

# Arent Fox

May 21, 2009

**Michael B. Hazzard**

Attorney  
202.857.6029 DIRECT  
202.857.6395 FAX  
hazzard.michael@arentfox.com

**VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
c/o Natek, Inc.  
236 Massachusetts Avenue, N.E., Suite 110  
Washington, D.C. 20002

**Re: Notification of Ex Parte, CC Docket Nos. 99-262 and 01-92**

Dear Ms. Dortch:

Yesterday, Hypercube Telecom, LLC (“Hypercube”) met with Mark Stone, Legal Advisor to Commissioner Adelstein, regarding Level 3 Communications, LLC’s (“Level 3’s”) May 12, 2009 filing (“May 12 Filing”), which I understand will be filed in CC Docket Nos. 99-262 and 01-92, *Developing a Unified Inter-carrier Compensation Regime*. G. Clay Myers and I attended the meeting on behalf of Hypercube. At Hypercube’s invitation, John Nakahata and William P. Hunt, III attended the meeting on behalf as Level 3. I distributed the attached materials, which served as the basis for discussion.

During the meeting, Hypercube demonstrated that Level 3’s May 12 Filing is a sham designed to disrupt Hypercube’s efforts to enforce its intrastate tariff in a complaint proceeding brought by Hypercube before the California Public Utilities Commission (“CPUC”) on May 8, 2009. During the meeting, representatives from Level 3 were not able to commit that they would not attempt to use Level 3’s May 12 Filing as a means of stalling Hypercube’s pre-existing CPUC complaint.

In addition, Hypercube also demonstrated that Level 3 has developed, deployed, and tariffed an intrastate access product that competes directly with the Hypercube product that is the target of Level 3’s May 12 filing. But rather than compete in the marketplace, Level 3 instead seeks to disrupt Hypercube’s business with baseless regulatory filings, like the May 12 Filing.

Marlene H. Dortch,  
Secretary  
May 21, 2009  
Page 2

# Arent Fox

If you have any questions or need additional information, please contact me.

Respectfully submitted,



Michael B. Hazzard  
*Counsel to Hypercube Telecom, LLC*

Attachments

cc: Mark Stone  
John Nakahata, *Counsel to Level 3*

# **EXHIBIT 1**

## Timeline

- 4/27/2001 FCC releases *Seventh Report and Order*, 16 FCC Rcd 9923 (2001)
- Sets benchmark for interstate switched access charges; notes 208 complaint process appropriate for challenging tariffed CLEC access rates; seeks comment on 8YY access charges
- 7/3/2002 FCC releases *Sprint PCS Declaratory Ruling*, 17 FCC Rcd 13192 (2002)
- Wireless carriers are entitled to charge for access to their networks by contract
- 5/18/2004 FCC releases *Eight Report and Order*, 19 FCC Rcd 9108 (2004)
- CLECs entitled to bill for the access service they provide; 8YY revenue sharing acknowledged and FCC finds no reason to take any action to limit or otherwise regulate it; states 208 is proper process for disputes
- 11/2005 Hypercube created; acquired KMC's Toll Free Origination business, among others
- Level 3 pays Hypercube's (f/k/a KMC's) Toll Free Origination bills without dispute
- 11/2007 Level 3 has competing Toll Free Origination, called "Toll Free Inter-Exchange Delivery Service" products in at least 26 states and DC
- Level 3 files a "White Paper" with the Rhode Island Public Service Commission describing its access products, including "Toll Free Inter-Exchange Delivery Service"
- Level 3 begins – for the first time – disputing 100% of Hypercube's access charge bills
- 2/2008 Hypercube attempts to engage Level 3 to resolve Level 3's 100% billing dispute (negotiations continue off and on through April 2009)
- 8/2008 Level 3 modifies its intrastate access tariff in Arkansas and Kansas to include a call flow diagram describing its "Toll Free Inter-Exchange Delivery Service"
- 10/2008 Level 3 modifies its intrastate access tariff in Wyoming to include a call flow diagram describing its "Toll Free Inter-Exchange Delivery Service"
- 4/20/2009 Hypercube sends formal demand letter to Level 3
- 5/8/2009 Hypercube files formal complaint with California PUC to enforce Hypercube's intrastate access tariff
- 5/12/2009 Level 3 files a pleading that it styles "petition for declaratory ruling"
- Level 3 uses same call flow diagram from its intrastate access tariff to describe Hypercube's service

**EXHIBIT 2**

# DEWEY & LEBOEUF

Dewey & LeBoeuf LLP  
99 Washington Avenue  
Suite 2020  
Albany, NY 12210-2820

tel +1 518 626 9311  
fax +1 518 626 9010  
bfitzgerald@dl.com

November 12, 2007

## VIA E-MAIL AND FEDERAL EXPRESS

Luly E. Massaro, Commission Clerk  
State of Rhode Island and Providence Plantations  
Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, Rhode Island 02888

Re: AT&T Communications of New England, Inc. – Petition to Investigate,  
Clarify and Modify Accordingly Level 3's Recent Access Tariff Revisions  
Docket No. 3890 – Response of Level 3 Communication, LLC

Dear Ms. Massaro:

On behalf of Level 3 Communications, LLC ("Level 3"), please find enclosed an original and ten copies of Level 3's Response in the above-referenced matter. Please time and date-stamp the extra copy of this filing and return it to me in the self-addressed, stamped envelope as proof of filing.

Thank you for your attention to this matter. If you have any questions regarding the filing, please contact me.

Respectfully submitted,

  
Brian T. FitzGerald  
Bar No. 6568

BTF:gn (98365)

cc: Active Parties in Docket No. 3890 (via e-mail)  
Cindy Wilson Frias, Esq. (via e-mail)

NEW YORK | LONDON MULTINATIONAL PARTNERSHIP | WASHINGTON, DC  
ALBANY | ALMATY | AUSTIN | BEIJING | BOSTON | BRUSSELS | CHARLOTTE | CHICAGO | EAST PALO ALTO  
FRANKFURT | HARTFORD | HONG KONG | HOUSTON | JACKSONVILLE | JOHANNESBURG (PTY) LTD. | LOS ANGELES  
MILAN | MOSCOW | PARIS MULTINATIONAL PARTNERSHIP | RIYADH AFFILIATED OFFICE | ROME | SAN FRANCISCO | WARSAW

BEFORE THE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION

---

AT&T Communications of New England, Inc. –  
Petition to Investigate, Clarify and Modify  
Accordingly Level 3's Recent Access Tariff  
Revisions

---

Docket No. 3890

**RESPONSE OF LEVEL 3 COMMUNICATIONS, LLC**

Level 3 Communications, LLC ("Level 3") submits this response in opposition to the Petition of AT&T to Investigate, Clarify and Modify Accordingly Level 3's Recent Access Tariff Revisions ("Petition") filed on October 18, 2007. Level 3's tariff filings implemented originating access service to interexchange carriers ("IXCs"), which will allow users on Level 3's network to reach the 8XX numbers supported by those IXCs. The tariff revisions also allow Level 3 to offer Toll Free Interexchange Delivery service, which is a service to an IXC that allows users on other Local Exchange Companies ("LEC's") networks to reach the 8XX numbers supported by the IXC via the Level 3 network. The tariffs impose typical industry charges for handling such traffic.

AT&T Communications of New England, Inc. and its affiliates operating in Rhode Island (collectively "AT&T") have challenged Level 3's tariff by asserting that the descriptions of the service are vague, ambiguous or non-existent regarding how Level 3 will apply charges for its proposed new services. AT&T also alleges uncertainty regarding whether the new charges will be applied outside of the Toll Free Service context. Finally, AT&T alleges that the charge for pay telephone compensation is unjust and unreasonable. As set forth in detail below, AT&T's allegations of uncertainty and ambiguity are without merit and its concerns

about pay telephone compensation are unwarranted. Accordingly, AT&T's petition should be denied.

1. Level 3 filed revisions to its Tariff R.I. P.U.C. No. 2 on August 31, 2007 to become effective September 30, 2007. The revisions became effective by operation of law on September 30, 2007. On October 18, 2007, AT&T filed its Petition seeking investigation and modification of Level 3's effective tariff.

2. AT&T's objections center on its allegations of uncertainty. It is well understood that a tariff cannot address every possible ambiguity or uncertainty. All tariff language must be viewed in the context of industry usage and the actual practice of the utility. Level 3's Rhode Island tariff language is modeled on language utilized by other carriers offering similar services in various states. Despite AT&T's claims to the contrary, the language is not unduly uncertain or ambiguous. Nonetheless, in order to resolve up front any concerns that may exist, Level 3 is providing additional information with this response. Specifically, Level 3 has prepared a "white paper," incorporated herein by reference, which explains and clarifies the areas of uncertainty alleged by AT&T. *See* Exhibit A (the "White Paper"). Level 3 has also agreed to work with AT&T, Verizon and other parties to resolve their outstanding concerns and to reflect that resolution in the Level 3 tariff. Level 3 has filed in other states the revisions attached hereto as Exhibit B, and provides the proposed revisions for the Commission's consideration. Should the Commission find the proposed revisions necessary, Level 3 is prepared to file them for approval in Rhode Island.

3. As demonstrated by the White Paper, all of the tariffed services at issue are standard network functions that have long been tariffed and charged for by industry members that carry the applicable traffic. Level 3 is confident that AT&T as an ILEC, IXC and CLEC

with hundreds of years of combined experience in the rating and routing of calls, is familiar with and is currently charging for and handling similar types of traffic. AT&T alleges, nonetheless that it is "unclear whether (or how) traffic unrelated to the Toll Free Data Base product may be subject to charges under these three services."<sup>1</sup>

4. For the avoidance of any doubt, Level 3 states that the three filed rate elements (Originating Switched Access, Toll Free data Base Access Service; Toll Free Transit Traffic Service) relate to the exchange of toll free traffic. While Level 3 has not historically provided its own wholesale toll free service, it will now do so. When Level 3 begins carrying this type of traffic on its network, the switched access rate elements it has tariffed will become relevant. Level 3 has patterned its existing tariff upon the currently effective switched access services tariffs that its affiliated operating entity, Broadwing Communications, LLC, has in place in other states. Additionally, Level 3 conducted research of other providers' approved tariffs before initially filing its revisions. Level 3's newly tariffed services and rates are within the accepted industry range for similar services.

5. Contrary to AT&T's claims that the tariff lacks sufficient description of the services,<sup>2</sup> Level 3's Tariff No. 2 follows the Commission's required format and provides fairly detailed descriptions. Section 14.2.8 describes the services as follows:

Toll Free Data Base Access Service is a service offering that utilizes originating trunk side Switched Access Service. The service provides for the forwarding of end user dialed Toll Free calls to a Company Service Switching Point which will initiate a query to the database to perform the Customer identification and delivery function. The call is forwarded to the appropriate Customer based on the dialed 800 number. In addition, the Customer has the option of selecting the 800 Option Features Package. Any dial around compensation relating to pay telephones will be billed in accordance to procedures and rates proscribed by

---

<sup>1</sup> Petition at 2.

<sup>2</sup> Petition at 1.

the Federal Communications Commission. The Company reserves the right to bill end users of its toll free service for any dial around compensation costs the company may incur.

Toll Free Transit Traffic Service is an access service in which the Company transits toll free traffic originated by a third party who is not an End User or other user of the Company's local exchange or exchange access service through its wire center to a Customer. Toll Free Transit Traffic Service is comprised of various facilities, connections, features and functions. It provides for the use of common terminating, common switching and switched transport facilities of the Company but does not include local switching. Rates for Toll Free Transit Traffic Service are usage sensitive.

6. Notably, the description for Switched Access service itself has been and remains adequate. The Section 14 switched access service description has always contemplated the possibility that traffic can flow in both directions, but historically Level 3's Tariff No. 2 only contained rates for Terminating Access. To address two-way traffic, Level 3 has simply established fair, reasonable and non-discriminatory rates for Originating Access.

7. AT&T also alleges that originating access charges should not be imposed for the Toll Free Transit Traffic Service.<sup>3</sup> AT&T misreads the tariff language. With respect to the Toll Free Transit Traffic Service, Level 3 is not imposing Originating Access when it performs a transit function for routing of toll-free traffic. Instead it will apply the tariffed transit rates when third parties send traffic through Level 3 to reach a toll-free number that is also not Level 3's. The most likely situation where this traffic would be sent to Level 3 for transit service is if there is a need for overflow routing or emergency supplemental routing outside the otherwise established network routing used for toll-free traffic exchange between end-users. Beyond confirming that these charges will only be applied when the service is performed, it is not necessary to further clarify or address the distinction between transit service and local switching.

---

<sup>3</sup> Petition at 3.

8. The Petition also raises the red-herring issue of how to allocate the traffic between the federal and state jurisdictions.<sup>4</sup> Like almost all mixed traffic, Level 3 will utilize the industry standard percentage interstate usage "PIU" factor from the IXC to determine the jurisdiction of the calls.

9. AT&T next asserts that there is uncertainty regarding application of the Toll Free Transit Service rates to Local Traffic.<sup>5</sup> No such uncertainty exists. As noted above, the three filed rate elements (Originating Switched Access, Toll Free data Base Access Service; Toll Free Transit Traffic Service) relate to the exchange of toll free traffic. Accordingly, they do not involve Local Traffic. To the extent AT&T is confused by the use of the term Transit Traffic in the service name, Level 3 would not oppose a modification of that name to Toll Free Inter-Exchange Delivery Service.<sup>6</sup>

10. Finally, the Petition questions the applicability of the Pay Telephone Compensation Rate. The Pay Telephone Compensation charge is appropriate when viewed in context. Again, Level 3 has already included a lengthy description of its Switched Access services in Section 14 of its tariff. When a toll-free number is dialed from a payphone and carried over Level 3's facilities to an IXC, the IXC or a successive carrier, is responsible for compensating the Payphone Service Provider ("PSP") \$0.494 per call in accordance with the rules, procedures and rates prescribed by the Federal Communications Commission ("FCC"). If the IXC is not capable of reporting and/or remitting payphone compensation as prescribed by the FCC, it may request that Level 3 compensate the PSP on its behalf. In setting the rules for Payphone Compensation, the FCC specifically allowed for alternative compensation arrangements and acknowledged that such arrangements could involve the payment of a

---

<sup>4</sup> Petition at 3.

<sup>5</sup> Petition at 4.

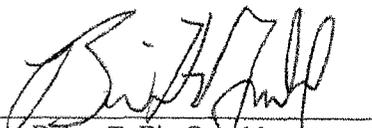
<sup>6</sup> White Paper at 3.

surcharge to the carrier providing the tracking and remitting service.<sup>7</sup> Level 3's proposed \$0.53 Pay Telephone Compensation rate includes an administrative surcharge which is consistent with the FCC rules and with other carriers' approved rates in Rhode Island, and will only be assessed on IXC's requesting that Level 3 compensate the PSP on its behalf.

WHEREFORE, Level 3 files this response and respectfully requests that the Petition be denied.

Respectfully submitted,

LEVEL 3 COMMUNICATIONS, LLC

By: 

Brian T. FitzGerald

Bar No. 6568

Michael P. Donahue  
Senior Regulatory Counsel  
Level 3 Communications, LLC  
2300 Corporate Park Drive  
Suite 600  
Herndon, VA 20171  
Tel: (703) 234-8891  
Fax: (703) 234-8830  
Email: [Michael.Donahue@level3.com](mailto:Michael.Donahue@level3.com)

Dated: November 12, 2007

<sup>7</sup> See, Report and Order, *In the Matter of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, FCC 03-235 (Adopted Sept. 30, 2003) at para. 48: "We further conclude that SBRs and PSPs may negotiate other mechanisms for payment other than those set forth in our rules. Specifically, we find that the SBR may enter into any other compensation arrangement voluntarily agreed to by the relevant parties. By adopting rules that require SBRs to develop tracking systems, we do not intend here to nullify current or future contractual arrangements if the parties wish to continue them. For example, a PSP and a SBR may agree by contract that the SBR may rely upon the interexchange carrier to track data and compensate the PSP directly in exchange for SBR payment for all calls that pass to the SBR's platform, completed or otherwise." See also para 48, FN 136: "MCI states that 49% of its SBR customers have agreed to pay a surcharge for all calls sent to their SBR platforms rather than invest in call tracking technologies or provide call completion data. These generally are the smallest SBR customers that do not find it economical to invest in payphone compensation tracking systems. Accordingly, our new rule permitting such arrangements, with the agreement of the PSP and the interexchange carrier, will permit SBRs the choice of investing in the required assets."

**Exhibit A**

## Level 3's Recent Originating and Transit Tariff Filings

### History

In the early 1980's antitrust concerns around AT&T's position in the marketplace caused Judge Harold Greene to issue what has become known as the Modified Final Judgment (MFJ). In this decision the marketplace was divided into Local Exchange Carriers (LECs), who provided local services, and an InterExchange Carrier (IXC) AT&T that provided Long Distance Services. The LECs were allowed to recover the cost of the use of their network by users making long distance calls from the IXC through a mechanism of publicly filed tariffs for what is known as Switched Access Services. Switched Access Services are the collection of Telecom Switches and transport that the LEC provides in the long distance call path and can be divided into three major areas:

- Transport
- Switching Functions
- Carrier Common Line

Transport includes the transmission facilities that connect carrier Points-of-Presence to the end offices that serve end users. This category includes both direct end routed transport and access tandem routed transport.

Switching Functions includes the rates for facility termination and switching functionality provided at end-offices and access tandems.

Carrier Common Line is the rate structure for recovering the costs incurred by local service providers in providing telephone lines (often referred to as the "local loop") used in part for making and receiving long distance calls.

LECs will file tariffs for services they provide to initiate long distance calls known as "Originating Access" and if they provide services to complete a long distance call as "Terminating Access". Calls that begin and end inside an individual states boundaries are know as Intrastate and those tariffs will be on file with that state's Public Utilities Commission as Intrastate Originating and Terminating Switched Access. For calls that begin and end in different states the tariff will be on file with the FCC as Interstate Originating and Terminating Switched Access. In addition to the functions provided on the Originating part of a call a LEC may also perform database functions to lookup which long distance carrier supports a particular Toll Free (8XX) number an end user may dial. These elements will be filed in the originating access section of the tariff.

The Telecom Act of 1996 allowed for competition in the Local Services arena by creating a new class of providers known as Competitive Local Exchange Carriers (CLEC). CLECs are governed in some of the same ways as LECs in that they have to file tariffs that govern the use of their networks by IXCs for long distance calls.

The Alliance for Telecommunications Industry Solutions (ATIS) provides guidelines for the exchange of bills and records between carriers through its Multiple Exchange Carrier Access Billing (MECAB) Guidelines.

Level 3 is a CLEC who has historically been known as a provider of Internet Services and Long Haul Transport. Recent market changes are allowing Level 3 to expand its portfolio of products into the traditional voice area. Until recently Level 3's Voice business was of a size where it was more practical for them to contract with other carriers to provide the originating functionality that its users needed to generate long distance calls. As that business has grown Level 3 is now in the position where it will provide services to IXCs as other LECs do and has filed and gained approval in many states for the services ([Appendix A](#)). To facilitate this change Level 3 has filed tariffs that will represent the Switched Access Services it will provide in two primary areas:

- Originating Access
- Toll Free Inter-Exchange Delivery Service

Both of these services will allow calls to pass to IXCs by the method of the IXCs choosing; Direct Connect or Tandem Connect

#### **Direct Connect**

It is our recommendation that establishing Direct Connects to the Level 3 network is done on an ICB basis as Level 3 has found that synergies can be gained on both sides when IXCs allow for the aggregation of traffic to central points. However should an IXC wish to directly connect to the Level 3 Switches as a tariff based service, the standard rates for Entrance Facilities and Direct Trunk Transport are provided.

#### **Tandem Connect**

Through the Tandem Connection architecture Level 3 will pass any Originating or Toll Free Inter-Exchange Delivery Service traffic to the Incumbent LEC's Access Tandem in the access tandem serving area where the traffic originates. No orders are required to Level 3 from the IXC as this is default configuration for traffic delivery.

#### **Level 3's Originating Access Service**

Level 3's Originating Access Service will provide a service to IXCs that will allow users on Level 3's network to reach the 8XX numbers supported by those IXCs. In addition to the three major elements of switched access, Local Transport, Local End Office Switching Functions, and Carrier Common Line, Level 3 will also provide the database functionality to lookup up the correct IXC for the call. Calls will be either completed indirectly to the IXC via the Incumbent LECs Access Tandem ([Appendix B](#)) or directly to the IXC via Entrance Facility that the IXC buys from Level 3 ([Appendix C](#)). This service is provided no

differently than LECs have been providing it for the last 20+ years. Specifically Level 3 will provide this service per the MECAB default guidelines for Multiple Bill, Multiple Tariff for calls delivered indirectly and Single Bill, Single Tariff for calls delivered directly. Where Level 3 performs the query to determine the CIC of the IXC supporting the 8XX call it will provide a billing record per MECAB guidelines to the Access Tandem Provider. The elements of Tandem Switching and Tandem Termination would not apply to a bill from Level 3 in an originating access calls as Level 3 does not perform these functions.

### **Level 3's Toll Free Inter-Exchange Delivery Service**

Level 3's Toll Free Inter-Exchange Delivery Service will provide a service to IXCs that will allow users on other LEC's networks to reach to reach the 8XX numbers supported by those IXCs via the Level 3 Network. Level 3 had previously chosen the name "Transit" as that name was used by other carriers that are performing the same service in creating a means for calls to travel across their networks to reach IXCs. However, the name choice has caused confusion as "Transit" is more commonly associated with local calls between LECS and not calls to IXCs. Level 3 concedes that "Tandem Function Service" or "Intermediate Carrier Service" would have better classified the service that Level 3 provides as detailed by the FCC in FCC 04-110.

*"Accordingly, we clarify that the competing incumbent LEC switching rate is the end office switching rate when a competitive LEC originates or terminates calls to end-users and the tandem switching rate when a competitive LEC passes calls between two other carriers. Competitive LECs also have, and always had, the ability to charge for common transport when they provide it, including when they subsume an incumbent LEC tandem switch. Competitive LECs that impose such charges should calculate the rate in a manner that reasonably approximates the competing incumbent LEC rate."*

Given the confusion for any Tariff that has not been approved Level 3 will change the name from "Toll Free Transit Traffic Service" to "Toll Free Inter-Exchange Delivery Service"

Following the FCC rule for calls that are indirectly connected by Level 3 to IXCs ([Appendix D](#)) or directly connected ([Appendix E](#)) Level 3 will only charge for the network elements that it provides in the call path. Specifically:

#### For Indirect Connections

- 8XX Database Service
- Tandem Switching
- Tandem Termination
- Switched Transport

#### For Direct Connections

- 8XX Database Service
- Tandem Switching
- Entrance Facility

Tandem Switching provides the switching necessary to connect the 3<sup>rd</sup> party LECs network to the correct transport facility and will apply to both direct and indirectly routed calls.

Tandem Termination provides for the trunk side arrangements that terminate the Switched Tandem Transport facilities on the Level 3 switch for calls that are indirectly routed.

Switched Transport provides transport between the Level 3 Switch and the Access Tandem when using indirect routing. Switched Transport is composed of common ("shared") transport from the access tandem to the Level 3 switch that subtends the access tandem. These elements are usage and distance sensitive. Switch Transport is assessed on a per mile/Minute of Use basis. The mileage band rate will be applied based on V & H coordinates of the Level 3 Serving Wire Center and the incumbent LEC Access Tandem.

Entrance Facilities provide a dedicated switched transport facility from carrier's POP to Level 3's Serving Wire Center (SWC) at a fixed monthly rate based on the facility provided

In a Toll Free Inter-Exchange Delivery Service call Level 3 will not charge Carrier Common Line, Local End Office Switching, or End Office Port charge as none of these functions or elements are used on the Level 3 network. Should the carrier that originates the traffic have a tariff that supports these functions or elements they may bill the IXC directly for them.

### **Payphone Compensation**

There has been confusion on when and how Payphone Compensation charges will apply to 8XX calls delivered by Level 3. It is Level 3's intent to offer this as an optional service to IXC's where they would have the ability to contract specifically with Level 3 to have Level 3 act as the Completing IXC and compensate the Pay Phone Provider on the IXC's behalf. The rates listed in the Tariff apply to this optional service. In states where the tariff approval is still pending Level 3 will modify the language to make this more clear.

### **Frequently Asked Questions**

1. Are the charges for Toll Free Inter-Exchange Delivery Service in Level 3's Proposed Tariff applicable to interexchange traffic, intraexchange traffic or both?

*Inter Exchange Traffic Only*

2. If the charges will apply to interexchange traffic isn't Level 3's proposed Toll Free Inter-Exchange Delivery Service really originating jointly provided access?

*Yes, the service Level 3 will provide is commonly referred to as Jointly Provided Switched Access (JPSA)*

3. How does Level 3 intend to insure that such jointly provided access is properly detailed and billed, both with respect to other carriers who jointly provide such access in conjunction with Level 3, and in terms of interexchange carriers who receive such jointly provided access services?

*Level 3 will provide a billing record to the originating LECs if they request one for calls that use Level 3's Toll Free Inter-Exchange Delivery Service to reach an IXC per the MECAB guidelines*

4. Will the charges for Toll Free Inter-Exchange Delivery Service in Level 3's Proposed Tariff apply in addition to, or instead of originating switched access services?

*Level 3 will only charge for the services it provides in the Toll Free Inter-Exchange Delivery Service Call. Originating Access charges may be due to the 3<sup>rd</sup> party LEC who provides the end office functionality under that LEC's Originating Access Tariff*

5. Under the Proposed Tariff, will Level 3 assess originating switched access charge on calls when Level 3 does not perform end office switching and carrier common line function?

*No*

6. With respect to 8YY traffic, does Level 3 intend to charge the rates in its Proposed Tariff only for 8YY traffic that originates in the state, or does it intend to aggregate traffic that may originate in other jurisdictions, hand such traffic to interexchange carriers in the state with whom Level 3 is interconnected, and charge such interexchange carriers the rates set forth in Level 3's Proposed Tariff?

*Only traffic that originates in a particular tandem serving area will be sent to that particular tandem for traffic delivered indirectly by Level 3 through the IXC. Traffic delivered directly to an IXC will be aggregated as jointly agreed to by Level 3 and the IXC*

7. How does Level 3 intend to determine the jurisdiction of 8XX calls for purposes of determining intercarrier compensation generally and application of its Proposed Tariff specifically?

*The IXC will be responsible for filing a Percent Interstate Usage (PIU) Factor to determine the jurisdiction of calls*

8. Will the proposed Toll Free Inter-Exchange Delivery Service apply to calls that are placed by end users using wireless service or is the tariff limited to calls that originate on traditional wireline telephone service?

*The proposed tariff applies to calls that are delivered to IXCs. Those calls could originate through any number of technologies*

9. Will this Proposed Tariff apply to calls that are placed by end user using VoIP service or is the tariff limited to calls that originate on traditional wireline telephone service?

*The proposed tariff applies to calls that are delivered to IXCs. Those calls could originate through any number of technologies*

10. Does Level 3 currently provide or is it planning to provide pay telephone service to end users?

*No*

11. Is the "Pay Telephone Compensation" charge being applied to only 8XX calls (a/k/a 1-800 calls) that originate on a pay telephone or for any interexchange calls that originate on a pay telephone?

*The Pay Telephone Compensation charge would only apply to IXCs that specifically contract with Level 3 to act as the Completing IXC on the call and compensate to Pay Phone Providers on the IXC's behalf. Without this specific agreement between the Level 3 and the IXC, Level 3 will not apply any phone compensation charges*

12. Does Level 3 have an interstate tariff on file (or to be filed) that corresponds to this tariff regarding Toll Free Data Base Service?

*Yes, Level 3 plans on making the changes to all State and Federal Tariffs*

13. How will Level 3 jurisdictionalize and bill 8XX traffic, which is traditionally interstate? Which rate elements will apply?

*Level 3 will jurisdictionalize the call based upon the PIU factor provided by the IXC. Calls allocated as Interstate will be billed under Level 3's Federal Tariff, Intrastate under Level 3's State Tariff*

14. Which rate elements will apply to which call types (e.g. VoIP, wireless, and wireline)?

*All calls delivered to IXCs regardless of the technology used to originate them will be charges based upon the elements of the Level 3 network used to in the call path, being either Originating Access or Toll Free Inter-Exchange Delivery Service.*

15. Has Level 3 entered into Meet Point Billing agreements with all the carriers with whom it will exchange traffic to ensure the IXCs are accurately billed?

*Yes, Level 3 has Meet Point Billing (MPB) agreements with all incumbent providers that it is interconnected with for traffic that it delivers indirectly to IXCs. Level 3 will have MPB arrangements with any LEC using it's Toll Free Inter-Exchange Delivery Service*

16. Is Level 3 prepared to provide all Access Usage Records to all carriers involved in meet point billing?

*Level 3 will follow the MECAB guidelines that call for the exchange of records between LECs in a MPB call flow*

Appendix A

List of States that have approved Level 3's Originating and Toll Free Inter-Exchange Delivery Service Language

- Arkansas
- Delaware
- Florida
- Idaho
- Illinois
- Indiana
- Kansas
- Louisiana
- Michigan
- New Hampshire
- New Jersey
- New Mexico
- North Dakota
- Rhode Island
- Texas
- Utah
- Wisconsin
- Wyoming

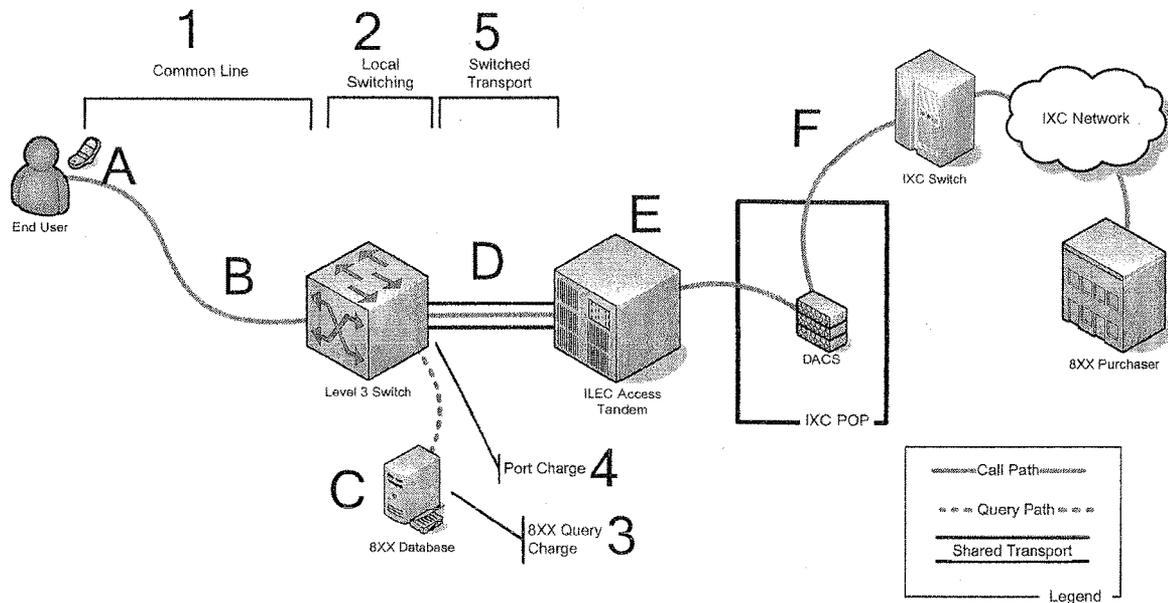
States without a Tariff requirement were Level 3 will offer the services

- District of Columbia
- Iowa
- Montana
- Nevada
- North Carolina
- Oregon
- South Dakota
- Vermont
- Washington

Appendix B

Originating Access Service

Calls completed indirectly to the IXC via the Incumbent LEC Access Tandem



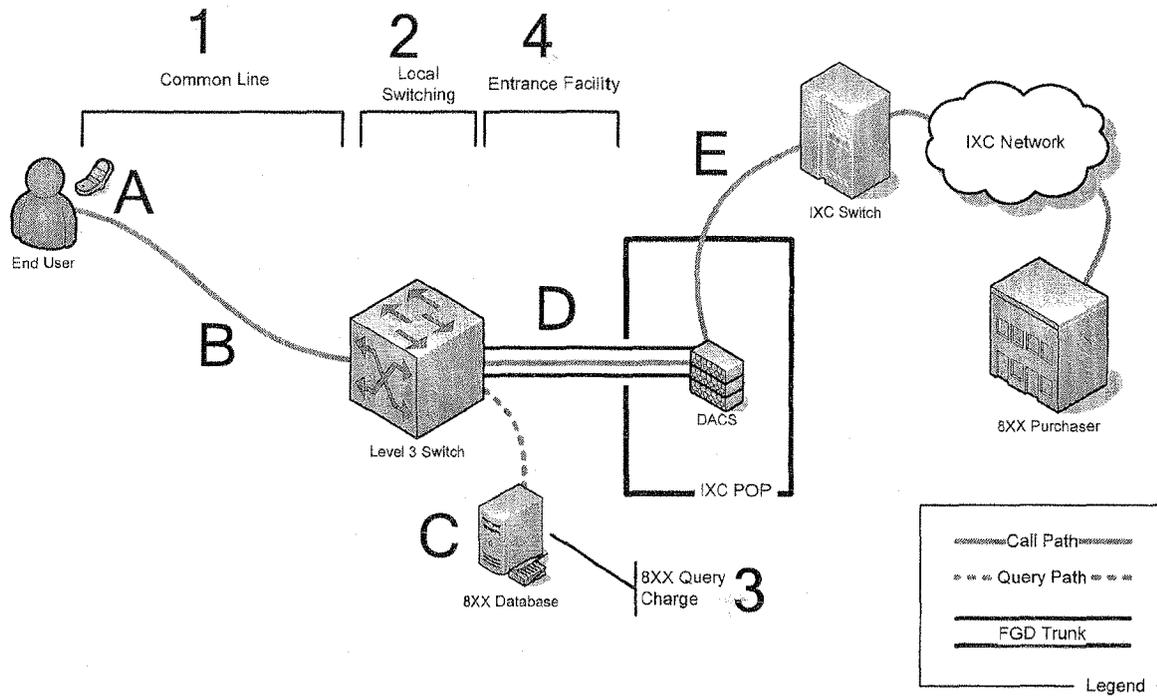
- A. End User dials 8XX number
- B. Call Routes to Level 3 Switch
- C. Level 3 Switch looks up IXC that should receive the call
- D. Call is routed across Shared Transport to Incumbent LEC's Access Tandem
- E. ILEC routes call to IXC Feature Group D Trunk
- F. Call is routed to IXC Switch which routes call across IXC network to customer that purchased the 8XX service

- Level 3 charges Carrier Common Line ( \$ ), Local Switching ( % ), 8XX Query Charge ( & ), Port Charge ( ' ), and Switched Transport ( ( ) per its tariff
- The Tandem Carrier may bill the IXC for services that they perform on the call path

Appendix C

Originating Access Service

Calls completed directly to the IXC



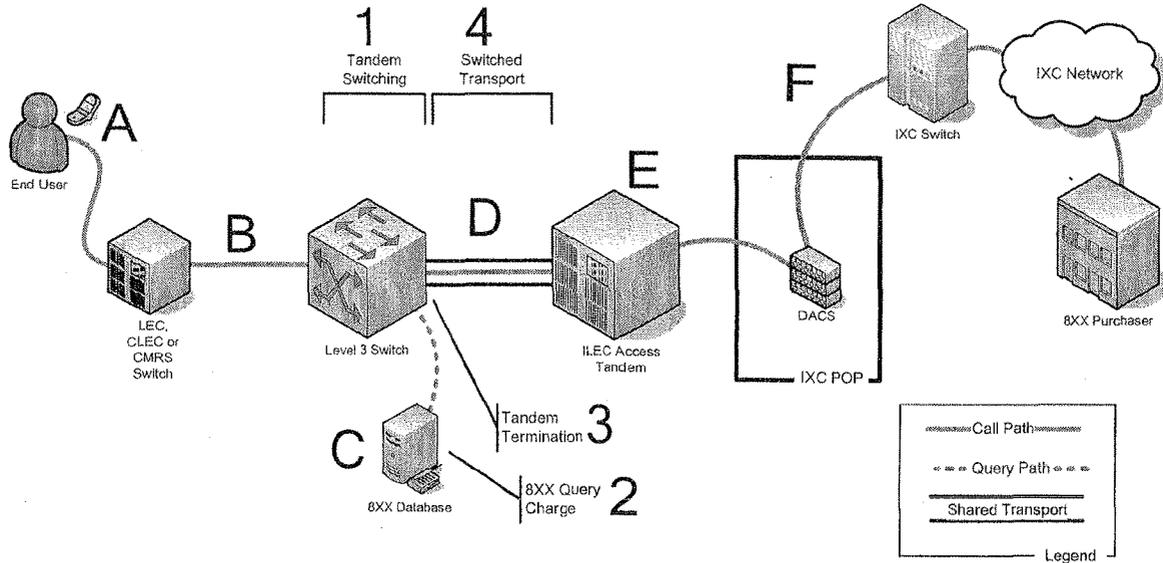
- A. End User dials 8XX number
- B. Call Routes to Level 3 End Office
- C. Level 3 Switch looks up IXC that should receive the call
- D. Call is routed across FGD Trunks to Digital Cross Connect System in IXC POP
- E. Call is routed to IXC Switch which routes call across IXC network to customer that purchased the 8XX service

- Level 3 charges Carrier Common Line (\$ ), Local Switching ( % ), 8XX Query Charge ( & ), and Entrance Facility ( ' ) per its tariff

Appendix D

Toll Free Inter-Exchange Delivery Service

Calls completed indirectly to the IXC via the Incumbent LECs Access Tandem



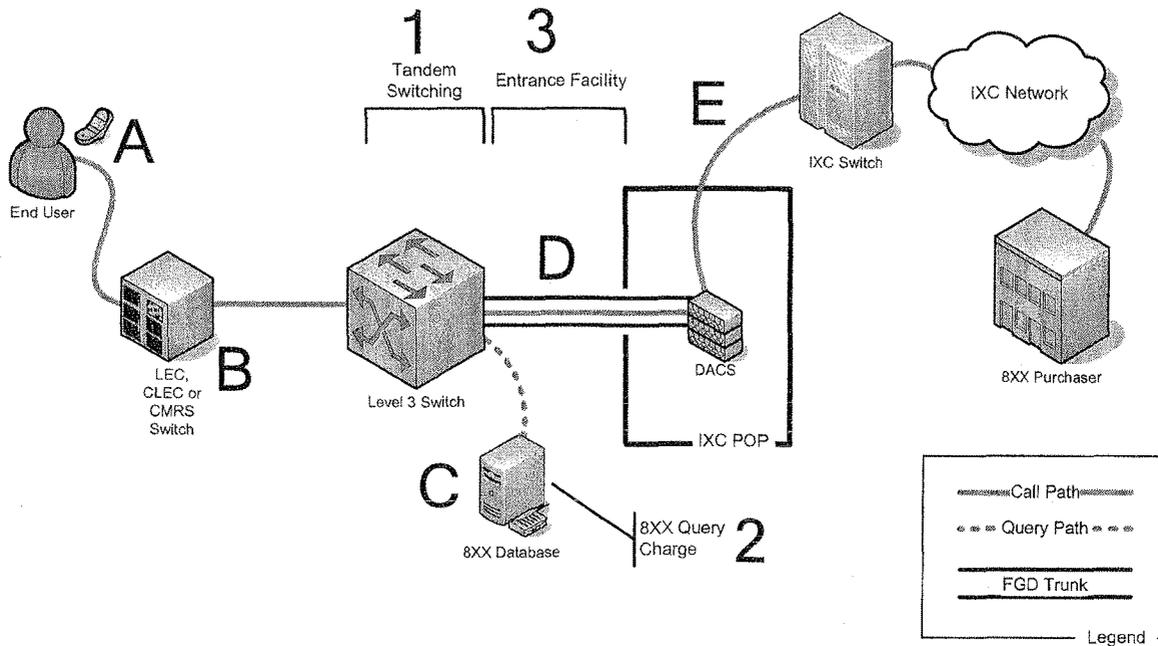
- A. End User dials 8XX number
- B. LEC, CLEC, or CRMS carrier has agreement with Level 3 to deliver 8XX Traffic to IXCs
- C. Level 3 Switch looks up IXC that should receive the call
- D. Call is routed across Shared Transport to Incumbent LEC's Access Tandem
- E. Incumbent LEC routes call to IXC Feature Group D Trunk
- F. Call is routed to IXC Switch which routes call across IXC network to customer that purchased the 8XX service

- Level 3 charges IXC Tandem Switching (\$ ), 8XX Query Charge (% ), Tandem Termination (& ) and Switched Transport ( ' ) per its tariff
- The Originating and Incumbent Tandem Carriers may bill the IXC for services that they perform on the call path

Appendix E

Toll Free Inter-Exchange Delivery Service

Calls completed directly to the IXC



- A. End User dials 8XX number
- B. LEC, CLEC, or CRMS carrier has agreement with Level 3 to deliver 8XX Traffic to IXCs
- C. Level 3 Switch looks up IXC that should receive the call
- D. Call is routed across FGD Trunks to Digital Cross Connect System in IXC POP
- E. Call is routed to IXC Switch which routes call across IXC network to customer that purchased the 8XX service

- Level 3 charges IXC Tandem Switching (\$ ), 8XX Query Charge ( % ) and Entrance Facility (& ) per its tariff
- The Originating Carrier may bill the IXC for services that they perform on the call path

**Exhibit B**

Proposed Tariff Pages

### CHECK SHEET

The pages of this tariff are effective as of the date shown at the bottom of the respective sheet(s).  
Original and revised pages as named below comprise all changes from the original tariff and are currently  
in effect as of the date on the bottom of this page.

<u>PAGE</u>	<u>REVISION</u>	<u>PAGE</u>	<u>REVISION</u>	<u>PAGE</u>	<u>REVISION</u>
1*	6th Revised	29	1st Revised	56	1st Revised
2	1st Revised	30	1st Revised	57*	4th Revised
3	1st Revised	31	1st Revised	58	4th Revised
4	1st Revised	32	1st Revised	59*	2nd Revised
5	1st Revised	33	1st Revised		
6	1st Revised	34	1st Revised		
7	1st Revised	35	1st Revised		
8	1st Revised	36	1st Revised		
9	1st Revised	37	1st Revised		
10	1st Revised	38	1st Revised		
11	1st Revised	39	1st Revised		
12	1st Revised	40	1st Revised		
13	1st Revised	41	1st Revised		
14	1st Revised	42	1st Revised		
15	1st Revised	43	1st Revised		
16	1st Revised	44	1st Revised		
17	1st Revised	45	1st Revised		
18	1st Revised	46	1st Revised		
19	1st Revised	47	2nd Revised		
20	1st Revised	48	1st Revised		
21	1st Revised	49	2nd Revised		
22	1st Revised	50	1st Revised		
23	1st Revised	51	1st Revised		
24	1st Revised	52*	2nd Revised		
25	1st Revised	52.1*	Original		
26	1st Revised	53	1st Revised		
27	1st Revised	54	1st Revised		
28	1st Revised	55	2nd Revised		

## SECTION 1 - DEFINITION OF TERMS

Certain terms used generally throughout this tariff for Communications Service of this Company are defined below.

Advance Payment: Part or all of a payment required before the start of service.

Authorized User: A person, firm or corporation which is authorized by the Customer or Joint User to be connected to the service of the Customer or Joint User, respectively.

Bit: The smallest unit of information in the binary system of notation.

Commission: Ohio Public Utilities Commission

Company: Level 3 Communications, LLC, the issuer of this tariff.

Customer: The person, firm or corporation which purchases service and is responsible for the payment of charges and compliance with the Company's regulations.

Dedicated: A facility or equipment system or subsystem set aside for the sole use of a specific Customer.

End Office: The term "end office" denotes the switching system office or serving wire center where Customer station loops are terminated for purposes of interconnection to each other and/or to trunks.

End User: A non-carrier customer of an intrastate telecommunications service. If a carrier uses telecommunications service for administrative purposes, it shall be deemed to be an End User.

Individual Case Basis (ICB): A service arrangement in which the regulations, rates and charges are developed based on the specific circumstances of the case.

Interconnect Carrier: Any carrier that connects to Company's network for exchange of communications traffic.

Joint User: A person, firm or corporation which is designated by the Customer as a user of services furnished to the Customer by the Company and to whom a portion of the charges for the service will be billed under a Joint User arrangement as specified in the Company's tariff.

LATA: A Local Access and Transport Area established pursuant to the Modification of Final Judgment entered by the United States District Court for the District of Columbia in Civil Action No. 82-0192; or any other geographic area designated as a LATA in the National Exchange Carrier Association, Inc. Tariff F.C.C. No. 4.

Major Service Interruption: An interruption of Customer service due to the Company's negligence or due to its noncompliance with the provisions of this tariff.

## SECTION 1 - DEFINITION OF TERMS (CONT'D)

PIU: Percent Interstate Usage

Premises: The space occupied by a Customer, Authorized User or Joint User in a building or buildings or contiguous property (except railroad rights-of-way, etc.) not separated by a highway.

Recurring Charges: The monthly charges to the Customer for services, facilities and equipment, which continue for the duration of the service.

Service Commencement Date: The first day following the date on which the Company notifies the Customer that the requested service or facility is available for use, unless extended by the Customer's refusal to accept service which does not conform to standards set forth in the Service Order or the tariffs of the Company, in which case the Service Commencement Date is the date of the Customer's acceptance. The Company and Customer may mutually agree on a substitute Service Commencement Date. In the case of Tandem Connect service ordered under option (2) of Section 12.1.1.2, the Service Commencement Date is the date on which the Customer first sends Switched Access Service traffic to the Company or accepts Switched Access Service traffic from the Company.

Service Order: A written request for Company Services that may be submitted by the Customer in the format devised by the Company. The signing of a Service Order by the Customer and acceptance by the Company will initiate the respective obligations of the parties as set forth herein, but the duration of the service is calculated from the Service Commencement Date.

Shared: A facility or equipment system or subsystem that can be used simultaneously by several Customers.

Switched Access Service: Access to the switched network of an Exchange Carrier for the purpose of originating or terminating communications. Switched Access service includes Local Switching, Local Transport, and Carrier Common Line.

Toll Free: The terms "Toll Free" or "Toll Free Service" refer to an inbound telecommunications service which permits calls to be completed to the customer's location without charge to the calling party. Access to the service is gained by dialing a ten-digit telephone number which terminates at the customer's location or a location designated by that customer. Toll Free Services typically originate via normal shared use facilities and are terminated via the customer's local exchange service access line.

Transmission: The sending of electrical or optical signals over a line to a destination.

User: A Customer, Joint User, or any other person authorized by a Customer to use service provided to the Customer under a Level 3 Communications, LLC tariff.

### SECTION 3 – OBLIGATIONS OF THE CUSTOMER (CONT'D)

- 3.4.1 Originating Access: Originating access minutes may be based on traffic originating at the State, LATA or local Switching Center level, provided that the traffic being measured is only traffic originating from the Company Local Switching Center(s). The Customer must provide the Company with a projected PIU factor on a quarterly basis as specified below. Originating access minutes will be measured as follows, based on type of access:
- 3.4.1.1 For Feature group D Switched Access Services, as defined in Section 14.2.1, where the Company can determine jurisdiction by its call detail, the projected PIU will be developed by the Company on a quarterly basis by dividing the measured interstate originating minutes by the total originating access minutes.
  - 3.4.1.2 For Feature Group D with 950 Access as defined in Section 14.2.1, the Customer must provide the Company with a projected PIU factor by supplying the Company with an interstate percentage of originating access minutes.
  - 3.4.1.3 For 500, 700, ~~800-Toll Free~~ 8YY, calling card and operator service access, the Customer must provide the Company with a projected PIU factor for each type of access. The Customer who provides a PIU factor shall supply the Company with an interstate percentage of originating access minutes. The PIU factor will be used to determine the jurisdiction for billing purposes of 500, 700, ~~800-Toll Free~~ 8YY, calling card and operator service access. Originating Access charges will not apply to a toll free call that utilizes Toll Free Inter-Exchange Delivery Service as described in Section 14.2.8(A).
  - 3.4.1.4 If no PIU for originating minutes is submitted as specified herein, then the projected PIU will be set on a default basis of 50 percent interstate traffic and 50 percent intrastate traffic.
- 3.4.2 Terminating Access: For Feature Group D Switched Access Services, the Customer must provide the Company with a projected PIU factor by supplying the Company with an interstate percentage of terminating access minutes on a quarterly basis, as described in Section 3.4.4 below. If no projected PIU factor is submitted by the Customer, then the projected PIU will be set on a default basis at the same percentage as the originating PIU.
- 3.4.3 Except where the Company measured access minutes are used as set forth in 3.4.1 above, the Customer reported projected PIU factor as set forth above will be used until the Customer reports a different projected PIU factor, as set forth below. The revised report will serve as the basis for future billing and will be effective on the next bill date.

## SECTION 13 – CARRIER COMMON LINE SERVICE

The Company will provide Carrier Common Line Access Service (Carrier Common Line Access) to customers in conjunction with Switched Access Service provided in Section 14 of this Tariff. Carrier Common Line Access Service will not apply where the Company provides Toll Free Inter-Exchange Delivery Service.

### 13.1 General Description

Carrier Common Line Access provides for the use of end users' Company provided common line by customers for access to such end users to furnish Communications Services.

### 13.2 Limitations

#### 13.2.1 Exclusions

Neither a telephone number nor detail billing are provided with Carrier Common Line Access. Additionally, directory listings and intercept arrangements are not included in the rates and charges for Carrier Common Line Access.

#### 13.2.2 Access Groups

All trunk side connections provided in the same access group will be limited to the same features and operating characteristics.

### 13.3 Undertaking of the Company

#### 13.3.1 Provision of Service

Where the customer is provided Switched Access Service under other sections of this Tariff, the Company will provide the use of Company common lines by a customer for access to end users at rates and charges as set forth in 15.1.3 following.\*

#### 13.3.2 Interstate and Intrastate Use

The Switched Access Service provided by the Company includes the Switched Access Service provided for both interstate and intrastate communications. The Carrier Common Line Access rates and charges as set forth in 15.1.3.4.2 following apply to intrastate Switched Access Service access minutes when the Company provides common line service with other Switched Access Services.

**SECTION 13 – CARRIER COMMON LINE SERVICE (CONT'D)**

D. Except as set forth in 13.3.2(E) below, the Originating Access, per minute charge(s) apply to:

1. all originating access minutes of use, associated with calls placed to 700, Toll Free 8YY and 900 numbers for which the Customer furnishes service
2. all originating access minutes of use where the off-hook supervisory signaling is forwarded by the customer's equipment when the called party answers.

E. Exception: The following are exempted from the application of originating access charge as described in 13.3.2.D above.

1. less all originating access minutes of use associated with calls placed to 700, 800 Toll Free 8YY and 900 numbers, except for toll free traffic utilizing the Toll Free Inter-Exchange Delivery Service in Section 14.2.8(BA).
2. all minutes of use less those originating from a wireless carrier's access minutes of use associated with Mobile Telephone Switching Offices (MTSOs), including any MTSO owned by the Company;

plus all originating access minutes of use associated with calls placed to 700, 800 Toll Free 8YY and 900 numbers for which the Customer furnishes for each month a report of either the number of calls or minutes or a report of the percent of calls or minutes that terminate in a Switched Access Service that is assessed Carrier Common Line charges, and for which a corresponding reduction in the number of terminating access minutes of use has been made as set forth in (C) preceding, except for toll free traffic utilizing the Toll Free Inter-Exchange Delivery Service in Section 14.2.8(A).

## SECTION 14 - SWITCHED ACCESS SERVICE (CONT'D)

When the 10XXX Access Code is used, FGD switching also provides for dialing the digit 0 for access to the Customer's operator, 911 for access to the Company's emergency service, or the end-of-dialing digit (#) for cut-through access to the Customer's Premises.

In addition, End Users may originate calls by dialing the 950-XXXX Access Code specific to a particular Interexchange Carrier, provided that the Interexchange Carrier has subscribed to the Company's Feature Group D with 950 Access Common Switching Optional Feature. If the End User is presubscribed to that Interexchange Carrier, no Access Code is necessary.

### 14.2.2 Manner of Provision

Trunks used for Switched Access Service may be configured for one-way (either originating only or terminating only) or for two-way directionality. It is the Customer's responsibility to order a sufficient number of trunks of each type in order to meet its desired grade of service objective. At the Customer's request, the Company will assist the Customer in sizing Switched Access Trunk groups.

### 14.2.3 Rate Categories

The following rate categories apply to Switched Access Service:

- A. Direct Connect
- B. Tandem Connect

14.2.3.1 Except as stated as follows, Tandem Connect Service is provided in conjunction with the tandem provider serving the area. Charges are computed in accordance with Section 4.2.8 preceding (Ordering, Rating, and Billing of Access Services Where More Than One Exchange Carrier is Involved). Customer may select either Direct Connect or Tandem Connect. If no selection is made, the Company shall use the Tandem Connect method of traffic delivery.

## SECTION 14 – SWITCHED ACCESS SERVICE (CONT'D)

14.2.3.2 Direct Connect: As a Customer selected option, the Company will provide Direct connects, between the Customer's Premises and the Company's Local Switching Center switch(es). This transmission path is dedicated to the use of a single Customer. DS3 facilities are available for Direct Connect Service. A DS3 facility is capable of transmitting electrical signals at a nominal 44.736 Mbps, with the capability to channelize up to 672 voice-frequency transmission paths. For DS facilities, if the Company is required to install additional fiber optic equipment for the benefit of the Customer, then the Customer has the option to choose either an optical or electrical interface. This Direct connect rate category is comprised of a monthly Entrance Facilities charge and a per minute of use End Office switching charge as specified in 15.1.3.4. Customers who select the Direct Connect option will not be billed Switched Transport, Switched Termination, Tandem Transport or Tandem Termination.

14.2.3.3 Tandem Connect: Tandem Connect consists of circuits from the point of interconnection with Customer's tandem provider to the Company's Local Switching Center. This Tandem Connect rate category will be billed based on ~~is comprised of a~~ the Minutes of Use (MOU) measured for the ~~based~~ End-Office switching and tandem switched transport charges.

### 14.2.4 Design Layout Report:

At the request of the Customer, the Company will provide to the Customer the makeup of the facilities and services provided from the Customer's Premises to the first point of switching. This information will be provided in the form of a Design Layout Report. The Design Layout Report will be provided to the Customer at no charge.

### 14.2.5 Acceptance Testing:

At no additional charge, the Company will, at the Customer's request, cooperatively test, at the time of installation, the following parameters: loss, C-notched noise, C-message noise, 3-tons slope, d.c. continuity and operational signaling.

### 14.2.6 Ordering Options and Conditions:

Switched Access Service is ordered under the Access Order provisions set forth in Section 12. Also included in that section are other charges which may be associated with ordering Switched Access Service.

D

T

**SECTION 14 – SWITCHED ACCESS SERVICE (CONT'D)**

14.2.7 Competitive Pricing Arrangements:

Competitive pricing arrangements for Local Transport - Entrance Facilities and Local Transport-Direct Trunked Transport can be furnished to meet the communications needs of specific Customers on a case by case basis under individual contracts. ~~Notice of the competitive pricing arrangement contracts, once executed, will be filed with Commission according to Commission rules.~~

14.2.8 Other Rate Categories

(A) Toll Free Data Base Access Service

Toll Free Data Base Access Service is a service offering that utilizes originating trunk side Switched Access Service to deliver toll free calls to the Company's Interexchange Carrier Customers. The service provides for the forwarding of end user dialed Toll Free calls to a Company Service Switching Point which will initiate a query to the database to perform the Customer identification and delivery function. The call is forwarded to the appropriate Interexchange Carrier Customer based on the dialed 800 toll-free number. ~~In addition, the Customer has the option of selecting the 800 Optional Features Package. Any dial-around compensation relating to pay telephones will be billed in accordance to procedures and rates proscribed by the Federal Communications Commission. The Company reserves the right to bill end users of its toll free service for any dial-around compensation costs the Company may incur. Originating access charges may also apply for toll free calls originated by end user customers of a Customer of the Company. Rating and billing for Toll Free Data Base Service is subject to the provisions of the Multiple Exchange Carrier Access Billing Guidelines (MECAB).~~

(1) Customer Identification Charge

The Toll Free Data Base Access Service Customer Identification Charge applies for the identification of the appropriate Interexchange Carrier Customer. The charge is assessed to the Customer on a per query basis and may include an area of service which may range from a single NPA/NXX to an area consisting of all LATAs and NPAs in the State of Ohio. The per query Customer Identification Charge is set forth in Section 15.1.3.6.

(2) Customer Delivery Charge

The Toll Free Data Base Access Service Delivery Charge applies for the delivery of the dialed 800 toll-free ten-digit number. The charge is assessed to the Interexchange Carrier Customer on a per query basis and may include an area of service which may range from a single NPA/NXX to an area consisting of all LATAs and NPAs in the State of Ohio. The per query Customer Delivery Charge is set forth in Section 15.1.3.6.

(N)

(N)

SECTION 14 SWITCHED ACCESS SERVICE (CONT'D)

14.2.8 Other Rate Categories (cont'd)

(B) Toll Free Transit Traffic Inter-Exchange Delivery Service

Toll Free Transit Traffic Inter-Exchange Delivery Service is an access service in which the Company transits transports toll free traffic originated by a third party who is not an End User end user or other user of the Company's local exchange or exchange access service through its wire center to an Interexchange Carrier Customer. Toll Free Transit Traffic Service is comprised of various facilities, connections, features and functions. It provides for the use of common terminating, common switching and switched transport the Tandem Switching, Tandem Termination, and Tandem Transport facilities of the Company but does not include local switching. Rates. In a Toll Free Inter-Exchange Delivery Service call, the Company will not charge Carrier Common Line, Local End Office Switching, or End Office Port charges. The rate for Toll Free Transit Traffic Inter-Exchange Delivery Service are set forth in Section 15.1.3.7 is usage sensitive. Rating and billing for Toll Free Inter-Exchange Delivery Service is subject to the provisions of the Multiple Exchange Carrier Access Billing Guidelines (MECAB).

(C) Pay Telephone Compensation

When a toll-free number is dialed from a payphone and carried over the Company's facilities to an Interexchange Carrier Customer, the Interexchange Carrier Customer, or a successive carrier, is responsible for compensating the Payphone Service Provider ("PSP") in accordance with the rules, procedures and rates prescribed by the Federal Communications Commission ("FCC"). If the Interexchange Carrier Customer is not capable of reporting and/or remitting payphone compensation as prescribed by the FCC, it may contract with the Company to provide that service for an additional fee, otherwise, no payphone compensation charge will be assessed by the Company to the IXC.

(N)

(N)

(M)

(M)

### 14.3 Obligations of Company

In addition to the obligations of the Company set forth in other sections of this tariff. The Company has certain other obligations concerning the provision of Switched Access Service. These obligations are as follows:

#### 14.3.1 Network Management

The Company will administer its Network to ensure the provision of acceptable service levels to all telecommunications users of the Company's Network Services.

Service levels are considered acceptable only when both End Users and Customers are able to establish connections with little or no delay encountered within the Company Network. Company reserves the right to apply protective controls, (i.e., those actions, such as call gapping, which selectively cancel the completion of traffic), over any traffic carried over its Network, including that associated with a Customer's Switched Access Service. Generally, such protective measures would only be taken as a result of occurrences such as failure or overload of Company or Customer facilities, natural disasters, mass calling or national security demands. Customer will notify Company of anticipated peaked services as stated below. Based on the information provided Company will work cooperatively with Customer to determine the appropriate level of control. In the event that the protective controls applied by Company result in the complete loss of service by Customer, Customer will be granted a credit allowance for service interruption as set forth in Section 9.

\*Certain material on this page previously appeared on First Revised Page 52.

## SECTION 15 – RATES AND CHARGES

### 15.1 Rates for Switched Access Services

There are three types of rates and charges that apply to Switched Access Service. These are Monthly Recurring Charges, usage rates and Non-Recurring Charges.

**Monthly Recurring Charges:** Monthly Recurring Charges are flat rates for facilities that apply each month or fraction thereof that a specific rate element is provided.

**Usage Rates:** Usage rates are rates that are applied on a per access minute or per query basis. Usage rates are accumulated over a monthly period.

**Non-Recurring Charges:** Non-Recurring charges are one time charges that apply for a specific work activity (i.e., installation of new service or change to an existing service).

(a) **Installation of Service:** Non-Recurring charges apply to each Switched Access Service installed. The charge is applied per line or trunk.

#### 15.1.1 Application of Rates

##### 15.1.1.1 Direct Connect:

The Direct Connect rate is assessed based on the total of the monthly Entrance Facilities charge and per minute of use End-Office switching charge. The monthly Entrance Facilities charge consists of a fixed rate based on the type of the facilities, i.e., DS3, and may include a per mile rate. Entrance Facilities charges are contained in Section 12 of Company's Missouri P.S.C. Tariff No. 2. The Switched Transport usage rate does not apply in the Direct Connect application.

##### 15.1.1.2 Tandem Connect:

The Tandem Connect rate is assessed based on the monthly usage charges for End-Office switching, Carrier Common Line, and Switched Transport usage.

**15.1.2 Billing of Access Minutes:** When recording originating calls over FGD with multifrequency address signaling, usage measurement begins when the first wink supervisory signal is forwarded from the Customer's facilities. The measurement of originating call usage over FGD ends when the originating FGD entry switch receives disconnect supervision from either the originating End User's Local Switching Center (indicating that the originating End User has disconnected), or the Customer's facilities, whichever is recognized first by the entry switch.

**SECTION 15 – RATES AND CHARGES (CONT'D)**

15.1.3.2 Change Charges (Per Order)

	<u>Per Occurrence</u>
A. Service Date	\$10.00
B. Design Changes	\$25.00
C. Expedite Charge	\$100.00

15.1.3.3 Cancellation Charges (Per Order)

\$25.00

15.1.3.4 Terminating Switched Access (T)

15.1.3.4.1 Local End Office Switching

Per Access Minute of Use

Port Charge Per Access Minute of Use

15.1.3.4.2 Carrier Common Line Rates

Per Access Minute of Use

**SECTION 15 – RATES AND CHARGES (CONT'D)**

	<u>Rate</u>	(N)
15.1.3.5	Originating Switched Access Per Minute of Use	\$0.003640
	<u>15.1.3.5.1</u> Local End Office Switching	
	<u>15.1.3.5.2</u> Carrier Common Line Rates	
15.1.3.6	Toll Free Data Base Access Service	
	Customer Identification - Per Query	\$0.002313
	Customer Delivery Charge - Per Query	\$0.000434
15.1.3.7	Toll Free <del>Transit Traffic</del> Inter-Exchange Delivery Service Per Minute	
15.1.3.8	<u>Tandem Switched Transport – Facility</u> <u>Per Minute Per Mile</u>	
	<u>15.1.3.9</u> Switched Transport Usage Rates	
	<u>Access Rate Per Minute</u>	
	<u>-Local Transport</u>	
	<u>-Transport Interconnection</u>	\$0.00000
	<u>-Tandem Switching Charge</u>	
	<u>15.1.3.10</u> Direct-Trunked Transport	
	<u>Monthly Recurring Rate</u>	
	<u>Fixed</u> <u>Per Mile</u>	
	<u>-DS0</u>	
	<u>-DS1</u>	
	<u>-DS3</u>	

15.2 Non-routine Installation/Maintenance Charges

As stated in 2.9, at the Customer's request, installation and/or maintenance may be performed outside the Company's regular business hours or in hazardous locations. In that case, the following rates apply:

Basic Time - per quarter hour:	\$21.44
Overtime - per quarter hour:	\$28.01
Premium Time - per quarter hour:	\$34.59

15.3 Individual Case Basis Arrangements

Arrangements will be developed on a case-by-case basis in response to a bona fide request from a Customer or prospective Customer to develop a competitive bid for a service offered under this tariff. Rates quoted in response to such competitive requests may be different than those specified for such service in this tariff. ICB rates will be offered to the Customer in writing. Notice of such arrangements will be provided to the Commission according to Commission rules.

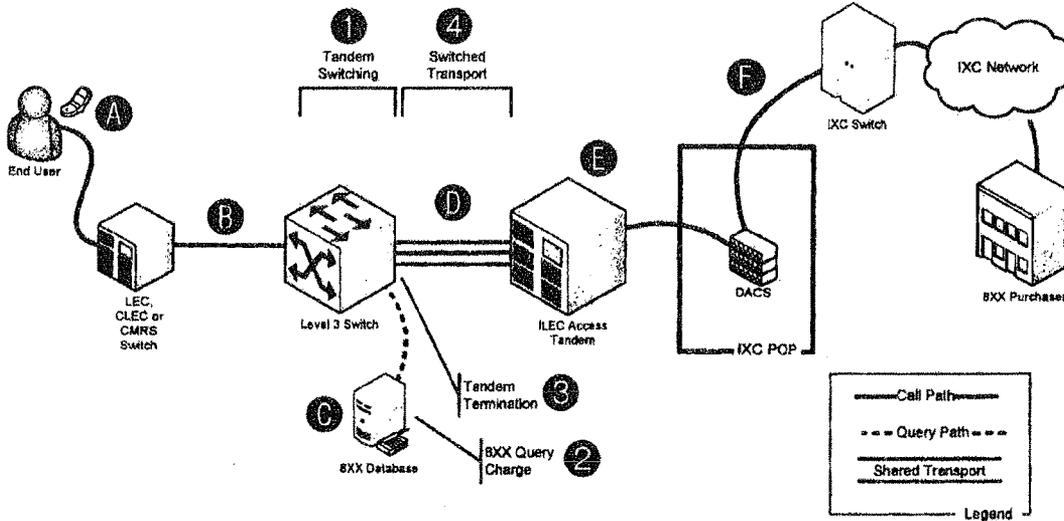
**EXHIBIT 3**

SWITCHED ACCESS SERVICES

**SECTION 16 – CALL FLOW DIAGRAMS (CONT'D)**

Toll Free Inter-Exchange Delivery Service

Calls completed indirectly to the IXC via the Incumbent LECs Access Tandem



- A. End User dials 8XX number
- B. LEC, CLEC, or CRMS carrier has agreement with Level 3 and the Incumbent LEC to deliver 8XX Traffic to IXCs
- C. Level 3 Switch looks up IXC that should receive the call
- D. Call is routed across Shared Transport to Incumbent LEC's Access Tandem
- E. Incumbent LEC routes call to IXC Feature Group D Trunk
- F. Call is routed to IXC Switch which routes call across IXC network to customer that purchased the 8XX service

- Level 3 charges IXC Tandem Switching (1), 8XX Query Charge (2), Tandem Termination (3) and Switched Transport (4) per its tariff
- The Originating and Incumbent Tandem Carriers may bill the IXC for services that they perform on the call path

Issued: September 3, 2008

Effective: October 3, 2008

Issued By: William P. Hunt, III, Vice President of Public Policy  
 Level 3 Communications, LLC  
 1025 Eldorado Boulevard  
 Broomfield, Colorado 80021

**FILED**  
 PUBLIC SERVICE COMMISSION  
 OF WYOMING

OCT 03 2008

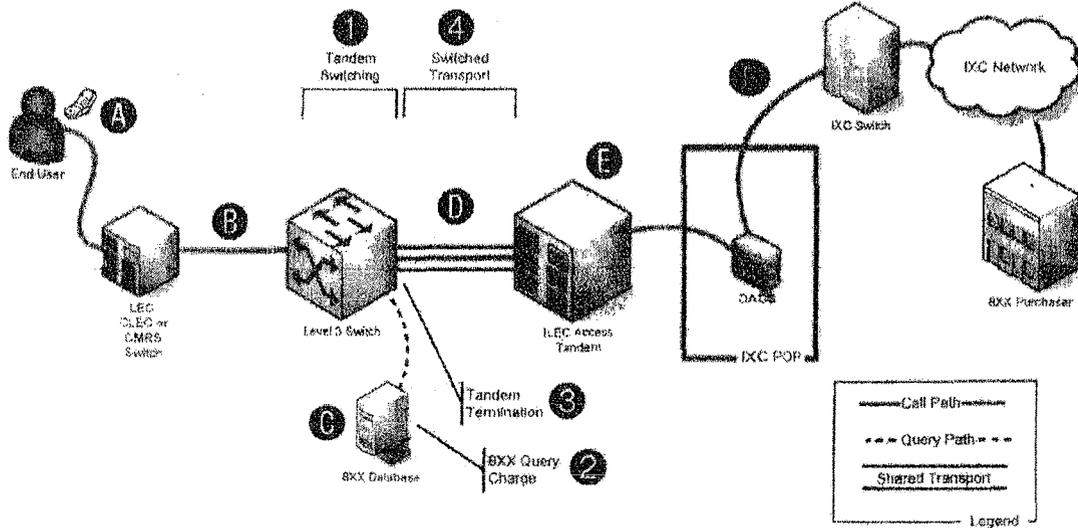
70043-0020-TT-08

SWITCHED ACCESS SERVICES

SECTION 16 – CALL FLOW DIAGRAMS (CONT'D)

Toll Free Inter-Exchange Delivery Service

Calls completed indirectly to the IXC via the Incumbent LEC's Access Tandem



- A. End User dials 8XX number
  - B. LEC, CLEC, or CRMS carrier has agreement with Level 3 and the Incumbent LEC to deliver 8XX Traffic to IXCs
  - C. Level 3 Switch looks up IXC that should receive the call
  - D. Call is routed across Shared Transport to Incumbent LEC's Access Tandem
  - E. Incumbent LEC routes call to IXC Feature Group D Trunk
  - F. Call is routed to IXC Switch which routes call across IXC network to customer that purchased the 8XX service
- Level 3 charges IXC Tandem Switching (①), 8XX Query Charge (②), Tandem Termination (③) and Switched Transport (④) per its tariff
  - The Originating and Incumbent Tandem Carriers may bill the IXC for services that they perform on the call path

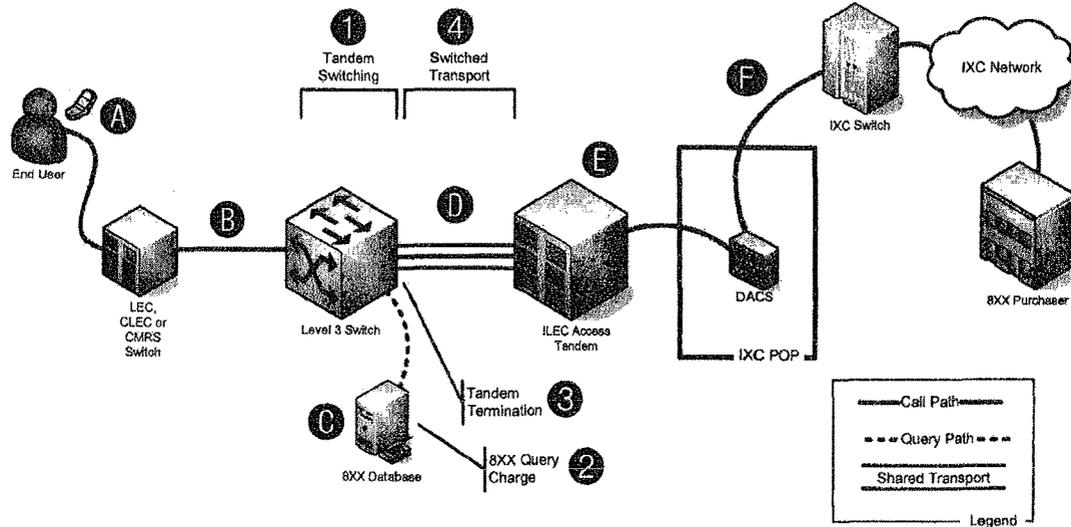
Issued: August 20, 2008

Effective: August 27, 2008

Issued By: William P. Hunt, III, Vice President of Public Policy  
 Level 3 Communications, LLC  
 1025 Eldorado Boulevard  
 Broomfield, Colorado 80021

SWITCHED ACCESS SERVICES  
SECTION 16 – CALL FLOW DIAGRAMS (CONT'D)

Toll Free Inter-Exchange Delivery Service  
 Calls completed indirectly to the IXC via the Incumbent LECs Access Tandem



- A. End User dials 8XX number
  - B. LEC, CLEC, or CRMS carrier has agreement with Level 3 and the Incumbent LEC to deliver 8XX Traffic to IXCs
  - C. Level 3 Switch looks up IXC that should receive the call
  - D. Call is routed across Shared Transport to Incumbent LEC's Access Tandem
  - E. Incumbent LEC routes call to IXC Feature Group D Trunk
  - F. Call is routed to IXC Switch which routes call across IXC network to customer that purchased the 8XX service
- Level 3 charges IXC Tandem Switching (1), 8XX Query Charge (2), Tandem Termination (3) and Switched Transport (4) per its tariff
  - The Originating and Incumbent Tandem Carriers may bill the IXC for services that they perform on the call path

Issued: June 27, 2008

Effective: July 7, 2008

Issued By: William P. Hunt, III, Vice President of Public Policy  
 Level 3 Communications, LLC  
 1025 Eldorado Boulevard  
 Broomfield, Colorado 80021