

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

)
) DOCKET NO. 05-2266-01
)
)
In the Matter of the Petition of Level 3)
Communications, LLC for Enforcement of)
the Interconnection Agreement Between) ORDER GRANTING QWEST'S MOTION
Qwest and Level 3) FOR LEAVE TO FILE RESPONSE TO
) LEVEL 3'S REPLY MEMORANDUM IN
) SUPPORT OF MOTION FOR ENTRY OF
) ORDER
)
)

ISSUED: November 1, 2007

By The Commission:

On August 31, 2007, Level 3 Communications, LLC ("Level 3") filed its Motion of Level 3 Communications, LLC for Entry of Order Consistent with Court's Decision ("Motion"), requesting the Commission to issue an order requiring Qwest to refund \$833,616.79, plus interest at 1.2 percent per month from May 10, 2006, through the date of payment. According to an affidavit filed with the Motion, the amount Level 3 believes Qwest should refund through August 31, 2007, is \$1,005,930.71.

On September 17, 2007, Qwest Corporation ("Qwest") filed Qwest's Opposition to Level 3's Motion for Entry of Order ("Opposition") arguing the Motion was premature and the Commission should schedule further proceedings consistent with the decision of the Utah Court of Appeals in *Level 3 Communications, LLC v. Public Service Comm'n*, 2007 UT App 127.

On October 1, 2007, Level 3 filed its Reply Memorandum in Support of Motion for Entry of Order ("Reply").

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On October 9, 2007, Qwest filed its Motion for Leave to File Response to Level 3's Reply Memorandum in Support of Motion for Entry of Order ("Qwest Motion") seeking the opportunity to respond to various legal arguments contained in Level 3's Reply.

On October 18, 2007, Level 3 filed its Opposition to Qwest's Motion for Leave to File Response to Level 3's Reply Memorandum in Support of Motion for Entry of Order.

Having reviewed the matters filed by the parties, the Administrative Law Judge determines to grant Qwest's Motion and to permit Qwest the opportunity to respond to Level 3's Reply. Furthermore, in recognition of the fact that the moving party traditionally gets the last word in arguing a motion, the Administrative Law Judge determines that Level 3 shall have the opportunity to reply to Qwest's response. Doing so will not only ensure both parties' ability to fully exercise their due process rights but will also provide the Commission the full and complete arguments of both parties when determining whether to grant Level 3's Motion and thereby order Qwest to pay Level 3 as outlined in said Motion.

Wherefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters this ORDER granting Qwest's Motion and providing Qwest fifteen (15) days from the date of this Order to file its response to Level 3's Reply. Level 3 shall thereafter have ten (10) days from the date Qwest files said response to reply to said response.

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Dated at Salt Lake City, Utah this 1st day of November, 2007.

/s/ Steven F. Goodwill
Administrative Law Judge

Attest:

/s/ Julie Orchard
Commission Secretary
G#55216