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October 16, 2007

Via FedEx

VZN-T-07-04

Jean D. Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington Street
P.O. Box 83720
Boise, Idaho 83702

RECEIVED
2007 OCT 17 AM 9:45
IDAHO PUBLIC UTILITIES COMMISSION

Re: Verizon Northwest, Inc. et. al v. Level 3 Communications, LLC

Dear Ms. Jewell:

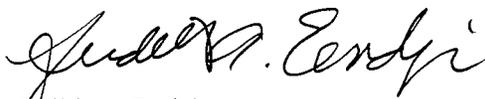
Enclosed is an original and seven (7) copies of a Summons and Complaint. Please file and serve the Summons and Complaint, as Commission Secretary, upon the respondent, Level 3 Communications, LLC, pursuant to IDAPA 31.01.01.016.02 and 054.05. Also enclosed for filing and service is an original and seven (7) copies of Petitioner's Motion for Limited Admission of Judith A. Endejan and Petitioner's Motion for Limited Admission of Chris Oatway.

Enclosed is a self-addressed stamped envelope. Please stamp date received and the case number on the face sheet (enclosed herein) for each of the pleadings referenced above. We would also appreciate you providing us with a copy of your proof of service of the Summons, Complaint and Motions on Level 3. Another self-addressed envelope is enclosed for this purpose.

Please contact the undersigned if you have further questions. Thank you.

Very truly yours,

GRAHAM & DUNN PC



Judith A. Endejan

JAE/kac
Enclosure

cc: Chris Oatway, Esq. (w/ encls.)
m37815-950450.doc

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

VERIZON NORTHWEST INC., VERIZON
SELECT SERVICES, INC., MCI
COMMUNICATIONS SERVICES, INC. d/b/a
VERIZON BUSINESS SERVICES, MCI
METRO ACCESS TRANSMISSION
SERVICES, LLC d/b/a VERIZON ACCESS
TRANSMISSION,

Complainants

vs.

LEVEL 3 COMMUNICATIONS, LLC

Respondents.

CASE NO. *VZN-T-07-04*
COMPLAINT

Verizon Northwest, Inc., Verizon Select Services, Inc., MCI Communications Services, Inc. d/b/a Verizon Business Services, and MCI metro Access Transmission Services, LLC d/b/a Verizon Access Transmission (collectively, "Verizon") ask the Commission to reverse the revisions to the Idaho PUC Tariff No. 2 ("Tariff Revisions") that Level Communications, LLC ("Level 3") filed on September 20, 2007. As discussed below, Level 3's new charges are unjust and unreasonable, contrary to Idaho Code §62-602(1), because Level 3's descriptions of its new services are vague, ambiguous, or nonexistent.

ORIGINAL

Level 3's tariff filing in Idaho is part of a multi-state effort to add new services to its existing tariffs, and similar or identical filings in other states have raised substantial concerns. As a result, a number of public utility commissions, including those of Alabama, Connecticut, Mississippi, Pennsylvania, Ohio, and Tennessee, have suspended similar or identical tariff revisions by Level 3 or its affiliates.¹ In other states, including California, Kentucky, Massachusetts, and New York, Level 3 has re-filed its proposed tariffs, extended their effective dates, and/or withdrawn its tariffs in order to attempt to address concerns expressed by Verizon, commission staff, and other parties.

I. DISCUSSION

1. The Tariff Revisions include four new services: Originating Switched Access, Toll Free Data Base Access, Toll Free Transit Traffic, and Pay Telephone Compensation. *See First Revised Page 59.*

2. The descriptions of how and in what circumstances Level 3 intends to apply charges for its 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 which circumstances they will be assessed. This uncertainty raises the specter of customers possibly being required to pay the same charges twice.

3. 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 First Revised*

¹ The Alabama Public Service Commission suspended a virtually identical Level 3 tariff during its regular meeting of October 9, 2007, and the Tennessee Regulatory Authority suspended a virtually identical Level 3 tariff in its regular meeting of October 8, 2007. Other commissions entered suspension orders. *See In re. Notice of Level 3 Communications, LLC of its Tariff Filing Which Proposes to Add Toll Free Data Base Access Service; Toll Free Transit Traffic Service; and Rates for Originating Switched access and Pay Telephone Compensation*, Docket No. 2007-UN-420, Suspension Order (Miss. Pub. Serv. Comm'n. Oct. 3, 2007); *In the Matter of the Application of Level 3 Communications, LLC to Resell Telecommunications Services*, Case No. 07-895-TP-ATA, Entry (Ohio Pub. Util. Comm'n. Aug. 31, 2007); *Pennsylvania Public Utility Commission v. Telcove of Pennsylvania, et al.*, Docket No. R-00072442, Order (Penn. Pub. Util. Comm'n. July 25, 2007).

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. *See* Original Page 52.1. 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.

4. Level 3’s description of its new Toll Free Transit Traffic Service is also vague and ambiguous in at least two ways. First, the circumstance under which a carrier becomes a customer for that service is not clear. Second, while stating that the proposed new service “provides for the use of common terminating, common switching and switched transport facilities” (*see* Original Page 52.1), Level 3 does not explain how such rate elements will apply. Among other modifications, Level 3 should clarify that Toll Free Transit Traffic Service will only involve tandem elements, given that the use of the Level 3’s facilities “does not include local switching.” *Id.*

5. There is even more uncertainty regarding what the Pay Telephone Compensation service is, and who will have to pay the associated charge. For example, 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 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. It is also unclear who the “customer” is in the context of this new service – for example, whether it is 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. That 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.

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

II. PARTIES

7. Each of the Complainants is authorized to provide telecommunication services in the state of Idaho. Verizon, as a purchaser of switched access services, is substantially affected by Level 3's tariff filing.

8. The attorneys representing Verizon in this matter are:

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9. Level 3 is a competitive local exchange carrier authorized to provide telecommunication services in Idaho.

10. Level 3's General Counsel is:

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III. PRAYER FOR RELIEF

WHEREFORE, Verizon respectfully requests that this Commission, consistent with its obligations to protect against anticompetitive abuses and enforce Idaho law requiring just and reasonable rates, reverse Level 3's revisions to its Idaho PUC Tariff No. 2.

Respectfully submitted, this 16th day of October, 2007



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