

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATION AND CABLE

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Level 3 Communications, LLC) D.T.E. 07-XX
Revisions of M.D.T.E. Tariff No. 5)
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**LEVEL 3 COMMUNICATIONS, LLC'S RESPONSE TO VERIZON PETITION
FOR SUSPENSION OF TARIFF**

Pursuant to M.G.L. Chapter 159 § 20 and 220 CMR § 1.04(2), Level 3 Communications, LLC ("Level 3") files this response in opposition to the Verizon New England Inc., d/b/a Verizon Massachusetts, MCImetro Access Termination Services, LLC, MCI Communications Services, Inc., and MCI Network Services, Inc. (collectively, "Verizon") Petition for Suspension of the switched access rate increase proposed by Level 3 in its March 29, 2007 tariff filing.

Verizon's arguments against the proposed tariff filing are all without merit. Level 3's filing does not violate M.G.L. Chapter 159 §§ 14 & 20. Instead, Level 3's tariff revision is merely an attempt to "level the playing field" and establish rates in its tariff that the Massachusetts Department of Telecommunications and Cable ("MDTC") has previously approved for other competitive carriers providing similar termination services. Ironically, the rate Verizon so vehemently objects to, is the approved tariffed rate of Verizon's affiliate MCImetro Access Transmission ("MCImetro") in Massachusetts. Verizon's objections to the Level 3 filing ring hollow in light of the fact that Verizon itself charges interexchange carriers, including Level 3, the rate Level 3 seeks approval of. Therefore, the Petition for Suspension must be summarily rejected. To disallow

Level 3's rate revisions while continuing to allow MCImetro and other competitive carriers to charge the very same rate would be patently discriminatory and anti-competitive.

Verizon cannot have its cake and eat it too. While Verizon and other carriers are allowed to charge interexchange carriers \$.04423 and higher in Massachusetts, Verizon would have Level 3 barred from achieving equal standing in the marketplace. There is no legal basis for the MDTC to support such an outcome. In a competitive market, Level 3 must be allowed to change its rates based on market conditions. In most instances this translates into rate decreases; however, in this case for Level 3 to be able to compete effectively, it must be allowed to increase its rates to the same level as other competitive providers in the marketplace. If a Verizon affiliate has obtained MDTC approval to offer these rates it would be unjust and anticompetitive to somehow find Level 3's adoption of them to be unjust and an unreasonable opportunity to do the same. Unless and until the MDTC requires all carriers rates to be reduced, it cannot legally deny Level 3's tariff revision.

WHEREFORE, Level 3 respectfully requests that Verizon's Petition for Suspension of the switched access rate increase proposed by Level 3 in its March 29,

2007 tariff filing be denied.

RESPECTFULLY SUBMITTED this 23rd day of June, 2006.

LEVEL 3 COMMUNICATIONS, LLC

By: _____
Rogelio E. Peña
Peña & Associates, LLC
1919 14th Street, Suite 610
Boulder, Colorado 80302
Tel.: (303) 415-0409
Fax: (303) 415-0433
E-Mail: repena@boulderattys.com

Greg Rogers, Director – State Regulatory Affairs
Gregg Strumberger, Regulatory Counsel
Level 3 Communications, LLC
1025 Eldorado Boulevard
Broomfield, CO 80021
Tel: (720) 888-2512
Fax: (720) 888-5134
E-Mail: greg.rogers@Level3.com
Gregg.strumberger@level3.com

Attorneys for Level 3 Communications, LLC