

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**



Received
on

Before Commissioners:

Mark Sievers, Chairman
Thomas E. Wright, Commissioner
Shari Feist Albrecht, Commissioner

JAN 11 2013

by
State Corporation Commission
of Kansas

In the Matter of the General Investigation into)
Universal Service, Telecommunications)
Infrastructure and Quality of Service.)
)
)

Docket No. 95-GIMT-047-GIT

**APPLICATION OF LEVEL 3 COMMUNICATIONS,
TELCOVE OPERATIONS, LLC, AND GLOBAL CROSSING
LOCAL SERVICE, INC. FOR A WAIVER OF, OR EXEMPTION FROM,
QUALITY OF SERVICE REPORTING REQUIREMENTS**

COMES NOW Level 3 Communications, LLC, TelCove Operations, LLC, and Global Crossing Local Service, Inc. (collectively, "Level 3"), pursuant to K.A.R. 82-1-218 and 82-1-219, and applies to the Kansas Corporation Commission ("the Commission") for a waiver of, or exemption from, the Quality of Service Reporting Requirements established in this Docket. In support of its Application, Level 3 states:

1. Level 3 is a facilities-based local exchange carrier ("CLEC"). It is a Delaware limited liability company with its principal place of business at 1025 Eldorado Boulevard, Broomfield, Colorado 80021. Level 3 is properly registered with the Kansas Secretary of State and is active and in good standing in the State of Kansas.

2. TelCove Operations, LLC ("TelCove") was acquired by Level 3 in 2006 and Global Crossing Local Service, Inc. ("Global Crossing") was acquired by Level 3 in 2011.

Respectfully submitted,



Teresa J. James #12194

MARTIN, PRINGLE, OLIVER,

WALLACE & BAUER, L.L.P.

6900 College Boulevard, Suite 700

Overland Park, KS 66211

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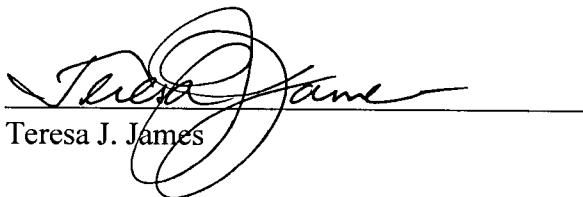
tjames@martinpringle.com

VERIFICATION

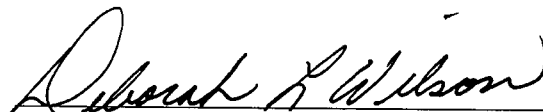
STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

Teresa J. James, of lawful age, being first duly sworn, upon oath states:

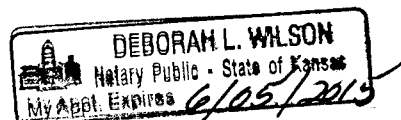
That she is one of the attorneys for Level 3 Communications, LLC, that she has read the above and foregoing Application of Level 3 Communications, TelCove Operations, LLC and Global Crossing Local Service, Inc., For A Waiver of, or Exemption From, Quality of Service Reporting Requirements, knows the contents thereof, and knows that all of the statements made therein are true.


Teresa J. James

SUBSCRIBED AND SWORN to before me this 11th day of January, 2013.


Notary Public

My Appointment Expires: 6/05/2015



3. On May 14, 1999, in Docket Nos. 99-L3CT-318-COC and 99-L3CC-319-COC, the Commission issued an Order and Certificate authorizing Level 3 to provide resold, facilities-based, switched and dedicated, local exchange and intrastate interexchange telecommunications services in Kansas.

4. Level 3 is currently authorized to provide facilities-based and resold interexchange and local exchange service in all 50 states. Level 3's interstate access rates are regulated by the Federal Communications Commission ("FCC") pursuant to Level 3's Tariff F.C.C. No. 4 ("FCC Tariff"). Level 3's intrastate access rates are regulated by Level 3's Tariff filed with the Commission in Docket 12-L3CT-701-TAR in conjunction with Level 3's FCC Tariff.

5. Due to the integrated nature of Level 3's interstate services in all 50 states, Level 3 does not maintain Quality of Service data and records on a state specific basis. It is not possible to search or to sort Level 3's data and records by individual state.

6. As set out in detail in the attached Affidavit of Karen M. Hyde, notwithstanding its good faith efforts to do so, Level 3 is not able to identify data and records specific to the State of Kansas, to satisfy the KCC Required Quality of Service Reporting Detail.

7. Level 3 and TelCove have never filed Quality of Service Reports with the KCC throughout their history. Global Crossing has filed Quality of Service Reports with the KCC in the past, but will not be able to do so under Level 3's data and record keeping system.

WHEREFORE, Level 3, TelCove, and Global Crossing respectfully request a waiver of, or exemption from, the Commission's Quality of Service reporting requirements as set out in Docket No. 95-GIMT-047-GIT.

COMMONWEALTH OF PENNSYLVANIA)
) ss
COUNTY OF WASHINGTON)

AFFIDAVIT OF KAREN M. HYDE

Karen M. Hyde, affiant, being of legal age, and being first duly sworn upon oath states:

1. I am a Regulatory Paralegal for Level 3 Communications, LLC ("Level 3"). In that capacity, I am responsible for fulfilling various reporting requirements for regulatory agencies, including the requirements of state commissions with respect to reporting on Level 3's quality of service.

2. Level 3 is a facilities-based local exchange carrier (“CLEC”), which provides facilities-based and resold interexchange and local exchange service in all 50 states.

3. I have reviewed the Orders entered by the Kansas Corporation Commission (“KCC” or “Commission”) in Docket No. 191,206-U and in Docket No. 95-GIMT-047-GIT (“the Quality of Service Dockets”). My review included specifically the Quality of Service Reporting Detail, Attachments A-1 through A-4 and Attachment B, to the Order Modifying Quality of Service Standards To Include Considerations Of Acts Beyond A Company’s Control, or Force Majeure Event (“the Subject Order”) in Docket No. 95-GIMT-047-GIT (“the KCC Required Quality of Service Reporting Detail”).

4. Due to the integrated nature of Level 3's interstate services in all 50 states, Level 3 does not maintain Quality of Service data and records on a state specific basis. It is not possible to search or to sort Level 3's data and records by individual state. Notwithstanding its good faith efforts to do so, Level 3 is not able to identify data and records specific to the State of Kansas, to satisfy the KCC Required Quality of Service Reporting Detail.

5. Level 3 does not keep separate records or data regarding Customer Trouble Reports (CTRs)/100 Access Lines according to the state from which the CTR arises. CTR's are not indexed and cannot be sorted by individual state. Therefore, Level 3 has no ability to provide the KCC Required Quality of Service Reporting Detail regarding Kansas CTRs as required in Attachment A-1 to the Subject Order.

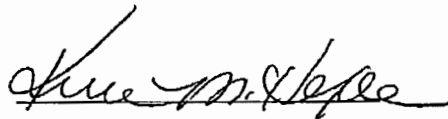
6. In the same vein, Level 3 does not keep separate records or data regarding Percent Repeat CTRs by state. Percent Repeat CTR's are not indexed and cannot be sorted by individual state. Therefore, Level 3 has no ability to provide the KCC Required Quality of Service Reporting Detail regarding Kansas Percent Repeat CTRs as required in Attachment A-2 to the Subject Order.

7. Similarly, Level 3 does not keep separate records or data regarding Average Customer Repair Intervals by individual state. Average Customer Repair Intervals are not indexed and cannot be sorted by individual state. Therefore, Level 3 has no ability to provide the KCC Required Quality of Service Reporting Detail regarding Kansas Average Customer Repair Intervals as required in Attachment A-3 to the Subject Order. Level 3 could provide its nationwide average repair interval, if requested by the Commission.

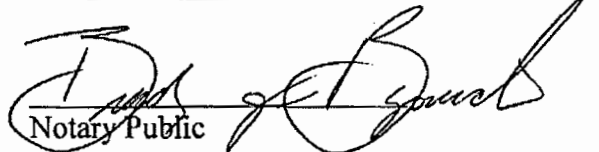
8. Level 3 does not maintain records regarding Percent Appointments Met. Therefore, Level 3 has no ability to provide the KCC Required Quality of Service Reporting Detail regarding Percent Appointments Met as required in Attachment A-4 to the Subject Order.

9. Finally, I have reviewed Level 3 records and have also confirmed that we do not file state specific Quality of Service Reports in any other state. Either those states do not require Quality of Service Reports with detail specific to the particular state, or those states accept the integrated data and records that Level 3 has available for its nationwide services.

FURTHER AFFIANT SAYETH NOT.



Subscribed and sworn to me to before me on this 11th day of January, 2013.


Notary Public

My commission expires:

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Bradley J. Bozovich, Notary Public
North Strabane Twp., Washington County
My Commission Expires May 10, 2013
Member, Pennsylvania Association of Notaries



MARTIN | PRINGLE
ATTORNEYS AT LAW

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January 11, 2013

Via Facsimile and USPS First-class Mail

Ms. Patti Petersen-Klein
Executive Director
Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, KS 66604

Received
on

JAN 11 2013

by
State Corporation Commission
of Kansas

Re: Docket No. 95-GIMT-4047-GIT
Our File No. 10911-0003
APPLICATION OF LEVEL 3 COMMUNICATIONS

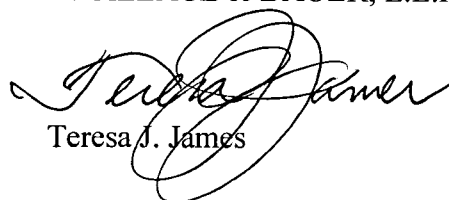
Dear Ms. Petersen-Klein:

Enclosed please find the original and seven copies of the Application of Level 3 Communications, TelCove Operations, LLC and Global Crossing Local Service, Inc., For A Waiver of, or Exemption From, Quality of Service Reporting Requirements, in the above referenced docket.

Please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,

MARTIN, PRINGLE, OLIVER,
WALLACE & BAUER, L.L.P.



Teresa J. James

TJJ/dwil
Enclosures