



STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

100 Washington Square, Suite 1700
100 Washington Avenue South
Minneapolis, Minnesota 55401-2138

TELEPHONE: (612) 341-7600
TTY: (612) 341-7346

June 25, 2007

To All Parties on Service List

By E-Filing and E-Mail

RE: ITMO of a Complaint and Request for Expedited Hearing of Neutral Tandem, Inc., Against Level 3 Communications and the Application of Level 3 Communications, LLC, to Terminate Services to Neutral Tandem, Inc., PUC Docket Nos. P-5733/C-07-296, P-5733,6403/M-07-354, OAH Docket No. 7-2500-18018-2

On June 13, 2007, Level 3 made a motion for a protective order that would effectively quash a scheduled deposition of Sureel Choksi, President of the Wholesale Markets division of Level 3. On June 21, Neutral Tandem responded with a motion to compel the noticed discovery.

Level 3 maintained that the deposition was unduly burdensome and unnecessary, due to the participation of Sara Baack, Vice President in the Wholesale Markets division. Neutral Tandem noted that Ms. Baack has been deposed previously and that she has indicated that she is unaware of information requested of her regarding issues in this proceeding. Neutral Tandem indicated that it has offered to limit the deposition to three hours.

Under the circumstances described by the parties, Neutral Tandem has met its burden under Minn. Rule 1400.6700, subp. 2, to demonstrate that the discovery is needed and is supported by the significance of the underlying issues. The limitations on the deposition are sufficient to render the deposition of Mr. Choksi reasonable, and not burdensome. Level 3's motion for a protective order is denied and Neutral Tandem's motion to compel is granted

Very truly yours,

Handwritten signature of Richard C. Luis in cursive.

RICHARD C. LUIS
Administrative Law Judge

Telephone: 612-349-2542

Enclosure

Providing Impartial Hearings for Government and Citizens
An Equal Opportunity Employer