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August 12, 2008

The Honorable John D. Dingell, Chairman
The Honorable Joe Barton, Ranking Member
United States House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Edward J. Markey, Chairman
The Honorable Cliff Stearns, Ranking Member
United States House of Representatives
Subcommittee on Telecommunications and the Internet
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Dingell, Ranking Member Barton, Chairman Markey and Ranking Member Stearns:

This letter is in response to your August 1, 2008, correspondence to James Q. Crowe regarding companies tailoring Internet advertising based on consumers Internet search, surfing or other use.

Level 3 Communications is primarily a wholesale provider of telecommunications and Internet services. The Company started building its next generation network 10 years ago. In that short period of time, the Company's Internet backbone has become one of the three largest in the world and provides integrated voice, data and video solutions. There is no question that new communications platforms and technologies are disruptively transforming how we communicate and our expectations of privacy. Level 3 welcomes the opportunity to assist the Committee as it studies this issue.

Before responding to your specific questions, I would like to thank Amy Levine of the Committee staff for the courtesy of extending the response period for Level 3.

In response to your specific questions:

> 1. *Has your company at any time tailored, or facilitated the tailoring of, Internet advertising based on consumers' Internet search, surfing or other use?*
>
> No.
>
> 2. *Please describe the nature and extent of any practice and if such practice had any limitations with respect to the health, financial, or other sensitive personal data, and how such limitations were developed and implemented.*
>
> Not applicable.

3. *In what communities, if any, has your company engaged in such practice, how were those communities chose, and during what time periods was such practice used in each? If such practice was effectively implemented nationwide, please say so.*

   Not Applicable.

4. *How many consumers have been subject to such practices in each affected community or nationwide?*

   Not applicable

5. *Has your company conducted a legal analysis of the applicability of consumer privacy laws to such practice? If so, please explain what the analysis concluded.*

   Not applicable.

6. *How did your company notify consumers of such practice? Please provide a copy of the notification. If your company did not specifically or directly notify affected consumers, please explain why this was not done.*

   Not applicable.

7. *Please explain whether your company asked consumers to "opt in" to the use of such practice or allowed consumers who objected to "opt out". If your company allowed consumers who objected to opt out, how did it notify consumers of their opportunity to opt out? If your company did not specifically or directly notify affected consumers of the opportunity to opt out, please explain why this was not done.*

   Not applicable.

8. *How many consumers opted out of being subjected to such practice?*

   Not applicable.

9. *Did your company conduct a legal analysis of the adequacy of any opt-out notice and mechanism employed to allow consumers to effectuate this choice? If so, please explain what that analysis concluded.*

   Not applicable.

10. *What is the status of consumer date collected as a result of such practice? Has it been destroyed or is it routinely destroyed?*

    Not applicable.

11. *Is it possible for your company to correlate data regarding consumer Internet use across a variety of service or applications you offer to tailor Internet advertising? Do you do so? If not, please indicate what steps you take to make sure that such correlation does not happen. If you do engage in such correlation, please provide answers to all the proceeding questions with reference to such correlation. If your answers already do so, it is sufficient to simply cross-reference those answers.*

While it is technically possible for the Company to correlate data regarding consumer Internet use across a variety of service or applications to tailor Internet advertising, Level 3 does not possess the capability within its network to do so.

Please feel free to contact us if you have any additional questions or concerns.

Regards

John Ryan
Assistant Chief Legal Officer