

FILE

**Level(3)**  
COMMUNICATIONS

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Regulatory Counsel

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April 14, 2008

**VIA OVERNIGHT MAIL**

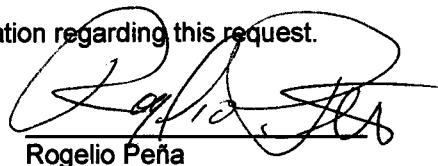
The Public Utilities Commission of Ohio  
Docketing Division  
180 East Broad Street  
Columbus, Ohio 43215

RE: <sup>904</sup> Case No. 07-940-TP-CSS; John Kavlich d/b/a Patient First v. Level 3 Communications;  
Level 3 Communications, Inc.'s Answer to Complaint

To Whom It May Concern:

Attached for filing are the original and twenty (20) copies of Level 3's Answer to the Complainant filed in the above-noted docket. Also included is an additional copy for Attorney Examiner Janet K. Stoneking.

Please let me know if I may provide you further information regarding this request.



Rogelio Peña

Attachment

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                      Date Processed 4.15.08

Level 3 Communications, LLC 1025 Eldorado Boulevard Broomfield, Colorado 80021  
www.level3.com

*In the Matter of the Complaint of*  
*John kavlich, MD dba Patient First,*  
  
*Complainant,*  
  
*v.*  
  
*Level 3 Communications, Inc.,*  
*AT&T Ohio, and DIECA Communications*  
*Inc. dba Covad Communications*  
*Company,*  
  
*Respondents.*

**LEVEL 3 COMMUNICATIONS, INC.'s ANSWER TO COMPLAINT**

(1) Level 3 denies that it slammed the complainant's modem line on July 11, 2007. Level 3 admits that AT&T had been providing the Complainant with phone service prior to July 11<sup>th</sup>. However, Level 3 does not have sufficient information to admit or deny if AT&T provided the Complainant with phone, internet and fax service. Anything not specifically admitted or denied herein, is hereby denied.

(3) As a carrier customer or local service provider and reseller, Covad's service rides on the Level 3 network; that is, Covad is effectively using Level 3's network to provide service, including obtaining the customer LOA and submitting the port orders that results in the porting of telephone numbers when Covad wins a subscriber/end-user from a competing local service provider. As a carrier customer, Covad is also responsible for populating port orders with correct subscriber/end-user information. Level 3 does not input subscriber/end-user information on port orders submitted by its carrier customers.

(5) Subsequent to providing Level 3 with the LOA, Covad submitted two separate port orders. The first port order contained three telephone numbers, (440) 826-4619, (440)

826-4627, and (440) 826-4683. The telephone numbers, customer address, and customer name matched the Customer Service Record obtained from the donor carrier (AT&T). Thus, the three AllCare Dental & Denture numbers were successfully ported from AT&T to Level 3 on behalf of and for use by Covad.

(6) On July 11, 2007, Covad submitted a second port order, which contained the Complainant's telephone number, (440) 826-4400. (See Exhibit B, the port order summary placed by Covad.) The subscriber/end-user information and the telephone number matched the donor carrier CSR; that is, the information identified Patient First and not AllCare Dental & Denture as the subscriber. The subscriber information appears on page 1 of Exhibit B, and the telephone number appears on page 2 of Exhibit B. As noted in Paragraph 3 above, Covad populates the port order fields with subscriber/end-user data when submitting number port requests.

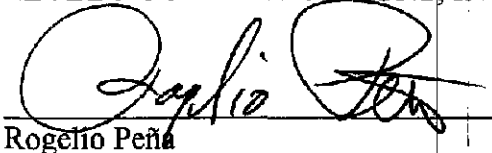
(7) Since the second port order did not contain any errors – subscriber/end-user information and the telephone number matched – neither Level 3's nor AT&T's automated systems had reason to reject the order. Consequently, the number was ported to Level 3 on behalf of Covad. Level 3 has no information as to why Patient First and not AllCare Dental & Denture was listed as the subscriber in the second port order. When the port-in-error was discovered within a few days of the port, the telephone number was ported back to AT&T on July 17, 2008.

(8) During the entire porting process, Level 3 functioned as a wholesale carrier and at no time did it have contact with either the Complainant or Covad's subscriber/end-user, was not responsible for obtaining the LOA or submitting and populating the port order that resulted in the Complainant's number being ported, and Level 3's automated systems were simply transmitting information provided and entered by Covad.

For the reasons stated above, Level 3 requests that Complainant's Complaint against Level 3 be denied.

Submitted this 14<sup>th</sup> day of April, 2008.

LEVEL 3 COMMUNICATIONS, INC.



Rogelio Peña  
Corporate Counsel, Regulatory  
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Broomfield, Colorado 80021  
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[Rogelio.Pena@level3com](mailto:Rogelio.Pena@level3com)

**CERTIFICATE OF SERVICE**

I hereby certify that the original and twenty (20) copies of **Level 3 Communications, Inc.'s Answer To Complaint in Case No. 07-904-TP-CSS**, was filed via overnight mail delivery on this 14<sup>th</sup> day of April, 2008, addressed to the following:

Public Utilities Commission of Ohio  
Docketing Division  
180 East Broad Street  
Columbus, Ohio 43215-3793

with an additional copy to:

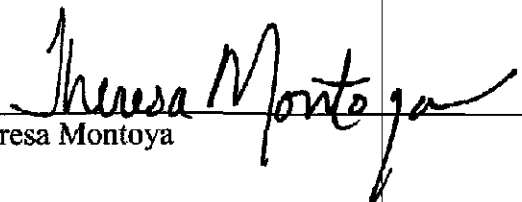
Janet K. Stoneking  
Attorney Examiner  
180 East Broad Street  
Columbus, Ohio 43215-3793

Copies are also being sent via overnight mail and/or by electronic e-mail, on this 14<sup>th</sup> day of April, 2008, addressed to the following:

Patient First  
276 W. Bagley Road  
Berea, Ohio 44017  
Phone: (440) 816-1888

AT&T Ohio  
MaryKay Fenlon  
Jon F. Kelly  
150 E. Gay Street, Room 4-C  
Columbus, Ohio 43215  
Phone: (614) 223-7928

Dieca Communications, Inc., dba Covad  
Communications Company  
Katherine Mudge, Senior Attorney  
7000 N. MoPac Expressway, 2<sup>nd</sup> Floor  
Austin, Texas 78731  
Phone: (512) 514-6380

  
Theresa Montoya

May 22 07 12:22p

p.7

Confidential

**Letter of Agency  
Covad Communications Company**

Covad Communications Company  
110 Rio Robles  
San Jose, CA 95134

Re: Telephone Numbers (Either list numbers here or state "See attached sheet"): 440. 826. 4400  
440. 826. 4619 440. 826. 4627 440. 826. 4683

This letter of agency pertains to the telephone number(s) listed above or on the attached page ("Telephone

Numbers"). ALLCARE DENTAL & DENTURE ("Customer") subscribes to

METTEL / AIT - SAC ("Current Company") for service provided to the Telephone  
(Customer's Name) (Current Telco's Name)

Numbers, and the undersigned has the necessary authorization to sign this Letter of Agency on the behalf of Customer. Customer's current service address for the Telephone Numbers is:

ALLCARE DENTAL & DENTURE  
16342 BAGLEY RD MIDDLEBORGH HTS, OH 44130

Customer directs or permits the following:

- (1) Customer authorizes Covad Communications Company (referred to in this letter as "Covad"), and Covad accepts authority, to replace the service provided to Customer by Current Company with service provided by Covad.
- (2) The Telephone Numbers will remain the same after the service changes to Covad.
- (3) Customer authorizes Covad, and Covad accepts authority, to take the following actions, or to authorize the appropriate third party carrier to take the following actions on Covad's behalf, in conjunction with items (1) and (2) above:
  - Place service orders for new and existing services,
  - Obtain account information, service configuration(s) and location information, including Customer Proprietary Network Information ("CPNI"),
  - Review billing information, including billing name and address, and
  - Request a change, as appropriate, of the Responsible Organization for the EOCX Telephone Number(s).

This letter revokes any and all previous letters regarding local telephone service provided for the Telephone Numbers and will remain in effect until cancelled in writing by Customer.

ALLCARE DENTAL & DENTURES

Covad Communications Company

By:

[Signature]  
Signature  
NED GREENE  
Print Name  
DPS MGR  
Title  
05-18-07  
Date

By:

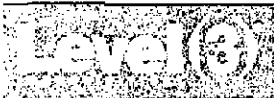
[Signature]  
Signature  
Anne Teran  
Print Name  
PG  
Title  
[Signature]  
Date

**END OF CUSTOMER LETTER OF AGENCY**

Customer Letter Of Agency

Covad 06.01.04

**EXHIBIT A**



# PORTAL

Local Voice

Search Orders and Services

Create LNP Status Report

## Customer Order Summary

Customer Order	
Order Information	
Customer Order ID :	12527013
Order Status :	Completed
Order Type :	New
Order Action Type :	Install
Order Submit Date :	06/13/2007
Activation Type :	Customer-initiated
Default Activity :	Auto-Port at activation time
Activation Time :	19:00 MST
Customer Information	
Service	Enhanced Local
Service Package :	Usage
Customer Service Name :	SNVACAID-BSNS
Customer's Internal Order ID :	AT183933167BX
Customer Request Date :	07/11/2007
Customer Commit Date :	07/11/2007
LEC Response Date :	06/13/2007
Service Delivery Date :	07/11/2007
Emergency 911 Solution	
E911 Option :	E911 Static
Subscriber Information	
Subscriber ID :	1262787345
Subscriber Address Type :	Business
Subscriber Name :	PATIENT, FIRST
Subscriber Address : (Service Address)	276 W BAGLEY RD BEREA, OH 44017 - 1878
Building :	
Floor :	
Room :	
Unit :	
Billing Information	
Billing Telephone Number :	440 - 816 - 1888

\*

Billing Start Date : 07/11/2007  
 Billing Stop Date :

**Telephone Number Porting Information**

LNP Order : Yes  
 LNP Status : Completed  
 \* Telephone Number : 4408264400  
 Retain Current Directory Listing : No  
 Port Reason Code :  
 Port Reason Description :

**Porting Information**

**Jeopardy Codes**

None None No Jeopardy Codes

**Warning Codes**

None None No Warning Codes

**Feature Codes**

None None No Feature Codes

**Customer Service Record Details**

Customer Service Record Details	City	State	Street	Num	Type	Zip	WTN	ATN	Feature	Detail
PATIENT; FIRST	BEREA	OH	BAGLEY	276		44017	4408264400			
PATIENT; FIRST	BEREA	OH	BAGLEY	276		44017	4408260008			
PATIENT; FIRST	BEREA	OH	BAGLEY	276		44017	4408160766			
PATIENT; FIRST	BEREA	OH	BAGLEY	276		44017	4408160765			
PATIENT; FIRST	BEREA	OH	BAGLEY	276		44017	4408160784			
PATIENT; FIRST	BEREA	OH	BAGLEY	276		44017	4408160768			
PATIENT; FIRST	BEREA	OH	BAGLEY	278		44017	4408161888			
PATIENT; FIRST							9999999999			

**LNP Event Summary**

Event Name	Date and Time
LNP Order Requested	Wed Jun 13 13:34:54 MDT 2007
CSR Complete	Wed Jun 13 13:35:07 MDT 2007
LSR Requested	Wed Jun 13 13:35:08 MDT 2007
FOC Received	Thu Jun 14 07:16:45 MDT 2007
Pre-Provisioning Complete	Thu Jun 14 07:16:46 MDT 2007
Pending Port	Thu Jun 14 07:16:52 MDT 2007