

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 10, 2007

IN RE:

**PETITION OF BELL SOUTH TELECOMMUNICATIONS, INC.
D/B/A AT&T TENNESSEE, TO INTERVENE AND REQUEST
FOR SUSPENSION OF LEVEL 3 COMMUNICATIONS, LLC
TARIFF NUMBER 2007-0388**

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)
) **DOCKET NO.**
) **07-00219**
)
)

ORDER SUSPENDING REVISED TARIFF AND APPOINTING HEARING OFFICER

This matter came before Director Pat Miller, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "TRA" or "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on November 6, 2007, to consider re-suspension of Level 3 Communications, LLC's ("Level 3") Tariff Filing 2007-0388.

During a regularly scheduled Authority Conference held on October 8, 2007, the panel directed Level 3 to respond to both outstanding petitions to intervene no later than October 22, 2007. Additionally, the panel suspended the tariff for thirty days from October 15, 2007 through November 13, 2007 in order to gather additional information and consider Level 3's response to the petitions of AT&T and the Verizon companies.¹

Level 3 Communications, LLC's Answer to the Complaint and Petition to Intervene Filed by Verizon and the Petition to Intervene and Request for Suspension Filed by AT&T was filed on October 22, 2007. In its response, Level 3 states that it has not historically provided its own wholesale Toll Free service but is preparing to do so in the not too distant future. Level 3

¹ The Verizon companies include MCIMetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services, MCI Communications Services, Inc., Bell Atlantic Communications, LLC, NYNEX Long Distance Company, and Verizon Select Services, Inc.

explains that, until recently, its voice business was of a size where it was more practical to contract with other carriers. However, because the business has grown, Level 3 is now in the position to provide services to IXC's. Furthermore, Level 3 admits that the name "Transit" has caused confusion concerning one of its proposed services and, as a result, the name has been changed from "Toll Free Transit Traffic Service" to "Toll Free Inter-Exchange Delivery Service."² Regarding "Pay Telephone Compensation Service," Level 3 concedes that there has been confusion regarding when and how Payphone Compensation charges will apply to 8XX calls delivered by Level 3. Level 3 states that its intent is to offer Payphone Compensation as an optional service to IXC's, which will allow the IXC's to contract directly with Level 3, and whereby Level 3 will act as the completing IXC and compensate the Pay Phone Provider on the IXC's behalf. Revised Tariff pages were filed by Level 3 on October 25, 2007.

Despite the revisions to the tariff pages, AT&T and Verizon made subsequent filings expressing continued concerns regarding Level 3's tariff filing. Both AT&T and Verizon state that negotiations with Level 3 are ongoing. On November 5, 2007, Level 3 responded to AT&T and Verizon's continued concerns and agreed that consideration of the merits of its tariff filing should be postponed until the next Authority Conference on December 3, 2007.³

November 6, 2007 Authority Conference

Based upon the revised tariff filing, the responses submitted and the ongoing negotiation between the companies, the panel voted unanimously to suspend Level 3's October 25, 2007 revised Tariff Filing 2007-0388 through December 3, 2007 and appoint general counsel or his designee to address any issues that might arise between now and the December 3, 2007 Authority Conference.

² *Level 3 Answer*, Exhibit A at p. 2.

³ Letter to Chairman Eddie Roberson filed November 5, 2007.

IT IS THEREFORE ORDERED THAT:

1. Level 3 Communications, LLC's revised Tariff Filing 2007-0388, is suspended through December 3, 2007.

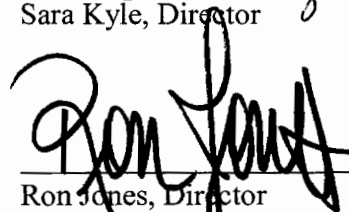
2. The Authority's General Counsel or his designee is appointed Hearing Officer in this proceeding to address any issues that might arise between now and the December 3, 2007 Authority Conference.

* * *

Pat Miller, Director⁴



Sara Kyle, Director



Ron Jones, Director

⁴ Director Miller voted in agreement with the other directors but resigned his position as Director before the issuance of this order.