

RECEIVED-DOCKETING DIV  
2007 OCT -1 PM 2:49  
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

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

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 10/11/07

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: 

David A. Turano (0025819)

SHOEMAKER, HOWARTH & TAYLOR, LLP

471 East Broad Street, Suite 2001

Columbus, Ohio 43215

(614) 232-0426

(614) 280-9675 (fax)

Email: [dturano@midohiolaw.com](mailto:dturano@midohiolaw.com)

/s/Gregg Strumberger – per electronic  
authorization  
Gregg Strumberger  
Regulatory Counsel  
1025 Eldorado Blvd.  
Broomfield, CO 80021  
(720) 888-1780  
(720) 888-5134 (fax)  
Email: gregg.strumberger@level3.com

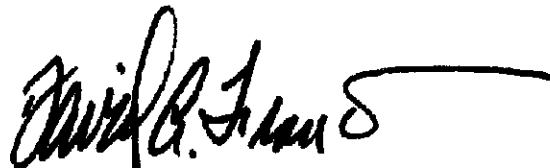
**CERTIFICATE OF SERVICE**

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:

Barth E. Royer  
Bell & Royer Co., L.P.A.  
33 South Grant Avenue  
Columbus, OH 43215-3900  
*Co-Counsel for Neutral Tandem, Inc. and  
Neutral Tandem-Michigan, LLC*

Ronald Gavillet  
Executive Vice President & General Counsel  
Neutral Tandem, Inc.  
One South Wacker, Suite 200  
Chicago, IL 60606  
*Co-Counsel for Neutral Tandem, Inc. and  
Neutral Tandem-Michigan, LLC*

John R. Harrington  
Jenner & Block LLP  
330 N. Wabash Avenue, Suite 4700  
Chicago, IL 60611  
*Co-Counsel for Neutral Tandem, Inc. and  
Neutral Tandem-Michigan, LLC*



David A. Turano (0025819)