

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Level 3)	
Communications, LLC and Broadwing)	
Communications, LLC,)	
)	
Complainants,)	
)	Case No. 07-668-TP-CSS
v.)	
)	
Neutral Tandem-Michigan, LLC,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On August 15, 2007, Level 3 Communications, LLC and Broadwing Communications, LLC (referred to collectively as Level 3) and Neutral Tandem-Michigan, LLC (NT-M) filed a joint motion to request a two-week extension of response dates for pending motions. The parties explained that they were engaged in negotiations that may resolve all issues presented in this case.
- (2) Both parties have filed motions to which responses are due. On July 26, 2007, Level 3 moved to dismiss NT-M's counterclaim. On August 3, 2007, NT-M filed a motion to dismiss Level 3's complaint as moot.
- (3) By entry issued August 9, 2007, the attorney examiner granted NT-M's motion to extend the time to file a memorandum contra Level 3's motion to dismiss counterclaim until August 15, 2007. By entry issued August 17, 2007, the attorney examiner granted the parties' August 15, 2007, joint motion to extend the time to file responses to pending motions. Specifically, the attorney examiner granted NT-M until August 29, 2007, to file a response to Level 3's motion to dismiss NT-M's counterclaim. In addition, the attorney examiner granted Level 3 until September 4, 2007, to file a response to NT-M's motion to dismiss the complaint as moot.

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- (4) On August 29, 2007, the parties again filed a joint motion to extend the time to respond to pending motions. The parties explain that settlement discussions have taken place and that a stipulation is expected to ensue that will resolve all issues. The parties reveal that the terms of the stipulation have not yet received all necessary approvals. To finalize the stipulation, the parties request a two-week extension of the due dates for responses to the pending motions. Specifically, the parties request that NT-M be granted until September 12, 2007, to file a response to Level 3's motion to dismiss NT-M's counterclaim and that Level 3 be granted until September 18, 2007, to file a response to NT-M's motion to dismiss the complaint as moot. Because of the time constraints imposed by the previous extension of time, the parties request an expedited ruling.
- (5) Noting the consent of the parties and the likelihood of a voluntary dismissal of all claims, the parties have shown good cause to grant the joint motion to extend time. Accordingly, the motion to extend time and the request for an expedited ruling shall be granted. NT-M shall be granted until September 12, 2007, to file a response to Level 3's motion to dismiss NT-M's counterclaim. Level 3 shall be granted until September 18, 2007, to file a response to NT-M's motion to dismiss the complaint as moot.

It is, therefore,


ORDERED, That the joint motion to extend time is granted. It is, further,


ORDERED, That NT-M shall be granted until September 12, 2007, to file a response to Level 3's motion to dismiss NT-M's counterclaim. It is, further,

ORDERED, That Level 3 shall be granted until September 18, 2007, to file a response to NT-M's motion to dismiss the complaint as moot. It is, further,

ORDERED, That a copy of this entry be served upon NT-M and its counsel, Level 3 and its counsel, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: L. Douglas Jennings
Attorney Examiner

 /vrm

Entered in the Journal

AUG 31 2007



Renee J. Jenkins
Secretary