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Attorneys for
Level 3 Communications, LLC

BEFORE THE UTAH PUBLIC SERVICE COMMISSION

In the Matter of the Petition of Level 3
Communications, LLC for Enforcement of the
Interconnection Agreement Between Qwest and
Level 3

**MOTION OF LEVEL 3
COMMUNICATIONS, LLC FOR
ENTRY OF ORDER CONSISTENT
WITH COURT'S DECISION**

Docket No. 05-2266-01

Level 3 Communications, LLC (“Level 3”) through its undersigned counsel and pursuant to the Order of the Utah Court of Appeals dated April 19, 2007, moves the Public Service Commission of Utah (“Commission”) for entry of an order for resolving the dispute between Level 3 and Qwest Corporation (“Qwest”) over the terms and conditions of the Interconnection Agreement between them, and respectfully requests that the Commission grant the following:

1. That the Commission issue an order declaring that:
 - a. the language of the relative use clause of the Old Agreement is unambiguous and Qwest is assigned responsibility to pay the costs of the shared facilities for all of its originating minutes, including ISP-bound traffic; and

b. Qwest, within 10 business days of the Commission's Order, shall refund \$833,616.79 paid to Qwest by Level 3, plus interest on that amount at a rate of 1.2% per month running from May 10, 2006 until the date on which payment is made.

2. That the Commission take such other and further actions as it deems necessary and appropriate.

This motion is to implement the Decision of the Utah Court of Appeals, dated April 19, 2007, and is accompanied by the Affidavit of Rhonda Tounget and proposed Decision and Order.

DATED this ____ day of August, 2007.

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CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of August, 2007, I caused a true and correct copy of the foregoing **MOTION OF LEVEL 3 COMMUNICATIONS, LLC FOR ENTRY OF ORDER CONSISTENT WITH COURT'S DECISION** to be sent in the following manner:

Via Hand Delivery

Ted D. Smith
Stoel Rives
201 South Main Street, Suite 1100
Salt Lake City, Utah 84111

Via Hand Delivery

Sander J. Mooy
Public Service Commission
Heber M. Wells Building
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Via Hand Delivery

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