



Guy M. Hicks  
General Counsel

AT&T Tennessee  
333 Commerce Street  
Suite 2101  
Nashville, TN 37201-3300

T: 615.214.6301  
F: 615.214.7406  
guy.hicks@att.com

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October 31, 2007

TN REGULATORY AUTHORITY  
DOCKET ROOM

VIA HAND DELIVERY

Hon. Eddie Roberson, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *Level 3 Communications LLC's Tariff Filing to Revise TRA Tariff No. 3*  
(*Tariff No. 2007388*)  
Docket No. 07-00219

Dear Chairman Roberson:

Enclosed are the original and four copies of the *Response of AT&T to Level 3 Filings Regarding Proposed Tariff No. 3*.

Copies of the enclosed are being provided to counsel of record.

Very truly yours,

Guy M. Hicks

GMH:ch

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BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee

IN RE:        *Level 3 Communications LLC's Tariff Filing to Revise TRA Tariff No. 3  
(Tariff No. 2007388)*

Docket No. 07-00219

**RESPONSE OF AT&T TENNESSEE TO LEVEL 3 FILINGS  
REGARDING PROPOSED TARIFF NO. 3**

COMES NOW, AT&T Tennessee on behalf of itself and its subsidiaries and affiliates certificated in Tennessee (hereinafter collectively "AT&T"),<sup>1</sup> and files this Response to Level 3 Communications, LLC's ("Level 3") filings of October 22 and October 25, 2007 regarding Level 3's proposed Tariff No. 3 ("the Proposed Tariff").

AT&T appreciates Level 3's recent efforts to clarify the terms of its Proposed Tariff and to explain the new services it wishes to offer under the Proposed Tariff. Based on the explanations provided in Level 3's "White Paper" submitted to the Authority Staff on October 22, 2007, and the revisions to the Proposed Tariff filed on October 25, 2007, many of AT&T's questions regarding the Proposed Tariff have been answered.

AT&T has five remaining concerns regarding the Proposed Tariff. Following is an explanation of those concerns, each of which can be easily addressed through straightforward revisions to the Proposed Tariff. Attachment 1 provides specific tariff revisions that address AT&T's concerns.

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<sup>1</sup> The following entities, in addition to BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee, are certificated by the Authority to provide services in Tennessee and are wholly owned, indirect subsidiaries of AT&T Inc.: AT&T Communications of the South Central States, LLC; TCG

**1. Use of Industry Standard MECAB Billing Guidelines.**

AT&T's first concern relates to one of the new services in the Proposed Tariff, Toll Free Inter-Exchange Delivery Service. This Service is a jointly provided access service in which Level 3 transports toll free traffic originated by a third party who is not an end user of Level 3's local exchange or exchange access service through its wire center to an Interexchange Carrier ("IXC") customer. The rate for this Service is usage sensitive.

As a general matter, Level 3 has agreed in its White Paper that its call rating and billing will comply with industry standards, specifically the Ordering and Billing Forums, Multiple Exchange Carrier Access Billing Guidelines ("MECAB"). (See page 3 of Level 3 White Paper, submitted to the Authority Staff on October 22, 2007.) However, Level 3 will not agree to make clear in its Proposed Tariff that the third party providers will comply with MECAB. According to the MECAB guidelines, all providers on the route must agree to comply with MECAB prior to implementation. Lack of agreement with the third parties will likely result in inaccurate billing and allow such third parties to send traffic originating outside the LATA and/or state to the AT&T Incumbent Local Exchange Carrier ("ILEC") for hand-off to an IXC, which is in clear violation of AT&T's switched access tariff.

The October 25, 2007 version of Level 3's Proposed Tariff is not at all clear whether MECAB guidelines will be followed by Level 3 and other unidentified third party Local Exchange Carriers ("LECs"). When Level 3 is jointly providing this Service

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MidSouth, Inc; SBC Long Distance, LLC d/b/a AT&T Long Distance; SNET America, Inc. d/b/a SBC Long Distance East; and BellSouth Long Distance Inc. d/b/a AT&T Long Distance Service.

with more than one LEC, it is important that all involved LECs agree on a billing arrangement which is consistent with MECAB guidelines and AT&T's switched access tariff. (See Section E2.4.8.C of AT&T's state switched access tariff.) Moreover, the Proposed Tariff needs to be revised to make clear that there should be coordination and record exchange requirements among the involved LECs in jointly provisioning toll free inter-exchange delivery service under the Proposed Tariff.

AT&T simply requests that Level 3's stated support of the MECAB guidelines in its White Paper be clearly reflected in the terms of its Proposed Tariff.

The redlined language in Section 14.2.8(B) of Attachment 1 addresses this concern.

**2. Disaggregation Needed to Avoid Overbilling.**

Originating switched access should be disaggregated to ensure that only the applicable portion of the blended rate is charged when there is a direct connection to an IXC. Because the local transport function is not performed when an IXC chooses a Direct Connect traffic delivery option pursuant to Level 3's Proposed Tariff, the charge for local transport will not apply and should be removed from the blended originating switched access charge. Although Level 3 has agreed to disaggregate the blended originated access rate into local end office switching, switched transport, and carrier common line and only bill the applicable charges, the Proposed Tariff does not yet incorporate this agreement, leaving the potential that Level 3 will overbill IXCs for direct connection calls that do not require

transport functionality. Level 3 should not be compensated for a function that it does not perform.

The proposed language in Section 13.3.2(E), Subpart 3 of Attachment 1 addresses this concern. In addition, Section 15 of the tariff template in Attachment 1 must be revised to include Tennessee-specific rates and charges and disaggregated originating switched access charge.

**3. Differentiation Between Customer and End User Needed to Avoid Confusion.**

It is necessary to differentiate between customer and end user to avoid confusion. AT&T has suggested clarifying revisions as follows.

Customer: Any individual, group, or entity who has been certified to provide inter-exchange services and which subscribes to the services offered under this tariff.

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

The language in Section 1, Definitions of Terms, of Attachment 1 addresses this concern. Based on recent discussions between AT&T and Level 3, Level 3 has agreed to add this language to its Proposed Tariff.

**4. Need to Incorporate Additional Level 3 White Paper Commitments into Proposed Tariff.**

Section 13, Subpart D of the Proposed Tariff is confusing and inconsistent, particularly the third and fifth bullet points. This is Level 3's attempt to articulate the functions or traffic to which the originating access per minute charge applies. It is Level 3's responsibility to ensure that its tariff language is clear in order to

minimize the risk of disputes. Moreover, Level 3 has agreed in its White Paper and during recent discussions with AT&T to certain clarifications not yet reflected in the Proposed Tariff.

AT&T has proposed additional revised language in Sections 13.3.2(D) and 13.3.2(E) of Attachment 1 to provide the needed clarification.

**5. Rate Parity Needed.**

The Proposed Tariff shows a blended originating switched access charge of \$0.030054 per minute, which is substantially higher than the competing ILEC rates for the same type of service. As a matter of good regulatory policy and consistent with action taken by the FCC with respect to Competing Local Exchange Carrier ("CLEC") interstate access rates, CLEC originating switched access charges should not be any higher than the aggregated ILEC rate for the same functionality.<sup>2</sup>

If the Authority chooses to approve Level 3's proposed originating switched access charge, AT&T reserves the right to request that the Authority convene an industry workshop or a generic proceeding to address this rate parity issue.

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<sup>2</sup> This issue may require an industry workshop or a more generic proceeding where the Authority can review all CLEC access rates and determine that the ILEC rate is the appropriate benchmark for all CLECs (including AT&T's CLEC affiliate), and not just Level 3. *See In the Matter of Access Charge Reform, Reform of Access Charges Imposed by Competitive Local Exchange Carriers*, CC Docket No. 96-262, *Seventh Report and Order and Further Notice of Proposed Rulemaking*, FCC 01-0146, rel. April 27, 2001, ¶¶ 31-34, 51-52. *See also Eighth Report and Order and Fifth Order on Reconsideration*, FCC 04-110, rel. May 18, 2004, ¶ 21 (adopting policy that "applicable switching rate should reflect only the function(s) actually provided ...").


## CONCLUSION

Based on the foregoing, AT&T respectfully requests that the Authority's suspension of the Proposed Tariff continue until discussions between the parties conclude and Proposed Tariff revisions reflecting agreements reached during those discussions are finalized. The parties have made substantial progress in narrowing the issues in dispute. AT&T and Level 3 continue to have business-to-business discussions in hopes of resolving all remaining issues.

In the alternative, the Authority should adopt AT&T's clarifications to the Proposed Tariff, which are reflected in Attachment 1.<sup>3</sup> Such clarifications will avoid needless confusion, minimize the risk of disputes, and ensure accurate billing to the IXCs.

Respectfully submitted,

AT&T TENNESSEE

  
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Guy M. Hicks  
Joelle Phillips  
333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300  
(615) 214-6301

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<sup>3</sup> The attached redlined tariff also includes additional relevant changes that are not listed among the foregoing issues.

Proposed Tariff Pages



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 CHECK SHEET
 

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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		

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**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 intra-state 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 Judgement 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.

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

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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.

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

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- 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, 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, 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.

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**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)**

~~13.3.2(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;

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

- ~~1.~~ ~~less all originating access minutes of use associated with calls placed to 700, Toll Free 8YY and 900 numbers, except for toll free traffic utilizing the Toll Free Inter-Exchange Delivery Service in Section 14.2.8(A).~~
- ~~2.~~ ~~less all those minutes of use originating from a wireless carrier's access minutes of use associated with Mobile Telephone Switching Offices (MTSOs), including any MTSO owned by;~~
- ~~plus all originating access minutes of use associated with calls placed to 700, 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), of the Company.~~
3. all originating access minutes of use associated with calls placed to 700, Toll Free 8YY and 900 numbers for toll free traffic utilizing the Direct Connect routing option as set forth in Section 14.2.3.2.

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

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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 Customer may select either Direct Connect or Tandem Connect. If no selection is made, the Company shall use the Tandem Connect as the default method of traffic delivery. 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).

~~This is the default method of traffic delivery~~

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

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14.2.3.2 Direct Connect: ~~As a Customer selected option t~~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.

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 ~~is~~ will be billed based on ~~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.



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

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**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 Interchange 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 toll-free number. ~~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 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~~ Tennessee. The per query Customer Delivery Charge is set forth in Section 15.1.3.6.

**(B) Toll Free Inter-Exchange Delivery Service**

Toll Free Inter-Exchange Delivery Service is an jointly provided access service in which the Company transports 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 an Interexchange Carrier Customer. It provides for the use of the Tandem Switching, Tandem Termination, and Tandem Transport facilities of the Company. 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 Inter-Exchange Delivery Service set forth in Section 15.1.3.7 is usage sensitive. When the Company is jointly providing this Service with one, or more than one, incumbent local exchange telephone companies, all local exchange companies involved must agree upon a billing arrangement which is consistent with the provisions in the Ordering and Billing Forum's Multiple Exchange Carrier Access Billing (MECAB) Guidelines. Prior to the implementation of, or changes to these billing arrangements, the local exchange telephone companies involved will give the affected Interexchange Carrier Customers 30 day notice.~~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.

### 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.

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**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 or per call 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. [USE STATE SPECIFIC REFERENCE HERE]** 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, which may be blended and billed as the originating switched access charge set forth in **TBD**.

**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

## 15.1.3.4.1 Local End Office Switching

	<u>Per Access Minute of Use</u>
CBT	\$0.00533
Ameritech	\$0.005820
Port Charge	<u>Per Access Minute of Use</u>
CBT	\$0.000960
Ameritech	\$0.000369

## 15.1.3.4.2 Carrier Common Line Rates

	<u>Per Access Minute of Use</u>
CBT	\$0.000162
Ameritech	\$0.00000

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

		<u>Rate</u>
15.1.3.5	Originating Switched Access Per Minute of Use	
15.1.3.5.1	<u>Local End Office Switching</u>	
	CBT	\$0.00533
	Ameritech	\$0.0000
15.1.3.5.2	Carrier Common Line Rates	
	CBT	\$0.006219
	Ameritech	\$0.00000
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 Inter-Exchange Delivery Service Per Minute	
	CBT	\$0.004457
	Ameritech	\$0.001688
15.1.3.8	Tandem Switched Transport – Facility Per Minute Per Mile	
	CBT	\$0.000190
	Ameritech	\$0.000044

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Level 3 Communications, LLC  
1025 Eldorado Boulevard  
Broomfield, Colorado 80021

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15.1.3.9 Switched Transport Usage Rates

		<u>Access Rate Per Minute</u>
-Local Transport		
CBT		\$0.00060
Ameritech		\$0.000103
-Transport Interconnection		
		\$0.00000
-Tandem Switching Charge		
CBT		\$0.002657
Ameritech		\$0.001033

15.1.3.10 Direct-Trunked Transport

Monthly Recurring Rate

		<u>Fixed</u>	<u>Per Mile</u>
-DS0			
CBT		\$61.00	\$1.10
-DS1			
CBT		\$100.00	\$9.42
Ameritech		\$81.00	\$25.00
-DS3			
CBT		\$703.48	\$80.00
Ameritech		\$375.00	\$120.00

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**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.

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### CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2007, a copy of the foregoing document was served on the following, via the method indicated:

- ☐ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight
- ☒ Electronic

Gregg Strumberger, Esquire  
Level 3 Communications, LLC  
1025 Eldorado Blvd  
Broomfield, CO 80021  
[gregg.strumberger@level3.com](mailto:gregg.strumberger@level3.com)

- ☐ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight
- ☒ Electronic

Melvin J. Malone, Esquire  
Miller & Martin  
150 4<sup>th</sup> Ave. N, #1200  
Nashville, TN 37219-2433  
[mmalone@millermartin.com](mailto:mmalone@millermartin.com)

A handwritten signature in black ink, appearing to read 'M. Malone', is written over a horizontal line.