

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

Investigation by the Department of Telecommunications)
and Cable on its own motion as to the propriety of the)
rates and charges set forth in the following tariff:) D.T.C. 07-1
M.D.T.C. No. 5, filed with the Department on)
March 29, 2007, to become effective May 1, 2007, by)
Level 3 Communications, LLC.)

**PETITION FOR PARTY STATUS
OF NEUTRAL TANDEM**

Introduction

Pursuant to 220 C.M.R. § 1.03 and the May 21, 2007 Order of Notice issued by the Department of Telecommunication and Cable (“Department”), Neutral Tandem, Inc. together with its certified affiliate, Neutral Tandem-Massachusetts LLC (hereinafter referred to as “Neutral Tandem”), hereby petitions to intervene as a party in the above-captioned docket. As grounds therefor, Neutral Tandem states as follows:

BACKGROUND

1. Neutral Tandem is registered to do business in the Commonwealth of Massachusetts. Neutral Tandem provides wireline, wireless and broadband companies with telecommunications services within Massachusetts.
2. In addition to being the telecommunications industry’s leading independent (i.e., non-ILEC) provider of local tandem transit services, Neutral Tandem also provides termination services for intrastate long distance traffic.
3. On May 21, 2007, the Department issued an Order of Notice (1) advising that it had suspended a March 29, 2007 tariff filing of Level 3 Communications, LLC (“Level 3”)

that proposed a substantial increase in end office switching rates charged by Level 3, from \$0.001598 to \$0.042632; and (2) soliciting interventions on or before June 19, 2007 regarding the reasonableness and propriety of the proposed Level 3 rate charges.

INTERVENTION REQUEST

3. As a provider of termination services for intrastate long distance traffic to both carriers and enterprise customers, Neutral Tandem's interests are directly affected by the proposed Level 3 rate increases. For example, whenever Neutral Tandem terminates intrastate long distance traffic in Massachusetts on behalf of enterprise customers to Level 3 end users, the proposed Level 3 rate charges would be assessed to Neutral Tandem. In addition, as a provider of tandem switched access services, Level 3's proposed rate charges will impact the regulation of switched access services and rates. As such, Neutral Tandem has a substantial and specific interest in ensuring that end office switching rates of Level 3 and/or other providers are reasonable, non-discriminatory and in full conformity with applicable law.

4. Neutral Tandem requests that it be granted party status, so that it will have full rights to conduct discovery, offer testimony and evidence, examine witnesses, submit written and oral arguments, and otherwise fully participate in the issues raised by this proceeding to the extent authorized by applicable law.

5. The interests of Neutral Tandem cannot be adequately represented by the other parties in the proceeding for a number of reasons, including due to its unique status as the leading independent (i.e., non-ILEC) provider of tandem services.

6. Notices, correspondence and pleadings in this docket should be served on the undersigned counsel for Neutral Tandem, as well as the following Company representative and outside co-counsel:

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CONCLUSION

Accordingly, for the above-described reasons, the Department should grant the petition of Neutral Tandem to intervene as a party in this proceeding.

Respectfully submitted,

NEUTRAL TANDEM, INC. and NEUTRAL
TANDEM-MASSACHUSETTS, LLC

By:

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