

**EXHIBIT B**



**FILED**

12-29-10  
04:59 PM

**C1012018**

-----Original Message-----

From: PATTERSON, ANGELA M (ATTASIAIT) [<mailto:ap3618@att.com>]  
Sent: Thursday, September 30, 2010 4:54 PM  
To: Putman, Echo; OSTERMANN, BRADLEY (ATTOPS)  
Cc: Dolan, Brendan; BUHL, LILY M (ATTASIAIT); WHITLOCK, JEANNE P (ATTASIAIT); Sheesley, Jamie; Marcinko, Bill; Black, Gary; KLUNK, DARLENE C (ATTOPS)  
Subject: RE: 1H48S disputes

Echo

Good afternoon. AT&T's earlier denial is sustained and the matter has been referred to AT&T legal counsel. Any further discussions on the matter should be addressed to the AT&T legal department, specifically Colleen Cabey ([col1864@att.com](mailto:col1864@att.com)) (415)778-1492. Please be advised that Level 3's counsel can contact Colleen Cabey directly. Thank you

Thank you

Angela  
217-747-6600

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-----Original Message-----

From: PATTERSON, ANGELA M (ATTASIAIT) [<mailto:ap3618@att.com>]  
Sent: Saturday, September 11, 2010 9:42 AM  
To: Putman, Echo  
Cc: Dolan, Brendan; OSTERMANN, BRADLEY (ATTOPS); BUHL, LILY M (ATTASIAIT); WHITLOCK, JEANNE P (ATTASIAIT); Sheesley, Jamie  
Subject: 1H48S disputes

Echo

Good morning. Just following up to the VM I left you as a heads up on the 1H48S issue. At this time AT&T will be using the below denial on the 1H48S disputes in all states except California. Please call me if you want to discuss. Thx.

DENIED - THE PUC ORDER PROVIDED BY LEVEL 3 IS SPECIFIC TO CUSTOMER XO COMMUNICATIONS AND THE STATE OF CALIFORNIA. THIS CLAIM IS FOR (your state). ATT UPHOLDS THEIR ORIGINAL DENIAL. PER (see tariff references below): COLLOCATION TRANSPORT PROVIDES FOR THE TRANSMISSION FACILITIES BETWEEN COLLOCATION ARRANGEMENTS LOCATED IN TELEPHONE COMPANY CENTRAL OFFICES. INTER/INTRA OFFICE FIXED RATE ELEMENT PROVIDES FOR THE ELECTRONIC EQUIPMENT REQUIRED TO TERMINATE A CHANNEL BETWEEN TWO COLLOCATION ARRANGEMENTS LOCATED EITHER IN THE SAME CENTRAL OFFICE (INTRA) OR IN TWO SEPARATE CENTRAL OFFICES (INTER).

SW - FCC 73, Section 7.2.1(E)  
E - FCC 39, Section 7.4.2.1(1)  
W - (NEVADA CIRCUITS ONLY) - FCC 1, Section 7.2.1(D)

Thank you

Angela Patterson  
Manager - Billing  
Wholesale Service Center  
AT&T Illinois  
Phone - 217-747-6600  
Fax - 217-522-0572

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-----Original Message-----

From: Putman, Echo [<mailto:Echo.Putman@Level3.com>]  
Sent: Tuesday, September 14, 2010 9:37 AM  
To: PATTERSON, ANGELA M (ATTASIAIT); OSTERMANN, BRADLEY (ATTOPS)  
Cc: Dolan, Brendan; BUHL, LILY M (ATTASIAIT); WHITLOCK, JEANNE P (ATTASIAIT); Sheesley, Jamie; Marcinko, Bill; Black, Gary  
Subject: RE: 1H48S disputes

Thank you for your e-mail of Saturday, September 11, 2010, in which you deny Level 3's claims for recovery of monies paid incorrectly for cross connect charges at rates far in excess of those legally mandated. Level 3 hereby notifies AT&T that it does not accept AT&T's rejection.

Level 3 views AT&T actions in this regard as constituting bad faith. As with all other carriers, the standard procedure in any billing dispute is to have the parties investigate and discuss the issues presented in a cooperative, businesslike manner in an attempt to reach an amicable resolution. In this instance, for no apparent reason, AT&T has failed to follow this normal course of action. Instead, AT&T peremptorily just denied Level 3's dispute without any discussion, detailed explanation or attempts at settlement. From this perspective, Level 3 does not believe AT&T is acting in good faith.

The basis of the Level 3 claim stems from a case that AT&T is aware of, namely the XO v. AT&T case in California (Case 09-07-021). In that case, the PUC held, based upon federal law, that AT&T is not allowed to charge special access rates for cross connects but rather TELRIC rates apply. Inasmuch as the decision is based upon interpretation of federal law, Level3 believes that the basis for such holding applies throughout the country. That AT&T refuses to discuss the matter, if for no other reason for the parties to clearly isolate the basis and amount of the dispute, suggests that AT&T would rather waste PUC resources from the very beginning and force all issues such as this to the PUCs where the advantage of AT&T's superior resources and

relationships can thwart CLECs' right to pursue recovery of these monies. It is hard to interpret this leverage by AT&T as anything other than bad faith.

It is Level 3's hope that AT&T reconsiders this manner of handling the dispute and instead reverts to the standard practice of discussion and negotiation. Should AT&T not choose to go this route, Level 3 will be left few, if any options, other than pursuing all its remedies available at law or equity.

Echo Putman  
Netex-Facility Audit and Dispute Resolution  
Level(3) Communication, LLC  
Coudersport, PA  
Ph. 814-260-2727  
Cell 412-999-1188  
Fax 814-260-2017

-----Original Message-----

From: KLUNK, DARLENE C (ATTOPS) [<mailto:dk2715@att.com>]  
Sent: Thursday, September 17, 2009 7:23 PM  
To: Putman, Echo; Reeves, Timothy; Tounget, Rhonda; Coker, Shannon  
Cc: BUHL, LILY M (ATTASIAIT); HOHIMER, ANGELA M (ATTASIAIT); Fisher, Julie  
Subject: VBR-BI Disputes 1H48S

<<VBR-BI disputes 1H48S.zip>>  
Echo:

I have attached a list of the disputes for the VBR-BI MRC - 1H48S USOC. Per our discussion today, the fixed collocation transport charge is a valid rate element. Per Lily, these claims have all been resolved, denied and closed by AT&T in Exclaim.

Tim and Shannon, you will need to review status of these in Exclaim, and close them out on Level 3's side.

Please authorize payback of disputes. As AT&T denies and closes out these disputes; the amounts in the dispute column of the aging report is also reduced and is collectible as these amounts are over 120 days past due.

Thank you,

Darlene Klunk