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BEFORE THE ARIZONA CORPORATION COMMISSION

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2 **BOB STUMP**  
Chairman

3 **GARY PIERCE**  
Commissioner

4 **BRENDA BURNS**  
Commissioner

5 **BOB BURNS**  
Commissioner

6 **SUSAN BITTER SMITH**  
Commissioner

AZ CORP COMMISSION  
DOCKET CONTROL

2013 FEB 11 PM 2 30

Arizona Corporation Commission

DOCKETED

FEB 11 2013

DOCKETED BY	<i>AM</i>
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8 **PAC-WEST TELECOMM, INC.**

9 **Complainant,**

DOCKET NOS. T-01051B-05-0495  
T-03693A-05-0495

10 v.

11 **QWEST CORPORATION,**

12 **Respondent.**

13 **LEVEL 3 COMMUNICATIONS, LLC,**

14 **Complainant,**

DOCKET NOS. T-03654A-05-0415  
T-01051B-05-0415

15 v.

16 **QWEST CORPORATION,**

17 **Respondent.**

**JOINT NOTICE OF SETTLEMENT  
BETWEEN QWEST CORPORATION  
AND LEVEL 3 COMMUNICATIONS  
LLC  
-and-  
JOINT MOTION TO SEVER THE  
CONSOLIDATED DOCKETS AND TO  
DISMISS DOCKET NOS. T-03654-05-  
0415 AND T-01051B-05-0415**

21 Qwest Corporation d/b/a CenturyLink QC and Level 3 Communications LLC jointly:

22 (i) notify the Commission that the matters in dispute between them and at issue in Docket

23 Nos. T-03654A-05-0415 and T-01051B-05-0415 ("Docket 05-0415" or the "Docket") have been

24 resolved by agreement (the "Settlement Agreement");

1 (ii) move to sever the consolidation of Docket 05-0415 and Docket Nos. T-03654A-05-0495 and  
2 T-01051B-05-0495; and

3 (iii) move to dismiss Docket Nos. T-03654A-05-0415 and T-01051B-05-0415.

4 In support of these joint requests, Qwest Corporation and Level 3 Communications LLC state as follows:

5 1. Qwest Corporation dba CenturyLink QC (“Qwest” or “legacy Qwest”) and CenturyLink,  
6 Inc. (“CenturyLink”) (collectively “Qwest”); and Level 3 Communications, LLC and its affiliates  
7 (collectively “Level 3”) entered into the Settlement Agreement on January 29, 2013 (Qwest and Level 3  
8 are collectively referred to as the “Settling Parties”). The Settlement Agreement resolves all issues in  
9 dispute in Docket No. 05-0415, as well as other business disputes which were not before the  
10 Commission.

11 2. The disputes in Docket No. 05-0415 arose under a Complaint by Level 3 against Qwest,  
12 regarding the interconnection agreement that was then in effect, but which has since been replaced by an  
13 agreement that was arbitrated by this Commission. In Docket No. 05-0415, both parties assert claims  
14 related to the obligation to pay intercarrier compensation for VNXX traffic.

15 3. The Settlement Agreement resolves the VNXX dispute in Arizona. The now-resolved  
16 VNXX dispute in the Docket concerned a period of time when a previous interconnection agreement  
17 was in effect. The parties currently operate under an interconnection agreement that was arbitrated  
18 before the Commission (the “Current ICA”).<sup>1</sup> The arbitration and the resulting Current ICA existing  
19 interconnection language regarding VNXX remain in place, unchanged.

20 4. The Settlement Agreement satisfies the Settling Parties’ interests by ending protracted  
21 and costly litigation. It satisfies the public interest because the Commission’s resources do not need to  
22 be devoted to this case, thereby freeing time to address other regulatory issues. The Agreement does not  
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24 \_\_\_\_\_  
25 <sup>1</sup> *In the Matter of Level 3 Communications, LLC’s Petition for Arbitration Pursuant to Section 252(b)*  
*of the Communications Act of 1934*, Docket Nos. T-01051B-05-0350, T-03654A-05-0350.

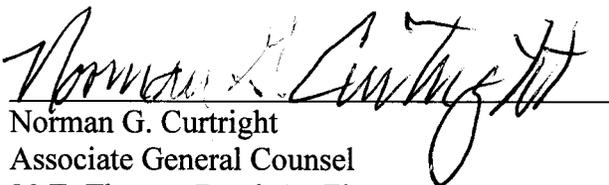
1 alter the Commission's arbitration decision for VNXX traffic or the current interconnection agreement  
2 resulting from that decision.

3 5. By Procedural Order entered August 23, 2010, Docket No. 05-0415 was consolidated  
4 with a complaint brought by Pac-West Telecomm, Inc. ("Pac-West")<sup>2</sup> because the issues were  
5 substantially similar and consolidation would promote judicial efficiency. However, the consensual  
6 settlement of the Level 3 dispute does not bind Pac-West or legally prejudice its position. The  
7 Settlement Agreement has no effect on the dispute between Qwest and Pac-West. The Settling Parties  
8 ask that the consolidated dockets be severed, and that the Commission dismiss the Level 3 complaint  
9 proceeding.

10 Wherefore, the Settling Parties request that the Commission sever the consolidated dockets, and  
11 dismiss Docket 05-0415 with prejudice, with each of the Settling Parties bearing its costs and expenses.

12 RESPECTFULLY SUBMITTED, this 11<sup>th</sup> day of February, 2013.

13 QWEST CORPORATION d/b/a  
14 CENTURLINK-QC

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24 Attorney for Level 3 Communications, LLC

25 <sup>2</sup> The Pac-West Complaint is docketed as Docket Nos. T-01051B-05-0495 and T-03693A-05-0495.

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**ORIGINAL** and thirteen (13) copies filed  
this 11<sup>th</sup> day of February, 2013, with:

Docket Control  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

**COPIES** of the foregoing hand-delivered  
this same day to:

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**COPIES** of the foregoing mailed this  
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