

ORIGINAL



0000056988

THIS AMENDMENT: _____
 Passed _____ Passed as amended by _____
 Failed _____ Not Offered _____ Withdrawn _____

RECEIVED
 2006 JUL 21 P 4: 36

6009

AZ CORP COMMISSION
DOCUMENT CONTROL

GLEASON PROPOSED AMENDMENT #1

DATE PREPARED: July 21, 2006

COMPANY: Level 3 Communications, LLC complaint against Qwest Corporation

DOCKET NOs.: T-01051B-05-0415 and T-03654A-05-0415

OPEN MEETING DATES: July 25 and 26, 2006

AGENDA ITEM: U-6

Page 13, lines 2 and 3

STRIKE: "It does not carve out, or except, VNXX ISP-bound traffic."

Page 13, line 7, after "both ways." INSERT:

"Nevertheless, in its Amicus Brief, the FCC made it clear that in its ISP docket, the FCC 'was focused on calls between dial-up users and ISPs in a single local calling area' and 'the proceeding focused on calls that were delivered to ISPs in the same local calling area.' The FCC also stated that 'The administrative history does not indicate that the Commission's focus broadened on remand.'"

Page 13, STRIKE lines 15 and 16 and INSERT a new Finding of Fact No. 58 to read:

"58. We find that the *Worldcom* and *Global NAPs* decisions, along with the recent decisions of the D. C. Circuit in *In re Core Communications*, 2006 WL 1789003 (D. C. Cir. June 30, 2006), and the Second Circuit, in *Global NAPs v. Verizon New England ("Global NAPs II")*, 2006 U. S. App. LEXIS 16906 (2nd Cir., July 5, 2006), make it clear that the FCC's compensation regime in the *ISP Remand Order* applies only to ISP traffic that originates with a caller and is delivered to an ISP in the same calling area."

Arizona Corporation Commission

DOCKETED

Page 13, STRIKE lines 17 through 20

Renumber to conform

JUL 21 2006

Page 13, line 21, after "is" INSERT "not"

| | |
|-------------|----|
| DOCKETED BY | NR |
|-------------|----|

Page 13, line 22, after "*ISP Remand Order*." INSERT:

"Accordingly, we find that the ICA does not require Qwest to compensate Level 3 for VNXX ISP-bound traffic."

Page 14, STRIKE lines 26 and 27 and INSERT a new ordering paragraph to read:

"IT IS THEREFORE ORDERED that Level 3 Communications' claim to compensation for VNXX ISP-bound traffic is dismissed."

Make all conforming changes.