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**RECEIVED**

June 6, 2012

JUN 07 2012

**VIA OVERNIGHT MAIL**

**PUBLIC SERVICE COMMISSION**

Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 E Boulevard Ave., Dept, 408  
Bismarck, ND 58505

RE: Level 3 Communications, LLC NDPS Tariff No. 2

Dear Mr. Nitschke:

Please find enclosed for filing with the North Dakota Public Service Commission an original and seven (7) copies of revisions to Level 3 Communications, LLC's NDPS Tariff No. 2. The tariff changes herein include the following:

- Rate reductions as mandated by the Federal Communications Commission ("FCC") in *Connect America Fund*, WC Docket No. 10-90, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (released Nov. 18, 2011).
- Revisions to the company's language for rating and identification of VoIP-PSTN traffic in response to the FCC's requirements in *Connect America Fund*, WC Docket No. 10-90, Second Order on Reconsideration, FCC 12-47 (released April 25, 2012). Specifically, the revisions herein make it clear that intrastate access rates will apply to originating VoIP-PSTN traffic beginning July 1, 2014.

In specific the filing includes the following:

6 <sup>th</sup> Revised Page 1	4 <sup>th</sup> Revised Page 58
1 <sup>st</sup> Revised Page 19.1	3 <sup>rd</sup> Revised Page 59
4 <sup>th</sup> Revised Page 57	

Thank you for your assistance with this filing. If you should have any questions or concerns regarding this filing please feel free to contact me.

Respectfully submitted,

Karen M. Hyde  
Legal Department

Enclosures

1 **PU-12-256** Filed: 6/7/2012 Pages: 7  
**VoIP-PSTN traffic**

## SWITCHED ACCESS SERVICES

CHECK SHEET

Current pages in this tariff are as follows:

Page	Revision	Page	Revision	Page	Revision
1*	6th Revised	29	Original	59*	3rd Revised
2	Original	30	1st Revised	60	Original
3	Original	31	Original	61	Original
4	Original	32	Original	62	Original
5	Original	33	Original	63	Original
6	2 <sup>nd</sup> Revised	34	Original		
6.1	Original*	35	1st Revised		
7	1 <sup>st</sup> Revised	36	1st Revised		
8	1st Revised	37	Original		
9	1st Revised	38	1st Revised		
10	Original	39	1st Revised		
11	Original	40	1st Revised		
12	Original	41	Original		
13	Original	42	Original		
14	Original	43	Original		
15	Original	44	1st Revised		
16	Original	45	Original		
17	Original	46	1st Revised		
18	Original	47	Original		
19	Original	48	1st Revised		
19.1*	1 <sup>st</sup> Revised	49	1st Revised		
19.2	Original	50	1st Revised		
19.3	Original	50.1	Original		
20	Original	50.2	Original		
21	1st Revised	50.3	Original		
21.1	Original	51	1st Revised		
21.2	Original	52	1st Revised		
21.3	Original	52.1	Original		
21.4	Original	52.2	Original		
21.5	Original	53	1st Revised		
22	1st Revised	54	Original		
23	Original	55	2nd Revised		
24	Original	56	1st Revised		
25	Original	57*	4th Revised		
26	1st Revised	58*	4th Revised		
26.1	Original				
27	1st Revised				
28	1st Revised				

Issued: June 7, 2012

Effective: July 1, 2012

Issued By: Vice President of Public Policy  
Level 3 Communications, LLC  
1025 Eldorado Boulevard  
Broomfield, Colorado 80021

SWITCHED ACCESS SERVICES

**SECTION 3 – OBLIGATIONS OF THE CUSTOMER (CONT'D)**

3.4.6 Identification and Rating of VoIP-PSTN Traffic <sup>1</sup>

This section governs the rating and identification of VoIP-PSTN Traffic. In accordance with the Federal Communications Commission’s Report and Order released November 18, 2011 (FCC 11-161) and Second Order on Reconsideration released April 25, 2012 (FCC 12-47), both in WC Docket No. 10-90, et al. (together, the “FCC Orders”): (1) intrastate VoIP-PSTN Traffic that originates on the Company’s network and is bound for the Customer’s end users is subject to the intrastate switched access rates set forth in this tariff until June 30, 2014, after which time it will be subject to interstate rates contained in the Company’s Tariff F.C.C. No. 4 and in Section 15 herein; and (2) intrastate VoIP-PSTN traffic that is sent by the Customer for termination to Company end users is subject to interstate switched access rates set forth in the Company’s Tariff F.C.C. No. 4 and in Section 15 herein.

[C]

The remainder of this section establishes the method of separating VoIP-PSTN Traffic from the Customer’s traditional intrastate access traffic, so that VoIP-PSTN Traffic can be billed in accordance with the FCC Orders.

Calculation and Application of Percent-VoIP- Usage Factors

- a. The Company will determine the number of VoIP-PSTN Traffic minutes of use (MOU) to which interstate rates will be assessed by applying a terminating PVU factor to the total intrastate access MOU terminated by a Customer to the Company’s end user. Beginning on July 1, 2014, the Company will also apply an originating PVU factor to the total intrastate access MOU originated by a Company end user and delivered to the Customer.
- b. Reserved for Future Use.
- c. The Customer will calculate and furnish to the Company a terminating PVU factor representing the whole number percentage of the Customer’s total terminating intrastate access MOU that the Customer exchanges with the Company in the LATA that is sent to Company and which originated in IP format and that would be billed by the Company as intrastate access MOU. Beginning July 1, 2014, the Customer will also calculate and furnish to the Company an originating PVU factor representing the whole number percentage of the Customer’s total originating intrastate access MOU that the Customer exchanges with the Company in the LATA that is received from the Company and that is terminated in IP format and that would be billed by the Company as intrastate access MOU.
- d. The Customer shall not modify their reported PIU factor to account for VoIP-PSTN Traffic.
- e. Both the Customer provided originating PVU and the terminating PVU shall be based on information such as the number of the Customer’s retail VoIP subscriptions in the state (e.g. as reported on F.C.C. Form 477), traffic studies, actual call detail or other relevant and verifiable information which will be provided to the Company upon request.

[C]

[D]

[N]

[N]

<sup>1</sup>The changes to Section 3.4.6 contained in the filing made on June 7, 2012 shall take effect on July 13, 2012 in accordance with the FCC Orders.

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SWITCHED ACCESS SERVICES

**SECTION 15 – RATES AND CHARGES (CONT'D)**

15.1.3.2	Change Charges (Per Order)	
		<u>Per Occurrence</u>
	A. Service Date	\$10.00
	B. Design Changes	\$25.00
	C. Expedite Charge	\$100.00
15.1.3.3	Cancellation Charges (Per Order)	
		\$25.00
15.1.3.4	Terminating Switched Access	
	15.1.3.4.1 Local End Office Switching	
		<u>Per Access Minute of Use</u>
	Local End Office Switching	\$0.006656 [R]
	Port Charge	\$0.000038
	15.1.3.4.2 Carrier Common Line Rates	
		<u>Per Access Minute of Use</u>
		\$0.0094705 [R]

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SWITCHED ACCESS SERVICES

**SECTION 15 – RATES AND CHARGES (CONT'D)**

15.1.3.4.3	Switched Transport Usage Rates	<u>Access Rate Per Minute</u>
	-Switched Transport	\$0.0002897 [R]
	-Interconnection Charge	\$0
	-Tandem Switching Charge	\$0.003717 [R]

15.1.3.4.4 Direct-Trunked Transport

Monthly Recurring Rate

<u>Fixed</u>	<u>Per Mile</u>
-DS0	
\$14.20	\$2.70
-DS1	
\$116.86	\$17.55
-DS3	
\$835.56	\$83.22

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SWITCHED ACCESS SERVICESSECTION 15 – RATES AND CHARGES (CONT'D)

		<u>Rate</u>
15.1.3.5	Originating Switched Access Per Minute of Use	\$0.039050
15.1.3.6	Toll Free Data Base Access Service	
	Customer Identification - Per Query	\$0.003461
	Customer Delivery Charge - Per Query	\$0.000000
15.1.3.7	Toll Free Transit Traffic Service – Per Minute	
	Originating	\$0.006239 [T]
	Terminating	\$0.0043348 [T] [R]
15.1.3.8	Pay Telephone Compensation Per Call	\$0.53

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