



ORIGINAL

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

COMMISSIONERS
JEFF HATCH-MILLER, CHAIRMAN
MARC SPITZER
WILLIAM MUNDELL
MIKE GLEASON
KRISTIN MAYES

2006 JUN 20 P 4: 33
AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF LEVEL 3
COMMUNICATIONS, LLC'S PETITION FOR
ARBITRATION PURSUANT TO SECTION
252(b) OF THE COMMUNICATIONS ACT OF
1934, AS AMENDED BY THE
TELECOMMUNICATIONS ACTS OF 1996,
AND THE APPLICABLE STATE LAWS FOR
RATES, TERMS, AND CONDITIONS OF
INTERCONNECTION WITH QWEST
CORPORATION.

DOCKET NOS. T-01051B-05-0350
T-03654A-05-0350

**LEVEL 3 COMMUNICATION'S
MOTION TO STRIKE QWEST'S
"COMMENTS ON THE
RECOMMENDED OPINION AND
ORDER AND LEVEL 3'S
EXCEPTIONS TO IT"**

Level 3 Communications, LLC ("Level 3") hereby moves to strike Qwest Corporation's "Comments of the Recommended Opinion and Order and Level 3's Exceptions to It". In support of this motion, Level 3 states as follows.

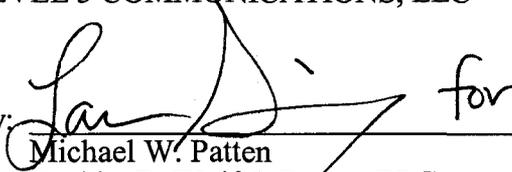
Although couched as comments on *both* the Recommended Opinion and Order ("ROO"), the comments are entirely a reply to Level 3's exceptions. Under Commission Rule R14-3-110.B, "[t]here shall be no reply to exceptions . . ." Qwest's citation to Commission Rule R14-2-1505.I does not overcome this bar. Rule 1505.I simply provides that "[a]ny person wishing to comment on the Recommended Opinion and Order may do so by filing written comments with the Commission prior to the Commission's final decision." Rule 1505.I does not provide for a reply to exceptions. Therefore, Qwest's misnamed filing should be stricken as a violation of Commission rule.

Moreover, to the extent that Qwest's filing in any sense constitutes an exception or comment to the ROO, the deadline for filing those comments was already set by the Commission and is long past.

1 WHEREFORE, Level 3 requests that the Commission strike Qwest Corporation's
2 "Comments of the Recommended Opinion and Order and Level 3's Exceptions to It".

3 RESPECTFULLY SUBMITTED this 20th day of June, 2006.

4 LEVEL 3 COMMUNICATIONS, LLC

5
6 By:  for

7 Michael W. Patten
8 Roshka DeWulf & Patten, PLC
9 One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, AZ 85004

10 and

11 Erik Cecil, Regulatory Counsel
12 Level 3 Communications, LLC
1025 Eldorado Boulevard
Broomfield, CO 80021

13 ORIGINAL and 15 copies filed
14 this 20th day of June, 2006, to:

15 Docket Control
16 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

17 COPY of the foregoing faxed
18 this 20th day of June, 2006, to:

19 Jane Rodda, Administrative Law Judge
20 Hearing Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington
Phoenix, AZ 85007
21 jrodda@cc.state.az.us

22 COPY of the foregoing hand-delivered/mailed
23 this 20th day of June, 2006, to:

24 Maureen A. Scott, Esq.
25 Legal Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, AZ 85007
26

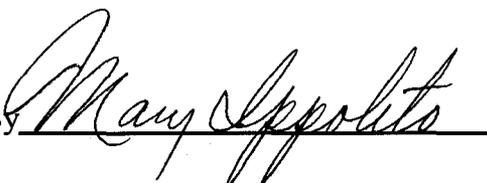
- 1 Ernest Johnson, Director
Utilities Division
- 2 Arizona Corporation Commission
1200 West Washington Street
- 3 Phoenix, AZ 85007

- 4 Norman G. Curtright
Corporate Counsel
- 5 Qwest Corporation
4041 North Central Avenue, Suite 1100
- 6 Phoenix, Arizona 85012

- 7 Henry T. Kelley
Joseph E Donovan
- 8 Scott A Kassman
Kelley, Drye & Warren, LLP
- 9 333 W Wacker Drive
Chicago, Illinois 60606

- 10 Christopher W. Savage
Cole, Raywid & Braverman, LLP
- 11 1919 Pennsylvania Avenue, NW
Washington, DC 20006

- 13 Thomas M. Dethlefs
Senior Attorney
- 14 Qwest Legal Dept/CD&S
1801 California Street, Suite 900
- 15 Denver, Colorado 80202

16
17
18 By 

- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26