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October 1, 2007

Honorable Eddie Roberson, Chairman
c/o Sharla Dillon, Docket & Records Manager
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

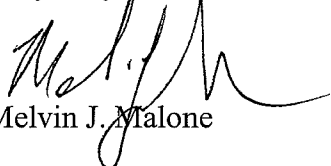
**RE: Level 3 Communications, LLC's Tariff Filing to Revise T.R.A. Tariff
No. 3 (Tariff No. 2007-0122), TRA Docket No. 07-00219**

Dear Chairman Roberson:

Enclosed please find the original and thirteen (13) copies of the *Complaint and Petition For Leave to Intervene of Verizon* for filing in the above-captioned matter. An additional copy of this filing is enclosed to be "File Stamped" for our records.

If you have any questions or require additional information, please let me know.

Very truly yours,



Melvin J. Malone

cc: Parties of Record

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:)	
)	
LEVEL 3 COMMUNICATIONS, LLC's)	DOCKET NO. 07-00219
TARIFF FILING TO REVISE T.R.A.)	
TARIFF NO. 3 (Tariff No. 2007388))	

COMPLAINT AND PETITION FOR LEAVE TO INTERVENE OF VERIZON

The Verizon companies¹ authorized to provide telecommunications service in Tennessee, by and through their undersigned counsel, hereby file this Complaint and Petition to Intervene in the above-captioned proceeding pursuant to Tennessee Regulatory Authority ("TRA" or "Authority") Rules 1220-1-2-.02 and 1220-1-2-.08 and Tenn. Code Ann. §§ 65-4-104, 65-4-117 and 4-5-310. In support of this complaint and petition, Petitioners aver as follows:

1. Verizon Access is certificated by the Authority as a competitive local exchange carrier ("CLEC"). Bell Atlantic, NYNEX, MCI and VSSI are certificated by the Authority as interexchange carriers.

2. Level 3 Communications, LLC ("Level 3"), a Delaware limited liability company, is a CLEC certificated by the Authority to provide facilities-based and resold local exchange and interexchange telecommunications service on a statewide basis in the State of Tennessee. According to Authority records, Level 3 maintains its principal offices at 1025 Eldorado Boulevard, Broomfield, CO 80021.

¹ These companies include MCIMetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services ("Verizon Access"), MCI Communications Services, Inc. ("MCI"), Bell Atlantic Communications, LLC ("Bell Atlantic"), NYNEX Long Distance Company ("NYNEX"), and Verizon Select Services, Inc. ("VSSI") (collectively, "Verizon" or "Petitioners").

3. All of the Petitioners are affected by Level 3's proposed tariff revisions.

4. On September 12, 2007, Level 3 filed "Revisions to T.R.A. Tariff No. 3" (the "*Tariff Revisions*") with the Authority. Those revisions include three new services (Toll Free Data Base Access, Toll Free Transit Traffic and Pay Telephone Compensation) and one service (Originating Switched Access) for which no rate currently exists. *See* Second Revised Page 52.

5. The descriptions of how and in what circumstances Level 3 would apply charges for its proposed new services are vague, ambiguous or nonexistent. As a result, it is unclear who will have to pay Level 3's proposed new charges and under what circumstances they will be assessed. This uncertainty raises the specter of customers possibly being required to pay the same charges twice.

6. For example, it appears (although it is unclear) that Level 3's new charge for Originating Switched Access is associated with Level 3's new Toll Free Data Base Access Service, which "utilizes originating trunk side Switched Access Service." *See* Second Revised Page 52. But, the tariff does not describe the traffic to which Originating Switched Access charges will apply. Level 3 states that its other new service, Toll Free Transit Traffic Service, involves traffic originated by a third party that is not a Level 3 end user and does not involve local switching. *Id.* Because the company will not provide local switching as part of Toll Free Transit Traffic Service, it should not be permitted to bill other carriers an "originating switched access" charge for any associated traffic, and the tariff should be modified to make this clear.

7. Level 3's description of its proposed new Toll Free Transit Traffic Service is also vague and ambiguous. First, the circumstances under which a carrier becomes a customer for that service are unclear. Second, while stating that the proposed new service "provides for the use of common terminating, common switching and switched transport facilities" (*see* Second

Revised Page 52), Level 3 does not explain how such rate elements will apply. Among other modifications, Level 3 should make clear that Toll Free Transit Traffic Service will only involve tandem elements, given that the use of Level 3's facilities "does not include local switching." *Id.*

8. There is even more uncertainty regarding what the Pay Telephone Compensation service is and who will have to pay the associated charge. First, the description of this service is internally inconsistent with respect to a key term: the word "surcharge" is used both to describe the money paid (apparently *by* Level 3) to Payphone Service Providers ("PSPs") and to describe the charge that Level 3 intends to collect from its customer in order to pay the FCC-mandated compensation due the PSPs. *See* Original Page 52.1. Second, it is unclear who the "customer" is in the context of this new service – is it a completing carrier, an intermediate carrier, an end user or the owner of a toll free number. As a result, it is unclear how another carrier (or other entity) becomes a "customer" of Level 3 with respect to this new service. The foregoing is important because under FCC regulations and orders, completing carriers are responsible for paying FCC-mandated compensation to PSPs and have the option of either paying such compensation directly or paying intermediate carriers a surcharge to be passed on to the PSPs. Level 3's proposed Pay Telephone Compensation service is potentially problematic to the extent it eliminates a completing carrier's option to pay such charges directly, and at worst could result in completing carriers' double-paying the FCC-mandated compensation to PSPs.

9. Without clear descriptions of Level 3's proposed new services and how it will apply the associated charges, it is impossible to determine whether the revised tariff is appropriate or reasonable.

10. For the reasons set forth herein, the TRA should summarily deny and reject Level 3's proposed tariff revisions. At a minimum, Level 3 should be required to re-file a

proposed tariff that describes the new services in sufficient detail such that potential and actual customers of Level 3 can understand how its proposed charges for new services would apply.

11. The Petitioners' requests are consistent with the public interest, which is served by ensuring that charges for tariffed services are applied in a just, reasonable, nondiscriminatory and predictable manner.

12. Petitioners' legal rights, duties, privileges, immunities or other legal interests may be determined in this proceeding.

13. Because of their direct interest in this proceeding, Petitioners respectfully seek full intervention rights, the convening of a contested case and suspension of the *Tariff Revisions* until the conclusion of a contested case.

14. The interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing Petitioners' requests.

15. Should the requests be granted, all notices, pleadings, orders, documents and the like in this proceeding should be provided to:

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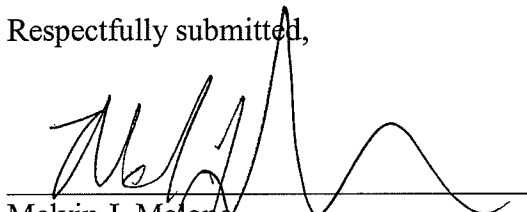
WHEREFORE, Petitioners pray that the Authority grants the following:

1. Consistent with the public interest, Petitioners urge the Authority to summarily deny and reject the proposed Revisions to Level 3 Communications, LLC's T.R.A. Tariff No. 3;
2. In the event the Authority does not summarily reject the proposed Revisions to Level 3 Communications, LLC's T.R.A. Tariff No. 3, Petitioners request that the Authority (a) suspend the proposed Revisions to Level 3 Communications, LLC's T.R.A. Tariff No. 3 on or before October 8, 2007, and decline to permit the same to become effective on October 15, 2007; (b) convene a contested case regarding the matters set forth in this complaint and suspend the proposed Revisions to Level 3 Communications, LLC's T.R.A. Tariff No. 3 until the completion of said contested case; (c) grant this petition for intervention; (d) appoint a Hearing Officer to prepare this matter for a hearing on the merits; and (e) issue a final ruling rejecting the proposed Revisions to Level 3 Communications, LLC's T.R.A. Tariff No. 3;
3. At a minimum, and in the alternative, Petitioners ask the Authority to suspend the proposed Revisions to Level 3 Communications, LLC's T.R.A. Tariff No. 3 on or before

October 8, 2007, and proceed with an investigation in which all interested parties, including Petitioners, are allowed to participate in all respects; and

4. All other relief deemed appropriate under the law and the rules and regulations of the Authority.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Mark W. Smith', written over a horizontal line.

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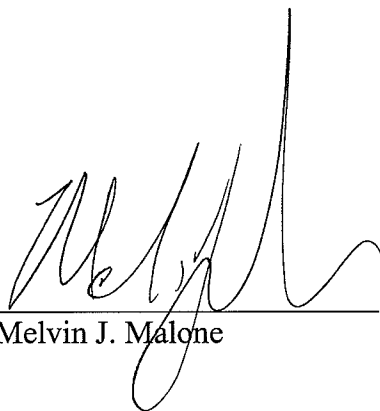
CERTIFICATE OF SERVICE

I hereby certify that on October / , 2007, a true and correct copy of the foregoing has been served on the party set forth below, via U.S. Mail and Electronically:

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