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July 5, 2007

**ELECTRONIC FILING**

Ms. Ann Cole  
Office of the Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32309

**Re: Docket No. 070127-TX - Petition of Neutral Tandem, Inc. For Interconnection  
with Level 3 Communications and Request for Expedited Resolution**

Dear Ms. Cole:

Enclosed for filing on behalf of Neutral Tandem, Inc., please find two documents for filing in the above-referenced Docket: 1. Neutral Tandem's Motion for Leave to File Amended Petition; and 2. Neutral Tandem's Amended Petition.

Your assistance in this matter is greatly appreciated. If you have any questions whatsoever, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Beth Keating", written over a horizontal line.

**Beth Keating**  
**AKERMAN SENTERFITT**  
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**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of Neutral Tandem, Inc.	)	Docket No. 070127-TX
for Interconnection with Level 3	)	
Communications and Request for	)	Filed: July 5, 2007
Expedited Resolution	)	
	)	

**NEUTRAL TANDEM'S MOTION FOR LEAVE TO AMEND PETITION**

Petitioner, Neutral Tandem, Inc. ("Neutral Tandem"), hereby respectfully submits this Motion to Amend petition, and in support thereof states as follows:

1. On February 26, 2007, Neutral Tandem filed a Petition for Interconnection and Request for Expedited Resolution of a dispute with Level 3 Communications (Level 3) regarding the termination of traffic to Level 3's network by Neutral Tandem.

2. Neutral Tandem files to amend its Petition to include additional information relevant to the Commission's consideration of this case.

3. Specifically, Neutral Tandem seeks to amend its Petition to include information and documentation further confirming that Neutral Tandem is specifically authorized by its customers to act on their behalf in establishing arrangements for the termination of transit traffic to other carriers and that Level 3's refusal to accept such transit traffic from Neutral Tandem has an immediate, detrimental impact on both Neutral Tandem and customers who rely on Neutral Tandem to establish such transit traffic arrangements.

4. Counsel has contacted counsel for Level 3 and informs the Commission that Level 3 objects to allowing Neutral Tandem to file the Amended Petition. However, no party would be negatively impacted by the Commission granting Neutral Tandem's request for leave to amend the Petition.

5. Furthermore, there is currently a staff recommendation pending before the Commission that suggests Neutral Tandem's Petition should be dismissed without prejudice, in order to allow Neutral Tandem an opportunity to refile its Petition and cure a defect staff perceives in Neutral Tandem's assertions of standing to pursue relief in this matter. While Neutral Tandem does not concede that such a defect exists, Neutral Tandem's amendment further demonstrates such authority to act as agent for its originating customers in the establishment of such transit traffic arrangements. Commission staff has suggested in its recommendation to the Commission that such demonstration would remedy the staff's concerns with regard to Neutral Tandem's standing in this matter. As such, allowing Neutral Tandem the opportunity to amend its Petition now will avoid the unnecessary time and expense of withdrawing the Petition altogether and refiling the amended Petition at a later date to include the referenced additional information.

6. Moreover, allowing amendment of the Petition at this time will also avoid any additional, prolonged delay in the Commission's resolution of the important underlying issues raised in the Petition.<sup>1</sup> Further significant delay, will only cause increased, unnecessary uncertainty for both Neutral Tandem and its carrier customers, who terminate a half a billion minutes of transit traffic through NT each month in Florida.<sup>2</sup>

7. Neutral Tandem recognizes that it may be appropriate to allow Level 3 an opportunity to respond to the Amended Petition, and that, consequently, a deferral of the staff recommendation currently scheduled for the July 10, 2007 Agenda Conference may be

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<sup>1</sup> See, Fouts v. Margules, 98 So. 2d 394 (3d D.C.A. 1957).

<sup>2</sup> On a related note, Neutral Tandem has also had to delay its IPO financing to remedy these actions by Level 3; actions that other states have already found violate the public interest.

appropriate. However, counsel for Level 3 has represented to Neutral Tandem that Level 3 feels such a deferral is not appropriate.

8. Attached, please find the Amended Petition of Neutral Tandem.

Thus, for all reasons set forth herein, Neutral Tandem respectfully requests that the Commission grant Neutral Tandem's Motion to Amend its Petition in this proceeding and, based on this additional information, set this matter directly for hearing.

Respectfully submitted,

NEUTRAL TANDEM, INC.

By:   
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**CERTIFICATE OF SERVICE**

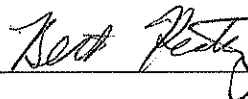
I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via U.S. Mail First Class and Hand Delivery to Martin McDonnell, Esquire, and Kenneth Hoffman, Esquire, Rutledge, Ecenia, Purnell, and Hoffman, P.A., 215 South Monroe Street, Suite 420, Tallahassee, FL 32301, and that a copy has also been provided to the persons listed below this 5th day of July, 2007:

Gregg Strumberger, Esquire  
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