



State of Utah
Department of Commerce
Division of Public Utilities

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July 21, 2005

TO: PUBLIC SERVICE COMMISSION

FROM: DIVISION OF PUBLIC UTILITIES
Irene Rees, Director
Wes Huntsman, Manager, Telecommunications
Casey J. Coleman, Utility Analyst

**Re: In the Matter of the Petition of Level 3 Communications, LLC for
Enforcement of the Interconnection Agreement Between Qwest and Level 3
Docket No. 05-2266-01**

RECOMMENDATION: None

BACKGROUND:

On June 24, 2005 Level 3 filed a petition with the Commission for resolution of a dispute arising from a Commission Order in Docket 02-2266-02 and how that should be interpreted and applied on the parties Interconnection Agreement.

The parties involved seem to be in agreement on what issue needs to be arbitrated. In Docket 02-2266-02 the Commission ruled that ISP traffic should be excluded from the Relative Use Factor when determining who would be responsible for paying for the costs of additional trunks. Since the ruling by the Commission, both parties have abided by the terms of the interconnection agreement.

This petition before the Commission is dealing with the costs of transporting the traffic before the new interconnection agreement was in force. Qwest claims that L3 owes them \$563,616.99 as payment for transporting the traffic. L3 alleges that the Commission meant for the charges to apply prospectively and that Qwest is not allowed to charge for transporting the traffic before the new interconnection agreement.

The Division has reviewed the various information submitted and does not find that the parties have many disagreements other than interpreting the Commission's Order. Because the only issue is an interpretation of the Order, the Division has no recommendation to offer.