

Petitioners, Level 3 is registered and classified as a competitive telecommunications company authorized to provide telecommunications services in the state of Washington.

3. On September 6, 2001, Level 3 filed a Statement in Response to Notice of Receipt of Petition for Declaratory Order and Notice of Prehearing Conference (“September 6th Response”). In the September 6th Response, Level 3 noted that, like the Joint Petitioners, Level 3 was sent a letter by Qwest on July 19, 2001, in which Qwest informed Level 3 that Qwest recently revised its Washington interconnection tariff to incorporate rate changes ordered by the Commission, and that therefore Qwest was applying new rates for reciprocal compensation between Qwest and Level 3, retroactive to December 2, 2000. September 6th Response ¶ 4. Level 3 noted that it agreed with the Joint Petitioners that the Commission should address expeditiously Qwest’s retroactive application of new rates. September 6th Response ¶ 5.

4. Level 3 also agreed with the position of the Joint Petitioners that the Commission’s orders in UT-960369, *et.al.* did not establish generic per minute of use rates for reciprocal compensation and that such orders did not establish specific and express reciprocal compensation rates that Qwest is legally authorized to substitute by unilateral action for the reciprocal compensation rates that are contained in existing interconnection agreements. September 6th Order ¶ 6.

5. Level 3 agrees with Joint Petitioners that the Commission’s orders in Docket UT-003013, the new costing proceeding, support the position that the Commission did not establish per minute of use rates for reciprocal compensation in Docket UT-960369, *et.al.*. Petition For Declaratory Order ¶ 5.

6. Level 3 has adopted the reciprocal compensation and interconnection provisions of the WorldCom (f/k/a MFS Intelenet of Washington, Inc.) interconnection agreement, which appear to be the same provisions as exist in the contract between International Telcom Ltd., one of the Joint Petitioners, and Qwest. As noted by the Joint Petitioners, nothing in the relevant portions of that interconnection agreement explain how the reciprocal compensation rates were developed. Petition for Declaratory Order ¶ 6.

PRAYER FOR RELIEF

WHEREFORE, Level 3 requests the following relief:

Level 3 supports the Joint Petitioners' Prayer for Relief, which requests that the Commission expeditiously issue an order clarifying that its orders in Docket No. UT-960369, *et.al.*, did not establish per minute of use rates for reciprocal compensation and that the reciprocal compensation rates in existing interconnection agreements remain in effect until the Commission specifically establishes different per minute of use rates for reciprocal compensation in Docket No. UT-003013 or some other proceeding, and such other relief as the Commission deems fair, just, reasonable, and sufficient.

Dated: October 5, 2001.

Respectfully submitted,

LEVEL 3 COMMUNICATIONS, LLC

By: _____

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Its Attorney.

CERTIFICATE OF SERVICE

I hereby certify that the original and 19 copies of the foregoing Statement of Fact and Law of Level 3 Communications, LLC in Response to First Supplemental Order; Prehearing Conference Order; Schedule for Submitting Additional Statements of Fact and Law was sent via Federal Express on this 5th day of October, 2001, addressed to the following:

Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

and a true and correct copy was deposited into the United States Mail, postage prepaid, and via e-mail to the following designated representatives on the 5th day of October, 2001, addressed to the following:

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