

November 21, 2008

David Danner, Secretary and Executive Director  
Washington Utilities and Transportation Commission  
1300 S Evergreen Park Drive SW  
PO Box 47250  
Olympia WA 98504-7250

Re: Docket No. UT-081973; Level 3 Communications, LLC's Objections to Qwest Corporation's Advice No. 3653T, Proposed Revisions to Its Washington Access Services Tariff No. WN U-44

Dear Mr. Danner:

Level 3 Communications, LLC ("Level 3") hereby objects to Qwest Corporation's ("Qwest") Advice No. 3653T, Revisions to its Washington Access Services Tariff No. WN U-44. Level 3 has just become aware of Qwest's proposal to revise its current practices concerning Jurisdictional Report Requirements and believes that the revision is arbitrary and would have a significant adverse financial impact on Level 3 and similarly situated carriers in Washington. Accordingly, Level 3 also requests that the Commission suspend Qwest's proposed revisions pending an investigation.

As a general matter, when a call lacks originating number information (otherwise called "Calling Party Number ("CPN")), the terminating carrier cannot tell whether to bill for the call at its interstate rates or its intrastate rates, which are much higher. In its original Advice, which was filed on October 31, 2008, Qwest proposed to establish a percent interstate usage ("PIU") floor of 3% for Feature Group D ("FGD") terminating traffic that does not contain CPN information. In other words, Qwest proposed to charge its much higher intrastate rates on all unidentified traffic that exceeds the 3% floor. On November 20, 2008, Qwest filed two replacement pages that amended its proposal to (1) change the unidentified percent interstate floor from 3% to 5% and (2) add language to "clarify the customer's dispute options in the event the customer believes that the intrastate rate should not be applied to the unidentified traffic in excess of the floor."

Level 3 objects to Qwest's proposed revisions for the following reasons: First, the proposed PIU floor of 5% is completely arbitrary, as was the original proposal of 3%. Qwest has offered no justification for either figure. The arbitrariness of the 5% is demonstrated by the fact that Qwest has proposed a variety of figures in different states; e.g., it originally proposed 7% in Colorado while proposing a 6% floor in Minnesota. If Qwest has backup information justifying

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its proposed PIU floor, it should submit it to the Commission and allow affected carriers to review and evaluate it.

Second, Level 3 believes the 5% floor is too low. There are a number of perfectly legitimate reasons why a carrier may not be able to send CPN. For example, there are well-known applications where voice traffic destined for a Qwest end-user may not contain originating number information because it originates on a computer rather than a telephone, for example Skype-Out service. The FCC has listed a number of others in 47 CFR § 64.1601. It is inappropriate to automatically bill all unidentified traffic in excess of the proposed floor at intrastate rates. It would certainly be inappropriate to bill all Skype-type traffic at those rates.

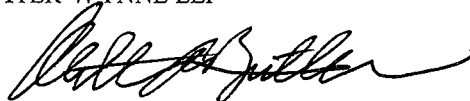
Third, the proposed customer dispute option contained in the replacement pages is inadequate. The proposed dispute option simply says that a customer will have the "opportunity to request" backup documentation regarding the Company's basis for applying the intrastate rate, and further "request" that the Company change the application of the intrastate access rate upon a "showing of why the intrastate rate should not be applied." There are no teeth in this "option." Nothing is said about any obligation of Qwest to provide backup documentation or change the application of the rate. And, there is no indication of what kind of "showing" will be required of the customer or deemed adequate. Complete discretion is left with Qwest. This is no remedy at all.

Fourth, there is no definition of what would constitute "sufficient call detail" to determine the jurisdiction of a call. This important because Qwest's proposal states "[w]hen the percentage of terminating traffic *without sufficient call detail* to determine jurisdiction exceeds the 5% floor, the Company will assess rates from the state jurisdiction on all minutes exceeding the 5% floor." Defining what constitutes "sufficient" detail is very important for ensuring that Qwest doesn't inappropriately charge its higher intrastate rates on traffic that is not really intrastate and thereby disadvantage its competitors and ultimately their customers.

Because Qwest has presented no support for its arbitrary revisions and because its proposals are both inconsistent with Level 3's established practices with Qwest and other ILECs and would have a significant negative impact on Level 3 and similarly situated carriers, Level 3 requests that the Commission suspend and investigate the above-referenced tariff.

Sincerely,

ATER WYNNE LLP



Arthur A. Butler

cc: Greg Rogers