

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-2780
of Level 3 Communications, LLC,)
of Broomfield, Colorado, seeking)
arbitration to resolve issues) MOTION FOR REHEARING
relating to an interconnection) DENIED
agreement with Qwest)
Communications of Denver,)
Colorado.) Entered: July 1, 2003

APPEARANCES:

For Level 3 Communications, LLC:
Greg L. Rogers
1025 Eldorado Blvd.
Broomfield, Colorado 80021

For Qwest Corporation:
Mary Rose Hughes
607 Fourteenth St.
NW Washington D.C. 20005

and

and

Loel Brooks
Wells Fargo Center
1248 O Street Suite 984
Lincoln Nebraska, 68508

Jill Vinjamuri-Gettman
Kutak Rock, LLP
1650 Farnam Street
Omaha, NE 68102

For the Commission:
Chris A. Post
1200 N Street, Suite 300
Lincoln, Nebraska 68508

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

On April 22, 2003, this Commission entered its order in the above-captioned matter approving as modified the arbitrated interconnection agreement between Level 3 Communications, LLC (Level 3) and Qwest Corporation (Qwest).

On May 2, 2003, Level 3 filed a motion for rehearing in this matter. Qwest Corporation filed its response to the motion for rehearing on May 13, 2003.

The Commission scheduled oral arguments to address the issues set forth in Level 3's motion on June 17, 2003. Oral Arguments were presented by Greg Rogers for Level 3 and Mary Rose Hughes for Qwest.

At the oral argument, Mr. Rogers argued that the Commission committed legal error by adopting Qwest's language against the arbitrator's recommendation in the arbitration. Specifically,

Level 3 believes that traffic from Qwest's subscribers to Level 3's Internet Service Provider (ISP) customers should be included in "relative use" calculations that are used to determine the allocation of costs for shared facilities on Qwest's side of the point of interconnection with Level 3.

Ms. Hughes, on behalf of Qwest, argued that all of the issues addressed by Level 3 in the oral argument had been exhaustively presented to the Commission before the issuance of its April 22 order. Specifically, Qwest reiterated that they were entitled to just and reasonable compensation for the interconnection trunks that Level 3 orders.

In consideration of Level 3's Motion, Qwest's Reply and the oral arguments thereon, the Commission is of the opinion and finds that Level 3's motion for rehearing should be denied.

The Commission is not persuaded by Level 3's motion for rehearing in light of the fact that nothing has changed since this matter was originally brought before the Commission for determination. Furthermore, the Commission believes that its original findings in this matter are appropriate and, therefore, the motion for rehearing should be, and is hereby, denied.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Level 3's motion for rehearing is hereby, denied.

MADE AND ENTERED at Lincoln, Nebraska, this 1st day of July, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director