

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

STATE CORPORATION COMMISSION

AUG 02 2004

In the Matter of arbitration Between )  
LEVEL 3 COMMUNICATIONS, LLC )  
and SBC COMMUNICATIONS, INC., )  
Pursuant to Section 252(b) of the )  
Communications Act of 1934, as )  
Amended by the Telecommunications Act )  
of 1996, for Rates, Terms, and Conditions )  
of Interconnection. )

Docket No. 04-L3CT-1046-ARB

 Docket  
Room

**ORDER 4: ARBITRATOR'S ORDER**  
**RULING ON JOINT MOTION TO EXTEND TIME**

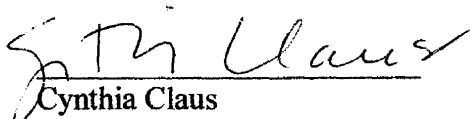
The above-captioned matter comes before Arbitrator Cynthia Claus for consideration and decision on the Joint Motion to Accept Second Stipulation to Extend Time for Arbitration Decision filed on July 29, 2004 by the parties to this arbitration, Level 3 Communications, LLC ("Level 3") and Southwestern Bell Telephone, L.P. dba SBC Kansas ("SBC") (collectively the "Parties"). After considering the files and being duly advised in the premises, the Arbitrator finds and concludes:

1. In Order 3 issued July 2, 2004, the prehearing conference was scheduled to reconvene August 2, 2004 at 1:30 p.m. at the offices of the Commission in the third floor hearing room, at which time the need for any further proceedings on Level 3's Motion to Strike would be taken up. Order 3 accepted the agreement of the Parties to extend the time for completion of the arbitration by 30 days to October 12, 2004, and required the Parties to file any new joint disputed points list ("Joint DPL") and any proposed schedule by July 29, 2004.
2. In their Joint Motion to Accept Second Stipulation to Extend Time for Arbitration Decision ("Joint Motion"), the Parties indicate that "they have made considerable progress in resolving issues and clarifying those that remain," but that they require more

time to complete negotiations, and to develop the Joint DPL and their proposed schedule. They specifically request a 17-day extension of the original July 30, 2004 end date of the Standstill Agreement to August 16, 2004, and a continuance of the August 2, 2004 prehearing conference to August 19, 2004. The Parties also attached a Second Stipulation reiterating their agreement not to challenge a Commission order in this proceeding on the grounds that it is untimely under Section 252, and a specific agreement to extend the deadline for completion of the arbitration for 17 days to October 29, 2004.

3. In the interest of enabling the Parties to complete their negotiating process, and to develop a meaningful summary of open issues in a Joint DPL, and a joint proposed hearing schedule, The Second Stipulation is accepted, and the Joint Motion is granted.
4. The Parties shall file their Joint DPL and proposed hearing schedule by August 16, 2004. The prehearing conference shall reconvene on August 19, 2004 at 1:30 p.m. at the offices of the Commission in the third floor hearing room. The new deadline for completion of the arbitration is October 29, 2004.

IT IS SO ORDERED:

  
Cynthia Claus  
Arbitrator

Dated: 7/30/04

**CERTIFICATE OF SERVICE**

04-L3CT-1046-ARB

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Order 4: Arbitrator's Order was placed in the United States mail, postage prepaid, or hand-delivered this 2nd day of August, 2004, to the following:

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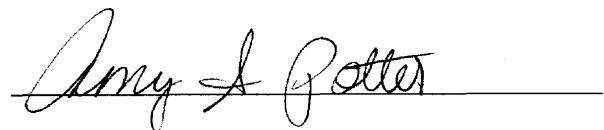
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