

**LEVEL (3) COMMUNICATIONS INFRASTRUCTURE PROJECT
SUBSEQUENT MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY**

EXECUTIVE SUMMARY

On March 26, 2000 the California Public Utilities Commission (CPUC, or Commission), granted Level (3) Communications, LLC (“Level (3)”) a Certificate of Public Convenience and Necessity (CPCN) to provide telecommunications services as a facilities-based, competitive local exchange carrier. Per requirements of the California Environmental Quality Act (CEQA), the CPCN was granted following completion and circulation of an Initial Study and Negative Declaration (Negative Declaration IX). The CPCN allowed Level (3) to begin construction of the Level (3) Communications Infrastructure Project (project, or network), which entails the installation of approximately 2,000 miles of telecommunications cable within existing Right-Of-Way (ROW) in California. Negative Declaration IX requires Level (3) to file a request to modify the approved CPCN for any project-related activities outside of existing ROW.

On May 21, 1999, Level (3) filed with the CPUC a Petition to Modify its existing CPCN. The filing requested approval to construct and operate a series of off-ROW project-related support facilities and cable re-routes. After several iterations of review and modification, Level (3) ultimately requested approval of 21 off-ROW project elements, including 19 support facilities and two “Workarounds” (cable re-routes).

Level (3)’s final request to modify its CPCN included submittal of a Proponent’s Environmental Assessment (PEA). As specified by CPUC Rule 17.1, the PEA was designed to enable the Commission to quickly focus on those project elements that may be of concern, and may also be used as an aid in preparing the Commission’s Initial Study to evaluate potential impacts, as required by CEQA.

The CPUC completed its initial environmental review of the proposed project elements on April 10, 2000 in the form of an Initial Study and associated Subsequent Mitigated Negative Declaration (SMND). The Initial Study and SMND were circulated for public review between April 10, 2000 and May 19, 2000. Copies of the document were transmitted to responsible agencies, and made available to the public and other interested regulatory agencies via local libraries and the Internet. During the public review period, comments and questions regarding the document could be submitted in the form of a letter, facsimile (fax), electronic mail (e-mail), or verbal message (voicemail).

Following closure of the public review period, responses to all comments received on the document were completed, and modifications to the Initial Study and SMND were undertaken, as appropriate, to reflect these comments.

This document represents the Final SMND and Initial Study necessary for the Commission to consider approval of the 21 proposed off-ROW project elements. It includes: the comments received on the April 10, 2000 SMND and Initial Study; the CPUC’s responses to these comments; modifications to the text of the April 10, 2000 SMND, where appropriate, to address comments; and, a Mitigation Monitoring Plan for Commission adoption if the Final SMND and Initial Study are approved. This document is intended to be used in conjunction with the April 10, 2000 SMND and Initial Study for site-specific detail and general reference.