

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Petition for Arbitration of an)
Interconnection Agreement Between)
LEVEL 3 COMMUNICATIONS, LLC.)
and) DOCKET NO. UT-023043
CENTURYTEL OF WASHINGTON, INC.,)
Pursuant to 47 U.S.C. Section 252)

POST-HEARING BRIEF OF CENTURYTEL

1. Level 3's traffic is clearly interexchange and not local...... 3
2. Level 3 would use CenturyTel's facilities in the same manner, as do other interexchange carriers for traffic on the same routes...... 5
3. Contrary to Level 3's assertions, Level 3's service will impose costs on CenturyTel's network that real local calls would not. 7
4. Access charges and not local interconnection reciprocal compensation should apply to Level 3's traffic...... 9
5. Contrary to Level 3's assertion, the FCC has not ruled that bill and keep is the form of intercarrier compensation to be applied to all ISP-bound traffic...... 12
6. This Commission has already ruled that Level 3 cannot get a free ride on Qwest facilities for traffic delivered to Level 3's ISP customers...... 14
7. Even if it were so inclined, the Commission does not have the jurisdiction to impose bill and keep terms on the delivery of ISP-bound traffic to Level 3's ISP customers...... 15
8. Arbitration Petition Issue No. 1: Is ISP-bound traffic subject to different interconnection requirements than local traffic under federal law such that it should be handled by separate agreement? 16

9. Arbitration Petition Issue No. 2: What is the proper definition of local traffic? 16
10. Arbitration Petition Issue No. 3: What is the proper treatment of foreign exchange or “Virtual NXX” traffic for intercarrier compensation purposes?... 16
11. Arbitration Petition Issue No. 4: How should the parties define bill-and-keep compensation to implement the FCC’s ISP order on remand?..... 17
12. Any local interconnection agreement imposed by the Commission should include language holding Level 3 to the commitment that it made regarding points of interconnection.17
13. Any local interconnection agreement imposed by the Commission should include language limiting the traffic to be exchanged to ISP-bound traffic. ... 18