

The Level 3 participants also expressed opposition to the March 23, 2006, ex parte filed by Qwest Communications International, Inc. ("Qwest") seeking to support Qwest's claim that it is not required under the Communications Act of 1934, as amended ("Telecommunications Act") to provide transiting services. Level 3 believes that Section 251 of the Telecommunications Act requires incumbent local exchange companies ("ILECs") to provide transiting services on a common carrier basis. For example, Section 251(a) requires ILECs to interconnection "directly or indirectly" with other ILECs. Interpretations of Section 251(a) that exclude interconnection with ILECs for the purpose of transit frustrate the indirect interconnection contemplated by Section 251(a). Larger ILECs (unlike other ILECs) have nearly ubiquitous facilities to and interconnection with smaller ILECs (especially in rural areas), making it essential that the larger ILECs provide transiting services on a common carrier basis, as they have done for years (to other ILECs, CLECs and wireless carriers). Moreover, Qwest's interpretation of the Telecommunications Act could lead to the situation in which an ILEC transit provider could eliminate transit competition by refusing to interconnect with a competing transit provider. An ILEC transit provider, for example, has little incentive to interconnect with a competing transit provider, particularly if the ILEC can eliminate the competing transit provider simply by refusing to interconnect. The Telecommunications Act clearly sought to prevent incumbents from eliminating competition through refusal to interconnect.

Please do not hesitate to contact me with any questions about this matter.

Sincerely,

/s/ Adam Kupetsky

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