

Dorothy Menasco

From: Keating, Beth [beth.keating@akerman.com]
Sent: Friday, April 18, 2008 4:06 PM
To: Filings@psc.state.fl.us
Subject: Docket No. 070408
Attachments: PDF_Scan.pdf

Attached for filing in the referenced Docket, please find Neutral Tandem's Notice of Additional Supplemental Authority. Thank you for your assistance, and please do not hesitate to let me know if you have any questions.

Sincerely,

Beth Keating
Akerman Senterfitt
(850) 224-9634
(850) 521-8002 (direct)
beth.keating@akerman.com

A.
Beth Keating
Akerman Senterfitt
106 East College Ave., Suite 1200
Tallahassee, FL 32301
(850) 224-9634
(850) 521-8002 (direct)
(850) 222-0103 (fax)
beth.keating@akerman.com

b. Docket No. 070408-TP: Petition of Neutral Tandem, Inc. and Neutral Tandem-Florida, LLC for resolution of Interconnection Dispute with level 3 Communications and request for Expedited Resolution

C. On behalf of Neutral Tandem, Inc. and Neutral Tandem-Florida, LLC

D. Number of Pages: Total with attachment - *1-28 DM*

E: Notice of Additional Supplemental Authority



Akerman Senterfitt

www.akerman.com | Bio | V Card

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4/18/2008

DOCUMENT NUMBER-DATE

03108 APR 18 08

FPSC-COMMISSION CLERK



Fort Lauderdale
Jacksonville
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West Palm Beach

Suite 1200
106 East College Avenue
Tallahassee, FL 32301
www.akerman.com
850 224 9634 *tel* 850 222 0103 *fax*

April 18, 2008

VIA ELECTRONIC FILING

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32309

Docket No. 070408-TP - Petition of Neutral Tandem, Inc. and Neutral Tandem-Florida, LLC for Resolution of Interconnection Dispute with Level 3 Communications and Request for Expedited Resolution

Dear Ms. Cole:

Enclosed for electronic filing in the above-referenced Docket, please find Neutral Tandem's Notice of Supplemental Authority, whereby Neutral Tandem offers Order No. 08-0261 of the Illinois Commerce Commission in support of its position in this Docket.

Thank you for assistance in this matter. If you have any questions whatsoever, please do not hesitate to contact me.

Sincerely,

Beth Keating

Beth Keating
AKERMAN SENTERFITT
106 East College Avenue, Suite 1200
Tallahassee, FL 32302-1877
Phone: (850) 224-9634
Fax: (850) 222-0103

Enclosures

{TL156278;1}

DOCUMENT NUMBER DATE

03108 APR 18 08

FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of Neutral Tandem, Inc. and Neutral Tandem-Florida, LLC for Resolution of Interconnection Dispute with Level 3 Communications and Request for Expedited Resolution)))))	Docket No. 070408-TP Filed: April 18, 2008
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**NEUTRAL TANDEM INC.'S NOTICE OF FILING
ADDITIONAL SUPPLEMENTAL AUTHORITY**

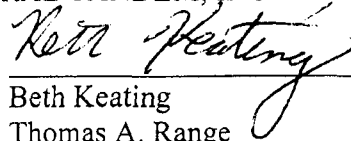
Neutral Tandem, Inc. and Neutral Tandem-Florida, LLC ("Neutral Tandem"), by and through its undersigned counsel, hereby files the following as supplemental authority:

A copy of Order No. 08-0261 of the Illinois Commerce Commission, issued in the matter of **Illinois Commerce Commission On Its Own Motion vs. Level 3 Communications, LLC – Request for Information Regarding Compliance with the Commission order in Docket No. 07-0277**, where the Illinois Commerce Commission ordered Level 3 to provide information demonstrating whether it is in compliance with the Illinois Commission's July 10, 2007, decision requiring Level 3 to cease and desist charging or attempting to collect charges from Neutral Tandem for transit traffic delivered by Neutral Tandem to Level 3 for termination. This Order, which was issued April 9, 2008, is provided in further support of Neutral Tandem's position set forth in these proceedings.

Respectfully submitted this 18th day of April,

NEUTRAL TANDEM, INC.

By:



Beth Keating
Thomas A. Range
Akerman Senterfitt
106 East College Avenue, Suite 1200
Tallahassee, Florida 32301
(850) 521-8002
beth.keating@akerman.com

Attorneys for Neutral Tandem, Inc

Ronald Gavillet
Executive Vice President &
General Counsel
Neutral Tandem, Inc.
One South Wacker, Suite 200
Chicago, IL 60606
(312) 384-8000
rongavillet@neutraltandem.com

John R. Harrington
Jenner & Block LLP
330 N. Wabash Ave.
Suite 4700
Chicago, IL 60611
(312) 222-9350
jharrington@jenner.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via Electronic Mail and Hand Delivery to Martin McDonnell, Esquire, and Kenneth Hoffman, Esquire, Rutledge, Ecenia, Purnell, and Hoffman, P.A., 215 South Monroe Street, Suite 420, Tallahassee, FL 32301, and that an electronic copy has also been provided to the persons listed below on April 18, 2007:

Gregg Strumberger, Esquire
Gregory Rogers, Esquire
Level 3 Communications, Inc.
1025 El Dorado Boulevard
Broomfield, CO 80021
Gregg.Strumberger@level3.com

Rick Mann, Staff Counsel
Florida Public Service Commission,
Office of the General Counsel
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
rmann@psc.state.fl.us

Beth Salak, Director/Division of Competitive Markets and Enforcement
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
bsalak@psc.state.fl.us

By:



Beth Keating
Akerman Senterfitt
106 East College Avenue, Suite 1200
P.O. Box 1877 (32302)
Tallahassee, Florida 32301
Tel : (850) 521-8002
Fax: (850) 222-0103
beth.keating@akerman.com

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission :
On Its Own Motion :
-vs- :
Level 3 Communications, L.L.C. :
: 08-0261
Request For Information Regarding :
Compliance with the Commission :
Order in Docket No. 07-0277 :

ORDER

By the Commission:

On June 25, 2007, the Administrative Law Judge (hereafter "ALJ") proposed an Order in *Neutral Tandem, Inc. and Neutral Tandem-Illinois, LLC –vs- Level 3 Communications, LLC, Verified Complaint and Request for Declaratory Ruling pursuant to Sections 13-515 and 10-108 of the Illinois Public Utilities Act* (Docket No. 07-0277). The Order was adopted in its entirety by the Commission on July 10, 2007. The Order directed Level 3 Communications, L.L.C. (hereafter "L3") to maintain the direct physical interconnection with Neutral Tandem, Inc., and Neutral Tandem-Illinois, LLC (hereafter "NT") "until a further order from the Commission, and for at least as long as [L3] maintains a direct physical interconnection by which it delivers traffic to NT for transiting."

The Order found as follows:

[T]he [FCC] rule [governing liability for reciprocal compensation] does not impose reciprocal compensation obligations with respect to transiting the traffic. [fn] In addition, this Commission previously has rejected attempts to impose reciprocal compensation on transit providers. [fn] Therefore, NT is not obligated to pay reciprocal compensation to Level 3.

...
[T]he per-minute surcharge proposed by Level 3 in its letter dated May 8, 2007, also is impermissible. It is little more than a thinly-veiled attempt to impose a reciprocal compensation-like obligation upon NT under a different label. Such charges have been disallowed in previous decisions.

Order at 9-10 (footnotes omitted)

Based upon these findings, the Commission ordered as follows:

... Level 3 shall not require NT to pay or collect reciprocal compensation for traffic not originated by NT. ... Level 3 shall not require NT to pay any fee or other compensation, either on a per-minute basis or otherwise, for traffic delivered to Level 3 for termination on the Level 3 network.

...
IT IS ... ORDERED that Level 3 Communications, L.L.C. cease and desist from requiring Neutral Tandem, Inc. and Neutral Tandem-Illinois, LLC to pay or collect reciprocal compensation for traffic not originated by Neutral Tandem, Inc. and Neutral Tandem-Illinois, LLC, or to pay any fee or other compensation, either on a per-minute basis or otherwise, for traffic delivered to Level 3 Communications, L.L.C. for termination on its network.

Order at 12, 14

The Commission thus resolved, with clarity, the question of whether L3 has any right to levy charges upon NT for transit traffic delivered by NT to L3 for termination. L3 has no such right.

As identified in a Telecommunications Division Staff report dated March 31, 2008, NT has publicly alleged that, subsequent to, and notwithstanding, the entry of the Commission's Order, L3 continues to bill it for Illinois intrastate transit traffic delivered by NT to L3 for termination. According to Staff, NT's allegations are supported both by a detailed affidavit and by copies of invoices from L3 to NT, which post-date the Order by some months. Staff, therefore, recommends that the Commission require Level 3 to produce certain information and documents relevant to its compliance, or lack thereof, with the Commission's order. Staff has prepared a set of Data Requests calculated to elicit information necessary to assess Level 3's compliance. Staff has prepared the necessary Data Requests and attached them as Exhibit No. 1 to its Report.

Section 5-101 of the Public Utilities Act, which is applicable to telecommunications carriers that provide competitive services, provides in relevant part:

Every public utility shall obey and comply with each and every requirement of this Act and every order, decision, direction, rule or regulation made or prescribed by the Commission in the matters herein specified, or any other matter in any way relating to or affecting its business as a public utility, and shall do everything necessary or proper in order to secure compliance with and observance of this Act and every such order, decision, direction, rule or regulation by all of its officers, agents and employees

Section 5-101 thus obligates L3 to comply with the Commission's Order and with Data Request issued by the Commission for the purpose of assessing such compliance.

Section 5-109 provides, in relevant part, that:

The Commission shall have authority to require any public utility to file ... special reports concerning any matter about which the Commission is authorized by law to keep itself informed. All reports shall be under oath.

...
Any public utility which fails to make and file any report called for by the Commission within the time specified; or to make specific answer to any question propounded by the Commission within 30 days from the time it is lawfully required to do so, or within such further time, not to exceed 90 days, as may in its discretion be allowed by the Commission, shall forfeit up to \$100 for each and every day it may so be in default if the utility collects less than \$100,000 annually in gross revenue; and if the utility collects \$100,000 or more annually in gross revenue, it shall forfeit \$1,000 per day for each and every day it is in default.

Any person who willfully makes any false return or report to the Commission or to any member, officer, or employee thereof, any person who willfully, in a return or report, withholds or fails to provide material information to which the Commission is entitled under this Act and which information is either required to be filed by statute, rule, regulation, order, or decision of the Commission or has been requested by the Commission, and any person who willfully aids or abets such person shall be guilty of a Class A misdemeanor.

The Commission finds that the Staff Report recounts allegations which constitute a basis for requiring Level 3 to produce information and documents relating to its compliance, or lack thereof, with the order in Docket No. 07-0277, and that Level 3 should be required to provide detailed, accurate responses to the Data Requests attached to the Staff Report.

The Commission, being fully advised in the premises, is of the opinion, and finds that:

- (1) Level 3 Communications, L.L.C. should be made a respondent to this proceeding;
- (2) the Commission has jurisdiction over the subject matter in and the respondent to this proceeding;
- (3) the recitals of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (4) the Staff Report dated March 31, 2008 should be made a part of the record in this proceeding;

- (5) the Commission should require Level 3 to produce certain information and documents relevant to its compliance, or lack thereof, with the Commission's order; such production to be made on oath or attestation by a responsible corporate official. Staff has prepared a set of Data Requests calculated to elicit information necessary to assess Level 3's compliance;
- (6) the Commission should require Level 3 to answer any follow-up questions posed by Staff after the initial Data Requests have been answered by Level 3 without any further order of the Commission.

IT IS THEREFORE ORDERED that Level 3 Communications, L.L.C. is directed and required to produce to Commission Staff on or prior to May 9, 2008, information and documents responsive to the Data Requests contained in Exhibit 1 of the Staff Report dated March 31, 2008; such production to be made on oath or attestation by a responsible corporate official.

IT IS FURTHER ORDERED that Level 3 Communications, L.L.C. is made a respondent to this proceeding.

IT IS FURTHER ORDERED that the Staff Report dated March 31, 2008 is made a part of the record in this proceeding.

IT IS FURTHER ORDERED that respondent shall answer any follow-up questions posed by Staff after the initial Data Requests have been answered by respondent without any further order of the Commission.

IT IS FURTHER ORDERED that failure of respondent to respond fully, accurately, completely, and timely to the attached Data Requests, or to otherwise comply fully with the terms of this order may result in civil penalties imposed pursuant to, or other applicable sanctions provided for by applicable provisions of the Public Utilities Act.

IT IS FURTHER ORDERED that, subject to Section 10-110 of the Public Utilities Act, this Order is final; this Order is not subject to the Administrative Review Law.

By Order of the Commission this 9th day of April, 2008.

(SIGNED) CHARLES E. BOX

Chairman

Bench Date: April 9, 2008

TELECOMMUNICATIONS DIVISION STAFF REPORT

March 31, 2008

SUBJECT: Level 3 Communications, L.L.C. – Request For Information
Regarding Compliance with the Commission's July 10, 2007 Order
in Docket No. 07-0277

I. Capsule Summary

It appears that Level 3 Communications, L.L.C. ("Level 3" or "L3") may not be in full compliance with the Commission's July 10, 2007 Order in Docket No. 07-0277. Among other things, the Commission's Order found that Neutral Tandem, Inc. and Neutral Tandem-Illinois, LLC (collectively "Neutral Tandem" or "NT") are not obligated to pay compensation to Level 3 for traffic originated by third-party CLECs and delivered over Neutral Tandem's facilities. The Commission's Order directed Level 3 to cease and desist from requiring Neutral Tandem to pay any such compensation. The Staff recommends that the Commission require Level 3 to produce certain information and documents relevant to its compliance, or lack thereof, with the Commission's order. Staff has prepared a set of Data Requests intended to elicit information necessary to assess Level 3's compliance. These Data Requests are attached hereto as Exhibit No. 1.

As the Commission is aware, Level 3 is pursuing appeals of the Commission's Order in both the Illinois Appellate Court and the U.S. District Court for the Northern District of Illinois.

II. The Commission Order in Docket No. 07-0277

On April 25, 2007, Neutral Tandem filed a Complaint and Request for Declaratory Ruling with the Commission, seeking remedies against Level 3 for violations of the Public Utilities Act ("Act"), 220 ILCS 5. NT's Complaint was brought pursuant to the enforcement provisions of Section 10-108 and Section 13-515 of the Act for those prohibited activities enumerated in Section 13-514; specifically alleged by NT were violations of Section 13-514(1), (2), and (6). NT's Complaint also alleged that Level 3's conduct violated the requirement of Section 13-702 of the Act that carriers "receive, transmit and deliver" transmissions from a carrier with whom a physical connection may have been made. The Complaint further contained allegations that Level 3's actions were in violation of Section 9-250 of the Act.

On June 25, 2007, the Administrative Law Judge proposed an Order in Docket No. 07-0277, which was adopted in its entirety by the Commission on July 10, 2007. This Order directed Level 3 to maintain the existing direct physical interconnection with Neutral Tandem "until a further order from the Commission, and for at least as long as [L3] maintains a direct physical interconnection by which it delivers traffic to NT for transiting."

Among other findings, the Commission determined that:

[T]he [FCC] rule [governing liability for reciprocal compensation] does not impose reciprocal compensation obligations with respect to transiting the traffic. [fn] In addition, this Commission previously has rejected attempts to impose reciprocal compensation on transit providers. [fn] Therefore, NT is not obligated to pay reciprocal compensation to Level 3.

...

[T]he per-minute surcharge proposed by Level 3 in its letter dated May 8, 2007, also is impermissible. It is little more than a thinly-veiled attempt to impose a reciprocal compensation-like obligation upon NT under a different label. Such charges have been disallowed in previous decisions.

Order at 9-10 (footnotes omitted)

Based upon these findings, the Commission entered the following Order:

... Level 3 shall not require NT to pay or collect reciprocal compensation for traffic not originated by NT. ... Level 3 shall not require NT to pay any fee or other compensation, either on a per-minute basis or otherwise, for traffic delivered to Level 3 for termination on the Level 3 network.

...

IT IS ... ORDERED that Level 3 Communications, L.L.C. cease and desist from requiring Neutral Tandem, Inc. and Neutral Tandem-Illinois, LLC to pay or collect reciprocal compensation for traffic not originated by Neutral Tandem, Inc. and Neutral Tandem-Illinois, LLC, or to pay any fee or other compensation, either on a per-minute basis or otherwise, for traffic delivered to Level 3 Communications, L.L.C. for termination on its network.

Order at 12, 14

The Commission thus resolved, with clarity, the question of whether Level 3 has any right to levy charges upon Neutral Tandem for transit traffic delivered by NT to L3 for termination. L3 has no such right.

III. Alleged Violations of Commission Order

NT has publicly alleged that, subsequent to, and notwithstanding, the entry of the Commission's Order, L3 continues to bill it for transit traffic delivered by NT to L3 for termination. NT's allegations are supported both by a detailed affidavit and by copies of invoices from L3 to NT, which post-date the Order by some months. The invoices provided purport to assess so-called "Transport Compensation" charges that appear to be Illinois-specific.

As the Order specifically provides, and as L3 is fully aware, L3 is not entitled to "Transport Compensation", or any other compensation (however characterized) from NT, to the extent that NT is transiting traffic originated by other carriers. Any L3 attempt to obtain such compensation could constitute a violation of the July 10, 2007 Order.

IV. Statutory Basis for Issuance of Data Requests

Section 5-101 of the Public Utilities Act obligates Level 3 to comply with Commission Orders, to provide the Commission with such information as it might require to effectuate the Act, and to provide specific answers to all questions submitted to it by the Commission. Section 5-109 permits the Commission to impose sanctions for failure to do so.

V. Recommendation

Staff recommends that the Commission require Level 3 to produce on or prior to May 9, 2008, information and documents responsive to the Data Requests attached hereto as Exhibit No. 1.

Submitted by:



Jim Zolnierak
Director
Telecommunications Division

AS&E TALLAHASSEE OFFICE
FILE CLOSING CHECKLIST

RECORDS CENTER
Rev. 01/11/02

Date: 04/17/08

Responsible/Closing Attorney: J. Riley Davis
Secretary: Angela Gaff
Client/Matter No. 44075.200378
Client Name: Carson, Carson & Associates
Matter Name: Estate of Jack E. Swicker

1. CLOSING SECRETARY

- A. All files assembled for Closing from all attorneys/paralegals who worked on file:
(enter below)

Attys/Paralegals:	JRD	FLN		
Files assembled	X	X		

- B. Files purged in accordance with section guidelines (correspondence, pleadings, photocopies, etc.) (Mark with an X) _____
- C. Original documents to be delivered to client pulled (corporate minute books, deeds, closing documents, etc.) (Mark with an X) X
- D. Special comments for review of Closing Attorney (i.e., original documents, etc.) (Mark with an X) _____
- E. Billing attorney's review and approval (original documents and termination of matter letter to be sent to client by responsible or billing attorney) _____

BILLING SHAREHOLDER

NAME: J. Riley Davis

RESPONSIBLE ATTORNEY

NAME: J. Riley Davis

2. RECORDS CENTER

ASE Closed File Number: _____
Storage Box Numbers: _____
Date file closed and sent to storage: _____
Closed by: _____

COMMENTS:

File was prepared to be closed by Felicia Nowels.

ILLINOIS COMMERCE COMMISSION

COMMISSION DATA REQUESTS 1.01 through 1.10

Companies: **Level 3 Communications, L.L.C.**
Regarding: **ICC Docket No. 08-0XXX**
Date Submitted: **April 9, 2008**

The Illinois Commerce Commission ("Commission" or "ICC") hereby submits Commission Data Requests ICC 1.01 through ICC 1.10 to Level 3 Communications, L.L.C. ("Respondent"). Responses should be delivered on or before May 9, 2008 ("Response Due Date"), in accordance with the instructions set forth below.

DEFINITIONS AND INSTRUCTIONS

1. "Relate to" or "refer to" shall mean, in addition to their customary and usual meaning, to reflect on, to pertain to, support, evidence, constitute, or mention.
2. "And" as well as "or" are to be construed either disjunctively or conjunctively so as to bring within the scope of this request any matters that might be construed outside its scope.
3. The terms "document" or "documents" are intended to be comprehensive, including without limitation any kind of written or graphic material, whether typed, handwritten, printed, computer-generated, or matter of any kind from which information can be derived, however produced, reproduced or stored on paper, cards, machines, tapes, film, electronic facsimile, disks, computer tapes, printouts, computer programs or computer storage devices or any other medium, of any nature whatsoever, including all originals, copies and drafts.
4. When asked to "identify" a person, provide that person's name, job title and last known business address.
5. The word "Respondent" refers collectively to Level 3 Communications, L.L.C. and its corporate parents, affiliates and subsidiaries.
6. "Neutral Tandem" means Neutral Tandem, Inc., Neutral Tandem – Illinois, LLC, and their corporate parents, affiliates and subsidiaries.

Exhibit No. 1
Staff Report - Level 3 Communications, L.L.C.:
Request For Information Regarding Compliance
March 31, 2008

7. All documents requested herein are all those in the custody of, possession of, or control of Respondent or its experts, consultants, agents, employees or representatives (including attorneys), or to which the Respondent or its experts, consultants, agents, employees or representatives (including attorneys) have access.
8. If any of the information requested in a data request cannot be furnished, please indicate what information is not being provided and the reason that it cannot be provided.
9. If the Respondent asserts any privilege as to any documents responsive to this request, it shall identify the author(s) of the document, the addressee(s), the recipients(s) of copies, the date of the document, the nature of the document (e.g., letter, memorandum, handwritten notes), the length of the document, the document's current location, and the specific reason(s) why the Respondent contends that the document is privileged or otherwise protected from discovery.
10. The response to each data request question should begin on a new page. As part of each response, please identify the data request question to which the response is made by typing it at the top of the page. In addition, each response should identify the name, job title and telephone number of the person or persons responsible for providing the information requested for each data request question. If any person so identified is not a witness in this proceeding, the response shall also identify the witness or witnesses who will be responsible for the answering of cross-examination questions pertaining to both the request and the response.
11. Documents provided as part of a response should be attached to the sheet containing the response. Each page of all documents provided in response to any data request question should be clearly marked with the data request question number, unless stapled together, in which case only the first page need be marked.
12. Please provide individual responses as they become available. If, in your responses to a data request, you make reference to written testimony or affidavits filed in this docket, please include page numbers and line numbers where the information sought by Staff in each question can be found.
13. Electronic responses rather than paper responses are preferred, except that an original paper verification as set forth in paragraph 12 below must always be provided. If data is provided in response to a particular request, such data should be provided in an electronic format that allows data manipulation (i.e., spreadsheet – preferably Microsoft Excel - or database – preferably Microsoft Access -- not .pdf). If a portion of a response needs to be provided in paper, please provide the entire response in paper and also provide electronically the

Exhibit No. 1
Staff Report - Level 3 Communications, L.L.C.:
Request For Information Regarding Compliance
March 31, 2008

portion that is able to be provided electronically. Responses shall be provided on or before the Response Due Date as follows:

Electronic responses shall be provided to the following persons:

Matthew L. Harvey
Illinois Commerce Commission
mharvey@icc.illinois.gov

Dr. James Zolnierek
Illinois Commerce Commission
jzolnier@icc.illinois.gov

If a paper response is required (i.e., where an electronic response cannot be provided), the paper response shall be provided to the following persons:

Matthew L. Harvey
Office of General Counsel
Illinois Commerce Commission
160 North LaSalle, Ste. C-800
Chicago, Illinois 60601

Dr. James Zolnierek
Telecommunications Division
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

If a response to any of the data requests cannot be provided by the Response Due Date, please provide notification within ten (10) days of the date of these data requests identifying those items that cannot be responded to by the requested date, and provide an estimate as to when the responses to such items will be provided.

Exhibit No. 1
Staff Report - Level 3 Communications, L.L.C.:
Request For Information Regarding Compliance
March 31, 2008

14. Each data request response shall be sworn to and verified by providing an attestation in the following form:

STATE OF _____)
)
COUNTY OF _____)

_____, being first duly sworn on oath, deposes and states that he/she has read the responses to Staff Data Requests [LIST APPLICABLE DATA REQUEST RESPONSES], and the answers made therein are true, correct and complete to the best of his/her knowledge and belief.

Signature

SUBSCRIBED AND SWORN to before me this ____ day of
_____, 2008

NOTARY PUBLIC

15. The Respondent must seasonably supplement or amend any prior answer or response whenever new or additional information subsequently becomes known to it. The Respondent must also seasonably supplement any prior response to the extent of documents, objects or tangible things which subsequently come into the Company's possession or control or become known to the Complainants.

ILLINOIS COMMERCE COMMISSION
DATA REQUESTS TO LEVEL 3 COMMUNICATIONS, L.L.C.
RESPONSE REQUIRED BY MAY 9, 2008

- ICC 1.01 Please produce true and correct copies of any and all invoices, bills, statements of account, or other documents of any description whatever, submitted by Level 3 Communications, L.L.C. (hereafter "Level 3") to Neutral Tandem relating to Illinois intrastate traffic exchanged between Level 3 and Neutral Tandem on any date subsequent to July 10, 2007.
- ICC 1.02 Please state whether the invoices appended hereto as Attachment A are true and correct copies, whether complete or partial, of documents transmitted by Level 3
- ICC 1.03 Please state whether "transport compensation", as that term is used in the invoices appended hereto in Attachment A, is intended to recover costs associated with the transport and/or termination of local traffic. If the answer is "no", please explain what this term refers to.
- ICC 1.04 Please describe in detail the manner in which Level 3 determined the rate, identified in the invoices included in Attachment A, of \$.0007 per minute of use to be appropriate for "transport compensation". Please include in your response any Interconnection Agreements, Tariffs, or other documents relied upon by Level 3 in determining the rate of \$.0007 per minute of use for "transport compensation", identify all passages in any such documents provided relied upon by Level 3 to determine the \$.0007 per minute of use rate for "transport compensation", and provide an explanation of how such passages were used by Level 3 to determine the \$.0007 per minute of use rate for "transport compensation."
- ICC 1.05 Please state Level 3's tariffed reciprocal compensation rate for Illinois and provide a reference to where that rate is found in Level 3's Illinois tariff.
- ICC 1.06 Please state whether the abbreviation "IA-IL-MN-UpperMI-WI-Tier2and3", as that term is used in the invoices appended hereto as Attachment A, refers in part to the State of Illinois.

Exhibit No. 1
Staff Report - Level 3 Communications, L.L.C.:
Request For Information Regarding Compliance
March 31, 2008

- ICC 1.07 Please state the total monthly minutes, if any, for Illinois that were included within the totals for the market "IA-IL-MN-UpperMI-WI-Tier2and3" for each invoice referencing "IA-IL-MN-UpperMI-WI-Tier2and3" that is included in Attachment A.
- ICC 1.08 Please state whether the abbreviation "Chicago", as that term is used in the invoices included in Attachment A, refers in part to any area within the State of Illinois.
- ICC 1.09 Please state the total monthly minutes for Illinois that were included within the totals for the market "Chicago" for each invoice referencing "Chicago" that is included in Attachment A.
- ICC 1.10 Please state whether Neutral Tandem has paid any sum for "transport compensation" associated with Illinois intrastate traffic exchanged by Level 3 and Neutral Tandem on any date subsequent to July 10, 2007, and if so, the date of such payment or payment, and the amount.

Illinois Commerce Commission
Data Request to Level 3 Communications, L.L.C.
April 9, 2008

ATTACHMENT A

Level(3)[™]

COMMUNICATIONS

Neutral Tandem Inc.
 19. Wecker Dr.
 Suite 200
 Attn: Dave Tatak
 Chicago, IL 60606

Fed ID# 47-0807040
 Invoice # NT20445JY0901
 Date 01/10/08
 Terms Net 30

July 1 thru 31, 2007 **Transport Compensation**

OPC/DPC	Total MOU	Market
5023066 207043001	5,847,377	Stamford
5031104 207082001	2,414,000	Indianapolis
5038228 6038006	9,378,997	Boston
5038224 6022080	26,256,191	Detroit
5040148 207047001	19,830,877	Minneapolis
5040148 207080001	734,560	IA-IL-MN-UpperMI-W-Tier2and3
5052198 207046001	3,395,133	Columbus
5052198 207059001	3,664,141	Cleveland
5052198 207080001	632,909	IN-KY-OH-Tier2and3
5089148 6022080	14,343,816	Atlanta
5092085 207084001	2,182,303	Wisconsin
5098180 5049108	28,224,477	New York
5098181 207044001	5,156,175	Washington
5098181 5049108	5,896,954	WashingtonDC
5100188 5021240	11,463,445	Los Angeles
5101101 207048001	31,917,289	Miami
5101102 207050001	7,023,861	Orlando
5101102 207079001	299,754	FL-Tier2and3
TOTALS	177,866,376	
	177,866,376	0.0007 \$ 124,368.78

Current Billing Period \$ 124,368.78
TOTAL AMOUNT DUE \$ 124,368.78

Level 3 Billing Contact: ICCBILLING@Level3.com

Please Remit Payment To:

<p>Mail: Level 3 Communications Wells Fargo Department 182 Denver, CO 80291-0182</p>	<p>FedEx: Level 3 Communications, LLC C/O Wells Fargo Bank 1700 Lincoln St. Denver, CO 80274 303-361-8811</p>
---	---

Wire:
 Wells Fargo Bank
 Account Name: Level 3 Communications, LLC
 Account Number: 4945097467
 ABA Number: 121000248

Level(3)SM

COMMUNICATIONS

Neutral Tandem Inc
 15. Wecker Dr.
 Suite 200
 Attn: Dave Tatak
 Chicago, IL 60608

Fed ID# 47-0807040
 Invoice # NT20445A00801
 Date 01/19/08
 Terms Net 30

Aug 1 thru 31, 2007	Transport Compensation
---------------------	------------------------

OPC/DFC	Total MOU	Market	
5023058 207043001	5,441,784	Stamford	
5031104 207062001	21,937	Indiana pols	
5038228 6038000	367,808	Boston	
5039224 6022080	25,348,159	Detroit	
5040148 207047001	18,988,692	Minneapolis	
5040148 207080001	817,489	IA-IL-MN-UpperMI-WI-Tier2and3	
5052198 207046001	190,111	Columbus	
5052198 207099001	104,065	Cleveland	
5052198 207090001	14,895	IN-KY-OH-Tier2and3	
5069148 5022080	14,073,288	Atlanta	
5082085 207084001	12,861	Milwaukee	
5099180 5049108	28,038,847	New York	
5098161 207044001	89,441	Washington	
5098161 5049108	231,711	WashingtonDC	
5100188 5021240	12,283,822	Los Angeles	
5101101 207048001	29,378,894	Miami	
5101102 207050001	8,313,821	Orlando	
5101102 207079001	318,567	FL-Tier2and3	
TOTALS	143,808,813		
	143,808,813	6.9997	3

Current Billing Period \$	99,408.66
TOTAL AMOUNT DUE \$	99,408.66

Level 3 Billing Contact: ICCBILLING@Level3.com

Please Remit Payment To:

Mall:
 Level 3 Communications
 Wells Fargo
 Department 182
 Denver, CO 80291-0182

FedEx:
 Level 3 Communications, LLC
 C/O Wells Fargo Bank
 1700 Lincoln St.
 Denver, CO 80274
 303-361-8811

Wire:
 Wells Fargo Bank
 Account Name: Level 3 Communications, LLC
 Account Number: 4945097487
 ABA Number: 121000248

Level(3)SM COMMUNICATIONS

Neutral Tandem Inc.
15. Wacker Dr.
Suite 200
Atn: Dave Tatak
Chicago, IL 60606

Fed ID#
Invoice #
Date
Terms

47-0907040
NT204455E0801
01/10/09
Net 30

Sep 1 thru Sep 30, 2007 Transport Compensation

OCPC/DPC	Total MOU	Market
5023055 207043001	4,452,921	Stamford
5038224 5022080	23,105,730	Detroit
5040148 207047001	17,019,157	Minneapolis
5040148 207080001	811,857	IA-IL-MN-UppertM-W-Tier2and3
5089148 5022090	13,738,372	Atlanta
5088160 8049108	28,040,112	NewYork
5100169 5021240	12,191,723	LosAngeles
5101101 207049001	12,162,899	Miami
5101102 207050001	5,397,356	Orlando
5101102 207079001	312,363	FL-Tier2and3
5101100 207049001	1,287,340	Tampa
TOTALS	118,489,538	
	118,489,538	0.9007 \$ 82,949.88

Current Billing Period \$ 82,949.88

TOTAL AMOUNT DUE \$ 82,949.88

Level 3 Billing Contact: TCB@LLING@Level3.com

Please Remit Payment To:

Mail:
Level 3 Communications
Wells Fargo
Department 182
Denver, CO 80281-0182

FedEx:
Level 3 Communications, LLC
C/O Wells Fargo Bank
1700 Lincoln St.
Denver, CO 80274
303-361-8811

Wire:
Wells Fargo Bank
Account Name: Level 3 Communications, LLC
Account Number: 4846097467
ABA Number: 121000248

Level(3)[™] COMMUNICATIONS

Neutral Tandem Inc.
18. Wacker Dr.
Suite 200
Attn: Dave Tatak
Chicago, IL 60606

Fed ID# 47-0807040
Invoice # NT20445N00801
Date 01/10/08
Terms Net 30

Nov 1 thru 30, 2007 Transport Compensation

OFC/DPC	Total MOU	Market
6023066 207043001	4,999,996	Stanford
5039224 5022080	23,363,378	Detroit
6040148 207047001	16,487,970	Minneapolis
6040148 207060001	884,383	IA-IL-MN-UpperMI-WI-Tier2and3
5099148 5022080	14,919,223	Atlanta
5098180 5049108	25,126,924	NewYork
5100186 5021240	12,473,928	LosAngeles
5101101 207048001	7,564,670	Miami
5101102 207060001	6,071,060	Orlando
5101102 207079001	359,141	FL-Tier2and3
5101100 207049001	2,808,654	Tampa
TOTALS	118,098,324	
	118,098,324	0.0007
		\$ 80,539.43

Current Billing Period \$ 80,539.43
TOTAL AMOUNT DUE \$ 80,539.43

Level 3 Billing Contact: ICCB/LLING@Level3.com

Please Remit To:
Mail:
Level 3 Communications
Wells Fargo
Department 182
Denver, CO 80291-0182

FedEx:
Level 3 Communications, LLC
C/O Wells Fargo Bank
1700 Lincoln St.
Denver, CO 80274
303-361-8811

Wire:
Wells Fargo Bank
Account Name: Level 3 Communications, LLC
Account Number: 4845087467
ABA Number: 121000248

Level 3SM

COMMUNICATIONS

Neutral Tandem Inc.
 1S. Wacker Dr.
 Suite 200
 Attn: Dave Tesak
 Chicago, IL 60606

Fed ID# 47-0807040
 Invoice # NT2 044 5A0 8021
 Date 02/13/08
 Terms Net 30

Service Description	
Jan 1 to Feb 31 2008	Transport Compensation

Current Billing Period Detail				
OPC/DPC	Total MOU			Market
5082085 5022080	36,805,459			Chicago
TOTALS	36,805,459			
	36,805,459	0.0007	\$	25,763.82

Current Billing Period \$	25,763.82
TOTAL AMOUNT DUE \$	25,763.82

Comments

Level 3 Billing Contact: ICCBILLING@Level3.com

Please Remit Payment To:

Mail:
 Level 3 Communications
 Wells Fargo
 Department 182
 Denver, CO 80291-0182

FedEx:
 Level 3 Communications, LLC
 C/O Wells Fargo Bank
 1700 Lincoln St.
 Denver, CO 80274
 303-381-8811

Wire:
 Wells Fargo Bank
 Account Name: Level 3 Communications, LLC
 Account Number: 4846097407
 ABA Number: 121000248

Level(3)[™]

COMMUNICATIONS

Neutral Tandem Inc.
15. Wacker Dr.
Suite 200
Attn: Dave Tatak
Chicago, IL 60608

Fed ID# 47-0807040
Invoice # NT20445A0803
Date 03/07/08
Terms Net 30

Summary Description
Feb 1 thru 29, 2008 Transport Compensation

Current Billing Period Detail			
OPC/DPC	Total MOU		Market
5023058 207043001	3,973,691		Stamford
5039224 5022080	19,490,781		Detroit
5040148 207047001	14,620,631		Minneapolis
5040148 207080001	713,020		IA-IL-MN-UpperMI-WI-Tier2and3
5089148 5022080	11,640,095		Atlanta
5098160 5049108	21,889,583		New York
5100169 5021240	10,877,966		Los Angeles
5101101 207048001	20,895,898		Miami
5101102 207050001	6,518,967		Orlando
5101102 207079001	414,456		FL-Tier2and3
5101100 207049001	5,314,368		Tampa
TOTALS	116,149,214		
			\$ -
	116,149,214	0.0007	\$ 81,304.45

Current Billing Period \$ 81,304.45
TOTAL AMOUNT DUE \$ 81,304.45

Comments

Level 3 Billing Contact: ICCBILLING@Level3.com

Please Remit Payment To:

Mail:
Level 3 Communications
Wells Fargo
Department 182
Denver, CO 80291-0182

FedEx:
Level 3 Communications, LLC
C/O Wells Fargo Bank
1700 Lincoln St.
Denver, CO 80274
303-361-8811

Wire:
Wells Fargo Bank
Account Name: Level 3 Communications, LLC
Account Number: 4945087467
ABA Number: 121000248

Level(3)[™]

COMMUNICATIONS

Neutral Tandem Inc.
15. Wacker Dr.
Suite 200
Attn: Dave Tatak
Chicago, IL 60606

Fed ID# 47-0807040
Invoice # NT20445A08031
Date 03/07/08
Terms Net 30

Service Description
Feb 1 thru 29, 2008 Transport Compensation

Contract Billing Period Detail	OPC/DPC	Total MOU		Market
	5092085 5022080	34,949,968		Chicago
	TOTALS	34,949,968		
		34,949,968	0.0007	
				\$ -
				\$ 24,464.98

Current Billing Period \$ 24,464.98
TOTAL AMOUNT DUE \$ 24,464.98

Comments

Level 3 Billing Contact: ICCBILLING@Level3.com

Please Remit Payment To:

Mail:
 Level 3 Communications
 Wells Fargo
 Department 182
 Denver, CO 80291-0182

FedEx:
 Level 3 Communications, LLC
 C/O Wells Fargo Bank
 1700 Lincoln St.
 Denver, CO 80274
 303-361-8811

Wire:
 Wells Fargo Bank
 Account Name: Level 3 Communications, LLC
 Account Number: 4945097467
 ABA Number: 121000248