

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Level 3)
Communications, LLC to Add Third Party)
Tandem Connect Service.)

Case No. 11-778-TP-ATA

THE AT&T ENTITIES' MOTION TO INTERVENE

AT&T Ohio¹, AT&T Long Distance², AT&T Communications of Ohio, Inc., and TCG Ohio (collectively referred to as the "AT&T Entities"), by their attorneys and pursuant to Ohio Admin. Code §§ 4901-1-11 and 4901-1-12, move to intervene in the captioned case. The AT&T Entities meet the requirements for intervention prescribed in Ohio Admin. Code § 4901-1-11. AT&T Ohio's interest is as a provider of local exchange telephone service and interexchange toll services in Ohio. AT&T Long Distance's interest is as a provider of interexchange toll services in Ohio. AT&T Communications of Ohio, Inc., and TCG Ohio are CLECs that may exchange traffic with the applicant Level 3 Communications, LLC ("Level 3"). The economic and operational interests of the AT&T Entities are impacted by the third party tandem connect service proposed by Level 3. By intervening and participating in this case, the AT&T Entities can contribute to a just and expeditious resolution of the issues involved. The AT&T Entities' interests are not represented by any other party. Lastly, granting the requested intervention would not unduly delay the proceeding or unjustly prejudice any existing party. Automatic approval of the tariff proposal was suspended by the Attorney Examiner's Entry adopted on March 10, 2011, thus giving the Staff and interested parties additional time to review and comment on the Level 3 proposal.

¹ The Ohio Bell Telephone Company uses the name AT&T Ohio.

² SBC Long Distance, LLC uses the name AT&T Long Distance.

The Level 3 tariff proposal, as amended on March 11 and March 15, 2011, presents an issue with the proposed definition of "end office" that requires further explanation and investigation. Level 3's proposed definition of "end office" is as follows:

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SECTION 1 - DEFINITION OF TERMS

End Office: The term "end office" denotes the switching system office or serving wire center (or functionally equivalent or analogous facilities) where Customer station loops (or functionally equivalent or analogous facilities) are terminated or otherwise connected to the Company's facilities or services for purposes of interconnection to each other and/or to trunks.

Here, Level 3 proposes a vague and open-ended definition of "end office." Level 3's intent is unclear. If it wants to consider IP gateways or other similar devices as switches and thereby impose access charges (such as those for local switching) for the use of such devices, it should first be required to provide more information about the types of devices it wishes to encompass in this definition and their precise purposes.³

Level 3's proposal is inconsistent with accepted industry practice. For example, here is how AT&T Ohio defines End Office Switch in its Interstate Tariff (Ameritech Tariff FCC #2, which is mirrored in Ohio with certain exceptions not relevant here):

³ The AT&T Entities understand that Level 3's filing is related to its plans to route traffic through several "super-tandems," one of which is located in Chicago, Illinois and none of which are located in Ohio. This proposal may call into question this Commission's jurisdiction to approve a service and its related pricing that is not even performed in Ohio. It also may call into question the jurisdictional nature of the calls proposed to be routed in this manner and could conflict with the Commission's prior conclusion that the physical location of the calling and called party is the deciding factor in the jurisdiction of the call for traffic routing and intercarrier compensation purposes.

End Office Switch - a local Telephone Company switching system where Telephone Exchange Service customer station loops are terminated for purposes of interconnection to trunks. Included are Remote Switching Modules and Remote Switching Systems served by a host office in a different wire center.

This is the TCG Ohio definition of end office:

End Office: The term "end office" denotes the switching system office or serving wire center where Customer station loops are terminated for purposes of interconnection to each other and/or to trunks.

Both of these definitions are straightforward and reflect accepted industry practice. Level 3's proposed definition meets neither criterion. It has the potential for increasing the costs incurred by the AT&T Entities with no corresponding benefits.

For the foregoing reasons, the AT&T Entities respectfully request that their motion to intervene be granted, that the issue identified herein be investigated by the Staff, and, if necessary, that the case be scheduled for a hearing to determine whether the proposed tariff is just and reasonable before it is permitted to go into effect.

Respectfully submitted,

AT&T Ohio
AT&T Long Distance
AT&T Communications of Ohio, Inc.
TCG Ohio

By: /s/ Jon F. Kelly

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11-778.motion intervene

Certificate of Service

I hereby certify that a copy of the foregoing has been served this 29th day of March, 2011 by e- mail, on the parties shown below.

/s/ Jon F. Kelly

Jon F. Kelly

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Summary: Motion to intervene electronically filed by Jon F Kelly on behalf of The AT&T Entities