

**ORIGINAL**  
**RUTLEDGE, ECENIA, PURNELL & HOFFMAN**

PROFESSIONAL ASSOCIATION  
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA  
RICHARD M. ELLIS  
KENNETH A. HOFFMAN  
MARTIN P. McDONNELL  
J. STEPHEN MENTON

POST OFFICE BOX 551, 32302-0551  
215 SOUTH MONROE STREET, SUITE 420  
TALLAHASSEE, FLORIDA 32301-1841

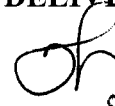
TELEPHONE (850) 681-6788  
TELECOPIER (850) 681-6515

R. DAVID PRESCOTT  
HAROLD F. X. PURNELL  
MARSHA E. RULE  
GARY R. RUTLEDGE  
MAGGIE M. SCHULTZ  
GOVERNMENTAL CONSULTANTS  
JONATHAN M. COSTELLO  
MARGARET A. MENDUNI

June 12, 2007

Ms. Ann Cole, Director  
Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center, Room 110  
Tallahassee, Florida 32399-0850

**HAND DELIVERY**

  
07 JUN 12 PM 4:25  
RECEIVED--FPSC  
COMMISSION  
CLERK

Re: Docket No. 070127-TX

Dear Ms. Cole:

Enclosed for filing on behalf of Level 3 Communications, LLC ("Level 3") are an original and fifteen copies of a draft decision dated June 7, 2007 issued by the Connecticut Department of Public Utility Control and an Order dated June 8, 2007 issued by an Administrative Law Judge designated by the Public Utilities Commission of the State of California. The Draft Order issued in Connecticut and the Order issued in California are submitted by Level 3 as supplemental authority in connection with the Commission's consideration of the legal issues established by the Prehearing Officer for resolution in this proceeding which will be addressed by the Commission at the July 10, 2007 Agenda Conference.

In the Connecticut draft decision, the Department of Public Utility Control adopted all of Level 3's arguments and held:

The record of this proceeding does not support a Department order that Neutral Tandem be permitted to directly interconnect with Level 3 for purposes of terminating transit traffic without compensation. This issue should be addressed through a commercial agreement process between Neutral Tandem and Level 3. Accordingly, the Department encourages the parties to negotiate a commercial agreement that provides for the continued termination of this traffic while addressing their respective interests. In the event that such an agreement is not reached, Neutral

DOCUMENT NUMBER-DATE  
04734 JUN 12 07  
FPSC-COMMISSION CLERK

Ms. Ann Cole, Director  
Page 2  
June 12, 2007


Tandem should make the necessary arrangements to insure that its customers' traffic is properly carried and terminated at their appropriate designations.

Based on this ruling, the Connecticut Department of Public Utility Control's draft decision requires Neutral Tandem to begin customer notification procedures informing the Neutral Tandem customers of Neutral Tandem's withdrawal from the Connecticut transit traffic market in the event the parties are not able to successfully negotiate a commercial agreement by June 25, 2007. The decision further authorizes Level 3 to terminate service to Neutral Tandem, but no earlier than August 24, 2007, in the event the parties are unable to successfully negotiate a commercial agreement.

The California Order denied Neutral Tandem's Motion for Interim Relief pending resolution of Neutral Tandem's petition on the merits.

Thank you for your assistance with this filing.

Respectfully submitted,



Kenneth A. Hoffman

KAH/rl

Enclosures

cc: Beth Keating, Esq., with enclosures  
John R. Harrington, Esq., with enclosures  
Adam Teitzman, Esq., with enclosures  
Gregg Strumberger, Esq., with enclosures

level3\nneutraltandem\colejune 12 07 ltr

ORIGINAL



FILED

06-08-07  
02:48 PM

JAR/h12 6/8/2007

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Neutral Tandem California, LLC,	
	Complainant,
	vs.
Level 3 Communication and its Subsidiaries,	
	Defendants.

Case 07-03-008  
(Filed March 6, 2007)

**ADMINISTRATIVE LAW JUDGE'S RULING DENYING  
MOTION FOR INTERIM RELIEF PENDING RESOLUTION OF THE MERITS**

**Summary**

This ruling denies the motion for interim relief filed by complainant Neutral Tandem California, LLC (Neutral Tandem).

**Background**

On April 30, 2007, Neutral Tandem filed a motion for interim relief<sup>1</sup> seeking to have the Commission order Level 3 Communications (Level 3) to maintain the status quo and continue to accept terminating tandem transit traffic from Neutral Tandem via the parties' existing direct interconnection until thirty

<sup>1</sup> Neutral Tandem's Motion for Interim Relief Regarding Maintenance of Status Quo Pending Resolution of the Merits.

1 of 2  
DOCUMENT NUMBER-DATE  
04734 JUN 12 5  
FPSC-COMMISSION CLERK

days after the Commission issues a decision on the merits of Neutral Tandem's Complaint in this matter.

Neutral Tandem contends that its underlying Complaint raises two basic issues: (1) whether the Commission has the authority under California law to order Level 3 to directly interconnect with Neutral Tandem for the limited purpose of accepting transit traffic that it delivers for termination on Level 3's network; and (2) whether Level 3's refusal to offer Neutral Tandem similar terms and conditions of interconnection as the terms and conditions it offers to the incumbent tandem transit provider violates the anti-discrimination provisions of the California Public Utilities Code.<sup>2</sup>

In its motion for interim relief, Neutral Tandem argues that Level 3 is unwilling to maintain the parties' status quo interconnection relationship beyond June 25, 2007, or continue to accept terminating traffic from it without compensation. Neutral Tandem contends that Level 3 proposed that it would not "disconnect the direct interconnection with Neutral Tandem until July 10, 2007" if Neutral Tandem agreed to escrow funds at the rate of \$0.001/minute for terminating traffic. Consequently, Neutral Tandem seeks an order requiring Level 3 to maintain the parties' existing interconnection and accept tandem transit traffic delivered by Neutral Tandem under the current arrangements until 30 days after the Commission issues a decision on the merits of the underlying Complaint.

On May 15, 2007, Level 3 opposed the motion for interim relief, maintaining that Neutral Tandem's request was actually a plea for a preliminary

---

<sup>2</sup> See Neutral Tandem Motion for Interim Relief at 5.

injunction. It insists that the motion does not meet the applicable standards for an injunction; and therefore, must be denied. Additionally, Level 3 disputes Neutral Tandem's interpretation of what constitutes the "status quo" that it is seeking to have maintained beyond June 25, 2007. Level 3 argues that Neutral Tandem represents in its motion that 30 days will be a sufficient amount of time for it to make arrangements for indirect interconnection via the incumbent local exchange carrier tandem for its customers or itself. Consequently, Level 3 urges that the motion be denied, and Neutral Tandem be compelled to make whatever arrangements it deems necessary.

On May 17, 2007, Neutral Tandem and Level 3 argued the motion for interim relief, in conjunction with other pending motions,<sup>3</sup> before Commissioner Timothy Alan Simon and the undersigned Administrative Law Judge.

### **Discussion**

Neutral Tandem seeks an order compelling Level 3 to continue to accept terminating tandem transit traffic from it by way of the direct interconnection that existed between the parties for approximately two years, pursuant to various negotiated commercial traffic agreements<sup>4</sup>, which Level 3 extended until June 25, 2007. Neutral Tandem denies that its request is a motion for a preliminary injunction in disguise. Neutral Tandem maintains that after June 25, 2007, Level 3 will block or misdirect traffic because Level 3 believes it is

---

<sup>3</sup> Level 3's Motion to Dismiss and Neutral Tandem's Cross-Motion for Summary Judgment.

<sup>4</sup> Now terminated.

receiving inadequate compensation for the traffic. It seeks the requested relief to prevent this anticipated violation of California law.<sup>5</sup>

However, the evidence does not support Neutral Tandem's assertion that Level 3 intends to block or misdirect traffic after June 25, 2007. The May 8, 2007 letter<sup>6</sup> attached to Level 3's Opposition to the Motion for Interim Relief sets forth rates in which Level 3 states it will bill Neutral Tandem for termination services rendered if direct interconnection continues after June 25, 2007. Both Level 3 and Neutral Tandem are obligated under California law to make sure that their customers' calls are completed notwithstanding their compensation dispute.<sup>7</sup> Rather than seem ambiguous, Level 3's letter appears to confirm its understanding of the legal obligation.

Without the impending threat of blocked or misdirected traffic, Neutral Tandem's motion for interim relief must fail.

Accordingly, **IT IS RULED** that Neutral Tandem's Motion for Interim Relief Regarding Maintenance of Status Quo Pending Resolution of Merits is denied.

Dated June 8, 2007, at San Francisco, California.

---

<sup>5</sup> See, *Re Competition for Local Exchange Service*, Decision (D.) 97-11-024; 76 CPUC2d 458 (Nov. 5, 1997).

<sup>6</sup> Letter Notice of May 8, 2007 from Level 3 to Neutral Tandem.

<sup>7</sup> See, "Customers have a right to expect that the telephone network throughout California is reliable, and that their calls will be completed regardless of billing disputes which may exist between carriers involved in the origination, routing, and completion of such calls. It is in the public interest that we do not permit carrier disputes to affect the service to end-users, the third party in those disputes." *Re Competition for Local Exchange Service*, D.97-11-024, 76 CPUC 2d 458, 460 (Nov. 5, 1997).

C.07-03-008 JAR/hl2

/s/ JACQUELINE A. REED

Jacqueline A. Reed  
Administrative Law Judge

**INFORMATION REGARDING SERVICE**

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a Notice of Availability of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the Notice of Availability of the filed document is current as of today's date.

Dated June 8, 2007, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis



\*\*\*\*\* SERVICE LIST \*\*\*\*\*

Last Update on 08-JUN-2007 by: SMJ  
C0703008 LIST



**FILED**

06-08-07  
02:48 PM

\*\*\*\*\* APPEARANCES \*\*\*\*\*

Gregory L. Rogers  
LEVEL 3 COMMUNICATIONS, LLC  
1025 ELDORADO BLVD.,  
BROOMFIELD CO 80021  
(720) 888-2512  
Greg.rogers@level3.com  
For: Level 3 Communications, LLC

Richard H. Levin  
Attorney At Law  
6741 SEBASTOPOL AVE., SUITE 230  
SEBASTOPOL CA 95472  
(707) 523-4224  
rl@comrl.com  
For: Level 3 Communications, LLC

Leon M. Bloomfield  
Attorney At Law  
WILSON & BLOOMFIELD, LLP  
1901 HARRISON STREET, SUITE 1620  
OAKLAND CA 94612  
(510) 625-1164  
lmb@wblaw.net  
For: Neutral Tandem California, LLC

\*\*\*\*\* STATE EMPLOYEE \*\*\*\*\*

Jacqueline A. Reed  
Administrative Law Judge Division  
RM. 5017  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-2935  
jar@cpuc.ca.gov

\*\*\*\*\* INFORMATION ONLY \*\*\*\*\*

Ronald Gavillet  
ONE SOUT WACKER, SUITE 200  
CHICAGO IL 60606  
rongavillet@neutraltandem.com

John R. Harrington  
JENNER & BLOCK LLP  
330 N. WABASH AVE., SUITE 4700  
CHICAGO IL 60611  
jharrington@jenner.com

**ORIGINAL**

**STATE OF CONNECTICUT**

**DEPARTMENT OF PUBLIC UTILITY CONTROL  
TEN FRANKLIN SQUARE  
NEW BRITAIN, CT 06051**

**DOCKET NO. 07-02-29 PETITION OF NEUTRAL TANDEM, INC. FOR AN  
INTERCONNECTION AGREEMENT WITH LEVEL 3  
COMMUNICATIONS AND REQUEST FOR INTERIM  
ORDER**

June 7, 2007

By the following Commissioners:

Anthony J. Palermino  
Anne C. George  
John W. Betkoski, III

**DRAFT DECISION**

This draft Decision is being distributed to the parties in this proceeding for comment. The proposed Decision is not a final Decision of the Department. The Department will consider the parties' arguments and exceptions before reaching a final Decision. The final Decision may differ from the proposed Decision. Therefore, this draft Decision does not establish any precedent and does not necessarily represent the Department's final conclusion.

2 of 2  
DOCUMENT NUMBER-DATE  
04734 JUN 12 5  
FPSC-COMMISSION CLERK

## **DECISION**

### **I. INTRODUCTION**

#### **A. BACKGROUND OF THE PROCEEDING**

By petition received on February 28, 2007 (Petition), Neutral Tandem, Inc. (Neutral Tandem) requested the approval of the Department of Public Utility Control (Department) of an interconnection agreement and also requested that an interim Decision pursuant to §§16-247a, 16-247b and 16-247f of the General Statutes of Connecticut (Conn. Gen. Stat.) be issued. Specifically, Neutral Tandem requested that the Department establish interconnection terms and conditions for the continued delivery of tandem transit traffic from Neutral Tandem to Level 3 Communications LLC (Level 3) and issue an interim Decision directing Level 3 not to block traffic carried under existing interconnections while the Petition was pending.

#### **B. CONDUCT OF THE PROCEEDING**

In order to facilitate its investigation, the Department, on March 29, 2007, sought written comments from interested persons addressing the Petition, including but not limited to, the applicability of federal and Connecticut law relative to interconnection and commercial agreements as they apply to Neutral Tandem and Level 3 and the Department's authority in approving those agreements; the alternative administrative vehicles (e.g., tariffs) for interconnection and/or commercial agreements that the Department might employ to provide the terms and conditions for interconnection between Neutral Tandem and Level 3; the compensation arrangements for originating and terminating traffic over the Neutral Tandem and Level 3 networks in Connecticut; and the status of similar Neutral Tandem petitions filed in other states.

On March 30, 2007, Level 3 submitted a Motion to Strike Petition of Neutral Tandem (Motion to Strike). On April 24, 2007, the Department ruled that the public interest was best served by holding the Motion to Strike in abeyance until the final Decision in this proceeding, thus preserving all legal issues raised by Level 3 in its Motion to Strike, and allowing the docket to continue in parallel with proceedings in other states.

By Notice of Hearing dated April 25, 2007, a public hearing on this matter was convened at the Department's offices, Ten Franklin Square, New Britain Connecticut 06051 on May 7, 2007, at which time it was closed.

The Department issued a draft Decision in this matter on June 7, 2007. All parties were afforded the opportunity to submit written exceptions and present oral argument concerning the draft Decision.

#### **C. PARTIES**

The Department recognized Neutral Tandem-New York, 1 South Wacker Drive, Suite 200, Chicago, Illinois 60606; Level 3 Communications, LLC, 1025 Eldorado

Boulevard, Broomfield Colorado 80021; and the Office of Consumer Counsel, Ten Franklin Square, New Britain, Connecticut 06051 as parties to this proceeding.

## II. DEPARTMENT ANALYSIS

Neutral Tandem has requested that the Department (1) establish interconnection terms and conditions for the continued delivery of tandem transit traffic to Level 3 Communications,<sup>1</sup> and (2) issue an interim order directing Level 3 not to block traffic terminating from Neutral Tandem over the parties' existing interconnections while the Petition is pending.<sup>2</sup>

Neutral Tandem states that for over two years, it has interconnected with Level 3 in Connecticut and other states pursuant to negotiated contracts. Recently, Level 3 informed Neutral Tandem that it was terminating their contracts that enabled Neutral Tandem to deliver tandem transit traffic to Level 3, because Level 3 did not believe their terms were sufficiently advantageous to Level 3. Neutral Tandem also states that to date, efforts to negotiate new contracts have been unsuccessful. Accordingly, Neutral Tandem has requested that the Department enforce the interconnection mandates of Connecticut law, by establishing prospective terms and conditions under which Neutral Tandem and Level 3 would continue to interconnect for the delivery of tandem transit traffic to Level 3.<sup>3</sup>

In addition, Neutral Tandem contends that Level 3 plans to terminate their agreements as of March 23, 2007, which could lead to service disruption for the carriers that utilize Neutral Tandem's tandem transit service in Connecticut, as well as those carriers' end-user customers. To prevent these service disruptions, Neutral Tandem requests that the Department issue an interim order directing Level 3 to maintain the parties' existing interconnections pending resolution of the Petition.<sup>4</sup>

In its response to the Petition, Level 3 argues that Neutral Tandem seeks to radically alter the existing interconnection methodology between non-dominant competitive local exchange carriers (CLEC). Specifically, Level 3 maintains that Neutral Tandem has requested the Department to mandate, without any legal basis, that CLECs must directly, rather than indirectly interconnect with each other on rates, terms and conditions mandated by the Department, rather than through commercial negotiations, including requiring that each CLEC perform the termination function without any compensation from the directly interconnected CLEC. Level 3 also maintains that Neutral Tandem seeks to directly interconnect with Level 3. Additionally, Level 3 claims that other CLECs would then be indirectly interconnected with Level 3 via the voluntary tandem transit service function being offered by Neutral Tandem. Level 3 further claims that if Neutral Tandem is given the right to demand direct interconnection,

---

<sup>1</sup> Tandem transit traffic refers to the intermediary switching of local and other non-access traffic that originates and terminates on the networks of different telecommunications providers within a local calling area. Petition, p. 1.

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> Id., p. 2.

then every CLEC would be allowed to demand the same treatment from every other CLEC.<sup>5</sup>

Consequently, Level 3 concludes that the fundamental legal issue raised by the Petition is whether the Department has the statutory authority to and should (1) compel a CLEC to directly interconnect with another CLEC, and (2) require Level 3 to transport and terminate transit traffic without adequate compensation.<sup>6</sup>

The issue of transit traffic is not new to the Department. For example, in its January 15, 2003 Decision in Docket No. 02-01-03 Petition of Cox Connecticut Telcom, L.L.C. for Investigation of the Southern New England Telephone Company's Transit Service Cost Study and Rates, the Department addressed the offering of transit traffic service by the Southern New England Telephone Company (Telco), Connecticut's major incumbent local exchange company (ILEC) and the CLECs' purchase of that service from the Telco. In that Decision, the Department required in part that the Telco offer, in addition to its existing transit traffic service offering, another transit service which did not include a "bill clearinghouse" function. The January 15, 2003 Decision did not prohibit the offering of a bill clearinghouse function nor did it address direct or indirect interconnection or the issues from which Neutral Tandem seeks relief from in this proceeding.

In support of the Petition, Neutral Tandem also cites to Conn. Gen. Stat. §§16-247a, 16-247b(b) and 16-247f.<sup>7</sup> The Department is not persuaded by Neutral Tandem's argument that these statutes provide the requisite statutory authority to order direct interconnection between the two carriers. First, Conn. Gen. Stat. §16-247a proffers a series of legislative principles and goals that guide the Department's implementation of the various sections of Public Act 94-83, An Act Implementing the Recommendations of the Telecommunications Task Force. Consequently, Conn. Gen. Stat. §16-247a(a) is a "policy section which states the general objectives of the act so that administrators and courts may know its purposes." (1A N. Singer, Sutherland on Statutory Construction § 20.12, at 139 (6th ed. 2002)). The declaration of policy "is not part of the substantive portion of the statute." *Id.*, at 139, 140. Thus, the principles and goals do not mandate the ordering by the Department of the direct interconnection contemplated by the Petition. Nevertheless, the Department believes that these principles and goals would be satisfied through a commercial agreement which included provisions for indirect interconnection between the parties.

Similarly, the Department is not persuaded by Neutral Tandem's reliance on Conn. Gen. Stat. §16-247b(b). While it is true that this statute requires telephone companies to provide "reasonable nondiscriminatory access and pricing to all telecommunications services . . ." the Department finds this statute does not apply here because Level 3 is not a telephone company as defined by Conn. Gen. Stat. §16-1(a)(23). In particular, Level 3 does not provide "one or more noncompetitive or emerging competitive services."<sup>8</sup> Rather, Level 3 (and Neutral Tandem) are considered

---

<sup>5</sup> Level 3 Motion to Strike, pp. 1 and 2.

<sup>6</sup> *Id.*, p. 2.

<sup>7</sup> Petition, pp. 3, 9-12.

<sup>8</sup> Conn. Gen. Stat. §16-1(a)(23).

a telecommunications company<sup>9</sup> or certified telecommunications provider.<sup>10</sup> Consequently, Conn. Gen. Stat. §16-247b(b) does not apply.<sup>11</sup>

Finally, the Department finds that Conn. Gen. Stat. §16-247f also does not apply. Conn. Gen. Stat. §16-247f merely provides for the classification of and tariffing requirements for telecommunications services. It does not provide for the regulatory or interconnection relief sought by the Petition.

Therefore, it is clear that the Department's role in this matter is at best, minimal. The Department finds that resolution of this issue would best be accomplished through the commercial agreement process and therefore encourages the parties to resolve this matter before service is terminated by Level 3.

In the event that the parties are unable to negotiate a commercial agreement, Neutral Tandem should begin its withdrawal from the Connecticut transit traffic market and make arrangements for the carriage of this traffic by other carriers. Specifically, Neutral Tandem should inform its transit traffic customers of its exit from the Connecticut market and advise them that they should make the necessary arrangements so that their traffic is properly routed and terminated. As part of these exiting provisions, the Department will require that Neutral Tandem begin notifying its customers of its exit no later than June 25, 2007. The Department will also require that Level 3 not begin terminating Neutral Tandem's service until August 24, 2007, so that Neutral Tandem's transit traffic customers are afforded a sufficient amount of time to make alternative service arrangements.

By ruling in this matter, the Department essentially grants Level 3's Motion to Strike. The Department encourages a commercial agreement between the parties, or in the event of a failure to agree, to administer arrangements for customer transition.

### **III. CONCLUSION AND ORDERS**

#### **A. CONCLUSION**

The record of this proceeding does not support a Department order that Neutral Tandem be permitted to directly interconnect with Level 3 for purposes of terminating transit traffic without compensation. This issue should be addressed through a commercial agreement process between Neutral Tandem and Level 3. Accordingly, the Department encourages the parties to negotiate a commercial agreement that provides for the continued termination of this traffic while addressing their respective interests. In the event that such an agreement is not reached, Neutral Tandem should make the

---

<sup>9</sup> Conn. Gen. Stat. §16-1(a)(25).

<sup>10</sup> Conn. Gen. Stat. §16-1(a)(38).

<sup>11</sup> The distinction between a "telephone company" and a "telecommunications company" or "certified telecommunications provider" is not mere pedantry. A "telephone company" is among the list of companies included in the definition of a "public service company" (Conn. Gen. Stat. § 16-1(a)(4)), and thus may charge rates for noncompetitive and emerging competitive services only in accordance with traditional regulation pursuant to Conn. Gen. Stat. §16-19 or alternative regulation pursuant to Conn. Gen. Stat. §16-247k.

necessary arrangements to ensure that its customers' traffic is properly carried and terminated at their appropriate destinations.

**B. ORDERS**

1. If the parties are unable to successfully negotiate a commercial agreement by June 25, 2007, Neutral Tandem shall, no later than June 25, 2007, begin customer notification procedures informing them of its withdrawal from the Connecticut transit traffic.
2. Level 3 shall, no earlier than August 24, 2007, terminate service to Neutral Tandem in the event that the parties are unable to successfully negotiate a commercial agreement.

**DOCKET NO. 07-02-29 PETITION OF NEUTRAL TANDEM, INC. FOR AN  
INTERCONNECTION AGREEMENT WITH LEVEL 3  
COMMUNICATIONS AND REQUEST FOR INTERIM  
ORDER**

This Decision is adopted by the following Commissioners:

\_\_\_\_\_  
Anthony J. Palermino

\_\_\_\_\_  
Anne C. George

\_\_\_\_\_  
John W. Betkoski, III

CERTIFICATE OF SERVICE

The foregoing is a true and correct copy of the Decision issued by the Department of Public Utility Control, State of Connecticut, and was forwarded by Certified Mail to all parties of record in this proceeding on the date indicated.

\_\_\_\_\_  
Louise E. Rickard  
Acting Executive Secretary  
Department of Public Utility Control

\_\_\_\_\_  
Date



DOCKET NO. 07-02-29

APPLICATION OF NEUTRAL TANDEM, INC. FOR AN INTERCONNECTION  
AGREEMENT WITH LEVEL 3 COMMUNICATIONS  
AND REQUEST FOR INTERIM ORDER

NOTICE OF WRITTEN EXCEPTIONS, BRIEFS AND ORAL ARGUMENTS

(June 12, 2007)

(June 14, 2007)

Pursuant to § 4-179 of the General Statutes of Connecticut, the Department of Public Utility Control (Department) will accept written exceptions and/or briefs from admitted Parties and Intervenors in the docket cited above, concerning the attached draft Decision. Written exceptions and/or briefs concerning the draft Decision may be filed with the Department's Executive Secretary's Office on or before **Tuesday, June 12, 2007, by 4:00 p.m.**

Documents must be filed with the Executive Secretary of the Department in both electronic and paper form. The date and time of filing shall be the date and time the Department first receives a complete electronic version or the paper version and the required number of paper copies. Unless otherwise specified, filings are due by 4:00 p.m. on or before any required date. If a complete electronic version of the filing is submitted through the Department's Web Filing System, only one paper version of the filing is generally required.

If a complete electronic version of the filing is not web filed, submit an original and six (6) copies for all briefs, reply briefs and comments/written exceptions. Each copy shall be collated and secured with the docket number prominently displayed on the first page.

Parties and Intervenors must notify the Department's Executive Secretary's Office, in writing, on or before **Tuesday, June 12, 2007, by 4:00 p.m.**, of their intention to present oral arguments. In the absence of such written notification, the Department will consider the right to oral arguments to have been waived. If a written request is timely received, oral arguments will be heard at the offices of the Department, Ten Franklin Square, New Britain, Connecticut, on **Thursday, June 14, 2007, at 10:00 a.m.**

The Department expects to render a final decision on this matter on **Wednesday, June 20, 2007, at 9:30 a.m.**

Dated at New Britain, Connecticut this 7<sup>th</sup> day of June 7, 2007.

DEPARTMENT OF PUBLIC UTILITY CONTROL

Louise E. Rickard  
Acting Executive Secretary

By:

Peter J. Jenkelunas

(PCB)

Notice filed with the Secretary of the State on June 7, 2007.