BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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) Case No. 07-668-TP-CSS
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ENTRY

The attorney examiner finds:

- (1) On July 31, August 15, and August 29, 2007, Level 3 Communications, LLC and Broadwing Communications, LLC (referred to collectively as Level 3) and Neutral Tandem-Michigan, LLC (NT-M) filed motions to request extensions of due dates for all pending pleadings. 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 entries issued August 9, August 17, and August 31, 2007, the attorney examiner granted the parties' motions to extend the time to respond to pending pleadings.
- (4) Pointing out that negotiations are still ongoing, that settlement is likely, but that the terms of settlement have yet to be finalized, the parties find it again necessary to request an extension of time to respond to pending motions. Because of the time constraints imposed by the previous extension of time, the parties request an expedited ruling. The parties argue that the interests of all would be served by avoiding the filing of pleadings which, ultimately, may not be necessary.

 In their September 12, 2007, joint motion, the parties request that the due date for NT-M's response to Level 3's motion to dismiss NT-M's counterclaim be extended from September 12, 2007, to October 3, 2007, and that the due date for Level 3's response to NT-M's motion to dismiss the complaint as moot be extended from September 18, 2007, to October 9, 2007.

(6) Noting the mutual 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 October 3, 2007, to file a response to Level 3's motion to dismiss NT-M's counterclaim. Level 3 shall be granted until October 9, 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 October 3, 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 October 9, 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

ву:

L. Douglas Jennings

Attorney Examiner

Entered in the Journal

SEP 14 2007

Reneé J. Jenkins Secretary