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EX PARTE

August 13, 2012

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Data Requested in Special Access NPRM, WC Docket No. 05-25 and RM-10593

Dear Ms. Dortch:

On August 9, 2012 Michael Mooney, General Counsel, Regulatory Policy, Gary Black, Vice President, Carrier Relations, and the undersigned, of Level 3 Communications, LLC ("Level 3") had a phone conversation with Eric Ralph, Paul Lafontaine, Ben Childers, Pam Megna, and Jack Erb of the Wireline Competition Bureau, and Weiren Wang of the Wireless Telecommunications Bureau. During the call, Level 3 addressed questions from the Commission regarding the pricing of special access services that Level 3 sees as both a seller and purchaser of such services, and the data that Level 3 would be able to provide in response to a mandatory data request in the above referenced proceeding.

Specifically, Level 3 described the most common pricing plans it observes. It also discussed the elements charged by both incumbent local exchange carriers ("ILECs") and competitive providers of special access services, and how prices are determined and differentiated in various geographic areas. Level 3 explained that almost uniformly, the prices it gets from competitive providers, where they exist, are markedly better than the prices offered by ILECs. Level 3 also explained that competitive providers of special access services, such as competitive local exchange carriers ("CLECs"), do not charge for mileage, or other elements, while ILECs routinely do so. Level 3 also discussed aspects of its own pricing policy, stating that it negotiates many of its prices with its customers, as do other CLECs, while as a purchaser of wholesale special access services from ILECs; it primarily pays prices that are set forth in ILEC tariffs.

Level 3 also discussed the incumbent's lock up plans and their dramatic impact on Level 3 as both a buyer and seller of special access services. Level 3 estimated that it could save many tens of millions of dollars annually if it were able to freely buy special access services from competitive providers (where they exist) instead of being forced to buy from ILECs under their lock-up plans. These savings could be passed on to Level 3's customers, and ultimately, to American consumers. Level 3 also discussed how such practices limit its build activity. Construction of fiber based facilities, other than to serve enterprise customers, becomes much harder to justify economically when the majority of large customers in a target building are locked-in to buying large percentages of their demand from ILECs (and only small percentages of their demand can be purchased from new, facilities-based providers).

As required by Section 1.1206(b), this *ex parte* notification is being filed electronically for inclusion in the public record of the above-referenced proceeding. Please direct any questions regarding this matter to the undersigned.

Sincerely,

/s/ *Erin Boone*

Erin Boone

cc: (via email)
Eric Ralph
Paul Lafontaine
Ben Childers
Pam Megna
Jack Erb
Weiren Wang