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Attorney for the Commission Staff

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION OF )  
LEVEL 3 COMMUNICATIONS, LLC TO ) CASE NO. LEV-T-02-1  
AMEND ITS CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO )  
PROVIDE LOCAL EXCHANGE AND )  
INTEREXCHANGE TELECOMMUNICATIONS ) COMMENTS OF THE  
SERVICES STATEWIDE. ) COMMISSION STAFF  
\_\_\_\_\_ )**

**COMES NOW** the Staff of the Idaho Public Utilities Commission, by and through its Attorney of record, Lisa D. Nordstrom, Deputy Attorney General, and in response to the Notice of Application and Notice of Modified Procedure issued in Order No. 28963 on February 28, 2002, submits the following comments.

**BACKGROUND**

On February 8, 2002, Level 3 Communications, LLC (“Level 3” or “Company”) filed an Application to amend its current Certificate of Public Convenience and Necessity. In Case No. GNR-T-98-13, the Commission granted Level 3 authority to provide facilities-based local exchange and interexchange services in the Qwest and Verizon service territories. Order No. 27855. Level 3 now seeks to expand its authority to provide such services statewide.

## **DISCUSSION**

Level 3 is incorporated in the State of Delaware and is headquartered in Broomfield, Colorado. The Company obtained a Certificate of Authority from Idaho's Secretary of State on February 6, 1998. Level 3 does not maintain an office in Idaho but does have a registered in-state agent. Staff found no complaints against Level 3 registered with this Commission.

Level 3 states that it intends initially to expand into the service area of Farmers Mutual Telephone Company to offer service to, among others, Internet service providers who currently do not have points of presence in many of Idaho's exchange areas. Its Application contends that customers who currently have to dial long-distance for Internet service will benefit from the establishment of points of presence within their local calling areas.

The Company intends to deploy an independent network by either building its own facilities or leasing the facilities of other carriers. Level 3 does not seek to interconnect with those companies that possess an exemption under Section 251(f) of the Act at this time.

In its Application, Level 3 maintains that it is financially qualified to provide telecommunications services in Idaho. Level 3 Communications, LLC will continue to rely on the financial resources of its parent company, Level 3 Communications, Inc., and submitted a SEC Form 10-K report for its parent company for the fiscal year that ended December 31, 2000. The Company agrees to continue complying with Commission rules regarding advanced deposits, consumer relations, and all other Commission rules and regulations.

Staff has reviewed the Application and financials submitted by Level 3. Staff believes the Company understands and agrees to comply with the Commission's Rules and requirements.

## **STAFF RECOMMENDATION**

Based on Staff's review of Level 3 Communications, LLC's Application, Staff believes the Company's filing satisfies all the requirements of the Commission's Rules and Procedural Order No. 26665. Staff recommends approval of the Application for an amendment to its existing Certificate of Public Convenience and Necessity to allow the Company to provide telecommunications services statewide.

Respectively submitted this                      day of March 2002.

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Lisa D. Nordstrom  
Deputy Attorney General

Technical Staff: Doug Cooley

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