

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: LEVEL 3 COMMUNICATIONS, LLC	DOCKET NO. TF-05-31 (TCU-99-1)
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**ORDER GRANTING RECONSIDERATION AND
SETTING TECHNICAL CONFERENCE**

(Issued May 13, 2005)

On April 26, 2005, Level 3 Communications, LLC (Level 3), filed with the Utilities Board (Board) a request for reconsideration of the Board's "Order Rejecting Tariff and Denying Certificate" issued April 7, 2005. In the April 7 order, the Board rejected Level 3's proposed tariff without prejudice and denied Level 3's application for a certificate of public convenience and necessity, also without prejudice.

In support of its request for reconsideration, Level 3 states that its proposed service, for which a tariff was filed, is appropriately a retail service, and that the Board relied upon a narrow reading to the term "to the public" when determining that Level 3's provision of wholesale services to other retail providers did not appear to amount to sufficient sales to the public so as to "clothe the operation with a public interest." Level 3 also states that the Board should have provided Level 3 with alternative language in its April 7 order that provided Level 3 with protections equal to those provided by a certificate.

The Board will grant Level 3's request for reconsideration in order to explore Level 3's request for alternative language. Based on the record to date, it appears Level 3's proposed service offerings are unlike most certificated telecommunications

carriers in Iowa, as Level 3 does not intend to provide retail local exchange service directly to end-use customers. However, this does not necessarily mean that an alternative approach is unavailable or undesirable. Therefore, the Board will schedule a technical conference between Board staff, Level 3, and the Consumer Advocate Division of the Department of Justice (Consumer Advocate) on May 17, 2005, at 10:30 a.m., in the Board's Conference Room 3, to discuss the nature of Level 3's proposed service offering, the public interest, and possible alternative language.

IT IS THEREFORE ORDERED:

1. The request for reconsideration filed by Level 3 Communications, LLC, on April 26, 2005, is granted.
2. A technical conference with Board staff, Level 3 Communications, LLC, and the Consumer Advocate Division of the Department of Justice is scheduled for May 17, 2005, at 10:30 a.m., in the Board's Conference Room 3.

UTILITIES BOARD

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 13th day of May, 2005.