

RECEIVED-DOCKETING DIV
2007 JUL 31 PM 1:07
PUCO

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Level 3 Communications, LLC)
)
 and)
)
 Broadwing Communications, LLC)
)
 Complainants,)
)
 v.)
)
 Neutral Tandem-Michigan, LLC,)
)
 Respondent.)

Case No. 07-668-TP-CSS

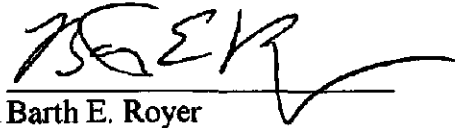
**MOTION FOR EXTENSION OF TIME
AND
REQUEST FOR EXPEDITED RULING
OF
NEUTRAL TANDEM-MICHIGAN, LLC
AND
NEUTRAL TANDEM, INC.**

Neutral Tandem-Michigan, LLC ("NT Michigan), the respondent herein, and Neutral Tandem, Inc., together with NT Michigan (collectively, "Neutral Tandem"), joint counterclaimants herein, hereby move, pursuant to Rule 4901-1-12, Ohio Administrative Code, for a five-day extension of the due date for filing their memorandum contra complainant's motion to dismiss counterclaim filed in this docket on July 26, 2007 for the reasons set forth in the accompanying memorandum in support. In view of the proximity of the otherwise applicable due date, an expedited ruling is requested.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician SM Date Processed 7/31/07

WHEREFORE, Neutral Tandem respectfully requests that its motion be granted and that an expedited ruling be issued.

Respectfully submitted,



Barth E. Royer
Bell & Royer Co., L.P.A.
33 South Grant Avenue
Columbus, Ohio 43215-3900
(614) 228-0704
(614) 228-0201 (fax)
BarthRoyer@aol.com

Ronald Gavillet
Executive Vice President &
General Counsel
Neutral Tandem, Inc.
One South Wacker, Suite 200
Chicago, IL 60606
(312) 384-8000
(312) 346-3276 (fax)
rongavillet@neutraltandem.com

John R. Harrington
Jenner & Block LLP
330 N. Wabash Ave.
Suite 4700
Chicago, IL 60611
(312) 222-9350
(312) 840-7791 (fax)
JHarrington@jenner.com

Attorneys for
Neutral Tandem-Michigan LLC and
Neutral Tandem, Inc.

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**MEMORANDUM IN SUPPORT
OF
MOTION FOR EXTENSION OF TIME
AND
REQUEST FOR EXPEDITED RULING
OF
NEUTRAL TANDEM-MICHIGAN, LLC
AND
NEUTRAL TANDEM, INC.**

This case is before the Commission upon the May 31, 2007 complaint of Level 3 Communications, LLC and Broadwing Communications, LLC (collectively "Level 3") alleging, *inter alia*, that the named respondent, Neutral Tandem-Michigan, LLC ("NT Michigan"), has failed to provide adequate service by refusing to notify its Ohio carrier-customers that its traffic exchange agreements with Level 3 had been terminated so as to permit those carrier-customers to route their traffic to Level 3 via an alternative means. On June 20, 2007, NT Michigan filed its answer to the complaint, denying the complaint's material allegations. In conjunction with the

answer, NT Michigan and Neutral Tandem, Inc. (collectively, "Neutral Tandem"), submitted a counterclaim against Level 3, seeking an order from this Commission finding that the terms and conditions requested by Level 3 for interconnection were unreasonable and unlawful and directing Level 3 to accept terminating traffic from Neutral Tandem on just, reasonable, and nondiscriminatory terms and conditions. Level 3 filed its answer to Neutral Tandem's counterclaim on July 13, 2007, and filed a motion to dismiss the counterclaim on July 26, 2007.

Pursuant to Rule 4901-1-12(B)(1), Ohio Administrative Code ("OAC"), Neutral Tandem's memorandum contra the Level 3's motion to dismiss the counterclaim is due fifteen days after service of the motion, or August 10, 2007. Due to involvement in other proceedings and the press of other business, Neutral Tandem anticipates that its counsel will not have sufficient time to prepare and file its memorandum contra the Level 3's motion to dismiss Neutral Tandem's counterclaim by the August 10, 2007 due date. Rule 4901-1-13(A), OAC, provides that "extensions of time to file pleadings or other papers may be granted upon motion of any party for good cause shown." Neutral Tandem submits that the foregoing motion is supported by good cause, and notes that, because no procedural schedule has yet been established, Level 3 will not be prejudiced by this short extension of the due date.

Rule 4901-1-13(B), OAC, provides that "(a) motion for an extension of time to file a document must be timely filed so as to permit the commission, legal director, deputy legal director, or attorney examiner sufficient time to consider the request and to make a ruling prior to the established filing date." Neutral Tandem has submitted this motion sufficiently in advance of the due date to provide the attorney examiner adequate time to rule before the otherwise applicable filing date, particularly in view of the fact that, under Rule 4901-1-12(C), OAC, an immediate ruling may be issued without the filing of memoranda where the motion seeks an

extension of time to file pleadings or other papers of five days or less. This rule provides, in pertinent part, as follows:

Any motion may include a specific request for an expedited ruling. The grounds for such a request shall be set forth in the memorandum in support. If the motion requests an extension of time to file pleadings or other papers of five days or less, an immediate ruling may be issued without the filing of memoranda.

Consistent with the foregoing discussion, Neutral Tandem respectfully requests an expedited ruling that its motion for an extension of the August 10, 2007 due date for filing a memorandum contra Level 3's motion to dismiss to August 15, 2007 be granted.

Respectfully submitted,

Ronald Gavillet
Executive Vice President &
General Counsel
Neutral Tandem, Inc.
One South Wacker, Suite 200
Chicago, IL 60606
(312) 384-8000
(312) 346-3276 (fax)
rongavillet@neutraltandem.com

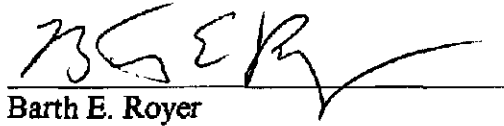

Barth E. Royer
Bell & Royer Co., L.P.A.
33 South Grant Avenue
Columbus, Ohio 43215-3900
(614) 228-0704
(614) 228-0201 (fax)
BarthRoyer@aol.com

John R. Harrington
Jenner & Block LLP
330 N. Wabash Ave.
Suite 4700
Chicago, IL 60611
(312) 222-9350
(312) 840-7791 (fax)
JHarrington@jenner.com

Attorneys for
Neutral Tandem-Michigan LLC and Neutral Tandem, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been served on each of the following persons or parties by electronic mail and first class US mail, postage prepaid, this 31st day of July 2007.


Barth E. Royer

David A. Turano
Shoemaker, Howarth & Taylor, LLP
471 East Broad Street, Suite 2001
Columbus, Ohio 43215

Gregg Strumberger
Regulatory Counsel
Level 3 Communications, LLP
1025 Eldorado Blvd.
Broomfield, Colorado 80021