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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

**REQUEST FOR LEAVE TO FILE A
REPLY BRIEF, AND MOTION FOR
EXTENSION OF SCHEDULE FOR
LEVEL 3'S MOTION FOR
RECONSIDERATION AND
REHEARING**

Docket No. 05-2266-01

Level 3 Communications, LLC (“Level 3”), through its counsel, hereby moves the Utah Public Service Commission (“Commission”) for leave to file a brief in reply to Qwest’s Opposition to Level 3’s Motion for Reconsideration and Rehearing (“Reply Brief”), and requests that the Commission extend the schedule so that Level 3’s Reply Brief may be received, and the Commission may have the opportunity to give due consideration to the issues raised in the Request for Reconsideration and Rehearing. In support of this motion, Level 3 states as follows:

1. On October 4, 2005, Level 3 and Qwest Corporation (“Qwest”) requested that the Commission grant limited reconsideration of its Report and Order in this matter for the purpose of allowing the parties to engage in settlement negotiations. The parties anticipated that they would conclude their settlement discussions within 45 days of October 4, 2005.

2. Accordingly, on October 4, 2005, the Commission issued an Order Granting Limited Reconsideration in this matter (“Order”). Paragraph 2 of the Commission’s Order states that in the absence of settlement by the parties or further Commission action to the contrary, any substantive response by Qwest to Level 3’s Motion for Reconsideration and Rehearing shall be due on November 18, 2005. The Order further provides that, in the absence of Commission action granting Level’s 3’s Motion for Reconsideration and Rehearing, the Motion would be deemed denied as of November 23, 2005.

3. The parties were unable to reach settlement and, on November 18, 2005, Qwest filed its Opposition to Motion for Reconsideration.

4. The Commission’s Order does not provide Level 3 with an opportunity to file a Reply Brief. While the rule regarding Commission decisions and orders does not specifically provide for a reply brief (R746-100-11), the rule governing pleadings does. It provides that “Response and reply pleadings may be filed to pleadings other than applications, petitions or requests for agency action.” R746-100-3(I)(2). Because Level 3’s Motion for Reconsideration was not one of the enumerated excepted pleadings, a Reply Brief would be allowed under the Rule.

5. Level 3 believes that a Reply Brief would be helpful to the Commission to understand the facts and law that are relevant to deciding Level 3's Motion for Reconsideration and Rehearing. In addition, Qwest's Brief in Opposition cited case law that requires further explanation, and raised for the first time certain allegations about the parties' interpretation of the language in the interconnection agreement to which Level 3 believes a reply is necessary.

6. The Commission's Rules governing formal hearings state that "reply pleadings ... shall be filed within ... 10 calendar days ... of the service date of the pleading or document to which the ... reply is addressed." R746-100-4(D).

7. Therefore, Level 3 requests leave to file a Reply Brief to Qwest's Opposition and to have until ten days following the Commission's order granting leave to file, in which to submit its Reply Brief.

8. Whether or not Level 3's Request for Leave to File a Reply Brief is granted, Level 3 requests that the Commission extend the date on which Level 3's Motion for Reconsideration and Rehearing may be deemed denied. Under the current Order, Level 3's Motion for Reconsideration and Rehearing would be deemed denied on November 23, 2005, absent further action by the Commission. The statute, however, allows the Commission 20 days in which to render a decision before such a motion is deemed denied. Although Level 3 has requested expedited treatment in this case, the urgency is no longer as great as it was when Level 3 filed its Application. Moreover, Level 3 believes that the Commission should avail itself of the 20-day period in order to give due consideration to the pleadings.

9. Level 3 requests therefore, whether or not the Commission grants Level 3's leave to file a Reply Brief, the Commission take the full twenty-day period to consider whether further Commission action is warranted in this matter.

WHEREFORE, Level 3 respectfully requests that the Commission:

- (1) grant Level 3's request for leave to file a Reply Brief;
- (2) allow Level 3 ten days from the date of any order granting leave to file in which to submit its Reply Brief; and
- (c) extend the date on which Motion for Reconsideration and Rehearing would be deemed denied in the absence of further Commission action, until 20 days from the date of the last brief permitted by the Commission.

DATED this _____ day of November, 2005.

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CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of November, 2005, I caused a true and correct copy of the foregoing **REQUEST FOR LEAVE TO FILE A REPLY BRIEF, AND MOTION FOR EXTENSION OF SCHEDULE FOR LEVEL 3'S MOTION FOR RECONSIDERATION AND REHEARING** to be sent in the following manner:

Via Hand Delivery

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