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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

**LEVEL 3'S OBJECTION TO QWEST'S
MOTION FOR LEAVE TO FILE
SURREPLY AND EXTENSION OF
SCHEDULE FOR
RECONSIDERATION**

Docket No. 05-2266-01

Level 3 Communications, LLC, through its counsel, and pursuant to the provision at Utah Admin. Code R746-100-3(h) and (I), hereby objects to Qwest's Motion for Leave to File Surreply and Extension of Schedule for Reconsideration, which was evidently filed with the Commission on December 9, 2005. The grounds for this objection are as follows:

1. Level 3 does not dispute the factual statements contained in paragraphs 1 through 7 of Qwest's Motion.
2. Level 3, however, disputes the statement in paragraph 8 of Qwest's Motion to the effect that Level 3's response "raises new arguments," that were not included in the initial Motion for Reconsideration. Level 3's Reply addresses only arguments made in Qwest's Opposition, and does not raise any argument that Qwest did not raise in its Opposition. In its present Motion, Qwest fails to identify any such argument or issues, or to state why a further response would be necessary.

3. Level 3 also disputes the statement in paragraph 9 of Qwest's Motion. While there may be instances where the party responding to a motion files the last brief, it is far more common for the moving party to file the final brief. As long as the moving party does not raise new arguments but addresses only arguments offered by the opposing party, further briefing is not warranted. That is the situation in this case.

4. Level 3 has stated that the urgency of deciding this request for reconsideration is no longer as great as it was when Level 3 originally filed its application. However, that does not mean the Commission should grant free license for infinite briefing. Because Level 3 is the moving party, if the Commission grants Qwest's request for a surreply, Level 3 will desire an opportunity to reply to any further response from Qwest. Especially in view of the fact that Qwest has failed to identify any new argument or issue that was raised in Level 3's Reply, it seems unproductive and a waste of the Commission's time and the parties' resources to allow further briefing.

5. If Qwest had any objection to Level 3 filing a Reply, it should have raised any such objections at the time Level 3 moved for leave to file the Reply. It did not do so. As stated above, it also did not identify any new arguments or issues raised in Level 3's Reply Brief. Accordingly, there is no ground upon which the Commission should grant leave to file a further response from Qwest.

6. Level 3 requests, therefore, that the Commission deny Qwest's Motion for Leave to File Surreply and Extension of Schedule for Reconsideration, and to proceed with the current schedule for deciding Level 3's Motion for Reconsideration.

DATED this 12th day of December, 2005.

/s/ William J. Evans

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CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of December, 2005, I caused a true and correct copy of the foregoing LEVEL 3'S OBJECTION TO QWEST'S MOTION FOR LEAVE TO FILE SURREPLY AND EXTENSION OF SCHEDULE FOR RECONSIDERATION to be sent in the following manner:

Via Hand Delivery

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