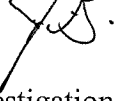


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STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: August 4, 2008
AT (OFFICE): NHPUC

FROM: Josie Gage, Utility Analyst 
SUBJECT: DT 07-113 Petition for Investigation of Level 3's Access Tariff Revisions
TO: Debra Howland, Executive Director

On October 18, 2007, AT&T Communications of New England, Inc. petitioned the Commission to investigate revisions Level 3 made to its filed rate sheets here in New Hampshire. A secretarial letter dated October 19, 2007, opened DT 07-113.

Staff initiated discussion via conference call with the parties and, after discussion, came to the agreement that an Access Tariff should be filed. In this instance, the rate sheets were not adequate to describe the unique type of service Level 3 is offering and created confusion about when charges would apply. According to Level 3, the service at issue is a unique form of access. It is intended to be used by carriers as a backup to FairPoint's tandem switching. Since Level 3 typically does not have end-user customers, originating access is unusual. However, this service is primarily for carriers' access to the PSTN via a diverse route.

The access tariff was subsequently received from Level 3, and after inspection Staff requested Level 3 to remove liability language that went beyond that allowed by the uniform tariff. Also, staff found language regarding advance deposits from customers, though Level 3 has no surety bond as required by our administrative rules. Level 3 revised the liability language in the tariff to mirror the liability language in the uniform tariff exactly, and removed completely all language referring to advance deposits since the company did not actually intend to collect such deposits. At this Staff was satisfied with the tariff submitted by Level 3.

Parties' concerns have been addressed and Staff recommends DT 07-113 be closed.