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July 6, 2007

VIA HAND DELIVERY

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Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

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Re: Neutral Tandem v. Level 3 Communications, LLC
Docket No. 070127-TX
Item No. 5 on the July 10, 2007 Agenda

Dear Mr. Teitzman:

As you know, our firm represents Level 3 Communications. On July 5, 2007, Petitioner Neutral Tandem filed a Motion for Leave to Amend Petition and a Proposed Amended Petition. In its Motion, Neutral Tandem also suggested that it would be appropriate for the Commission to defer consideration of the legal issues addressed in the Staff Recommendation beyond the July 10, 2007 Agenda Conference.

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Level 3 objects to Neutral Tandem's preemptive attempt to bolster its lack of standing prior to the Commission vote on this issue on July 10, 2007. Contrary to the representation in Neutral Tandem's Motion, the Staff Recommendation states that if the Commission determines that it has jurisdiction "Neutral Tandem may have standing if it can demonstrate that it has authority to act as an agent for an originating carrier in negotiating and reaching traffic termination arrangements." Neutral Tandem's Motion and Proposed Amended Petition prematurely and presumptuously assume that the Commission will determine that it has jurisdiction and that Neutral Tandem would somehow cure its lack of standing by appearing as an agent for an originating carrier that has not filed an interconnection complaint against Level 3.

It is worth noting that all the letters of agency provided by Neutral Tandem with its Proposed Amended Petition were signed during the week of July 2 - - all after the Staff Recommendation was released. Prior to the filing of these letters, Neutral Tandem's tariffs and standard customer contract

*Wang
Thompson*

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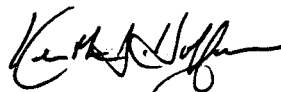
Adam Teitzman, Esq.
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specifically state that neither Neutral Tandem nor its customers will act as an agent for the other. Neutral Tandem's sudden change on the agency issue is an obvious attempt to salvage its standing which should be summarily rejected by the Commission. Interestingly enough, these new agency letters are specifically limited to the technical and operational aspects of terminating transit traffic through Neutral Tandem - - and do not authorize Neutral Tandem to address intercarrier compensation on behalf of the principals to this purported agency relationship, the originating carriers. Thus, apart from the fact that Neutral Tandem's appearance as an agent for some other carrier that has not filed a petition or complaint against Level 3 cannot cure Neutral Tandem's standing, the limited extent of the agency letter would prohibit an interconnection proceeding under Section 364.16(2), Florida Statutes, would prevent the Commission from addressing the "prices, terms, and conditions" of interconnection between Level 3 and the originating carrier under Section 364.16(2).

On behalf of Level 3, I respectfully reiterate Level 3's opposition to a deferral of this matter beyond the July 10, 2007 Agenda Conference.

Thank you for your attention to and consideration of the above.

Respectfully submitted,



Kenneth A. Hoffman

KAH/rl

cc: Beth Keating, Esq., via hand delivery and e-mail
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Gregg Strumberger, Esq., via e-mail
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