



December 23, 2009

FILED/ACCEPTED

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, NW
Washington, DC 20554

DEC 23 2009

Federal Communications Commission
Office of the Secretary

ORIGINAL

Re: Matter of Emergency Petition of Level 3 Communications, LLC, for the Assignment of Additional Telephone Numbers in Area Code 603, and for the Preemption of the Actions of the New Hampshire Public Utilities Commission Pursuant to Section 253 of the Communications Act of 1934, WC Docket No. 08-154

Dear Ms. Dortch:

On behalf of Level 3 Communications, LLC ("Level 3"), filed today with this letter is Level 3's ex parte notice in WC Docket No. 08-154. Enclosed are an original and a copy of the unredacted ex parte notice. Redacted versions will be filed through ECFS.

Level 3 requests that the attached, unredacted documents, which contain proprietary commercial information of Level 3 and its VRS customers, be withheld from public inspection pursuant to Sections 0.457 and 0.459 of the Commission's rules. 47 C.F.R. §§ 0.457, 0.459.

1. Identification of Specific Information for Which Confidential Treatment is Sought (Section 0.459(b)(1))

Level 3 seeks confidential treatment for the specific information designated as confidential in the unredacted version of the Reply Comments. This submission contains proprietary information about Level 3's operations and resources that Level 3 does not routinely make public. Public release of the submitted information could also cause competitive harm by revealing specific information about Level 3's telephone number resources in New Hampshire, where Level 3 has or will be exhausting its supply of numbers, and the ramifications of Level 3's shortage of telephone number resources in particular rate centers in New Hampshire. This information could be used by Level 3's competitors to its commercial detriment.

2. Description of Circumstances Giving Rise to the Submission (Section 0.459(b)(2))

Level 3 has applied to the Pooling Administrator ("PA") for the assignment of additional telephone numbers, and has been unjustly and unreasonably denied additional

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numbers. In the past Level 3 has submitted information related to its shortfall of numbering resources in New Hampshire as part of its applications for growth codes to the PA. These applications are subject to confidential treatment in the ordinary course. In addition, the New Hampshire Public Utilities Commission has accorded confidential treatment to some information submitted in proceedings in that state. Level 3 now submits similar information, including information as to the extent and location of Level 3's shortages of telephone numbers and the effects on Level 3 and its actual and potential customers, as a factual basis for its pleadings in this proceeding and asks that here, as in the context of submissions to the PA and the state commission, the Commission protect from public disclosure the limited portions of these documents identified as confidential and proprietary.

3. Explanation of the Degree to Which the Information is Commercial or Financial, or Contains a Trade Secret or Is Privileged (Section 0.459(b)(3))

The ex parte notice contains Level 3 proprietary commercial information, including the number of telephone numbers that Level 3 has requested and the impact of the numbering shortfall on Level 3's operations. Therefore, the attached documents reveal commercially sensitive information concerning Level 3's resources.

4. Explanation of the Degree to Which the Information Concerns a Service that Is Subject to Competition (Section 0.459(b)(4))

The attached information concerns telecommunications services that are subject to rigorous competition. Level 3 is certified in New Hampshire as a facilities-based telecommunications carrier with an international network optimized for Internet Protocol technology. A large percentage of Level 3's services both in New Hampshire and across the country are provided to other carriers, interconnected VoIP providers, Internet Service Providers and enhanced service providers that use Level 3's telecommunications services to provide their own telecommunications, interconnected VoIP and/or information services. Level 3 is subject to competition in the New Hampshire market for provision of these services.

5. Explanation of How Disclosure of the Information Could Result in Substantial Competitive Harm (Section 0.459(b)(5))

If such information were disclosed, Level 3's competitors would learn to what extent Level 3's numbering shortfall is hampering Level 3's ability to provide services to new and existing customers, as well as Level 3's estimates of how fast it could gain lines if the artificially imposed shortage on Level 3's numbers were alleviated. When Level 3 cannot meet a customer's needs because Level 3 lacks numbers, the customer turns to one of Level 3's competitors to procure its service. Competitors might also seek out these customers if the specific confidential information contained in the attached documents is made available to the public.

6. Identification of Any Measures Taken by Level 3 to Prevent Unauthorized Disclosure (Section 0.459(b)(6))

Level 3 has never distributed to the public or its competitors the attached information regarding specific requests for numbering resources. To the extent information was submitted to the PA, the PA treats such information as confidential. Likewise, to the extent such information was provided to the New Hampshire Public Utilities Commission, such information was provided pursuant to requests for confidential treatment. The confidential information is contained entirely in the attachment to the ex parte notice, and is redacted in its entirety.

7. Identification of Whether the Information is Available to the Public and the Extent of Any Previous Disclosure of the Information to Third Parties (Section 0.459(b)(7))

Level 3 has never distributed to the public or its competitors the attached information regarding specific requests for numbering resources. Information regarding numbering resources and requests is closely-guarded information that is not disclosed to third parties.

8. Justification of Period During Which the Submitting Party Asserts that Material Should Not Be Available for Public Disclosure (Section 0.459(b)(8))

Level 3 requests that the information marked as confidential throughout these Reply Comments remain undisclosed for a period of 5 years from the date of this confidentiality request. We believe that after 5 years, because of the ongoing changes in Level 3's numbering inventory, the sensitivity of this information will become less relevant.

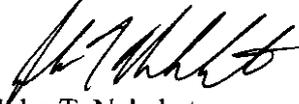
9. Other Information that Level 3 Believes May Be Useful in Assessing Whether its Request for Confidentiality Should Be Granted (Section 0.459(b)(9))

Level 3 is seeking relief from the Commission after exhausting other resources with the PA and the New Hampshire Public Utilities Commission. In those venues, confidential treatment has already been accorded to the types of information that Level 3 has redacted here. If this information is made available to the public, Level 3 could be irreparably harmed because it is already at a competitive disadvantage with other providers who have ample telephone numbers in rate centers in New Hampshire. Revealing the specific details of Level 3's number shortage could put the company at an even greater disadvantage.

For the reasons stated above, Level 3 believes that the attached unredacted version of its ex parte notice should be withheld from public inspection. Should you have

any questions regarding this confidentiality request, please contact me by phone at (202) 730-1320 or by email at jnakahata@wiltshiregrannis.com.

Respectfully submitted,



John T. Nakahata
Counsel for Level 3 Communications, LLC

Attachments

cc: Ann Stevens
Marilyn Jones

4832-6275-7637, v 1

REDACTED – FOR PUBLIC INSPECTION

December 23, 2009

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Emergency Petition of Level 3 Communications, LLC, for the Assignment of Additional Telephone Numbers in Area Code 603, and for Preemption of the Actions of the New Hampshire Public Utilities Commission, Pursuant to Section 253 of the Communications Act of 1934; Request for Special Temporary Authorization of Thousand-Blocks in Area Code 603, WC Docket No. 08-154*

Dear Ms. Dortch:

At the request of FCC staff, Level 3 is updating the list of wirecenters in which it has 75% or greater number utilization, as well as indicating which wirecenters have fewer than five thousand blocks available and in which wirecenters Level 3's customers cannot obtain numbers for VRS services.

Sincerely,



John T. Nakahata
Counsel to Level 3 Communications, LLC

4848-3968-4869, v. 1

REDACTED