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2/4/2008

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of Neutral Tandem, Inc. and)	Docket No. 070408-TP
Neutral Tandem-Florida, LLC)	
for Resolution of Interconnection Dispute)	Filed: February 4, 2008
with Level 3 Communications and Request)	
for Expedited Resolution)	

**NEUTRAL TANDEM’S RESPONSE IN OPPOSITION TO LEVEL 3’S MOTION
FOR EXPEDITED RESPONSES TO DISCOVERY REQUEST**

Pursuant to Rule 28-106.204, Florida Administrative Code, Neutral Tandem, Inc. and Neutral Tandem-Florida, LLC (collectively “Neutral Tandem”) respectfully files its response in opposition to Level 3 Communications, LLC’s (“Level 3”) motion for expedited responses to discovery requests, and states as follows:

1. The Commission denied Level 3’s motion to dismiss at the January 8, 2007 Agenda Conference. The Commission issued its formal Order denying Level 3’s motion to dismiss on January 30, 2008. Therefore, any basis for the Commission’s decision is specifically and only as set forth in the January 30, Order. Also, the Commission’s Order specifically directed Commission staff to “set this matter for hearing.” (January 30, 2008 Order, at 9.) The Order thus by its own terms does not contemplate an additional, separate proceeding regarding the issue of standing prior to the conduct of a full merits hearing. An Issue Identification Conference is scheduled in this matter for February 14, 2008.

2. On January 28, 2008, Level 3 served Neutral Tandem with its First Set of Interrogatories and Requests for Production of Documents. Level 3 also filed a motion requesting that the Commission order Neutral Tandem to respond to the requests on a highly expedited basis, instead of pursuant to the 30-day deadline provided by Rules 1.340 and 1.350, Florida Rules of Civil Procedure and Rule 28-106.206, Florida Administrative Code. The

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purported basis for the need for expedited discovery is Level 3's apparent interest in relitigating, in what must be some separate proceeding, the issue of standing. Therefore Level 3's motion to that extent ignores the terms of the Commission's January 30, Order.

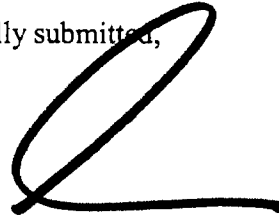
3. Additionally, Level 3's motion does not even try to hide the fact that its request for "expedited" discovery is nothing but a transparent effort to preempt the Commission's consideration of Neutral Tandem's Petition through a hearing. (*See, e.g.*, Motion ¶ 5.) Level 3's request is therefore contrary to the Commission's clear directive that this matter be set for hearing, and Level 3 provides no basis to support the need for expedited discovery.

4. Neutral Tandem will, of course, respond to Level 3's discovery requests in accordance with the applicable rules. However, Level 3 has stated no legitimate basis for requiring expedited responses to its discovery requests. The Commission should therefore deny Level 3's motion.

CONCLUSION

WHEREFORE, for the reasons stated herein, Neutral Tandem, Inc. and Neutral Tandem-Florida, LLC (collectively "Neutral Tandem") respectfully request that the Commission deny Level 3's motion for expedited responses to discovery request.

Respectfully submitted,



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CERTIFICATE OF SERVICE

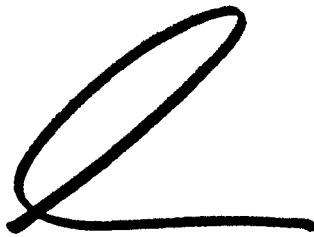
I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by via U. S. Mail First Class and Electronic Mail on February 4, 2008, to the following:

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