

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Intrado)
Communications Inc. to Provide CLEC Services)
a Federal Communications Commission Order.)

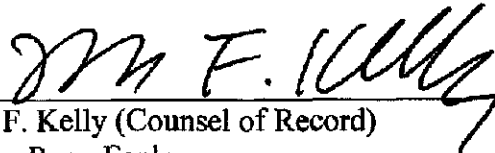
Case No. 07-1199-TP-ACE

AT&T OHIO'S MOTION TO INTERVENE AND WRITTEN STATEMENT

AT&T Ohio¹, by its attorneys and pursuant to R. C. § 4903.221 and Ohio Admin. Code §§ 4901-1-11 and 4901:1-6-10(H), moves to intervene in the captioned case and offers its written statement. As set forth in the attached Memorandum in Support, AT&T Ohio demonstrates that its motion to intervene should be granted and that its written statement should lead the Commission to suspend the automatic approval of the captioned application and to investigate it further.

Respectfully submitted,

AT&T Ohio



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¹ The Ohio Bell Telephone Company uses the name AT&T Ohio.

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MEMORANDUM IN SUPPORT AND WRITTEN STATEMENT

Motion to Intervene

AT&T Ohio meets the requirements for intervention prescribed in R. C. § 4903.221 and Ohio Admin. Code § 4901-1-11. AT&T Ohio's interest is as a provider of local exchange telephone service, including 9-1-1 emergency services, in Ohio. To the extent Intrado seeks to provide 9-1-1 emergency services in Ohio, either in conjunction with AT&T Ohio, by using its facilities, or in competition with AT&T Ohio, AT&T Ohio's economic interests are impacted. Intrado's proposal also implicates the concept of regulatory parity in that Intrado seeks to provide a limited service without the broader obligations of other telecommunications carriers in this state, including AT&T Ohio.

By intervening and participating in this case, AT&T Ohio can contribute to a just and expeditious resolution of the issues involved. AT&T Ohio's interests are not represented by any other party. Granting the requested intervention would not unduly delay the proceeding or unjustly prejudice any existing party. Intrado's application is unique and therefore calls for thorough review and an understanding of its implications for the Ohio telecommunications industry, the Commission, and the public interest. AT&T Ohio urges the Commission and its Staff to undertake such a review before considering granting Intrado's application.

For the foregoing reasons, AT&T Ohio respectfully requests that its motion to intervene be granted.

Written Statement Why The Application Should Not Be Granted

One thing is clear from the Intrado application: Intrado wants CLEC-type interconnection without a bona fide CLEC certificate and the commensurate common carrier obligations. Its proposed regulatory status is unclear because it proposes to provide a narrow element of basic local exchange service. While its application states that it seeks "authority statewide as a provider of telephone exchange services" (Application, Exhibit 3, p.1), Intrado does not propose to provide basic local exchange service as it is defined in Ohio. Under the Commission's rules, all CLECs must provide basic local exchange service as the rules define it. See, Ohio Admin. Code §§ 4901:1-6-01(B) and (K). Intrado does not propose to do so, and has not requested a waiver in connection with its application, and thus the application cannot be approved as filed. Even if properly requested, such a waiver request would likely toll the automatic approval timeline under the Commission's processes because of the significant public policy issues associated with such a waiver request.

It follows that, if Intrado cannot qualify as a local exchange carrier, it cannot properly seek local interconnection from AT&T Ohio. The Commission is unable to expand AT&T Ohio's obligations in this regard beyond those specified in federal law. R. C. § 4905.041 provides as follows:

Sec. 4905.041. (A) The public utilities commission shall not establish any requirements for the unbundling of network elements, for the resale of telecommunications services, or for network interconnection that exceed or are inconsistent with or prohibited by federal law, including federal regulations.

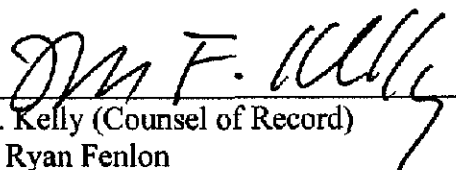
(B) The commission shall not establish pricing for such unbundled elements, resale, or interconnection that is inconsistent with or prohibited by federal law, including federal regulations, and shall comply with federal law, including federal regulations, in establishing such pricing.

Intrado's application raises more issues than it answers. For the reasons specified herein, that application should be suspended from the automatic approval track (assuming *arguendo* that it qualifies for that treatment) and investigated for its compliance with the Ohio rules and to consider the public policy issues it raises.

Respectfully submitted,

AT&T OHIO

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07-1199.motion intervene

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on December 4,
2007 by first class mail, postage prepaid, on the following party:

Intrado Communications Inc.

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