

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

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

MOTION TO SUSPEND AND INVESTIGATE TARIFF

The AT&T Companies¹ respectfully request² the Commission to reject the revised tariff pages filed by Level 3 Communications, LLC on March 29, 2011.

The proposed tariff improperly expands the definition of the term "end office" in such a way that would permit Level 3 to impose end office switched access rates when the equipment or services provided by Level 3 would be dramatically different from traditional local exchange carrier ("LEC") end office switching to which such rates were designed to apply.

In support of this filing, the AT&T Companies state:

1. Background on Movants. AT&T Communications is a Delaware corporation, duly authorized to conduct business in Missouri with its principal Missouri office located at 2121 East 63rd Street, Kansas City, Missouri 64130. AT&T Communications is an "interexchange telecommunications company," an "alternative local exchange telecommunications company," and a "public utility," and is duly authorized to provide "telecommunications service" within the State of Missouri as each of those phrases is defined in Section 386.020 RSMo (2006 C. Supp.).

2. AT&T Missouri is a Missouri corporation duly authorized to conduct business in Missouri with its principal Missouri office located at One AT&T Center, 35th Floor, St. Louis,

¹ AT&T Communications of the Southwest, Inc. will be referred to in this pleading as "AT&T Communications" and Southwestern Bell Telephone Company, d/b/a AT&T Missouri, will be referred to in this pleading as "AT&T Missouri," collectively, "the AT&T Companies."

² The AT&T Companies make this filing pursuant to 4 CSR 240-2.065(3) and 4 CSR 240.2-075(2).

Missouri 63101. AT&T Missouri is a “local exchange telecommunications company” and a “public utility,” and is duly authorized to provide “telecommunications service” within the State of Missouri as each of those phrases is defined in Section 386.020 RSMo (2006 C. Supp.).

3. All correspondence, pleadings, orders, decisions and communications regarding this proceeding should be sent to:

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4. Level 3’s Tariff Filing. On March 29, 2011, Level 3 filed revised tariff sheets for its Switched Access Services Tariff, Missouri P.S.C. Tariff No. 4.³ Level 3’s filing indicates that the revised tariff sheets are being filed to add "Third Party Tandem Connect" service to its tariff. The filing also appears to make changes to tariff definitions and other non-rate related terms and conditions. Pursuant to the Commission's April 6, 2011 Order in TT-2011-0324, the proposed tariff pages now carry an April 29, 2011, effective date.

5. Level 3’s proposed tariff improperly expands the definition of the term “end office” in such a way that would permit Level 3 to impose end office switched access rates when the equipment or services provided by Level 3 would be dramatically different from traditional local exchange carrier (“LEC”) end office switching to which such rates were designed to apply. End office switching rates traditionally compensate LECs primarily for the substantial capital costs of equipment in the end office that terminates subscriber lines and connects those lines to each other and to trunk facilities.

³ A copy of Level 3’s proposed tariff filing is appended as Attachment 1.

6. Here, Level 3 proposes a vague and open-ended definition of "end office" that could include devices and functions that are unrelated to local loop and switch facilities:

End Office: The term "end office" denotes the switching system office or serving wire center (or functionally equivalent or analogous facilities) where Customer station loops (or functionally equivalent or analogous facilities) are terminated or otherwise connected to the Company's facilities or services for purposes of interconnection to each other and/or to trunks.⁴

Level 3's proposal would essentially allow it to charge traditional end office switched access rates in situations in which it serves only as an intermediate carrier, providing no loops to end users or even local exchange switches. In this effect, the unduly expansive and vague definition of the mechanisms that would be deemed "end offices" is unjust, unreasonable, and improper.

7. Level 3 also does not explain its intent in proposing this new definition. If Level 3 wants to consider IP gateways or other similar devices as "end office" switches and thereby impose end office access charges, such as those for local switching, for the use of such devices, it should first be required to provide more information about the types of devices it wishes to encompass in this definition, and their precise purposes.⁵ With such information, the Commission would be in a position to determine whether the rates Level 3 would bill for such services are just and reasonable under the circumstances.

8. Level 3's proposed "end office" definition is inconsistent with accepted industry practices. For example, AT&T Missouri's Intrastate Switched Access Tariff, P.S.C. Mo. – No. 36, Section 2.6 defines "End Office Switch" as denoting:

... a local Telephone Company switching system where Telephone Exchange Service

⁴ Level 3 Communications, LLC Missouri P.S.C. Tariff No. 4, Section 1, Third Revised Page 6, issued March 30, 2011.

⁵ AT&T understands that Level 3's filing is related to its plans to route traffic through several "super-tandems" and none of which are located in Missouri. This proposal may call into question this Commission's jurisdiction to approve a service and its related pricing that is not even performed in Missouri. It also may call into question the jurisdictional nature of the calls proposed to be routed in this manner and could conflict with the Commission's prior conclusion that the physical location of the calling and called party is the deciding factor in the jurisdiction of the call for traffic routing and inter-carrier compensation purposes.

customer station loops are terminated for purposes of interconnection to each other and to trunks. Included are Remote Switching Modules (RSM) and Remote Switching Systems (RSS) served by a host office in a different wire center.⁶

Section 4.2.1(I)(1) of TCG Kansas City, Inc.'s Intrastate Switched Access Tariff, P.S.C. Mo. No.

4, defines the "end office" as follows:

The End Office rate category provides for the local switching and end user / origination or termination functions necessary to complete the transmission of Call Completion Services to and from the end users served by the Company's end offices. The End Office rate category consists of the Call Completion rate element as found in the Price List.

1) Call Completion Rate Category - The Call Completion rate element provides for the use of end office switching equipment, terminations for the end user lines terminating in the local end office, and for the termination of calls at a Company Intercept operator or recording when provided on Company switches. The Call Completion rate element (unbundled) provides for the use of end office switching equipment, terminations for the end user lines terminating in the local end office, and for the termination of calls at a Company Intercept operator or recording when provided using unbundled network elements.⁷

Similarly, Section 1 of Time Warner Cable Information Services (Missouri), LLC's Competitive Access Services Tariff, P.S.C. Mo. No. 5, defines "End Office Switch" as "A Company switching system where Customer or End User station loops are terminated for purposes of interconnection to other station loops, Trunks or access facilities."⁸ And Section 3.3.2 of Time Warner's tariff describes the "End Office Switching" function as:

The End Office Switching rate category includes the charges related to the use of end office switching the line terminations in the End Office Switch, the Signaling Transfer Point (STP) costs, and the SS7 signaling function between the end office and the STP.⁹

All of these definitions in Commission-approved tariffs are straightforward and reflect accepted industry practice. Level 3's proposed definition meets neither criterion. It is vague,

⁶ AT&T Missouri Intrastate Switched Access Tariff, P.S.C. Mo. – No. 36, Section 2.6, 3rd Revised Sheet 6, effective February 12, 1992.

⁷ TCG Kansas City, Inc. Intrastate Switched Access Tariff, P.S.C. Mo. No. 4, Section 4.2.1(I)(1), Original Sheet 9, effective June 28, 2010.

⁸ Time Warner Cable Information Services (Missouri), LLC's Competitive Access Services Tariff, P.S.C. Mo. No. 5, Section 1, Original Page 6, effective September 30, 2010.

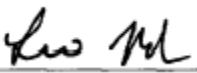
⁹ Id., Section 6.1.2(B), Original Page 43.

ambiguous and has the potential for increasing the costs of interexchange carriers with no corresponding benefits.

WHEREFORE the AT&T Companies respectfully request the Commission to suspend and investigate Level 3's proposed tariff filing.

Respectfully submitted,

AT&T COMMUNICATIONS SOUTHWEST, INC.; AND
SOUTHWESTERN BELL TELEPHONE COMPANY,
D/B/A AT&T MISSOURI

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CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail on April 20, 2011.



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