

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

STATE CORPORATION COMMISSION

AUG 16 2004

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

Docket No. 04-L3CT-1046-ARB

Susan K. Duffy Docket Room

**JOINT MOTION TO ACCEPT THIRD STIPULATION
TO EXTEND TIME FOR ARBITRATION DECISION**

The parties to this arbitration, Level 3 Communications, LLC (“Level 3”) and Southwestern Bell Telephone, L.P. d/b/a SBC Kansas (“SBC”) (collectively, the “Parties”), now jointly move the Commission and Arbitrator to accept their attached Third Stipulation to Extend Time for Arbitration Decision. In support of their motion the Parties state as follows:

1. On June 28, 2004, the Parties entered into a Standstill Agreement to devote their efforts to negotiating their differences in this matter for a 30-day period, ending July 30, 2004. Through continued negotiations the parties hoped to narrow if not fully resolve the issues in the Petition, and also to develop a joint Disputed Points List (“Joint DPL”) that would aid in the arbitration of any outstanding issues.

2. On July 6, 2004, the Parties presented their Standstill Agreement to the Commission and Arbitrator Claus. The Parties acknowledged that if there were indeed issues remaining to be arbitrated as of July 30, there might not be enough time to meet the nine-month deadline established under 47 U.S.C. 252(b)(4)(C) for completing arbitration. They therefore moved the Commission and Arbitrator Claus to accept their joint stipulation to waive any and all

rights to challenge a Commission order in this arbitration proceeding on the grounds that the order is issued later than September 12, 2004, the nine-month deadline for completing this arbitration under Section 252.

3. On July 12, 2004, Arbitrator Claus issued Order 3 in this matter, accepting the Parties' Stipulation to Extend Time for Arbitration Decision and establishing that the new deadline for completing arbitration is October 12, 2004. Arbitrator Claus also ordered the Parties to file any new Joint DPL and proposed arbitration hearing schedule by July 29, 2004.

4. As a result of continued negotiations and work on the Joint DPL, the Parties entered into a Second Stipulation to Extend Time for Arbitration Decision on July 29, 2004. The Parties agreed to extend the time to file their Joint DPL and proposed hearing schedule to August 16, 2004. The Parties also reiterated their agreement not to challenge a Commission order in this arbitration proceeding on the grounds that it is untimely under Section 252, specifically stating that the new deadline for completion of the arbitration would be October 29, 2004. In Order 4 of this arbitration, issued on July 30, 2004, ALJ Claus accepted the Second Stipulation and set a prehearing conference for August 19, 2004 to consider the Parties proposed hearing schedule.

5. The Parties have agreed to a hearing schedule with dates for the Joint DPL, pre-filed testimony, discovery, evidentiary hearing, and final arbitration decision. Because this schedule will require the deadline for completion of the arbitration to be extended once again, to January 28, 2004, the Parties have entered into a Third Stipulation to Extend Time for Arbitration Decision. The Third Stipulation details the schedule agreed to by the Parties and reiterates their agreement not to challenge a Commission order in this arbitration proceeding on the grounds that it is untimely under Section 252 of the Telecommunications Act.

6. Level 3 and SBC now jointly move the Commission and Arbitrator to accept the attached Third Stipulation to Extend Time for Arbitration Decision.

Dated: August 16, 2004

Respectfully submitted,



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6. Level 3 and SBC now jointly move the Commission and Arbitrator to accept the attached Third Stipulation to Extend Time for Arbitration Decision.

Dated: August 16, 2004

Respectfully submitted,

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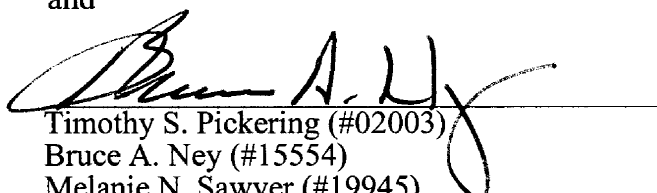
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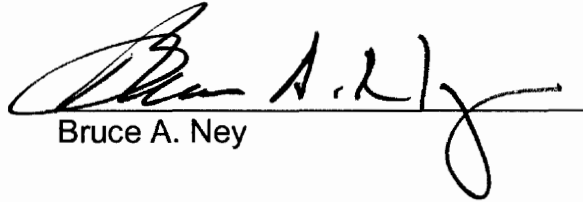
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VERIFICATION

I, Bruce A. Ney, of lawful age, and being first duly sworn, now state: I am Senior Counsel, and have read the above Joint Motion to Accept Third Stipulation to Extend Time for Arbitration Decision, and verify the statements contained herein to be true and correct to the best of my knowledge and belief.


Bruce A. Ney

Subscribed and sworn to before me this 16th day of August, 2004.




Notary Public

My appointment expires: October 15, 2006

CERTIFICATE OF SERVICE

I hereby certify that a correct copy of the above Joint Motion to Accept Third Stipulation to Extend Time for Arbitration Decision was sent via U.S. Mail or hand-delivered on this 16th day of August, 2004, to:

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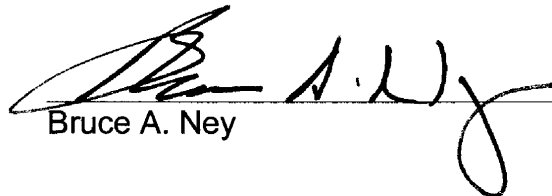
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ATTACHMENT A

THIRD STIPULATION TO EXTEND TIME FOR ARBITRATION DECISION

Level 3 Communications, LLC and Southwestern Bell Telephone, L.P. d/b/a SBC Kansas (collectively, the "Parties") hereby stipulate and agree as follows:

1. On July 29, 2004, in *In the Matter of Arbitration Between Level 3 Communications LLC and SBC Communications, Inc.*, Kansas Corporation Commission ("Commission") Docket No. 04-L3CT-1046-ARB, the Parties stipulated for a second time by motion to waive any and all rights to challenge a Commission order in the arbitration proceeding on the grounds that the order was issued later than September 12, 2004, the nine-month deadline for completing arbitration under Section 252 of the 1996 Telecommunications Act. The stipulation arose from the Parties agreement to continue the suspension of the arbitration process until August 16, 2004 to allow the parties to develop a Disputed Points List (DPL) containing any outstanding issues that need to be arbitrated, as well as a proposed hearing schedule.

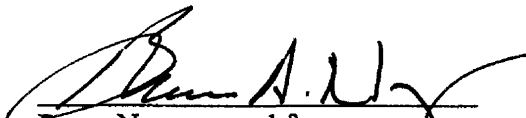
2. On July 30, 2004, Arbitrator Cynthia Claus accepted the Parties' stipulation, and established that the new deadline for completion of the arbitration is October 29, 2004.

3. The Parties now hereby agree to the following dates for filing the Joint DPL and for the hearing schedule in this matter:

August 18, 2004-	DPLs on all sections of the interconnection agreement (ICA) except for the UNEs section and the definitions in the General Terms and Conditions (GT&C) section filed
August 19, 2004-	Prehearing conference held to finalize proposed hearing schedule
August 20, 2004-	General discovery period begins


August 30, 2004-	DPLs on the UNEs section of the ICA and the definitions in the GT&C section filed
September 1, 2004-	Level 3 testimony filed
September 17, 2004-	SBC testimony filed
November 1, 2004-	Discovery closes
November 18-19, 2004-	Evidentiary hearing held
January 28, 2005-	Deadline for Commission decision

4. Based on this schedule, the Parties agree that the new deadline for completion of the arbitration is now January 28, 2005, and waive any and all rights to challenge a Commission order in this arbitration proceeding on the grounds that the order is untimely under Section 252 of the Telecommunications Act.



Bruce Ney, counsel for
Southwestern Bell Telephone, L.P.
Telephone, L.P. d/b/a SBC Kansas

Dated: 8-16-2004



Thomas Erik Bailey, counsel for
Level 3 Communications, LLC

Dated: AUG. 16, 2004