

# McDowell & Rackner PC



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August 6, 2008

Director-Interconnection Agreements  
1801 California, Room 2420  
Denver, CO 80202

Qwest Law Department  
Attn: Corporate Counsel, Interconnection  
1801 California, 9<sup>th</sup> FL  
Denver, CO 80202

Public Utility Commission of Oregon  
Attn: Filing Center  
PO Box 2148  
Salem OR 97308-2148

Re Notice Pursuant to OAR 860-016-0050

Dear Qwest:

Pursuant to Oregon Administrative Rule 860-016-0050 (3)(a), Level 3 Communications, LLC ("Level 3") hereby provides notice to Qwest Communications ("Qwest") of Level 3's intent to file a complaint with the Oregon Public Utility Commission to enforce specific provisions of the interconnection agreement between Qwest and Level 3 approved by the Commission, dated April 18, 2007 ("Agreement").

Specifically, Qwest is violating Section 7.3.4.2 of the Agreement which provides:

- 7.3.4.2 Pursuant to Order No. 07-098, CLEC may make VNXX number assignments only for the purpose of assigning numbers to ISP Customers to facilitate the exchange of dial-up ISP-Bound traffic. CLEC shall compensate Qwest for paying all of the costs associated with transporting VNXX-routed ISP-Bound traffic from its primary and secondary POIs in Oregon to its media gateway. The compensation paid by CLEC to Qwest

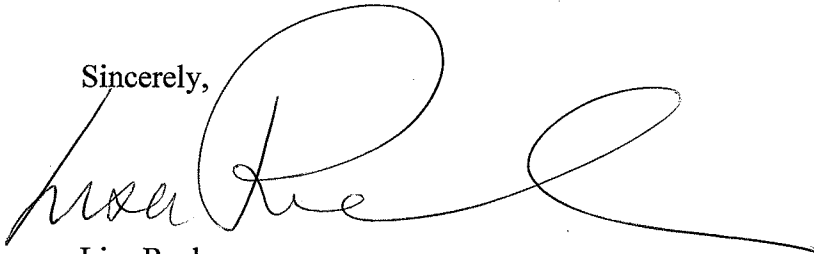
shall be based on the transport of the non TELRIC rates set forth in applicable Qwest tariffs.

The specific acts by Qwest that Level 3 maintains violate the cited terms of the Agreement are Qwest's billing Level 3 in the amount of \$1,419,421.33 to-date for local interconnection service ("LIS") trunks that extend beyond Level 3's primary and secondary POIs at Qwest's tariffed special access rates. Qwest is only permitted to charge Level 3 tariffed special access rates to transport VNXX-routed ISP-Bound traffic from Level 3's primary and secondary POIs to Level 3's media gateway. Qwest is compensated under the Agreement for any transport of such traffic to the applicable primary or secondary POI within the local calling area from which the call originated in accordance with the relative use of such facilities at TELRIC rates.

The relief that Level 3 will seek in the complaint will include, but may not be limited to, an order by the Commission:

- (1) Clarifying that purchasing DS3 transport into Level 3's primary and secondary POIs at Qwest's special access tariffed rates satisfies the requirements under Section 7.3.4.2, and that Level 3 should not also be charged for special access on LIS trunking within the local calling area of a POI;
- (2) Requiring Qwest to credit or withdraw all billing for special access on LIS trunking within the local calling area of the POIs; and
- (3) Ordering Qwest to cease any such billing in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Rackner", with a large, stylized flourish extending to the right.

Lisa Rackner

Attorneys for Idaho Power

Cc: Judge Michael Grant  
Judge Sam Petrillo