section 11, Special Construction.

[N]

Certain material previously appearing on this page now appears on Original Page 59.3.

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