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August 26, 2004

**RECEIVED**

AUG 27 2004

**VIA OVERNIGHT MAIL**

Keith Senger  
Public Utilities Commission  
Capitol Building, 1st floor  
500 East Capitol Avenue  
Pierre, SD 57501-5070

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

RE: Corrected filing - Level 3 Communications, LLC, South Dakota PUC Tariff No. 3

Mr. Senger:

Please find enclosed an original and ten (10) copies of revisions to the Level 3 Communications, LLC ("Level 3") Switched Access Services Tariff, South Dakota PUC Tariff No. 3. An earlier transmittal had the incorrect page attached and referenced. Please disregard the earlier transmittal. The enclosed tariff sheets reduce the Carrier Common Line rate. This revision is being filed to become effective on October 1, 2004 and bears an issue date of August 27, 2004. The following pages are included in this filing:

First Revised Page No. 1

First Revised Page No. 57

Please date stamp the enclosed extra copy of this filing and return it in the self-addressed, postage-prepaid envelope provided. Thank you for your assistance with this filing. Should you have any questions or concerns with regard to the tariff please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Jennifer McMann".

Jennifer McMann

Manager, Regulatory Compliance

Enclosures

SWITCHED ACCESS SERVICESCHECK SHEET

Current pages in this tariff are as follows:

<u>Page</u>	<u>Revision</u>	<u>Page</u>	<u>Revision</u>	<u>Page</u>	<u>Revision</u>
1	1st Revised	29	Original	57	1st Revsied
2	Original	30	Original	58	Original
3	Original	31	Original	59	Original
4	Original	32	Original		
5	Original	33	Original		
6	Original	34	Original		
7	Original	35	Original		
8	Original	36	Original		
9	Original	37	Original		
10	Original	38	Original		
11	Original	39	Original		
12	Original	40	Original		
13	Original	41	Original		
14	Original	42	Original		
15	Original	43	Original		
16	Original	44	Original		
17	Original	45	Original		
18	Original	46	Original		
19	Original	47	Original		
20	Original	48	Original		
21	Original	49	Original		
22	Original	50	Original		
23	Original	51	Original		
24	Original	52	Original		
25	Original	53	Original		
26	Original	54	Original		
27	Original	55	Original		
28	Original	56	Original		

Issued: August 27, 2004

Effective: October 1, 2004

Issued By: Thomas C. Stortz, Group Vice President and General Counsel  
 Level 3 Communications, LLC  
 1025 Eldorado Boulevard  
 Broomfield, Colorado 80021

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 Switched Access

15.1.3.4.1 Local End Office Switching

Per Access Minute of Use

\$ 0.00861

15.1.3.4.2 Carrier Common Line Rates

Per Access Minute of Use

\$0.038420

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Thomas C. Stortz, Group Vice President and General Counsel  
 Level 3 Communications, LLC  
 1025 Eldorado Boulevard  
 Broomfield, Colorado 80021

## Kolbo, Delaine

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**From:** Senger, Keith  
**Sent:** Thursday, September 16, 2004 3:53 PM  
**To:** Bonrud, Pam; Kolbo, Delaine  
**Cc:** Best, Harlan  
**Subject:** Level 3 tariff change

H and I found a telecom tariff update from Level 3 that was received on 8/27 that has switched access rate changes. This needs to be docketed. Filing should not require a lot of work but needs commission approval...

-----Original Message-----

**From:** Senger, Keith  
**Sent:** Thursday, September 16, 2004 3:05 PM  
**To:** Best, Harlan  
**Subject:** FW: Quick tariff question

I think on 8/26/04 Level 3 filed a tariff change with rate charges that need approval. I'm not seeing where it was docketed...

-----Original Message-----

**From:** McMann, Jennifer [mailto:Jennifer.McMann@Level3.com]  
**Sent:** Thursday, September 16, 2004 3:00 PM  
**To:** Keith.Senger@state.sd.us  
**Subject:** RE: Quick tariff question

No, she didn't and I filed the tariff on 8/26 with a 10/1 effective date. Hopefully this will be OK. Thanks for checking back.

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**From:** Keith.Senger@state.sd.us [mailto:Keith.Senger@state.sd.us]  
**Sent:** Thursday, September 16, 2004 12:11 PM  
**To:** McMann, Jennifer  
**Subject:** RE: Quick tariff question

Did Karen ever get back to you?

-----Original Message-----

**From:** Senger, Keith  
**Sent:** Wednesday, August 18, 2004 3:43 PM  
**To:** 'McMann, Jennifer'; Cremer, Karen  
**Cc:** Best, Harlan  
**Subject:** RE: Quick tariff question

Jennifer-

Ok - now things are making a little more sense.

Level 3 has a three year waiver so it is my guess that no new waivers are needed...at least I hope that we don't have to make you go through that again.

However, I am sure that the rate change (decrease) needs to be approved by the Commission. The reduction Qwest had needed approval (Commission Docket TC04-010). I would suggest a simple filing explaining what Level 3 is doing, list the waivers you already have (give the docket number) and tie the rate reduction to TC04-010.

I am sending this response to Karen Cremer (Staff Attorney). I think we should get her opinion...

Karen - Could you please review my suggestion and let us know if this will work under our rules?

-----Original Message-----

**From:** McMann, Jennifer [mailto:Jennifer.McMann@Level3.com]

**Sent:** Wednesday, August 18, 2004 3:16 PM

**To:** Keith.Senger@state.sd.us

**Subject:** RE: Quick tariff question

We are matching Qwest rates and they had a CCL rate reduction on 2/16/04 that we are matching. So, do we have to ask for a rules waiver each time we update rates? Can't the existing one cover us?

Thanks

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**From:** Keith.Senger@state.sd.us [mailto:Keith.Senger@state.sd.us]

**Sent:** Wednesday, August 18, 2004 2:08 PM

**To:** McMann, Jennifer

**Cc:** Harlan.Best@state.sd.us; Karen.Cremer@state.sd.us

**Subject:** RE: Quick tariff question

What is the rate reduction based on? Isn't Level 3 using Qwest's rates? The way I understand the Commission rules, all intrastate switched access rates have to be approved by the Commission... thus it would need to be docketed and Level 3 would have to either file a cost study or ask for rules waivers as it did when it's rates were originally approved.

-----Original Message-----

**From:** McMann, Jennifer [mailto:Jennifer.McMann@Level3.com]

**Sent:** Wednesday, August 18, 2004 2:27 PM

**To:** keith.senger@state.sd.us

**Subject:** Quick tariff question

Keith,

I'm going to file a switched access rate reduction. Can I use an effective date of September 1, 2004 or do I have to have a 30 day effective date?

Thanks

Jennifer McMann, Regulatory Compliance

Level 3 Communications

1025 Eldorado Blvd. Broomfield, CO 80021

Phone 720-888-3372 email jennifer.mcmann@level3.com

**South Dakota Public Utilities Commission**  
**WEEKLY FILINGS**

**For the Period of September 17, 2004 through September 22, 2004**

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please  
contact Delaine Kolbo within five business days of this report. Phone: 605-773-3201

**TELECOMMUNICATIONS**

**TC04-199      In the Matter of the Filing for Approval of an Amendment to an  
Interconnection Agreement Between Qwest Corporation and DIECA  
Communications, Inc. D/B/A Covad Communications Company**

On September 17, 2004, the Commission received a filing for approval of an Expedites for Design Services Amendment to the Interconnection Agreement between Qwest Corporation and DIECA Communications, Inc., d/b/a Covad Communications Company. The parties state that the amendment adds terms, conditions, and rates for Expedites For Design Services. Any party wishing to comment on the Amendment may do so by filing written comments with the Commission and the parties to the Amendment no later than Thursday, October 7, 2004. Parties to the Amendment may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Sara B. Harens  
Date Filed: 09/17/04  
Initial Comments Due: 10/07/04

**TC04-200      In the Matter of the Filing by Level 3 Communications, LLC for Approval of  
Revisions to its Intrastate Switched Access Tariff.**

On September 5, 2003, Level 3 Communications LLC filed a petition asking for exemption from developing company-specific cost-based switched access rates. On November 13, 2003, the Commission issued an Order granting Level 3 an exemption and approved a request to mirror the Qwest Corporation tariffed intrastate access rates. On January 20, 2004, Qwest Corporation filed to reduce the Carrier Common Line rate. On May 13, 2004, the Commission issued an Order approving Qwest's rate reduction. On August 27, 2004, Level 3 filed tariff revisions to reduce its Carrier Common Line rate to mirror Qwest's rate.

Staff Analyst: Keith Senger  
Staff Attorney: Karen Cremer/Sara Harens  
Date Filed: 08/27/04  
Intervention Deadline: 10/01/04

**TC04-201      In the Matter of the Filing by Qwest Corporation of its Notice of Deletion of  
Exhibit B-1 and Modifications to Exhibit B of its Statement of Generally  
Available Terms and Conditions (SGAT) and Motion to Modify the Qwest  
Performance Assurance Plan Found in Exhibit K of its SGAT.**

On September 16, 2004, Qwest Corporation (Qwest) submitted an updated Exhibit B to the Statement of Generally Available Terms and Conditions (SGAT) comprising Version 8.0, which is the Performance Indicator Definitions. Qwest requests that Exhibit B-1 be deleted from the SGAT. Qwest also submitted its revised Qwest Performance Assurance Plan (QPAP) found in Exhibit K of the SGAT for modifications to reflect changes from the June 24, 2004, filing of an updated Exhibit B that took effect pursuant to 47 U.S.C. Section 252(f)(3) sixty days later. Qwest

requests that the Commission approve Exhibit B and QPAP, as revised and modified, designate PO-20 as Tier 1 Medium without a Tier 2 assignment, establish a low-volume-differentiated benchmark for PO-20, and allow PO-20 a measurement stabilization for no more than three months with the implementation of each phase. Qwest requests that the Commission approve the modifications and permit the amended Exhibit B to go into effect on October 1, 2004, but in any event pursuant to 47 U.S.C. Section 252(f)(3) no later than 60 days after submission. Further, Qwest requests, pursuant to Section 16 of the QPAP, that the changes automatically apply to all existing interconnection agreements that contain Exhibit B, Exhibit B-1 and the QPAP, Exhibit K as exhibits.

Staff Analyst: Harlan Best  
Staff Attorney: Karen E. Cremer  
Date Filed: 09/16/04  
Intervention Deadline: 10/08/04

**TC04-202 In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and Sancom, Inc. d/b/a Mitchell Telecom.**

On September 20, 2004, the Commission received a filing for approval of a Triennial Review Order and USTA II Decision Amendment to the Interconnection Agreement between Qwest Corporation and Sancom Inc. d/b/a Mitchell Telecom. The parties state that the amendment changes or adds terms, conditions, and rates for certain network elements. Any party wishing to comment on the Amendment may do so by filing written comments with the Commission and the parties to the Amendment no later than Thursday, October 12, 2004. Parties to the Amendment may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Sara B. Harens  
Date Filed: 09/20/04  
Initial Comments Due: 10/12/04

**TC04-203 In the Matter of the Filing by Kadoka Telephone Company for Approval of Revisions to its Intrastate Switched Access Rates.**

On September 21, 2004, Kadoka Telephone Company, Kadoka, South Dakota, filed revised Switched Access Tariff rates with a proposed effective date of October 20, 2004. In accordance with ARSD 20:10:27:12, the switched access rates are the average of all cost companies (for the year ended December 31, 2003) in South Dakota, excluding Qwest Corporation.

Staff Analyst: Harlan Best  
Staff Attorney: Karen E. Cremer/Sara Harens  
Date Filed: 09/21/04  
Intervention Deadline: 10/08/04

**TC04-204 In the Matter of the Filing by Hills Telephone Company, Inc. for Designation as an Eligible Telecommunications Carrier.**

On September 21, 2004, Hills Telephone Company, Inc. (Hills) submitted a Petition for Designation as an Eligible Telecommunications Carrier (ETC) pursuant to Section 241(e)(2) of the Telecommunications Act of 1934, as amended (Act), 47 U.S.C. Section 214(e)(2), and Section 54.201 of the Federal Communications Commission (FCC) rules, 47 C.F.R. Section 54.201. Hills requests that it be designated as eligible to receive all available support from the federal Universal Service Fund (USF) including, but not limited to, support for rural, insular and high-cost areas and low-income customers. Section 214(e)(1) of the Act and Section 54.201(d)

of the FCC's rules provide that carriers designated as ETCs shall, throughout their service area, (1) offer the services that are supported by federal universal service support mechanisms either using their own facilities or a combination of their own facilities and resale of another carrier's services, and (2) advertise the availability of such services and the charges therefor using media of general distribution. Hills is a full-service wireline communications carrier which will offer all of these services as soon as the sale of the Valley Springs Exchange closes by utilizing the existing facilities and infrastructure currently utilized by Sioux Valley Telephone Company. Hills requests that the Public Utilities Commission: (1) enter an Order designating Hills as an ETC for its requested ETC service area; and (2) certify to the FCC that Hills will use the federal USF support for its intended purposes.

Staff Analyst: Harlan Best

Staff Attorney: Karen E. Cremer

Date Filed: 09/21/04

Intervention Deadline: 10/08/04

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**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE FILING BY LEVEL 3 ) ORDER APPROVING TARIFF  
COMMUNICATIONS, LLC FOR APPROVAL OF )  
REVISIONS TO ITS INTRASTATE SWITCHED ) TC04-200  
ACCESS TARIFF )

On August 27, 2004, the Public Utilities Commission (Commission) received a filing from Level 3 Communications, LLC (Level 3) for approval of revisions to its intrastate switched access tariff.

On September 23, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of October 1, 2004, to interested individuals and entities. No comments or petitions to intervene were filed.

On October 12, 2004, the Commission considered Level 3's request for approval of revisions to its intrastate switched access tariff no. 3. The Commission has jurisdiction over this matter pursuant to SDCL 49-31-18, 49-31-19 and ARSD 20:10:27:12. The Commission voted to approve the revisions to Level 3's intrastate switched access tariff no. 3. It is therefore

ORDERED, that Level 3's revised intrastate switched access tariff no. 3 is approved.

Dated at Pierre, South Dakota, this 20<sup>th</sup> day of October, 2004.

<b>CERTIFICATE OF SERVICE</b>
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u>Hilaine Kalbo</u>
Date: <u>10/21/04</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr  
ROBERT K. SAHR, Chairman

Gary Hanson  
GARY HANSON, Commissioner

James A. Burg  
JAMES A. BURG, Commissioner