

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners: John Wine, Chair  
Cynthia L. Claus  
Brian J. Moline

In the Matter of the Application of Level 3 )  
Communications, LLC for a Certificate of )  
Convenience and Authority to Transact the ) Docket No. 99-L3CC-319-COC  
Business of an Interexchange Services Provider )  
Within the State of Kansas. )

ORDER AND CERTIFICATE

NOW, the above-captioned matter comes for consideration and determination before the State Corporation Commission of the State of Kansas ("Commission"). Having reviewed its files and being fully advised of all matters of record, the Commission finds and concludes as follows:

1. In its Order of April 30, 1984, in Docket No. 127,140-U, the Commission found that resellers were public utilities and subject to Commission regulation. As part of that regulation, the Commission directed resellers of telecommunications services to file applications for Certificates of Convenience and Authority and accompanying tariffs for approval.

2. In its Order of March 21, 1994, in Docket No. 187,168-U, the Commission adopted revised streamlined rules and regulations governing resellers and interexchange carriers, hereinafter referred to as interexchange carriers or IXCs, designed to reflect changes occurring in the marketplace.

3. On November 2, 1998, Level 3 Communications, LLC ("Level 3") filed an application to provide intrastate interexchange telecommunications services in Kansas. The application included rate tariff pages and rules and regulations tariff pages.

4. On April 29, 1999, the Commission received a memorandum from Commission staff (“Staff”) recommending the Commission grant Level 3’s application for a Certificate of Convenience and Authority to resell interexchange telecommunications services and accept its tariff sheets as revised. Staff determined Level 3’s application complies with the criteria set forth in the Commission’s Orders in Docket No. 187,168-U. Level 3 is registered with the Secretary of State’s office to ‘do business in Kansas. Level 3’s filed tariffs are in compliance with Commission requirements and meet all current telephone billing standards as set forth in the Commission’s Order in Docket No. 120,408-U, as well as current standards for interexchange carriers. Level 3 will direct bill for its services.

5. Level 3 will offer intrastate interexchange services to and from all points within Kansas, including, but not limited to, direct-dialed (“1+”) service, and inbound and outbound intraLATA services. Level 3 will offer these services through a combination of its own facilities and through the resale of the facilities of other certificated carriers. Level 3’s services will be available on a full-time basis, 24 hours a day, seven days a week.

6. The Commission finds and concludes that the public convenience will be promoted by increased options for interexchange long distance services by granting Level 3’s application. The Commission, therefore finds and concludes that Level 3 should be granted the authority to provide inter- and intraLATA toll service, including the authority to levy a late payment charge, without a public hearing, subject to all other rules, regulations, or statutes of, by, or governing the Commission, in particular those set out in Docket Nos. 187,168-U and 120,408-U.

7. Further, Level 3 is required to file an annual report with the Commission and to notify the Commission of any changes in its structure or operation. Level 3 shall also report its

revenues, using the KUSF Carrier Remittance Worksheet, and any changes in its name or corporate structure, to the KUSF Administrator for Kansas Universal Service purposes.

8. The Commission also finds and concludes that Level 3's tariffs, as revised, are reasonable and should be accepted. Nothing in this certificate authorizes Level 3 to offer services other than those listed in its accepted tariffs.

IT IS, THEREFORE, BY THE COMMISSION ORDERED AND CERTIFIED THAT:

The application of Level 3 Communications, LLC for a Certificate of Convenience and Authority to provide intrastate interexchange telecommunications services is hereby granted pursuant to K.S.A. 66-131, as set out above. Level 3 Communications, LLC's tariffs are accepted as revised. Level 3 Communications, LLC must provide service under the terms and conditions set forth in this order and under Kansas law.

Any party may file a petition for reconsideration of this order within fifteen days of the date this order is served. If service is by mail, service is complete upon mailing and three days may be added to the above time frame.

The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

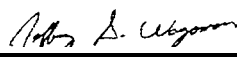
BY THE COMMISSION IT IS SO ORDERED AND CERTIFIED.

Wine, Chr.; Claus, Corn.; Moline, Corn.

Dated: MAY 14 1999

ORDER MAILED

MAY 17 1999

 Executive  
Director  
Jeffrey S. Wagaman  
Executive Director

EP: bb