

**FILE**

**BEFORE**  
**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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**Level 3 Communications, LLC and  
Broadwing Communications, LLC,**

## Complainants,

**Case No. 07-668-TP-CSS**

**V.**

**Neutral Tandem-Michigan, LLC**

**Respondent.**

## **COMPLAINANTS' NOTICE OF WITHDRAWAL**

Level 3 Communications, LLC and Broadwing Communications, LLC (collectively, “Level 3”), by and through their counsel, respectfully submits Notice withdrawing the Complaint in this proceeding. The Complaint, filed May 31, 2007, stated that Level 3 intended to terminate its existing traffic exchange agreements with Neutral Tandem-Michigan, LLC (“NT-Michigan”) and its corporate parent, Neutral Tandem, Inc. (together with NT-Michigan, “Neutral Tandem”) effective June 25, 2007. Under these agreements, NT-Michigan delivered tandem transit traffic (traffic originated by the carrier-customers of NT-Michigan) to Level 3 for delivery. The relief requested in the Complaint included a request for a Commission order directing NT-Michigan to notify its Ohio carrier-customers of the impending termination so that those carrier-customers could take appropriate steps to route their traffic via other means.

In support of recently-filed and approved joint motions to stay the procedural schedule in this proceeding, Level 3 and Neutral Tandem stated that the Parties were engaged in settlement discussions in an effort to resolve the issues presented. Unfortunately, a final agreement has not yet been achieved and appears unlikely. However, in reliance upon certain representations and

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requests for termination of facilities by Neutral Tandem, Level 3 is withdrawing its complaint absent a written stipulation of settlement between the Parties.

Level 3 withdraws its Complaint based upon representations made in the Affidavit of Dr. Surendra Saboo, the Chief Operating Officer and Executive Vice President of Neutral Tandem, attached as Exhibit 1 to Neutral Tandem's Motion to Dismiss the Complaint, that, as of August 3, 2007, Neutral Tandem is longer delivering any tandem transit traffic to Level 3 in Ohio. Further, Neutral Tandem has requested that Level 3 eliminate the existing physical interconnections between the Parties in Ohio. Accordingly, Level 3 believes that there is no need to pursue its Complaint at this time. Level 3 also predicates its withdrawal upon the representation by Neutral Tandem that upon termination of the Complaint, Neutral Tandem's Counterclaim may be deemed to be withdrawn (Neutral Tandem's Motion to Dismiss, ¶¶ 5 and 10).

Based upon the above, Level 3 respectfully withdraws its Complaint and requests that the Commission close this docket, without prejudice, thereby preserving Level 3's right to reinstate its action against Neutral Tandem if necessary at a later time. Level 3 further urges the Commission to grant Neutral Tandem's request that its Counterclaim be deemed withdrawn concurrent with the termination of the Complaint.

Respectfully submitted,

LEVEL 3 COMMUNICATIONS, LLC

By: 

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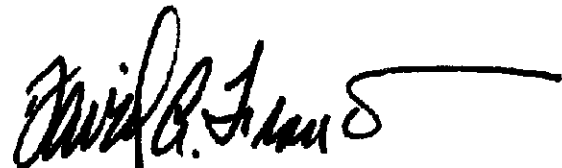
**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon the following counsel,  
electronically and by first-class U.S. mail, postage prepaid, this 1st day of October, 2007:

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A handwritten signature in black ink, appearing to read "David A. Turano", with a long horizontal flourish extending to the right.

David A. Turano (0025819)