

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of arbitration Between)
LEVEL 3 COMMUNICATIONS, LLC)
and SBC COMMUNICATIONS, INC.,)
Pursuant to Section 252(b) of the) Docket No. 04-L3CT-1046-ARB
Communications Act of 1934, as)
Amended by the Telecommunications Act)
of 1996, for Rates, Terms, and Conditions)
of Interconnection.)

ORDER 2: ARBITRATOR'S ORDER
SETTING PRE-HEARING CONFERENCE

The above-captioned matter comes before Arbitrator Cynthia Claus, appointed by the State Corporation Commission (Commission) for consideration and decision with respect to a pre-hearing conference. After considering the files and being duly advised in the premises, the Arbitrator finds and concludes:

1. Level 3 Communications, LLC ("Level 3") filed a Petition for Arbitration on May 25, 2004. Level 3 requested arbitration of unresolved issues arising from interconnection negotiations between Level 3 and SBC Communications, Inc. ("SBC").
2. 47 U.S.C. § 252(b)(4)(C) requires state commissions to "conclude resolution of unresolved issues not later than 9 months after the date on which the local exchange carrier received the request under this section." Level 3 explains that the parties have agreed to several extensions of time during the negotiations. Level 3 references a letter from SBC to Level 3 dated April 23, 2004, indicating the parties agreement that the "arbitration window shall close in the following states on the following dates:...." Appendix A to Petition. For Kansas the window closed on May 25, 2004, the date Level 3 filed its Petition. 47 U.S.C. § 252(b)(1) establishes the arbitration window from the 135th through the 160th day. Level 3 calculates the arbitration must

be concluded with an order by the Commission by September 12, 2004, to comply with the statutory time lines.

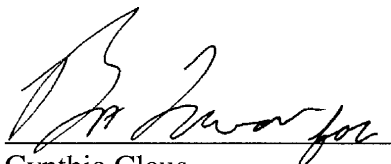
3. On June 10, 2004, the Commission issued Order 1, in which it appointed Cynthia Claus to serve as Arbitrator. Order 1 directed the Arbitrator to hold a pre-hearing conference before the end of June 2004.

4. The Commission Staff has reported to the Arbitrator that the parties have agreed to attend a pre-hearing conference on June 28, 2004. The Arbitrator concurs with that agreement and instructs the parties to attend the pre-hearing to be held at 1:30 p.m. on that date in the Commission's 3rd Floor Hearing Room.

5. The purpose of the pre-hearing will be to develop a procedural schedule, discuss discovery issues, and address the process that will be used to conduct the hearing.

6. The parties are reminded that the Arbitrator must submit her order to the Commission on or before August 13, 2004. Therefore, the Arbitrator anticipates that a hearing will have to be concluded by mid-July. The parties should begin developing pre-filed direct testimony in anticipation of a filing date for that testimony in early July. Because the testimony will be due so soon, time for discovery will be limited. The parties should discuss any discovery issues in an attempt to resolve them prior to the pre-hearing.

IT IS SO ORDERED:



Cynthia Claus
Arbitrator

Dated: JUN 18 2004

BL

JUN 18 2004

IN RE: DOCKET NO. 04-L3CT-1046-ARB

DATE _____

PLEASE FORWARD THE ATTACHED DOCUMENT(S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
CYNTHIA CLAUS, ARBITRATOR CYNTHIA CLAUS 1220 SUNSET DR. LAWRENCE, KS 66044		
MARTHA COFFMAN KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 **** Hand Delivered ****		
BRET LAWSON, ASSISTANT GENERAL COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 **** Hand Delivered ****		
JOSEPH E. DONOVAN, ATTORNEY KELLEY DRYE & WARREN LLP 1200 19TH STREET NW SUITE 500 WASHINGTON, DC 20036		
HENRY T. KELLY, ATTORNEY KELLEY DRYE & WARREN LLP 1200 19TH STREET NW SUITE 500 WASHINGTON, DC 20036		
ERIK CECIL, REGULATORY COUNSEL LEVEL 3 COMMUNICATIONS, LLC 1025 ELDORADO BOULEVARD BROOMFIELD, CO 80021		
RICHARD E. THAYER, ESQ. LEVEL 3 COMMUNICATIONS, LLC 1025 ELDORADO BOULEVARD BROOMFIELD, CO 80021		
TONINE MEGGER, AREA MANAGER NEGOTIATIONS SBC INDUSTRY MARKETS 350 N ORLEANS 3RD FL CHICAGO, IL 60654		
MARK P. JOHNSON, ATTORNEY SONNENSCHNEN NATH & ROSENTHAL LLP 4520 MAIN STREET SUITE 1100 KANSAS CITY, MO 64111		

ORDER MAILED JUN 18 2004

The docket Room hereby certified that on this ____ day of _____, 20____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.

JUN 18 2004

IN RE: DOCKET NO. 04-L3CT-1046-ARB

DATE

PLEASE FORWARD THE ATTACHED DOCUMENT(S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
------------------	------------------------	------------------------

JAMES KIRKLAND, ATTORNEY
SONNENSCHN NATH & ROSENTHAL LLP
4520 MAIN STREET
SUITE 1100
KANSAS CITY, MO 64111

BRUCE A. NEY, ATTORNEY
SOUTHWESTERN BELL TELEPHONE CO.
D/B/A SBC
220 EAST SIXTH STREET
TOPEKA, KS 66603

ORDER MAILED JUN 18 2004

The docket Room hereby certified that on this _____ day of _____, 20____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.