

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

In the Matter of a Proposed Rescission and)
Consolidation of Commission Rules) **File No. TX-2015-0097**
Relating to Telecommunications)

COMMENTS OF LEVEL 3 COMMUNICATIONS

COMES NOW Level 3 Communications¹ ("Level 3") and respectfully submits the following comments to the Missouri Public Service Commission concerning the Proposed Rules in this matter. The Notice of Proposed Rulemaking published in the *Missouri Register* of May 1, 2015 required that comments be filed on or before June 29, 2015 and scheduled a hearing for July 6, 2015. These Comments are filed in response to that notice.

GENERAL COMMENT ON THE PROPOSED RULES:

Level 3 applauds the Commission and its Staff for their arduous and excellent efforts to update and consolidate the Commission's telecommunications rules. While Level 3 is not commenting on every revision, and in general supports the rescissions and consolidated rules proposed in this rulemaking, Level 3 may provide additional comments in response to issues or concerns raised by other commenters in this proceeding or at the hearing on these rules.

¹ Level 3 was certificated by this Commission in MoPSC Case Nos. TA-99-170, TA-99-171 and TA-2002-376. The following Missouri-certificated companies are wholly-owned by Level 3: Broadwing Communications, Inc.; Broadwing Communications, LLC; Global Crossing Local Services, Inc.; Global Crossing North America, Inc.; Global Crossing Telecommunications, Inc.; TelCove Operations, LLC; tw telecom of kansas city, llc; and WiTel Communications, LLC.

INTERCONNECTION AGREEMENTS (Proposed Sections 28.010 (7) and (8), 28.020 (5) and Section 28.080):

There is one provision in the rule revision that is critical to the competitive telecommunications market – the filing of interconnection agreements. The rules must be strong, clear and unambiguous. Level 3 supports the Commission’s definitions and clarification in the General Provisions regarding those filing and approval requirements as set forth in proposed Sections 28.010 (7) and (8), 28.020 (5) and Section 28.080.

It is important that the Missouri Commission clarify that it is the Commission’s role to determine whether an agreement is an “interconnection agreement” that must be filed and approved – not the role of parties to the agreement. The Commission must actively enforce this rule to ensure that all agreements that contain provisions dealing with resale, number portability, intercarrier compensation, interconnection/services/unbundled network elements or dialing parity be submitted to the Commission for review. Of particular importance is the proposed provision of Section 28.020 (5):

Interconnection agreements and any adoptions or amendments thereto shall be filed with and approved by the commission as a condition of effectiveness of the agreements.

Some telecommunications carriers have not been filing agreements with state commissions, self-determining (without commission input) that their agreements are not “interconnection agreements.” Such a unilateral determination by a company thwarts the opt-in provisions in Section 251(b)(2) of

the Federal Telecommunications Act², which are critical to the framework set forth in the federal law, and the authority delegated thereunder to the state commissions. Those provisions guarantee that carriers can opt-into agreements, an essential right set forth in the Federal Telecom Act and one that speeds entry into the market and deployment of critical broadband infrastructure. Proposed Section 28.020 (5) would make it clear that, consistent with the provisions of Section 251 and 252 of the Federal Act, any interconnection agreement not approved by the Commission is not legally effective. Level 3 supports these proposed provisions.

In addition, Level 3 strongly supports Proposed Section 28.080 (2), which allows a telecommunications company to adopt an interconnection agreement beyond its original term as long as it is still in effect by renewal or extension. For an ILEC to refuse the right of a competitive company to opt-in to an interconnection agreement which is, in fact, fully effective between its signers, on the basis that the original term of that agreement has expired, unfairly skews the competitive market established by the Federal Telecommunications Act and does harm to both competitive telecommunications companies and their customers. Level 3 supports the arguments made in the *Chariton Valley Telecom Corporation Comments Regarding Proposed Rule 4 CSR 240-28.080 (2)*, filed on September 22, 2014 in MoPSC File. No. TW-2014-0295.

² 47 USC Section 251(b)(2).

WHEREFORE, Level 3 Communications submits its rulemaking comments to the Commission.

Respectfully submitted,

/s/ William D. Steinmeier

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COUNSEL FOR LEVEL 3
COMMUNICATIONS

Dated: June 29, 2015

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been served electronically on the PSC Staff Counsel's office (at staffcounsel@psc.mo.gov) and on the Office of the Public Counsel (at opc@psc.mo.gov) on this 29th day of June 2015.

/s/ William D. Steinmeier

William D. Steinmeier