

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)
For Its Access Services Tariff, Mo. P.S.C. Tariff No. 4.) Tracking No. JX-2011-0488

ORDER APPROVING TARIFF

Issue Date: August 19, 2011

Effective Date: August 19, 2011

The Missouri Public Service Commission is approving the tariff. The tariff was suspended on the motions of ATT¹ and Staff, which began a contested case.² But after the filing of substitute tariff sheets, ATT and Staff withdrew their motions to suspend, so the Commission will lift the suspension. Absent suspension, no law requires a hearing,³ so this action is not a contested case⁴ and the Commission need not separately state its findings of fact. On review of the filings, the Commission independently finds and concludes that the tariff supports safe and adequate service at just and reasonable rates so the Commission will approve the tariff.

THE COMMISSION ORDERS THAT:

1. The suspension of Tariff No. JX-2011-0488 is lifted.
2. Tariff No. JX-2011-0488 is approved and the specific tariff sheets approved are:

Missouri P.S.C. Tariff No. 4

¹ "ATT" consists of AT&T Communications of the Southwest, Inc. and Southwestern Bell Telephone Company d/b/a AT&T Missouri.

² Section 393.150.1, RSMo 2000; Section 536.010(4), RSMo Supp. 2010; *Jamison v. Dept. of Soc. Servs.*, 218 S.W.3d 399, 408-09 (Mo. banc 2007); *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976).

³ *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Comm'n*, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

⁴ Section 536.010(4), RSMo Supp. 2010.

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3. This order shall become effective immediately upon issuance.

4. This file shall close on August 22, 2011.

(S E A L)

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. Reed', written over a horizontal line.

**Steven C. Reed
Secretary**

Daniel Jordan, Senior Regulatory Law Judge,
by delegation of authority under
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 19th of August, 2011.