

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

An Investigation into the Intrastate Switched
Access Rates of All Kentucky Incumbent and
Competitive Local Exchange Carriers

Adm. Case No. 2010-00398

**Joint Public Comments of
tw telecom of kentucky, llc and Level 3 Communications, LLC**

tw telecom of kentucky, llc (“TWTC”) and Level 3 Communications, LLC (“Level 3”), through their undersigned counsel, hereby jointly submit public comments for filing in this proceeding, in accordance with the procedural schedule (Appendix A) to the 11/5/10 Order initiating this proceeding:

1. TWTC and Level 3 were granted full intervention in this proceeding by Orders issued December 8, 2010.
2. As participating members of the Competitive Carriers of the South, Inc. (“CompSouth”), TWTC and Level 3 joined with other competitive telecommunications service providers in submitting comments in Case No. 2010-00162 (“the CompSouth comments”) regarding the complaint case proposed by AT&T Communications of the South Central States, TCG of Ohio, BellSouth Long Distance Inc. d/b/a AT&T Long Distance Service, and BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky.
 - a. For the convenience of the parties and the public, a copy of the CompSouth comments, dated June 11, 2010, is attached hereto.
 - b. TWTC and Level 3 hereby adopt and incorporate the CompSouth comments as part of their Joint Public Comments in this proceeding.

3. As a supplement to the CompSouth comments, TWTC and Level 3 state that they anticipate that the Federal Communications Commission (“FCC”) will issue a notice of proposed rulemaking (“NPRM”) to, *inter alia*, federalize intrastate switched access under 47 U.S.C. § 251, so that the FCC can address interstate and intrastate switched access, reciprocal compensation, and universal service (and its funding) in a holistic fashion. This Commission’s 11/5/10 initiating Order does not provide a closed list of issues expected to be addressed and makes no finding of urgency or expedition. Because preemption as to intrastate switched access would moot this investigation, it would be prudent to wait another few months before expending significant resources in this proceeding.

Respectfully submitted on behalf of
tw telecom of kentucky, llc and
Level 3 Communications, LLC

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